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THE NEW YORK PHILHARMONIC STRIKE OF 1973

by

KUAN CHENG LU

A dissertation submitted to the Graduate Faculty in Music in partial fulfillment of the requirements for the degree of Doctor of Musical Arts, The City University of New York

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This manuscript has been read and accepted by the
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dissertation requirement for the degree of Doctor of Musical Arts.

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THE CITY UNIVERSITY OF NEW YORK

Abstract

The New York Philharmonic Strike of 1973

by

Kuan Cheng Lu

Advisor: Professor David Olan

The New York Philharmonic Strike of 1973 is a story waiting to be told. The sole volume to mention it, John Canarina's *The New York Philharmonic*, devotes less than two pages to it. Until now, the full story has lain buried in archival documents, newspaper articles, and in the memories of those who experienced it firsthand. This dissertation represents the first comprehensive examination of this event. The research upon which it is based consists on: interviews with the New York Philharmonic members; research in the New York Philharmonic Archives; newspaper articles and reviews. The results are presented here in three interrelated narratives: a) the historical background to the subject of labor relations between orchestral musicians and their respective managements in the United States going back more than a century, with a detailed focus upon past labor relations of the New York Philharmonic; b) a comprehensive narrative of the 1973 strike; and c) a study of the consequences of the strike for the Philharmonic with an overview of current and potentially future problems in labor relations for both the Philharmonic and American symphony orchestras in general.

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Introduction

On 25 September 1973, the negotiations for a new contract between the New York Philharmonic Society and the musicians of the orchestra represented by Local 802 of the American Federation of Musicians broke down. At issue were higher wages, pensions, and other fringe benefits. The 106 members of the New York Philharmonic Orchestra then voted to strike immediately. The Philharmonic musicians had last struck in 1961, when they walked out for one week over a disagreement on a contract for year-round employment. The 1973 strike, which dragged on for ten weeks, was the longest in the history of the orchestra. Tempers often flared on both sides, with the management blaming the musicians for trying to capitalize on the substantial financial donation made by Avery Fisher donation—evidently made to Lincoln Center, and not to the Philharmonic—and the musicians rejecting that blame and asserting that their proposals had been submitted long before there was an inkling of any such donation. During the work stoppage, the musicians undertook a mission, which had never before been attempted by any orchestra: to go on an international tour without the help of their management. Eight concerts were scheduled in Portugal, Spain, and the Canary Islands, to be played in a period of just nine days. Upon their return, the musicians received a final contract proposal from the chairman of the New York Philharmonic and Lincoln Center, Amyas Ames, offering them proportional increases in salary, pension, medical, and dental benefits. Furthermore, a system of seating rotation (later adopted by many other orchestras) was established for string players. Most notably, an artistic committee

was created to benefit the musicians in gaining more involvement throughout the entire organization.

This dissertation details the labor history of the New York Philharmonic from the time it was founded in 1842 until the present day. It provides, as background to the strike, an overview of some of the past labor disputes of major American orchestras, and it presents a thorough recounting of events before, during, and immediately after the 1973 strike.

The key issues in this strike—scale of pay, terms of employment, health, welfare, and personnel policy—are developed through examination of the considerable number of source documents. These include letters, contract proposals, and the minutes of the negotiations that were generously made available to me by current and former members of the Philharmonic, and which, to some extent, are also publicly available in the New York Philharmonic Archives. Most importantly, I conducted a series of written and live interviews with members of the 1973 negotiating committee, musicians (both past and present) of the Philharmonic, and members of its management. These interviews resulted in a wealth of first-person documentation of the strike that is here presented for the first time. I have also documented, throughout the course of the strike, how the musicians persevered—often at great personal expense—to uphold and sustain the Philharmonic's long tradition of musical excellence. As a result of the strike, the Philharmonic musicians earned a place in the Society's artistic decision-making to which they were not previously entitled, and relations between the musicians and the management have greatly improved.

Chapter One: A History of Labor Relations at the New York Philharmonic

During the first part of the nineteenth century, opportunities for musicians to earn income with their musical skills were limited mostly to playing parties, dances, or funerals. It was usually necessary for musicians to supplant their income with non-musical jobs in order to sustain themselves. Moreover, attempts by workers to start labor movements at this time were viewed as criminal conspiracies.¹ It was not until 1842, when the Massachusetts Supreme Court ruled that the common-law doctrine of criminal conspiracy no longer applied to labor unions,² that it became possible to organize the first musician's unions.

As early as in 1840, New York City had become the most populous city in the United States. Its thriving economy fostered a surge of interest in instrumental and orchestral music,³ which led to the founding of the enduring Philharmonic Society of New York in 1842. Howard Shanet, in *Philharmonic - A History of New York's Orchestra*, however, pointed out that two earlier Philharmonic Societies existed in New York City prior to the year of 1842. The first was formed in 1799 when the St. Cecilia Society and the Harmonical Society had amalgamated as a democratic institution –

The Philharmonic of 1799 was as lively as it was well organized. It gave more concerts per year than the later Philharmonic (of 1842) would be able to give in any of its first thirty seasons.⁴

¹ George Seltzer, *Music Matters: The Performer and the American Federation of Musicians* (Metuchen, NJ: Scarecrow Press, 1989), 12.

² Julie Ayer, *More than Meets the Ear: How Symphony Musicians Made Labor History* (Minneapolis: Syren Book Company, 2005).

³ John H. Mueller, *The American Symphony Orchestra* (Bloomington: Indiana University Press, 1951), 38.

⁴ Howard Shanet, *Philharmonic: A History of New York's Orchestra* (New York: Doubleday, 1975), 46.

The second Philharmonic was founded in 1824; although “not very democratic” in its administration, it was at least benevolent: “the second Philharmonic was an important force in New York’s musical life that [represented] great deal of excellent music-making.”⁵ Due to a great amount of competition from other musical institutions in New York at that time, the second Philharmonic was not able to survive; it disbanded at the end of 1827. For some fourteen years, New York City did not have a Philharmonic Society, though Shanet described those years as ones of “ferment and transition”, which helped prepare the third attempt to form new Philharmonic Society in 1842:

They were the years in which the musical orientation of the city began to shift from English-American to continental, in which New York developed a corps of experienced orchestra personnel equal to the demands of the nineteenth-century repertory, and in which the social and economic foundation of the 1842 Philharmonic were laid.⁶

The Philharmonic Society of 1842 was established by a self-governing group of elite instrumentalists as a cooperative venture. Its management structure was based on democratic principles in which all members were to participate collectively. All performing members shared the profit after the expenses of the season had been paid. At the end of the first season, for example, each member had received the amount of \$25 (\$8.33 per concert), which was well above the standard orchestral rates.⁷ Yet the Society did not offer full-time employment to its members: it gave only three concerts in its inaugural season, and that number only slowly increased to six, a level at which it remained for decades. According to John H. Mueller “the Society seemed to many a player at best a pleasant luxury and at worst a dubious venture, not worthy of causing

⁵ Shanet, *A History*, 50.

⁶ *Ibid.*, 53.

⁷ Standard orchestral rates were only \$5 or \$6 per concert. (Shanet, *A History*, 92)

interruption in his regular employment.”⁸ Most of its musicians were therefore obliged to have other sources of income.⁹

In the 1850s, American musicians began to search for ways to improve their economic status and professional lives, and musicians living in New York, Chicago, Baltimore, and San Francisco began to organize what might be thought of as the forebears of musical unions. These proto-unions, however, functioned more as mutual aid societies—helping to provide sick leave, death benefits, and financial loan assistance—than as organizations whose primary goal was the improvement of wages and the conditions of employment.¹⁰ In 1860,¹¹ a social organization based in New York City called the Aschenbroedel Club was founded by a group of German-American professional instrumentalists: “German musicians were at that time considerably neglected socially by other musicians ... as a consequence, [they] were thrown on their own resources largely for social entertainment.”¹² On 6 May 1863, about one hundred and fifty musicians who played in New York’s theater orchestras held a meeting to form a protective union, “aiming to advance the social and pecuniary interests of its members.”¹³ Two months later, the same group of musicians met again to make the rules and regulations of their union, to elect officers, and to issue a fixed scale of prices.¹⁴ The set prices included \$15 per person for the first operatic performance in the season (for each subsequent performance, \$3 in the city and \$5 in Brooklyn), \$12 per week in the

⁸ Mueller, *The American*, 41.

⁹ “Many of its members...also played in the Brooklyn Philharmonic, in Carl Bergmann’s orchestra...in the many ‘sacred’ concerts.” See John Graziano, “Invisible Instruments: Theater Orchestras in New York, 1850-1900” in John Spitzer, *American Orchestras in the Nineteenth Century* (Chicago: The University of Chicago Press, 2012), 110.

¹⁰ Robert D. Leiter, *The Musicians and Petrillo* (New York: Bookman Associates, 1952), 13.

¹¹ Vern Countryman, “The Organized Musicians: I” (The University of Chicago Law Review, 1948), 56.

¹² “Years of Prosperity,” *New York Times*, 26 January 1896, 6.

¹³ “The larger number of them being of German birth,” *New York Times*, 7 May 1863, 8.

¹⁴ *New York Clipper*, 4 July 1863, 91.

Broadway Theaters, \$10 per week in the Bowery theatres and concert saloons, and \$5 for parties and balls.¹⁵ The organization was incorporated under the laws of New York State in 1864,¹⁶ and was later renamed the Musical Mutual Protective Union (hereafter, MMPU). The MMPU defined its purpose as “the cultivation of the art of music in all its branches, and the promotion of good feeling and friendly intercourse among the members of the profession and the relief of such of their member as shall be unfortunate.”¹⁷ The organization became so important that most of the orchestral musicians in New York City became members, including the musicians of the Philharmonic Society and the Theodore Thomas Orchestra, and even the conductors Carl Bergmann and Theodore Thomas.¹⁸ The success of the MMPU quickly influenced musicians in other American cities to form their own unions: The Philadelphia Musical Association in 1863, the Chicago Musicians’ Protective Union in 1864, the Washington Musical Protective Union in 1865, and the Boston Musicians’ Union before 1867.¹⁹ And by 1872, there were musicians’ unions in at least eight different cities: the Local 1, New York (813 members); Local 2, Chicago (113 members); Local 3, Baltimore (158 members); Local 4, Boston (235 members); Local 5, Philadelphia, (549 members); Local 6, Peoria, Illinois (17 members); Local 7, Washington, D.C. (85 members); Local 8, Louisville, Kentucky (37 members).²⁰

In 1878, the members of the MMPU realized their practical concerns over issues of employment, and ratified an amendment to its charter that provided “the establishment of a uniform rate of prices to be charged by members of said society, and the enforcement

¹⁵ *New York Clipper*, 4 July 1863, 91.

¹⁶ Leiter, *The Musicians*, 13.

¹⁷ Countryman, “The Organized,” 57.

¹⁸ It was common for the Philharmonic Society to hold its business meetings at the Aschenbroedel’s clubhouse on East Fourth Street. (Shanet, *A History*, 437)

¹⁹ John Spitzer, *American Orchestras in the Nineteenth Century* (Chicago: The University of Chicago Press, 2012), chapter I.3: 80.

²⁰ *Ibid.*, 81.

of good faith and dealing between its members.”²¹ Over the next decade, labor movements similar to that of the MMPU began to organize across the United States, and as unionization among musicians became more common, local musicians’ unions began to compete with one another. These locals also faced the problem of competition from military bands and traveling musicians of both domestic and international origin. To deal with this problem, the president of the Cincinnati local union gathered fifteen delegates from different local unions in 1886 to form a national organization known as the National League of Musicians (hereafter, NLM).²² Over the next decade, more than one hundred locals joined its force.²³

During this period, the NLM received numerous invitations to join the American Federation of Labor (hereafter, the AFL) and the Knights of Labor. Owing to the reluctance of certain locals in the NLM to view its members as “laborers,” however, these invitations were never accepted.²⁴ Over the next decade, the AFL was successful in helping skilled workers to obtain better wages and working conditions, and many musicians of the NLM expressed their interest in being affiliated with the AFL. In 1895, the AFL offered the NLM a final chance to join its organization,²⁵ but the offer was once again rejected. The following year, the AFL called for a national convention of musicians’ unions with the intention to form a national association whose purpose would be to promote trade unionism for musicians. The result was the formation of the American Federation of Musicians (hereafter, AFM). The AFM had a team of willing and

²¹ Countryman, “The Organized,” 57.

²² Seltzer, *Music Matters*, 5.

²³ “Eastern locals believed their members were artists and avoided identification as laborers. The Midwestern and western locals argued that an organization that functioned like a trade union, was a trade union.” See Commons, 419.

²⁴ Seltzer, *Music Matters*, 7.

²⁵ Leiter, *The Musicians*, 16.

aggressive leaders from the start, and was ready to combat the fundamental problems that had been troubling the members of the NLM. As musicians throughout North America began to see the benefits of belonging to the AFM, its ranks began to swell. By the end of 1903, all three remaining locals of the NLM (New York, Baltimore and Philadelphia) had become part of the AFM, and within ten years of its formation, the AFM had organized 424 locals and represented 45,000 members in the United States and Canada.²⁶

John Spitzer states that there are three important features in Nineteenth-Century American musicians' unions:

1. The closed shop. Every player in every orchestra—or in any other ensemble that played for money—had to be a union member. Members were prohibited from playing in an orchestra with nonmembers. The closed shop also excluded musicians who belonged to a union in a different city, although exceptions were frequent.
2. The price list. Each union published a schedule of rates for every sort of musical engagement in its jurisdiction—playing in an opera, at a dance, at a political rally, at a funeral, and so on. These were supposedly minimums; employers could pay higher rates if they chose.
3. The leader system. Orchestra leaders—that is, the men who organized and conducted bands or orchestras—were union members just like the players. In fact, they were often leaders of the union as well as of their orchestras.²⁷

To be welcomed into a union, a musician had to be recommended by a member, to pass an easy audition procedure, and to pay an initiation fee. Spitzer said that the initiation fee was low, dues were reasonable, and that the audition process was always “a sham,” except in New York, where the initiation fee was raised to \$100 in 1890s, and the union also required a “six-month rule”.²⁸ The reason the MMPU enacted a “six-month rule,” which required all foreigners to reside in the United States for at least six months

²⁶ John R. Commons, “Types of American Labor Unions” (The Quarterly Journal of Economics, 1906), 421.

²⁷ Spitzer, *American Orchestras*, 84.

²⁸ *Ibid.*, 86.

before becoming eligible to obtain union membership and the right to employment,²⁹ was to respond to the problem of competition from foreign musicians; this problem was especially difficult for New York's musicians to cope with during the late nineteenth and early twentieth centuries. Orchestra conductors seemed always to be in favor of employing musicians from Europe—allegedly on account of their superior performing skills.

The rule seems to have done little to stem the tide of European musicians seeking work in the United States. Theodore Thomas, for instance, blatantly ignored it when in 1885 he hired the Belgian oboist, Felix Bour, to perform in his orchestra. Even though both Thomas and Bour were fined for violating the union rule, Thomas was able to secure “an injunction from a Judge Potter against the Musical Mutual Protective Union of New York,”³⁰ and to have all the charges lifted. In a related case in 1891, Walter Damrosch, conductor of the New York Symphony Society, claimed that there was no candidate in the United States who was able to fill the vacant position of concertmaster in his orchestra. He successfully lobbied the union to waive the six-month rule so that he could offer the renowned Russian violinist Adolf Brodsky the position.³¹

Local unions made numerous attempts to invoke the Alien Contract Labor Law, which was passed by the Congress in 1885 to “prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States.” However, the Law provided an outline of exemptions that included “professional actors,

²⁹ Mueller, *The American*, 343.

³⁰ Ibid.

³¹ Ibid.

artists, lecturers, or singers.”³² It was not until 1932 that Congress finally amended contract labor law, thereby recognizing musicians as workers. As music critic Henry E. Krehbiel pointed out at the time:

The people of the United States have not learned to look upon the profession of music as the Germans do, with whom it is not only an art or a pastime but also a trade. Orchestra instruments like the oboe, clarinet, trombone, French horn, and double bass, are no more studied in 1892 by the native population than they were in 1792. For players upon them we are still dependent either on foreigners or the children of naturalized citizens.³³

The predominance of German musicians in American orchestras was particularly acute in New York City. By 1892, only three of the one hundred musicians of the Philharmonic Society were not German.³⁴

In 1893 Walter Damrosch tried again to escape the six-month rule when he appointed the Danish cellist Anton Hegner to lead the section of the New York Symphony. This time, however, Damrosch was out of luck. On December 18, 1893, the headline in the *New York Times* read:

Damrosch waved in vain – Not a man in his orchestra heeded the baton. ... Mr. Damrosch lifted his baton and waved it for the musicians to begin, but not a note came in response. A few violinists instinctively lifted their violins to the shoulder, but that was all. The fifty-three musicians would not play. ... The audience became excited and Mr. Damrosch nervous.³⁵

Damrosch subsequently turned to the audience and delivered an apology:

I regret to say that my men refuse to play with my imported cellist, Mr. Hegner. I am very sorry that this has happened. The audience will get back their money at the box office.³⁶

³² “Alien Contract Labor Law,” http://en.wikipedia.org/wiki/Alien_Contract_Labor_Law. Accessed 7 August 2013.

³³ Henry E. Krehbiel, *The Philharmonic Society of New York* (New York and London: Novello, 1892), 27-28.

³⁴ Shanet, *A History*, 142.

³⁵ “Damrosch waved in vain,” *New York Times*, 18 December 1893, 4.

³⁶ *Ibid.*

Damrosch's apology was well received by the audience, and cheers were also given for Hegner. A member of the musicians' committee "rose to speak, but the light was turned out and he remained silent."³⁷ As the *New York Times* described it "The audience did not seem to want to hear him. More cheers were given for Mr. Damrosch."³⁸

Evidently, the members of the orchestra had performed with Hegner once before and had been penalized for it. The first time a union member performed with a non-union musician, a \$10 fine was levied. The fine rose to \$20 for a second offense, and for a third, the offending member risked being expelled from the union. The musicians were justifiably concerned about being expelled from the union, and about the effect this would have on the orchestra itself. They had already raised the issue of Hegner's non-compliance with Damrosch, and had asked him to prevent Hegner from performing with the orchestra until such time as he was eligible to join the union, but Damrosch refused, saying he was determined to fight the "obnoxious" union rule.

This incident has long been regarded as the first musicians' strike in the history of American symphony orchestras. Damrosch ultimately admitted his violation of the union rules and paid his fines, adding that "his sympathies were with the union, and he deeply regretted the trouble resulting from the affair."³⁹ This strike, which was a "critical step in the establishment of the power of the union,"⁴⁰ led to a resolution in which the musicians' fines were remitted and Hegner was allowed to play with the orchestra as a soloist only, until he was eligible to become a union member.⁴¹

* * * * *

³⁷ Mrs. A. Brodsky, *Recollections of a Russian Home* (London: Sherratt & Huges, 1914), 200.

³⁸ "Damrosch waved in vain," *New York Times*, 18 December 1893, 4.

³⁹ "Musical Union Fines Mr. Damrosch," *New York Times*, 20 January 1894, 2.

⁴⁰ Mueller, *The American*, 344.

⁴¹ "Victory for Mr. Damrosch," *New York Times*, 23 December 1893, 12.

Permanent, full-time orchestras began to be established in major American cities in the late nineteenth century. Though it is important to note that Theodore Thomas founded his full time orchestra in New York City in 1864:

[Thomas] employed his men full time, inculcated a furious discipline in his ensemble, and infused imagination and variety into the repertoire, all of which quickly outdistanced the loosely knit Philharmonic. ... The lure of full employment and the prestige of membership in the Thomas orchestra attracted from the Philharmonic many of its important players.⁴²

The Theodore Thomas Orchestra, however, disbanded in 1888, due to constant financial setbacks.⁴³

The first successful full-time orchestra was the Boston Symphony Orchestra, founded by Henry Lee Higginson, a successful Boston businessman and philanthropist, in 1881. Higginson, who served as the orchestra's sole financial benefactor for nearly four decades,⁴⁴ was a passionate lover of music, and his plan was to contract an orchestra of first-rate musicians on a full-time, year-round basis, and to pay them a fixed salary. The orchestra's responsibility was to present concerts of "serious" classical music and some lighter music throughout the year, and to tour as far as possible. Higginson also wanted to keep ticket prices affordable so as to attract as broad an audience as possible.⁴⁵ In so doing, he "set the general pattern of financial support of all first class orchestras for the next half a century." Mueller notes that the "Boston Orchestra was the pioneer 'permanent' orchestra in the United States."⁴⁶

The one significant drawback to Higginson's plan, however, was the prohibition of union membership for its musicians. This prohibition led, eventually, to the disastrous

⁴² Mueller, *The America*, 44.

⁴³ Ezra Schabas, *Theodore Thomas* (Urbana and Chicago: University of Illinois Press, 1989), 170.

⁴⁴ Mueller, *The America*, 80.

⁴⁵ M.A. De Wolfe Howe, *The Boston Symphony Orchestra* (Boston: Houghton Mifflin, 1931), 27.

⁴⁶ Mueller, *The American*, 78.

strike of 1920. It would take more than twenty years for every member of the Boston Symphony to finally join the American Federation of Musicians.⁴⁷

The second full-time American orchestra was formed by Theodore Thomas in 1891. Thomas, having been assured that there was sufficient interest, and having secured the necessary financial guarantees, resigned his conducting post at the New York Philharmonic and relocated to Chicago to assemble a new permanent orchestra for that city. Thomas was able to recruit as many as sixty players from his now-defunct Theodore Thomas Orchestra to go with him to Chicago, and he recruited only about twenty-four local musicians.⁴⁸ According to Thomas's wife, the new Chicago Orchestra was modeled after the Boston Symphony. Thomas planned to present two programs each week, consisting of symphonic and popular genres for at least six months each year. And while Chicago was not yet on a par, culturally, with New York or Boston, fifty of its most prominent and wealthy individuals had agreed to be the guarantors of Thomas' ambitious and experimental venture for at least three consecutive years.⁴⁹

The newly founded and financially healthy Boston and Chicago orchestras, both of which visited New York on a regular basis, represented a fierce challenge to the cooperative Philharmonic Society, which was not yet a full-time institution and which lacked the kind of financial support that sustained the Boston and Chicago symphonies. In 1903, the Philharmonic's longtime rival, the New York Symphony Society, with its plentiful private support, went through a reorganization to promote itself as the only permanent orchestra in New York.⁵⁰ Walter Damrosch was able to put his musicians on

⁴⁷ Mueller, *The American*, 94.

⁴⁸ Ibid., 103.

⁴⁹ "Chicago's Musical Wants," *New York Times*, 19 December 1890, 1.

⁵⁰ Mueller, *The American*, 73.

fixed salaries, and was able to offer them more than forty concerts per year, plus frequent tours outside of New York.

This fiercely competitive environment quickly led to serious internal problems in the Philharmonic Society. The number of actual members performing fell sharply from eighty-one in 1883 to a mere thirty-seven in 1908,⁵¹ causing the Philharmonic to have to budget a significant amount of funds to hire substitute players. It eventually became clear to the members of the Philharmonic that the orchestra in its current state of organization and operations could no longer compete, and that in order to preserve their historic and honorable institution, the members of the Philharmonic had to be taken over by a group of assertive and wealthy New Yorkers and to be transformed entirely into a corporate organization.

In 1909, under the keen leadership of Mrs. George R. Sheldon, wife of a successful New York banker, along with other prominent figures in the city, a group called the Guarantors of the Fund for the Permanent Orchestra of the Philharmonic Society of New York was formed⁵². They quickly put in place a guaranty fund of \$90,000 for the first three years of operations, starting in the fall of 1909.⁵³ In a letter of proposition sent by the guarantors to the members of the orchestra, it stated: The proposed new Philharmonic Society would serve the purpose of performing:

The highest kind of music, under the exclusive and absolute direction of a competent conductor, the members of which shall devote their time to its work for a period of at least twenty-three weeks in each year.⁵⁴

⁵¹ Shanet, *A History*, 444.

⁵² Ibid., 207.

⁵³ Mueller, *The American*, 51.

⁵⁴ “Mahler to conduct the Philharmonic,” *New York Times*, 16 February 1909, 9.

Gustav Mahler, being the *chosen one* with absolute control over artistic affairs, replaced Wassily Safonoff and assumed the challenge of shaping up a new era for the Philharmonic Society. As Shanet put it, the New York Philharmonic was a “symphonic vehicle” for Mahler, which “he may have dreamed of, but had never realized, in Europe.”⁵⁵ In his post as conductor of the orchestra, Mahler was able to explore his passion for symphonic literature free from operatic obligations. Under his direction, the Philharmonic joined the rank of permanent orchestras. The number of concerts per season was increased to forty-six in 1909 and sixty-five in 1910, a substantial change from the eighteen concerts given in 1908.⁵⁶ The guaranteed concert season became the principal source of income for its musicians, and necessitated them to devote most of their time to help revitalize their important cultural institution. In 1909, for the first time in the Philharmonic’s history, the full orchestra went on a national tour under the baton of Mahler, bringing its reinvigorated musical excellence to such cities as New Haven, Springfield, Providence, and Boston.⁵⁷

In these early decades of the twentieth century, the competition between the local orchestras was fierce. By 1920, New York had three privately subsidized orchestras: The Philharmonic Society of New York, the New York Symphony Society, and the National Symphony (also known as the New Symphony Society).⁵⁸ And while this was certainly a boon to a public with an increasing appetite for orchestral music, the excess of riches that were the combined offerings of these three institutions was financially unsustainable. Yearly deficits were reported by all three orchestras, and despite the generosity of their

⁵⁵ Shanet, *A History*, 211.

⁵⁶ *Ibid.*, 210.

⁵⁷ *Ibid.*, 211.

⁵⁸ Mueller, *The American*, 54.

philanthropists, none of the orchestras was able to make a profit under the circumstances. Soon, the idea of consolidation was being broached at board meetings.

The first of these consolidations took place in 1921, when the Philharmonic Society and the National Symphony combined their resources. Seven years later, the New York Philharmonic and the New York Symphony publicly announced their amalgamation. There were considerable misgivings regarding these two consolidations, both before and after they took place. Olin Downes, music critic for the *New York Times*, had written a year before the merger: “If only questions of management and expense were involved in this matter the advantages of a single orchestra would be obvious.” Like many others, he felt that there should be more than one orchestra in New York in order to provide adequate opportunity for the growth of the local musical public. He added that, with one orchestra in New York:

Music would become more and more a matter of quantity production and would have a repressive influence on other organizations who tried to step out of its shadow. It would diminish and not increase the numbers of the audiences for symphonic performances.⁵⁹

Jascha Heifetz was among the musicians who shared the same feeling of disappointment. He appeared as the soloist in the final concert of the New York Symphony before the amalgamation took place, and regarding it, said:

Certainly the greatest city in the world should be able to support two symphony orchestras...combining the orchestras will not aid in development of real music...it will be greatly regretted.⁶⁰

Yet proposals for the two Societies to merge had been drafted as early as in 1910, simply because the deficit problems for both orchestras were getting out of hand. The plan of the 1928 consolidation was to present 103 concerts during the following season,

⁵⁹ Olin Downes, “The Orchestra Situation,” *New York Times*, 16 January 1927, 8.

⁶⁰ “Merger Grieves Heifetz,” *New York Times*, 1 April 1928, 32.

consisting of a variety of programs for different groups of the general public.⁶¹ Local 802 was involved in the negotiations for the new pay agreement; its official revealed that the weekly minimum pay was to be increased to \$87 for 1929 and \$90 for 1930 from \$75.⁶² But many musicians were out of job, since only twenty musicians from the Symphony Society were—reportedly—handpicked by Arturo Toscanini to be members of the newly organized New York Philharmonic-Symphony Society.⁶³

Though it was an economic necessity, the decision finally to combine orchestras proved to be a crucial step both for the New York Philharmonic and for the concert-going public of New York City. According to Shanet, the most noteworthy result of the mergers was that the:

Philharmonic-Symphony Society became, for all practical purposes, the official orchestra of the City of New York and the focus of the city's orchestral activity... accepting as inevitable the social and cultural responsibilities that previously had been voluntary indulgences by one or another of the three or four orchestras that co-existed in New York."⁶⁴

* * * * *

From its founding in 1842, the Philharmonic's enduring legacy has been the promulgation of first-class symphonic music. Only a very few unfortunate occasions have prevented the presentation of a scheduled concert. On 22 April 1865, the Philharmonic postponed a concert to the following week because of the assassination of President Abraham Lincoln. The first cancellation of concert in the Philharmonic's history came about when President Franklin D. Roosevelt passed away on 12 April 1945.⁶⁵

⁶¹ "New Philharmonic Lists 103 Concerts," *New York Times*, 9 May 1928, 21.

⁶² "Plans Under Way For New Orchestra," *New York Times*, 28 Mar. 1928, 8.

⁶³ Mueller, *The American*, 56.

⁶⁴ Shanet, *A History*, 256.

⁶⁵ "Philharmonic Cancels Second Concert in History," *New York Times*, 13 April 1945, 8.

But in 1957, at the start of the Philharmonic's 116th season, the first two concerts were called off because of unsuccessful contract negotiations on wage rates, retirement pensions, and the length of the season. It was the very first time that contract disputes between the musicians and their management had impacted the opening of the Philharmonic's new season. Union officials pointed out that the Boston Symphony's musicians played a guaranteed season of forty-eight weeks, while the Philharmonic was far behind, with a season of just twenty-nine weeks.⁶⁶ The members of the orchestra voted to stall the negotiations after receiving an offer that was insufficient in their opinion, though management had indicated it was their best and final offer. The Philharmonic's reason for the ultimatum was that it had been operating at a loss, and had an operating deficit of \$242,000⁶⁷ from the end of the previous season, which made it impossible to meet the musicians' demands for substantial wage and season length increases. Both sides came to an agreement a few days later, as the union accepted the management's revised offer.

Shortly after the Philharmonic's 1961 season opened, negotiations for a new contract broke down, despite an agreement between musicians and management to "play and talk" while they were underway. The key issue was said to be the length of contract. The Philharmonic management wanted a three-year contract with guaranteed seasons of thirty-six, forty, and forty-two weeks, respectively. But because of the impending relocation from Carnegie Hall to Lincoln Center at the end of the new season, the musicians wanted a one-year contract with fifty-two weeks of guaranteed employment.⁶⁸

⁶⁶ Harold C. Schonberg, "Philharmonic Pact Deadlocked On Wages and Length of Season," *New York Times*, 5 September 1957, 32.

⁶⁷ John Briggs, "Labor Talks Halt At Philharmonic," *New York Times*, 8 October 1957, 39.

⁶⁸ Eric Salzman, "Musicians Strike At Philharmonic," *New York Times*, 3 October 1961, 41.

After the Philharmonic made its best and final offer, the musicians—against the recommendation of the union—voted to strike. Evidently, the fact that they were never directly involved in the bargaining process was an underlying reason for the musician’s decision to strike.⁶⁹ The work stoppage lasted for a week, and caused the cancellation of a recording session for Columbia Records and all rehearsals and concerts for that week. But once again the musicians, saying that they wanted to “keep the flow of the music to the public uninterrupted,”⁷⁰ voted to accept the contract they had just rejected.

* * * * *

In the almost seven decades from its founding in 1842 until its conversion to a corporate entity, the Philharmonic was governed democratically, with its members voting on what repertoire to play, and on who would be their conductor. Considering that musicians were generally thought of merely as servants a century ago, the autonomy of the Philharmonic’s musicians stand as a remarkable example of enlightened self-governance. But as demands for economic growth increased, the musicians’ role was gradually reduced from that of artist to—once again—a common laborer. And as a consequence, their voices became less and less influential.

⁶⁹ Eric Salzman, “City Refuses Role on Philharmonic,” *New York Times*, 4 October 1961, 38.

⁷⁰ Raymond Ericson, “Pact Ends Strike At Philharmonic,” *New York Times*, 8 October 1961, 69.

Chapter Two: Leading Up to the 1973 Strike

Starting in the 1950s, there was an increase in labor unrest among orchestral musicians¹ that peaked in the 1970s when the United States entered a period of stagnant economic growth and double digit inflation now known as the Great Inflation. For symphony and opera musicians, it was a period of difficult contract negotiations. The Chicago Symphony Orchestra, for example, whose three-year contract was to expire in September 1973, began negotiations on a new contract in April 1973. Practically no progress was made for five months. As the deadline approached, the musicians agreed to continue playing without a contract so long as negotiations were progressing towards one, but on 15 September, the day before the contract expired, management rejected the musicians' offer to play and talk, stating that the trustees of the Chicago Orchestral Association had voted to lock out the orchestra and cancel the opening week of its eighty-third season. The musicians—accompanied by TV reporters—nevertheless showed up on stage at Orchestra Hall the next day ready to rehearse but were told, that since there was no contract, there would be no work. “What would we pay you?”² asked Stuart Ball, President of the Orchestral Association. Evidently, the orchestra's management feared that the musicians would play only until music director Sir Georg Solti began to conduct in mid-October, and then with the upcoming fall tour and scheduled recording dates to use as leverage, go on strike.³

The musicians had little choice but to make their grievance public. Some 2000 leaflets were handed out at the Chicago Lyric Opera's gala opening night concert, and

¹ From 1954 through 1970, ten orchestras were involved in seventeen work stoppages, totaling 439 days. See Philip Hart, *Orpheus in the New World* (New York: Norton, 1973), 111.

² *Senza Sordino*, December 1973, No.2: 1.

³ Sad Song,” *Time*, 8 October 1973, Vol. 102, No.15: 76.

with the ongoing help of the press and local television coverage, the orchestra's musicians were able to take their case to the general public, including many of the Orchestral Association's trustees and governing members.⁴ On 24 September, a Federal mediator became involved in the negotiations, though he made no helpful impact. The management then cancelled the second and third weeks of the new season. During the lockout, musicians played free concerts in private homes and churches, and asked that donations be made to an emergency fund. By so doing, they were also "winning the public's goodwill and filling the musical void created by the Orchestral Association."⁵ Finally, during the all-night negotiations of 12 October, the management offered a new three-year contract with a minimum weekly pay of \$350 the first year, \$360 the second year, and \$380 the third year, up from \$320 a week in the previous contract.⁶ The musicians accepted it, thus concluding a four-week work stoppage that had forced the cancellation of many performances.

A second orchestra facing a lockout at this time was the Denver Symphony (now the Colorado Symphony). On the evening of 18 September 1973, the musicians received notice from their management that there would be no season opener without a new contract. In response, the musicians reported for work at the first scheduled rehearsal of the season with a crew of television reporters in tow to record the lockout. And like their colleagues in Chicago, the Denver musicians took their grievances to the public, playing a free concert, picketing eight hours a day in front of the Symphony offices, and collecting some 6,000 signatures on a petition urging the Symphony Association to resume the Fall '73 concert season while continuing to negotiate.

⁴ *Senza Sordino*, December 1973, No.2: 1.

⁵ *Ibid.*

⁶ "Chicago Symphony Strike Is Settled After 4 Weeks," *New York Times*, 15 October 1973, 53.

From the perspective of the musicians, it looked as if the management intended to lock the musicians out. “We were convinced that management had set up the first two or three weeks of season with the thought that these were expendable weeks (for instance, no name soloists on the series concerts).”⁷ The Denver Symphony Society was put on the American Federation of Musicians’ national unfair list, and the local union filed an unfair labor practice proceeding with the National Labor Relations Board against the Symphony Society. This so infuriated the management that in one meeting the manager gave the musicians’ committee an ultimatum, threatening that no settlement would be achieved unless the union withdrew the charge. On 5 October, the two sides eventually came to an agreement on a one-year contract which gave the musicians forty-two weeks of employment (including two weeks of paid vacation), a \$15 weekly increase, and elimination of the musicians’ contribution to the retirement fund as well as a refund of all previous contributions with interest.⁸

In May of 1973, the management of the New York City Opera offered their musicians a one-year extension of their existing contract. It was to include a regular season of twenty-one weeks plus a guaranteed eleven weeks of extra work for rehearsals, tours, musical comedies, and other productions.⁹ When negotiations began on 22 August, however, the management withdrew this offer and instead proposed a contract in which the eleven-week extra pay guarantee was absent. The management noted that the opera company had accrued a \$2.4 million dollar deficit during the previous two years and was

⁷ *Senza Sordino*, December 1973, No.2: 2.

⁸ *Ibid.*

⁹ Emanuel Perlmutter, “Musicians’ Strike Forces City Opera Cancellations: Musicians Go on Strike at City Opera,” *New York Times*, 2 September 1973, 1.

unwilling to discuss any issues in the contract unless the musicians first accepted a reduction of the season.

According to the *New York Times*, the eleven extra weeks of pay originally covered a summer of Gilbert and Sullivan and other light opera, but later “was often merely pay for no work.”¹⁰ When the contract expired at midnight on 31 August, the musicians took the advice of their union and committee members and went on strike, forcing the cancellation of the following day’s performance at the New York State Theater at Lincoln Center. When a week without progress in the negotiations had gone by, Mayor Lindsay of New York City intervened, appointing a mediator in an effort to ease the tension between the two sides. The musicians’ committee and the union negotiators, however, thought that the mediator was somewhat “pro-management.”¹¹

At the same time, the musicians of the Radio City Music Hall Orchestra were fighting a management proposal to cut back on their work guarantees. Radio City had reportedly suffered substantial losses owing to light attendance at movie showings, and to offset the mounting deficits, the management wanted a new contract that would reduce the fifty-two week guarantee to forty and then to thirty-six weeks to allow for greater programming flexibility.¹² The management even threatened to suspend operations if a contract settlement was not reached in a timely manner.

Radio City’s attempt to reduce its season only made things more difficult for the City Opera musicians. When, during the second week of their strike, it became known that the Radio City musicians had agreed to a cut in their season, the City Opera management immediately increased the pressure on its musicians to do the same. But

¹⁰ “Blacked-Out Opera,” *New York Times*, 14 September 1973, 38.

¹¹ *Senza Sordino*, December 1973, No.2: 4.

¹² George Gent, “Music Hall Gives Unions A Warning,” *New York Times*, 6 September 1973, 43.

when the Radio City contract was settled, their musicians had secured a better financial package than the New York City Opera was offering: the new Radio City weekly base salary was to increase from \$285 to \$350 over three years with the understanding that not more than fourteen weeks would be eliminated in the 1975-76 season.¹³

The City Opera management then offered its musicians an alternative proposal that would increase their minimum weekly salary by \$45 over three years while reducing the extra weeks to ten the first year, five weeks the second year, and three weeks the third.¹⁴ The musicians immediately rejected this proposal, to which the City Opera management responded by informing the press of an impending cancellation of the fall and spring seasons due to the continuing labor dispute. It was not until the end of the third week of the strike that the musicians asked Philip Sipser¹⁵ to take the place of Mayor Lindsay's "pro-management" mediator. "In a thirteen-hour bargaining session which took place at the City Hall, ... the issues were hammered out through the good offices of Mr. Sipser."¹⁶ On 24 September, the two sides reached agreement on a new contract, which increased the musicians' weekly base salary from \$300 to \$310, \$325, \$340 over a three-year period while keeping the guaranteed eleven weeks of extra employment.¹⁷ The musicians had also gained some improvements in their fringe benefits.

¹³ Emanuel Perlmutter, "Wide Gap Reported As Talks Resume In Strike at Opera," *New York Times*, 19 September 1973, 38.

¹⁴ *Senza Sordino*, December 1973, No.2: 4.

¹⁵ Philip Sipser was a political activist and labor lawyer. He was known to be the leading negotiator for symphony and opera musicians in New York City. He helped resolve many contract disputes for non-profit music organizations such as the New York Philharmonic, the Metropolitan Opera, the New York City Ballet, as well as other ensembles across the United States. He died in 2001 at the age of 82.

¹⁶ *Senza Sordino*, December 1973, No.2: 4.

¹⁷ For the guaranteed extra eleven weeks, musicians were to receive full pay only for the first year and \$175 a week for weeks in which they did not work during the second and third years of the contract. See Max H.

The musicians of the New Jersey Symphony also survived the possibility of losing an entire season of work in 1973. When it became clear that the orchestra's sponsors had not raised the necessary funds to pay the musicians, its president, Alan V. Lowenstein, issued a letter to Local 16 of AFM stating that the board of directors intended to reduce the orchestra's operating budget from \$1.8 million to just \$700,000 for the upcoming season, a cut that would necessitate the elimination of at least fifteen of the season's thirty-four weeks.¹⁸ In a statement made by the orchestra's board of directors, "... acceptance of all necessary parties, including the union and members of the orchestra, must be obtained ... or the orchestra will have no funds with which to go forward."¹⁹ Afraid that the entire season might be lost, the musicians accepted management's ultimatum, which reduced their weekly base salary from \$7,560 to \$4,830. A statement released by the orchestra committee was filled with dismay:

In addition to the proposed reduction, the management required a schedule clause, which allows them to make schedule changes without notice. No non-monetary concessions were made by management to allow musicians to find additional outside employment in order to support themselves and their families.²⁰

* * * * *

On 17 July 1973, the musicians' negotiating committee of the New York Philharmonic and their union representatives met with the Society's management for the first time to discuss the musicians' contract that was about to expire on 21 September 1973. Max Aarons, the president of Local 802, opened the meeting by stating that the

Seigel, "City Opera and Musicians Reach Accord to End 24-Day Strike," *New York Times*, 25 September 1973, 89.

¹⁸ "State Symphony Will Cut Season," *New York Times*, 17 September 1973, 72.

¹⁹ *Senza Sordino*, December 1973, No.2: 4.

²⁰ *Ibid.*

meeting was mainly for the purpose of submitting the union-committee proposals.²¹ He then presented to the board of directors an initial proposal of one-year agreement. At the top of their proposal list was the scale of pay, which suggested for an increase of \$70 per week across the board, longevity pay of \$10 per week after each five years of service (maximum \$35), a seniority increment of \$25 per week, as well as minimum overscale for the revolving string players. In response, Carlos Moseley, the president of Philharmonic Society, stated that the Society had no proposals to submit, and would make a brief statement at the next meeting (scheduled for 23 July).²² He instead implied that the Society's proposals might prove to be in the reverse direction from the union proposals on a good many points. It was the consensus that further discussion would be delayed until the forthcoming meeting.

At the start of the second meeting, Moseley delivered a strong statement concerning the overall financial situation of the Philharmonic.²³ He informed the committee that the Philharmonic was facing the most serious financial crisis of its history and that it was in no position to offer any increase in pay during the first year of a new contract. He then stated that a one-year contract would have a serious negative impact upon planning and commitments, and that the Society simply could not operate in such a way. He added that even if the Society were to agree to a one-year contract, it could only maintain the status quo, and that it was too late to make the changes necessary to

²¹ Proposal from Local 802 to the New York Philharmonic Board, 15 June 1973, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

²² Minutes of the management, 17 July 1973, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

²³ Minutes of the committee, 23 July 1973, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

accommodate what the committee was asking for. The minutes of the meeting record Moseley's statement as follows:

The Philharmonic is in the most serious crisis of my memory. We are trying to find our way out and we must find ways in which we can earn a higher amount. We are not in a position to offer any increases in the first year of a contract. If the Orchestra will enable the Society to increase earnings and effect economies, then the Society can possibly offer modest increases in the second and third years.²⁴

Also provided were two financial summary sheets: a comparison of minimum player salaries during the seasons 1969-70 and 1972-73 (see figure 1), and an eight-year comparison, 1964-65 vs. 1972-73 (see figure 2).²⁵ Though orchestra committee members compared the Philharmonic to the Metropolitan Opera Orchestra and other symphonies, and expressed that to live in New York City, the musicians had to have more income to meet their bills.²⁶ Moseley explained to the committee that, in the 1970 contract, the Society had taken on many additional obligations and that some of the increased revenue the Society was counting on did not materialize. Government funds had not come through as they hoped, and the Endowment campaign had not reached the original goal of \$10 million. Furthermore, ticket prices had been raised as high as the Society thought the market would bear.

²⁴ Minutes of the management, 23 July 1973, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

²⁵ Financial sheets comparing minimum chair players, 23 July 1973, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

²⁶ Minutes of the committee, 24 July 1973, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

Figure 1: Comparison of minimum player during the seasons 1969-70 and 1972-73

<u>NEW YORK PHILHARMONIC</u>			
<u>MINIMUM CHAIR PLAYER</u>			
	<u>1969-70</u>	<u>1972-73</u>	<u>Increase Over 3 Yrs.</u>
Base Salary	\$14,040	\$17,160	
Extra Concerts	270	198	
Extra Rehearsals	142	330	
Overtime	<u>70</u>	<u>70</u>	
	<u>14,522</u>	<u>17,758</u>	<u>\$3,236 (22.3%)</u>
Negotiated Benefits:			
Pension	1,636	1,953	
Life Insurance	49*	106*	
Blue Cross	190	356	
Blue Shield	72	72	
Major Medical	193*	308*	
Dental	-	104	
Instrument Ins.	<u>4</u>	<u>4</u>	
	<u>2,144</u>	<u>2,903</u>	<u>759 (35.4%)</u>
Statutory Benefits:			
Social Security	374	632	
Disability Ins.	41	45	
Unemployment Ins.	<u>40</u>	<u>47</u>	
	<u>455</u>	<u>724</u>	<u>269 (59.1%)</u>
Total	<u>\$17,121</u>	<u>\$21,385</u>	<u>\$4,264 (24.9%)</u>
Add to total (above):			
Recording	1,364	1,971**	
YPC-TV	<u>387</u>	<u>299</u>	
Grand Total	<u>\$18,872</u>	<u>\$23,655</u>	

*Gross premium reduced for employee contribution.

**Computed at scale for each session.

July 23, 1973

Figure 2: Eight-year comparison of minimum player, 1964-65 vs. 1972-73

<u>NEW YORK PHILHARMONIC</u>			
<u>MINIMUM CHAIR PLAYER: 8-YEAR COMPARISON</u>			
	<i>1st yr. of 52 weeks</i> <u>1964-65</u>	<u>1972-73</u>	<u>Increase Over 8 Yrs.</u>
Base Salary	\$10,400	\$17,160	
Extra Concerts	320	198	
Extra Rehearsals	91	330	
Overtime	42	70	
	<u>10,853</u>	<u>17,758</u>	<u>\$6,905 (63.6%)</u>
<u>Negotiated Benefits:</u>			
Pension	600	1,953	
Life Insurance	48	106*	
Blue Cross	58*	356	
Blue Shield	11*	72	
Major Medical	56*	308*	
Dental	-	104	
Instrument Ins.	4	4	
	<u>777</u>	<u>2,903</u>	<u>2,126 (273.6%)</u>
<u>Statutory Benefits:</u>			
Social Security	174	632	
Disability Ins.	40	45	
Unemployment Ins.	60	47	
	<u>274</u>	<u>724</u>	<u>450 (164.2%)</u>
 Total	 <u>\$11,904</u>	 <u>\$21,385</u>	 <u>\$9,481 (79.6%)</u>
 Add to total (above):			
Recording	1,902**	1,971**	
YPC-TV	289	299	
Radio	186	-	
 Grand Total	 <u>\$14,281</u>	 <u>\$23,655</u>	

*Gross premium reduced for employee contributions.

**Computed at scale for each session.

July 23, 1973

On the other side of the table, Aarons countered that this was typical of the way the management began negotiations, and that the management's offer would put the musicians on a backwards course; that is, asking them to do more work for less money. He noted that musicians playing a big wedding or even in a bar made \$75 a night—more than what the Philharmonic paid. And he said that it was of no use to be shown the increase in pay since 1964-65 unless it was paired with the yearly increase in the cost of living: "It's the take-home pay that is important to us."²⁷

Moseley responded by saying that he had never before come to negotiations with the Society in this kind of situation, and that he denied having said that the Society had nothing to offer for the next year. He then asked the musicians to be reasonable:

Your package of requests simply would put us on a destructive course. How can we irresponsibly go into something that will keep the Society on a downgrade that could lead to closing down the Philharmonic? This we can't do, and together we must find a way out of the present difficult situation.²⁸

He urged the committee to understand that the management had been making every effort to raise more money, including advertising on the radio and running full-page newspaper ads. The Society was also trying very hard to undertake other things that would strengthen its support and earnings, but that there were a limited number of people who were already giving substantial support to the arts. And once again, he reiterated that unless the Society received some funding from other sources, such as the government,²⁹ it could not offer the musicians more.

²⁷ Minutes of the committee, 26 July 1973, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

²⁸ Minutes of the management, 26 July 1973, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

²⁹ Moseley stated that the total funds granted to the Society from State and Federal governments dropped from \$461,900 in 1970-71 to \$329,000 in 1972-73. *See* Letter of Carlos Moseley to Max Aarons and members of the Orchestra Committee, 31 July 1973, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

The committee argued that essential benefits such as health and welfare had not been adequately covered, and that what the musicians were asking for was what they needed six years ago. The committee also presented the Chicago Symphony's string rotation plan and brought it to the management's attention that Chicago had been asking for more string players while the Society was trying to reduce the size of the orchestra. Concerned that were the Society to continue in such a fashion, it would not be possible to sustain the orchestra's standards, Lorin Bernsohn, chairman of the committee, stated that "starting to reduce size of orchestra is the beginning of the end. The New York Philharmonic would end up being something like the Kansas City Philharmonic."³⁰

Aarons also insisted that the union expected to negotiate a contract for 106 men and opposed any reduction in the size of orchestra. The committee went on to say that, even though the contract specified 100 musicians for many years, the orchestra had 106 or 105 members during those years. Moseley countered that for many years, the Philharmonic maintained its position at the top under conditions outlined in the Society's proposals. The management used extra players when needed, including students, and it proved to be quite successful. To which committee member Ranier DeIntinis responded:³¹

And that's one of the things we are trying to stop with our proposals—paying student substitutes the same amount as regular members of the orchestra. That's one reason for the longevity payments.³²

³⁰ Minutes of the management, 26 July 1973, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

³¹ New York Philharmonic horn player, Ranier DeIntinis, was in the Orchestra from 1950 to 1993.

³² Minutes of the management, 26 July 1973, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

Moseley then assured the committee that reduction (when it occurred) would be by attrition, not by termination of present personnel.

The fourth meeting on 26 July was the longest yet; arguments flew non-stop back and forth across the table. At some point during that meeting, Aarons presented a copy of Metropolitan Opera Orchestra's contract and asked the board, "if the Met can do it why can't the Philharmonic? If their board can raise the kind of money needed, why can't the Philharmonic?" He and the committee together felt that getting the additional money required to meet the musicians' needs should not be the duty of the orchestra members, but should be the management's duty. Moseley refused to be guided or bound by what the Metropolitan Opera did. His argument was that they were in another class, and that it should also be the duty of the orchestra members to find the additional money because it would affect the future of the orchestra, its continuous existence, and their sustained employment. He then unveiled a figure of \$650,000 in Society's total deficit to the committee and said that costs such as advertising, and rentals had been going up; foundations were not giving to organizations as much as to schools and educational organizations.

Nonetheless, Aarons said, "Either we continue negotiating and you begin to offer something, or we are negotiating in a vacuum."³³ The committee asked the Society to provide a full proposal in writing by the following week, so that the orchestra could be apprised of the state of the negotiations before they went on vacation.

At the fifth meeting on 31 July, Moseley presented a written explanation outlining the Society's position with respect to the forthcoming contract. A significant point he

³³ Minutes of the management, 26 July 1973, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

raised was that in 1964 the Society was the first orchestra in the nation to offer fifty-two weeks of annual employment to its members. In the intervening years, the Society had been able to substantially increase the orchestra's earnings and benefits, with the eight-year summary showing that a musician's minimum scale base salary and guaranteed income rose from \$10,400 in 1964 to \$18,160 in 1972. But Moseley noted that compensation and operational costs were directly related:

In achieving the marked financial improvements for the orchestra, the Society has supported one of the highest compensation levels and one of the highest operating budgets of any symphony orchestra in the world.³⁴

Accordingly, he noted that overall costs of operation had risen steeply from \$3.2 million in 1964 to \$5.3 million in 1972. Revenue from operations that in 1964 had covered 75% of costs had by 1972 dropped to 57%, despite an all-time high inflow of \$2,617,100 from ticket sales. Moreover, the amounts the Society had to raise increased from \$800,000 in 1964 to \$2.3 million in 1972. Moseley reminded the committee that the Society had already raised ticket prices "to the point beyond which it would lose sales and a valuable and worthy public."³⁵ He also noted that the Philharmonic did not have certain resources and advantages that other symphony orchestras had: the seven weeks underwritten by Robin Hood Dell Concerts and the four weeks at Saratoga that the Philadelphia enjoyed, or the seven weeks in Ravinia that the Chicago Symphony had, as well as the endowment that assured all its pension and health care plans.³⁶ Finally, Moseley reported on the Society's efforts to establish its own endowment:

³⁴ Letter of Carlos Moseley to Max Aarons and members of the Orchestra Committee, 31 July 1973, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

³⁵ Ibid.

³⁶ Minutes of the committee, 31 July 1973, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

In addition to bringing about a 142% increase in annual giving, the Society undertook a major endowment drive for \$10 million, of which it was able to raise \$7 million including the \$1 million Ford Foundation grant.³⁷

When the fifth meeting ended, a disappointed Aarons and committee returned to the orchestra to inform them of the state of the negotiations and their present position.

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At the start of the sixth meeting on 2 August, Bernsohn reported to the management the musicians' reaction upon hearing Society's position. He described it as "Silence ... to Incredulity ... To Anger ... To Defiance! The committee didn't have to stir them up!"³⁸ The musicians had apparently agreed to only one item that the management had proposed, which was the deferred payment of pension.³⁹ Bernsohn also raised the question as to why there was a difference in the deficit figures of \$449,000 for 1970-71 versus \$200,000 for 1971-72. Moseley's response was that there were costs for Philharmonic Hall in 1970-71 that did not appear as a recurring item in 1971-72. It was expected initially that the Philharmonic would share the profits of operating Philharmonic Hall, but because the hall had been operating at a deficit, the Philharmonic unavoidably had to share the cost. In addition, Moseley told the committee that the Society was required to meet the costs of various inflated expense items over which it had no control, such as operating costs and advertising, to which Bernsohn replied, "In other words, you

³⁷ Minutes of the committee, 31 July 1973, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

³⁸ Minutes of management, 2 August 1973, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

³⁹ The Society will agree to the request that a musician may elect to defer payment of his pension upon reaching age 50 or upon achieving 20 years of service. *See* letter of Carlos Moseley to Max Aarons and members of the Orchestra Committee, 31 July 1973, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

want to honor inflated costs of everything but orchestra salaries.”⁴⁰ He added that if the architects for Philharmonic Hall had not neglected the musicians’ suggestions, large amounts of money could have been saved because they knew well that an acoustical ceiling would be necessary over the stage. Moseley countered that the Philharmonic was actually in a better situation than the other Lincoln Center constituents, who were entirely responsible for operating and meeting the full deficits of their own halls.

The committee went on to express their concerns over the board of directors’ lack of innovative ideas and unwillingness to explore different things that would have improved the Society’s finances. The committee pointed out that the Philharmonic had lost out on getting summer homes at Saratoga and Tanglewood; they also made the decision to give up the opportunity to buy Carnegie Hall and were being one of the last orchestras to set up an endowment. Moseley clarified that the orchestra’s purpose had always been about serving the citizens of New York City, and that the Saratoga and Tanglewood plans were not as practical as the summer parks concerts and other special activities in New York. He also mentioned that it was difficult to come up with the necessary funds for housing, per diem, and transportation for Tanglewood and Saratoga, and that because the orchestra did not have an endowment in place at the time, it was obliged to spend summers in New York City. (Tanglewood was thereafter offered to the Boston Symphony Orchestra.) In response to the Carnegie Hall situation, Moseley said only that when the Philharmonic had been offered Carnegie Hall in the past, it was not advantageous to buy, and that later it became unavailable for sale.⁴¹ Aarons then

⁴⁰ Minutes of the management, 2 August 1973, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

⁴¹ Minutes of the committee, 2 August 1973, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

reminded them that the meeting was getting sidetracked, and that the Society still had not offered anything to offset the high cost of living in New York City, namely, more money for the musicians. The committee also stated that the musicians would not consider the Society's proposal of an average of eight and one-quarter services per week throughout the year, with a maximum of five concerts in any week except education weeks, and urged the management to reevaluate its position. In reply, the management insisted that there was nothing to reevaluate unless something could be done to increase Society's opportunity to earn through additional services.

Bernsohn brought to the management's attention the Chicago Symphony's plan of a radio-tape syndication under which each musician would receive an additional \$50 per performance, and contrasted this with Society's suggestion that the orchestra broadcast for free, if necessary, simply because it would be good to have the Philharmonic on the air again. Moseley then suggested the musicians form a committee to work with the Society in search of potential radio contracts. The committee members, however, stated that they would not have time to go out and stir up radio business, though they would always be willing to consider proposals as well as work out agreements with Society. Aarons once again drew the conversation back to the negotiations by asking the management why the law firm of Proskauer, Rose, Goetz & Mendelssohn seemed to be representing all of the performing arts groups in the city—the Radio City Music Hall Orchestra, the New York City Opera, and the New York Philharmonic. He pointed out that Proskauer's approach seemed to be the same in all contract negotiations: no money; the need for more services; and no raises. Moseley explained that all the arts groups had been in the same situation of financial crisis, and all had been paying their employees

more money for less services, and all “had gone below rock bottom point.”⁴² Committee members suggested that perhaps by bringing back an exciting conductor such as Bernstein, the orchestra could generate more excitement, recordings, and tours. Bernsohn said, “If you can come up with some ways you can use present services to greater advantage, then we might have something to discuss.”⁴³

Moseley replied that even though he might be able to reexamine the season schedule to see if a better plan would be workable, the bottom line was that the Philharmonic would still need more services. He warned the committee that the Society had reduced services past the point where the organization would remain sustainable, and also noted that they had operated in a way that made it possible for many people in the orchestra to maintain a significant second income. The committee members were not happy to hear this and immediately confronted Moseley with the fact that to the extent such opportunities existed, they were available primarily to the principal players of the orchestra and were not representative of the orchestra as a whole. Aarons added that the Philharmonic musicians were among the best players in the profession, and performed under significant tensions and pressures, and that even if these men were paid \$500 a week, they would still be underpaid.

Moseley reiterated that the Society had already reduced services beyond what it could sustain, and was on a downward path. He offered in contrast the example of the London Symphony Orchestra, which had over five hundred services per year with musicians who earned only about a third of what the Philharmonic players were paid. Aarons then used Moseley’s example to express his apprehension over the Society’s

⁴² Minutes of the management, 2 August 1973, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

⁴³ Ibid.

hiring of Harold Lawrence—the manager of the London Symphony—to succeed Helen Thompson as manager of the New York Philharmonic at the beginning of September. Both Aarons and the committee feared that Lawrence would make the Philharmonic do five hundred twenty services a year. “The musicians want less services and more money,” Aarons said in conclusion.⁴⁴ Moseley repeated that the Society could consider a modest increase only if they had more services.

The sixth meeting concluded with an agreement that there was an impasse and no progress would be made by continuing to meet unless something changed. Meetings were therefore suspended for four weeks during the orchestra’s vacation period.

Both parties returned to the negotiating table on 3 September 1972. They were joined by attorney Martin Oppenheimer, representing the Philharmonic Society, and Harold Lawrence, the new manager. Moseley opened the meeting by reporting to the committee that he had discussed the revolving seating plan in the string sections with music director,⁴⁵ Pierre Boulez, who had expressed a willingness to experiment with the seating arrangement for one year. Moseley also noted that the decision to continue, revise, or abandon the plan was to remain with Boulez. Aarons objected to the notion that the music director had executive power over this matter and reminded everyone that in the final analysis, the orchestra had the last word because it could decide whether or not it would play. Oppenheimer pointed out that such a matter called for an artistic decision, which the music director would naturally be entitled to make under the

⁴⁴ Minutes of the management, 2 August 1973, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

⁴⁵ The committee had proposed a seating plan that was used by the Chicago Symphony: Each string section, with the exception of the first two stands of the first violins, and the first stands of the second violins, cellos, violas and basses, revolves (change seats) every two weeks. The change of seating is counter-clockwise in the first and second violins and clockwise in the violas, cellos and basses.

provisions of the contract. Moseley added that if the orchestra eventually stayed with the revolving seating plan, it was to be understood that payments for the previous system of chair prices (overscale for some string players) would be terminated, though the musicians who were already employed would continue to receive their same salary increments over the minimum scale.⁴⁶

Bernsohn then stated that the musicians had requested the committee to present the revolving seating plan together with the demand that all string players—save for the first two stands in the first and second violins, and the first stands of all other string sections who were non-revolving players—receive weekly \$25 over scale. “The two parts were inseparable in considering this proposal.”⁴⁷ Oppenheimer responded by pointing out that the weekly \$25 increment for all strings would easily cause inequities in pay because some string players who were already receiving payment for chair prices would have to take a reduction from the increment, and that the management did not look at the revolving seating idea as “merely a method of getting a pay increase”.⁴⁸ Moseley suggested to the committee the option of taking the total expenditure of the chair prices and dividing it among the revolving string players, though he advised that it would still cause unfairness to many players. Committee members then decided that they would take the matter back to the orchestra because they were not authorized to separately consider the issues of seating and money.

Oppenheimer proceeded to another area of concern: the size of the orchestra. He said that the management understood everyone’s desire for an orchestra of one hundred

⁴⁶ Minutes of the management, 3 September 1973, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

⁴⁷ Ibid.

⁴⁸ Ibid.

and six players, but if the Society could not afford it, then cutback by attrition would be a way to reduce costs without hurting any of the present players. Aarons objected strongly and said that the contract they were looking for was the same as the Metropolitan Opera Orchestra contract. Moseley again stated that the Philharmonic would not be guided by the affairs of the Metropolitan Opera, and said there were signs that the Met was also facing a critical financial situation. He said that despite Society's reasonably successful efforts to increase funds, costs continued to rise and so did the players' salary. Larry Steiner, also from management, added that the payment bill for substitute and extra musicians had already exceeded six figures during the course of the year. Aarons advised the management not to reduce the minimum salary of substitutes and extras, saying that anyone who played with the Philharmonic should receive more than when playing with other symphonic groups in New York. Oppenheimer countered that in trade unions it is common for a temporary employee to be paid less than a regular employee, to which Aarons replied that the amount saved from any change to the rate paid to substitute and extra musicians would be "picayune." Bernsohn added "You are putting us back where we were a good many years ago."⁴⁹

Regarding the management's constant request for increased services (to which committee members were adamantly opposed), Moseley proposed a redistribution of services he thought might be workable and which might be generating more box office revenue. He offered, for example, that in X-number of weeks during the year, there might be three rehearsals lasting three hours, one short student concert, and four regular concerts; and in Y-number of weeks, there might be nine services with a maximum of

⁴⁹ Minutes of the management, 3 September 1973, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

four concerts and five rehearsals lasting two and one-half hours. He also added that these increased service weeks would only apply to the subscription season, and not to tour and park weeks.⁵⁰ Negotiations then touched on other topics, such as tour costs, health and pension provisions.

Bernsohn noted the amount of per diem that other symphonies were paying: Chicago Symphony, \$30; Boston Symphony, \$27; Philadelphia, \$30. Regarding health and pension benefits, DeIntinis felt that Society might be able to offer the musicians better coverage by seeking a package deal. He stated that he had been talking with a firm about it and was expecting to have figures soon.

At the end of this seventh meeting, the management felt that no progress was being made and that it would be of no use to proceed with the meetings scheduled for the following day. It was then decided that negotiations would be suspended during the orchestra's eleven-day Southeastern tour, and the next meeting was scheduled for 17 September.

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Negotiations resumed on 17 September, though without the presence of either Moseley or Aarons. Moseley had reportedly suffered a heart attack and was in the hospital, and Aarons was at another meeting with the State Mediation board and the Radio City stagehands in an effort to prevent a shutdown. Oppenheimer told the committee that Moseley would not be available for negotiations for some time, and that this would certainly cause difficulty for the Society. He suggested that the two sides either postpone negotiations indefinitely, or settle quickly with a mutual agreement of

⁵⁰ Minutes of the management, 3 September 1973, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

minimal proposals from both sides. Victor Rabinowitz, the attorney representing the union, responded that the musicians would prefer to continue negotiations as they were being conducted and asked the Society to provide a consolidated financial statement that would indicate administrative and operational costs. He indicated the players' willingness to accept a good three-year contract and asked the Society for a salary proposal. He stated that the players would only accept as much as seven and one-half services, including no more than four concerts per week, and would only consider the revolving seating if all string players receive weekly \$25 increase over minimum scale, with exception of the first stands. He added that if the revolving seating plan remains, then work and pay should be equalized accordingly.

Oppenheimer responded that the management was ready to produce a financial statement and that this statement would clearly show Society's expenditures to be greater than its income. He said that the Society would not agree to the weekly \$25 increase for each string player, but would agree to the revolving seating of string players as an experiment for one year so long as the power to decide its success or failure was the sole prerogative of the music director. Moreover, if the music director declared the experiment a failure, the decision regarding whether to try a different plan or to return to the original seating system would again rest solely upon the shoulders of the music director.

Oppenheimer proposed that extra players and substitutes be paid in line with what other non-Philharmonic engagements pay rather than the Philharmonic minimum scale, and indicated it would save the Society approximately \$10,000 out of total yearly expenditure of \$100,000.⁵¹ He further asserted that this savings would help the

⁵¹ Minutes of committee, 17 September 1973, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

management meet the cost of salary increases that might be offered. He then laid out a proposal for a weekly increase in salary to \$340, \$355, and \$365 a week during years one, two, and three, respectively. This, he said, was the Society's final offer.⁵²

On the other side of the table, the union maintained its insistence that extra and substitute players be paid the Philharmonic scale, and its opposition to the Society's plan for a reduction of the orchestra's guaranteed size to a hundred players. Although the Society had stated that this reduction would only occur through attrition, the Philharmonic musicians feared it would overwhelmingly affect the string sections and would result in the remaining string players having to do additional work.

The meetings continued on 18 September, but little or no bargaining took place at the table, and overall, very little progress had been made toward an agreement on any part of the new contract. Oppenheimer had reportedly used abusive and insulting language at this meeting.⁵³ He told the committee members that the New York Philharmonic was the highest paid orchestra in the United States with the smallest number of players on minimum scale, and that it was not imperative that the Philharmonic maintain this position as long as it remained in the mainstream.⁵⁴ Rabinowitz responded to the management that its wage offer was below acceptable and would most likely be rejected by the players.

Despite the unsettled nature of the contract negotiations, the Philharmonic opened its 1973-74 season on the evening of 18 September with a gala Pension Fund Benefit

⁵² Minutes of the management, 17 September 1973, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

⁵³ Minutes of the committee, 18 September 1973, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

⁵⁴ Minutes of the management, 18 September 1973, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

Concert. Both parties understood that the present contract would expire at midnight on 20 September, and in hopes of reaching a new agreement, two more meetings were scheduled for the 19th and 20th.

Negotiations began again on 19 September with the committee members asking the management to consider having three, three-hour rehearsals a week to save on the hall rental and to experiment with sectional rehearsal of strings in the morning, and rehearsal for the winds and brass sections in the afternoon. Rehearsal time for each musician as an individual would thus be reduced, but would remain the same for the orchestra as a whole. The committee also stated their concern over the management's proposed fifth concert a week, noting that it could easily result in extreme fatigue and tension.

Oppenheimer refused to negotiate anything having to do with performances or services; he reiterated that there was no negotiating for less services. Although he did not say that more services would be instituted, he did mention that the fifth weekly concert might be student concert only, in order to lessen the physical strain on the orchestra players. Rabinowitz brought up comparisons with Chicago and other orchestras, and suggested the management to give the players a weekly increase of \$25, \$15, and \$10 over three years. Oppenheimer held firmly to the figures of \$10, \$15, and \$10 over three years, and said that the Philharmonic was among the leading orchestras of the world, if not *the* leading orchestra. He said that the Philharmonic did not have minimum scales below the other big five orchestras and was not compelled to pay more than the others. He believed that the management's proposed salary increase would put the Philharmonic at the top, and that the proposal was manageable given the Philharmonic's financial problems as well as in line with what had been offered in other cities. Rabinowitz

countered that if the Philharmonic musicians settled for the management's proposal of \$10, \$15, and \$10, it would adversely affect the Chicago Symphony, whose musicians had been locked out since 15 September.⁵⁵ Rabinowitz also took the chance to bring up a rumor that had been circulating, namely, that the pioneer manufacturer of high-fidelity phonograph and radio equipment, Avery Fisher, had made an enormous donation to Philharmonic Hall and to the New York Philharmonic Society.⁵⁶ Even though the committee knew that the gift was real, they were not sure what its conditions might be, and more importantly, they did not want to disrupt the negotiations with more uncertainty. Oppenheimer's response was that it was a fund to underwrite the cost of maintaining Philharmonic Hall, and that it would eventually help the Philharmonic and other constituents.

Moseley had revealed at the sixth meeting back in July 1973 that because of the contract with Lincoln Center, it had always been customary that the Society shared the deficit of Philharmonic Hall with Lincoln Center. Since the management had been declaring financial hardship, Avery Fisher's gift would be a blessing to both sides. However, due to the timing of its arrival, it had inevitably added more ambiguity to the already gloomy negotiations.

⁵⁵ Minutes of the committee, 19 September 1973, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

⁵⁶ According to one of the committee members, they knew that the gift was real, but because of the timing, they did not want to complicate the contract negotiations.

Chapter Three: Avery Fisher Gift and the Philharmonic Management's Turmoil

Lincoln Center for the Performing Arts, New York City's cultural hub, had reportedly operated at a total deficit of \$17.9 million during the 1972-1973 season; this total included deficits of \$7.8 million at the Metropolitan Opera; \$4.3 million at the City Center of Music and Drama (the New York State Theater); and \$1.9 million at the Philharmonic Symphony Orchestra. Alice Tully Hall, the Film Society, the Juilliard School, and a few others constituents were also running deficits. Despite philanthropic donations totaling \$14.2 million, Lincoln Center was still short by \$3.7 million. Furthermore, the management estimated that the amount of deficit would be twice as much for the following 1973-1974 season—approximately \$6.9 million.¹ The causes for such a financial predicament were believed to be high costs, rising inflation, and lack of government subsidies. Amyas Ames, chairman of the board of Lincoln Center and of the New York Philharmonic, stated that Lincoln Center was in urgent need for more endowments to continue operations:

Government on all levels must realize that 'it is absolute stupidity' not to support the performing arts massively.

Without continuing and extensive support by the city, state and Federal governments and long-range private support, we'll begin to make second-best decisions.²

One example he mentioned was the Metropolitan Opera, which apparently had to cancel a scheduled new production of Mozart's "Don Giovanni" and summer parks concerts due

¹ Fred Ferretti, "Endowment Points Up Fiscal Crises At All Components of Lincoln Center," *New York Times*, 21 September 1973, 50.

² Ibid.

to an increasing deficit.³ John Mazzola, the management director of Lincoln Center, Inc. added:

Subsidies ought to be as direct as possible. The city could pick up the services here that it picks up at the Metropolitan Museum, in the libraries. It could do what Los Angeles does and what Atlanta does.⁴

Fortunately, on 10 May 1973,⁵ Lincoln Center's management had a breakthrough in the field of arts patronage, when Avery Fisher expressed his wish to do what Alice Tully had done in making contributions in support of the hall that bears her name. His representative was then taken on a tour of the entire Lincoln Center complex and was told about the undertakings in the Juilliard Theater, the Drama Workshop, and the Film Forum. The representative was also shown Philharmonic Hall; all of the activities in the hall as well as the relationship between Lincoln Center and the Philharmonic Society were described.

Fisher was born into a family to whom music was a very important part of leisure activities. His father, Charles Fisher, was a successful real estate professional who owned one of the largest collections of acoustic horn gramophones, and had given him the opportunity to study the violin from a very young age.⁶ In an interview, Fisher talked about how his love of music stemmed from his parents:

She played the violin, which in Russia in those times was never done. A girl might play the piano, not the violin. It was very avant-garde for that place at that time.

I had such admiration for my Dad. We didn't have all that much money in the house, but with the first \$100 he could put aside he went out and bought a piano.

³ The Met's operating budget during 1972-1973 was \$24 million. Despite revenues of \$16.2 million and donations of \$5 million, the company still remained \$2.8 million in debt as its new season began. See Fred Ferretti, "Endowment Points Up Fiscal Crises At All Components of Lincoln Center," *New York Times*, 21 September 1973, 50.

⁴ Ibid.

⁵ Lawrence Van Gelder, "Low-Key, High-Fidelity Donor," *New York Times*, 21 September 1973, 50.

⁶ John M. Conly, "They Shall Have Music," *The Atlantic*, Apr. 1951.

His feeling was that every one of his kids had to have two things: a college degree, and be able to play music.⁷

Young Fisher studied biology and English and eventually graduated with a science degree from New York University in 1929.⁸ His early career was in publishing, during which he worked as a book designer for Dodd, Mead and Company.⁹ He had always been a passionate music lover throughout his life—as an amateur violinist,¹⁰ the *New York Times* described him as a “chamber-music fanatic.”¹¹ He often hosted chamber music concerts at his New York apartment at 96th Street and Park Avenue, and played first or second violin part, depending on the music and his performing partners.

When it came to audio sound quality, Fisher said that he became a “hi-fi bug” in 1931, a few years after the arrival of sound movies:

I would snap up all the excellent old Photophone amplifiers from the movie theaters when the invention of the Sound Gate – sound directly on film – made the Photophones obsolete.¹²

He was constantly dissatisfied with home radio equipment during the 1930s, and therefore began to experiment with high fidelity audio design as his hobby, so he could listen to recorded music played at its best in his home. He later told the *New York Times*:

Concurrently, I was developing my hobby in hi-fi, and a number of friends asked me to make for them the kind of equipment I was constructing for my own home, the sort of thing that was not commercially available, the type of thing found in radio stations or movie theaters.

⁷ Jerry Tallmer, “It Was Their Idea,” *New York Post*, 6 October 1973, 22.

⁸ Lawrence Van Gelder, “Low-Key, High-Fidelity Donor,” *New York Times*, 21 September 1973, 50.

⁹ Fisher apparently enjoyed being approached at parties by people who ask him: “Did you know there is another Avery Fisher, who designs books?” See John M. Conly, “The Million-Dollar Avocation,” *The Atlantic*, Apr. 1951.

¹⁰ In 1951, Fisher said that he did not want to acquire a violin made by famous luthier, because he felt that if he were to own a Stradivarius or Guarneri violin for amateur use, it would be almost a sin. He believed that such precious instruments belong to professional artists and shouldn’t be kept in private homes. See *Ibid.* However, in 1976, he did purchase a 1692 Antonio Stradivari from Christie’s, and later donated to the Juilliard School in 1991, on the occasion of his 85th birthday. See Lisa B. Robinson, *A Living Legacy: Historic Stringed Instruments at the Juilliard School* (New Jersey: Amadeus Press, 2006), 16.

¹¹ Donal Henahan, “Philharmonic Hall Gets Gift of \$8-Million,” *New York Times*, 21 September 1973, 1.

¹² Jerry Tallmer, “It Was Their Idea,” *New York Post*, 6 October 1973, 22.

And so I started constructing for this small group of people and before I knew it. I had the beginning of a business.¹³

In 1937, he was able to quit his publishing job to focus on the pursuit of his interest in making high fidelity equipment, which quickly led to the founding of the Philharmonic Radio Corporation.¹⁴ When the Second World War started, Fisher sold his company to a larger corporation and remained on board to lead the production of electronic mechanisms for war. After the war ended in 1945, he went on to create his second audio company, The Fisher Radio Corporation,¹⁵ which manufactured high fidelity components in a factory that was actually located at the site of today's Lincoln Center. Fisher's products were known for their exceptional sound as well as the quality of their construction.¹⁶

In 1969 when high fidelity audio industry began its shift towards mass production, Fisher decided to sell his company and thus the Emerson Electric Company of St. Louis bought Fisher Radio for almost \$31 million.¹⁷ From that point on, Fisher began to think about how he would utilize such large amount of money. To him, such assets were far beyond his personal needs and those of his family: "I started thinking in terms of where I could do a little good with that money," he said. It became clear to him that music had been the main contributor to his wealth, and even to his life:

¹³ Lawrence Van Gelder, "Low-Key, High-Fidelity Donor," *New York Times*, 21 September 1973, 50.

¹⁴ His first achievement was a chassis that combined a tuned radio frequency receiver and a 25-watt beam powered audio amplifier, which was likely the best in the world at the time. See John M. Conly, "They Shall Have Music", *The Atlantic*, Apr. 1951.

¹⁵ Ibid.

¹⁶ He fully enjoyed his work and treated each one of his customers with diligent care. One of his business rules was to have each customer's phone call directly transferred to him, even his secretary cannot prevent that. See Ibid.

¹⁷ Lawrence Van Gelder, "Low-Key, High-Fidelity Donor," *New York Times*, 21 September 1973, 50.

I kept coming back to the realization that I owed something to music ... It all came out of the world of music and some of it should go back as a repayment of a personal debt, you might say, but also as a civic responsibility.¹⁸

In June 1973, Fisher and his representative met with Ames for the first time to convey his purpose: that he wanted to make a substantial gift to Lincoln Center in the form of an endowment.¹⁹

On 7 September 1973, Fisher issued an official offering letter to the Lincoln Center Executive Committee for approval. In the letter he stated clearly that the gifts were to be known as the Avery Fisher Fund, and should be held, invested, reinvested and managed by Lincoln Center as an endowment fund in perpetuity.²⁰ Particularly, he wanted the income to be used for two distinct purposes:

- (A) One-fifth of such income shall be available annually to support the Avery Fisher Fellowship Awards Program, which will be established by the Center. The purpose of this program will be to provide an opportunity for gifted young musicians, selected by the Center and/or The New York Philharmonic Symphony Society and designated as Avery Fisher Fellows, to perform at the Center either individually or as soloists with the New York Philharmonic Orchestra or at other regular or special concerts. Funds provided under the Program could be used to provide financial awards or scholarships for such musicians, to pay all or a portion of the costs of special concerts at which such musicians perform to pay the travel expenses of conductors invited to attend concerts at which such musicians perform, and for other similar purposes.
- (B) Four-fifths of such income shall be available annually toward the cost of maintaining, operating and improving the Center's concert hall, which is now known as Philharmonic Hall and to be renamed, in perpetuity, Avery Fisher Hall. A major objective of mine in providing this financial support for the concert hall is to continue to enable the Center to make this hall available for concerts of the New York Philharmonic Orchestra and other musical

¹⁸ Fisher met his wife, Janet Cane, through a mutual friend after having attended a Philharmonic concert. They were married on 9 August 1940. Together, they had three children. See Lawrence Van Gelder, "Low-Key, High-Fidelity Donor," *New York Times*, 21 September 1973, 50.

¹⁹ Letter of John W. Mazzola to William Weissel, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

²⁰ Fisher specified that the receipts of this Fund should be allocated between income and principal in accordance with the provisions of New York law applicable to estates and trusts as in effect when such allocations are made. See offering letter of Avery Fisher to Amyas Ames, 7 September 1973, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

organizations at charges which, taking into account rising costs, will make it feasible to price tickets within the reach of broad segments of the public, including students. I understand that with the name change, "Avery Fisher Hall" will appear on tickets, brochures, program announcements and advertisements and the like, and I consent in perpetuity to such use.²¹

Fisher was different from other philanthropists in that he believed that the future of music lay in the hands of young artists, and it was this belief that led him to stipulate that twenty percent of his donation to Lincoln Center was to be used exclusively for cultivating and nourishing the careers of young American professional instrumental artists from around the country. He had the idea that the New York Philharmonic and Lincoln Center together could assist these exceptional performers in various ways to bring them before the public, conductors, orchestras, and professional managements from all parts of the country.

While the mission of the Avery Fisher Fellowship Program was to scour the country for talented young artists and help bring them into public view and appreciation, Fisher also expressed concerns over competitions and thus planned to avoid it:

In the sense that no one will be required to run the gauntlet of "contests," with glory for the winner and 'second place' scars for others who might very well be equally fine musicians. These kinds of risks are poison to a sensitive young artist and we propose to eliminate them.²²

Fisher planned to fulfill at least half of his entire pledge by 30 June 1974, and the remainder by 30 June 1979.²³ On 18 September 1973 the Lincoln Center Executive Committee unanimously voted to approve the terms of Fisher's offering letter and sent out a letter advising the New York Philharmonic's board of directors of the action they

²¹ Offering letter of Avery Fisher to Amyas Ames, 7 September 1973, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

²² Remarks of Avery Fisher, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

²³ The entire amount of his gift was not disclosed. See offering letter of Avery Fisher to Amyas Ames, 7 September 1973, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

had taken; they offered to use eighty percent of the income from the Fisher gift to reduce the total Philharmonic Hall deficit before division of the balance between the Philharmonic-Symphony Society and Lincoln Center in accordance with the existing contract between the two organizations. Moreover, Lincoln Center requested that the Society provide an official approval letter in regards to changing the name of the hall to Avery Fisher Hall, in honor of Fisher and in appreciation of his generosity.

After some careful discussions of the subject and on a motion duly made and seconded, the Society board unanimously approved Lincoln Center's action in accepting Fisher's offer. Furthermore on a second motion duly made and seconded, the board accepted Lincoln Center's proposal to use eighty percent of the income of the donation to reduce Philharmonic Hall's deficit and specifically approved the change of the name of the hall to Avery Fisher Hall.²⁴

On 20 September 1973, a news conference was held in the lobby of the 2,836-seat, newly renamed Avery Fisher Hall. When asked why he had chosen Philharmonic Hall to be the beneficiary of his millions of dollars, Fisher stated that his main objective in providing the financial support for the concert hall was to allow more performances by the New York Philharmonic, as well as other musical organizations, at a reasonable rate despite rising costs, and hopefully to encourage the presentation of more music in New York City. Fisher added that his interest in music, both as an instrumentalist and as a concert-attendee, had been life-long, and that his donation to Lincoln Center was repayment in part of his personal debt to those who make music for the pleasure of the general public: "I owe it all to live music and live musicians. They made everything

²⁴ Minutes of the Board of directors' meeting, 19 September 1973, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

possible for me.”²⁵ According to Fisher, his decision to establish an endowment for Lincoln Center had the full support of his immediately family: “They found it mindboggling. They all flipped. They were stunned, overwhelmed, and proud.”²⁶ Though he felt that the major gift did not mean as much to him as he expected it to mean to his family, especially his son (“I want him to have something to chin on in his career”),²⁷ he stated, simply: “I have always been a musician at heart, not a manufacturer. My heart has been with live music. That’s the source, the fountain, of music.”²⁸

In response to Fisher’s statement, Ames said that since he entered the arts business, he had seen the rise of extreme crises, and understood that the existing threat of rising inflation might reduce the finest art organizations to mediocrity:

In order to give full recognition to the importance of his gift, let me point out that, in place of this happy announcement might have come disclosures of forced cutbacks, of higher rentals and less music in the city. We have dramatic testimony to the unbearable burdens being placed on the arts at Lincoln Center in the dangerous financial troubles of the constituents and in the cutbacks of park concerts by the Metropolitan Opera. Avery Fisher’s gift, lifting a part of the heavy cost burdens at Avery Fisher Hall, places fresh emphasis on the importance of private support for the arts and I deeply hope that his leadership will cause others to come forward to help the arts companies of Lincoln Center and of the State.²⁹

Although the size of Fisher’s gift was kept undisclosed, Ames said that about \$500,000 would be used to support the hall’s annual operational expenses: window washing, security, electricity, etc.³⁰ According to Ames, the New York Philharmonic shared about forty percent of the deficit of the hall based on its proportional use of the hall, and that

²⁵ Donal Henahan, “Philharmonic Hall Gets Gift of \$8-Million,” *New York Times*, 21 September 1973, 1.

²⁶ Lawrence Van Gelder, “Low-Key, High-Fidelity Donor,” *New York Times*, 21 September 1973, 50.

²⁷ Ibid.

²⁸ Donal Henahan, “Philharmonic Hall Gets Gift of \$8-Million,” *New York Times*, 21 September 1973, 1.

²⁹ Information sheets of John O’Keefe and Joseph McKaughn, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

³⁰ Informed sources had estimated the overall gift to be \$8 million to \$10 million. See Donal Henahan, “Philharmonic Hall Gets Gift of \$8-Million,” *New York Times*, 21 September 1973, 1.

the income from the gift would also help the Philharmonic by substantially decreasing its share of deficit.

What Ames did not—and perhaps did not want to—mention was that the hall had a long history of acoustical troubles and necessary renovations since opening in 1962, and that quite possibly some or even most of Fisher’s donation would have to be spent towards additional hall renovations. When the New York Philharmonic first moved to Lincoln Center from Carnegie Hall, Philharmonic Hall had been promoted as a venue with not only plenty of comfort and amenities, but also immaculate sound. But at the hall’s opening gala concert, which featured the New York Philharmonic under the baton of Leonard Bernstein, it immediately became clear that the hall was less than acceptable acoustically. One of the critical issues was the sound on the stage itself: the musicians constantly complained about not having enough bass and clarity, and more importantly, about not being able to hear each other well enough on stage. Conductors were hesitant to commend on the tonal quality of the hall, and audience’s perception was that the distance between performers and audience was too far apart, which then weakened the impact of the music. George Szell, who was present at the hall’s tuning week in 1962, even said: “Tear it down and start over.”³¹

The management of Lincoln Center was well aware of the acoustical problems, and subsequently spent a total of about \$2 million in attempts to correct the acoustical deficiencies of the hall during the summers of 1963, 1964, 1965, and 1969.³² None of these attempts did much to correct the problems, and the sense of disappointment within

³¹ Harold C. Schonberg, “Lincoln Center to Gut Fisher Hall and Start Afresh: Lincoln Center to Gut fisher Hall and Start Afresh,” *New York Times*, 26 March 1975, 85.

³² Under Keiholz’s direction, the acoustical clouds above the stage were removed, a ceiling was put in, and wooden objects were installed on the sidewalls. See Harold C. Schonberg, “An ‘Era’ Ending for Fisher Hall: ‘Era’ Ends With Fisher Hall Renovation,” *New York Times*, 17 May 1976, 59.

the organization grew larger with each successive attempt. The Philharmonic's management, on the other hand, expressed a different attitude towards the hall: they felt that the overall negativity concerning the acoustics of the hall could very well be an exaggeration: "insisting on perfection when in all truth Fisher Hall is a perfectly adequate installation."³³ When Fisher revealed that as he proposed to give large funding to the hall, he was invited by Lincoln Center to join a committee to restudy the acoustical problems of the hall. And he echoed the Philharmonic management's opinion:

Many of the comments about the hall made today are unjustified, ... much of the chitchat is like the stories about U.F.O.'s mass hysteria, almost. It's like athlete's foot, the way it spreads from toe to toe, from cocktail party to cocktail party, and gets all out of proportion.

No one has to apologize for the present state of the hall, ... though it might be made better—we'll be looking into that—it is a very fine hall now. What needs to be done, if anything, can be done easily, and I've met nobody associated with the place who isn't flexible about that.³⁴

Fisher was of course known for his genius in making improvements to high quality sound: it had been his career and his passion. And even though the hall that now bore his name was frequently being criticized by the musicians who played in it, Fisher seemed to remain optimistic about and even somewhat content about the hall's acoustical condition.

The *New York Times* had reported evidence showing that musicians with highly trained ears were not necessarily the best for judging sound. They tended to listen with their brains instead of their ears: "They know the music so well that listening often becomes an intellectual rather than an aural experience."³⁵ Even though the Philharmonic management consulted the musicians each time there was a plan to acoustically renovate the hall, the Philharmonic musicians felt that their recommendations were always

³³ Harold C. Schonberg, "The Curse Of Fisher Hall's Acoustics," *New York Times*, 13 October 1974, 175.

³⁴ Donal Henahan, "Philharmonic Hall Gets Gift of \$8-Million," *New York Times*, 21 September 1973, 1.

³⁵ Ibid.

neglected. For them, to spend such large amounts of money on acoustical alterations and experiments without addressing their concerns, was a travesty.

What the musicians of the Philharmonic found absurd during the fall of 1973 was that while they were in the midst of extremely challenging contract negotiations—and as their management was repeatedly declaring financial hardship—an unusually large donation that would directly alleviate the Society's financial situation was publicly announced, and on the very same day as their contract expired. To make the matter worse, Amyas Ames, who served as chairman of the board of both the Lincoln Center and the Philharmonic Society, left on vacation to Italy within hours of the orchestra's decision to continue playing and negotiating, once its contract had expired. In so doing, Ames left the orchestra in a state of complete puzzlement and anguish.

Ames was an investment banker who loved the arts and devoted much of his time to performing arts management. His association with the orchestra began in 1955 when he was elected board member of the Philharmonic; he became president of the board eight years later, and in 1970 became chairman of the board, a post of which he held for sixteen years. At the same time, he succeeded John D. Rockefeller III as chairman of the board of the Lincoln Center Corporation, taking the reins of Lincoln Center at a time when there were desperate crises in the management of arts organizations to be dealt with. He told the *New York Times* on the occasion of his Lincoln Center appointment: "I didn't want to follow the straight-business route. I wanted to phase out early." He went on to explain that he wanted to try to help "tie the performing arts into political developments, into the fight to improve the quality of life, the quality of the environment

in our cities.³⁶ As soon as he took office at Lincoln Center, he encouraged all the constituents of Lincoln Center to take part in offering concerts with low-cost tickets in order to attract and develop a new audience. He believed that to create new concert audiences, it was crucial to shift the emphasis from sciences to the humanities in American schools.

Even before he took on additional responsibilities at Lincoln Center, Ames was already concerned about the loss of interest in classical music, not only in New York City but in the rest of the country, and he became actively involved in advocating the importance of governmental subsidies for the nation's symphony orchestras. In "The Silent Spring of Our Symphonies," he stated:

We can kill music by starving our orchestras, leaving our cities dreary places indeed. We can surround our cities with great traffic interchanges that cost \$25 to \$50 million apiece and not realize until it is too late that, for a fraction of that cost of a small one of these, we are depriving our people committing them to lives without music.³⁷

In November 1969,³⁸ when 137 presidents, board chairmen, and managers from seventy-seven principal orchestras across the United States were invited by the nation's "Big Five" orchestras³⁹ to Philharmonic Hall in New York City for a two-day conference to discuss their common dilemma, Ames was chosen as chairman of the group "Committee-of-the-Whole."⁴⁰ Together, they carefully examined their operating problems and created a statement to present to the Congress. For the first time in American history, a request was made to the Federal Government to come to the aid of

³⁶ Harold C. Schonberg, "Ames to Be Chairman at Lincoln Center When J.D. Rockefeller Retires in May," *New York Times*, 8 April 1970, 37.

³⁷ Amyas Ames, "The Silent Spring of Our Symphonies," *The Saturday Review* (28 February 1970): 81-82.

³⁸ Shanet, *A History*, 386.

³⁹ The New York Philharmonic, the Boston Symphony Orchestra, the Chicago Symphony Orchestra, the Cleveland Orchestra, and the Philadelphia Orchestra.

⁴⁰ Shanet, *A History*, 387.

the nation's orchestras in meeting their deficits. In their statement, they emphasized the significance of American symphony orchestras, which consisted of approximately fourteen hundred different organizations serving a total audience of more than twenty million men, women, and children, who attended on average more than eleven thousand concerts per year.⁴¹ They pointed out that the American orchestras had greatly expanded their efforts in public and educational services throughout their communities despite the lack of financial support.⁴² They also provided operating figures of the ninety orchestras, showing that the anticipated total expenses increased from \$28,820,500 in 1963 to \$87,090,000 in 1972 with a cash loss of from \$169,800 in 1963 to \$13,222,000 in 1972.⁴³

Ames said that inflation was evident in these dramatic figures:

Corporations can and do raise prices as wage rise; the government increases taxes to pay the inflating costs for everything it buys. Orchestras cannot raise prices and find the very foundation of their support—the generous giving of individuals—undermined by the effect of rising taxes and prices.⁴⁴

While Ames had clearly shown his devotion to the performing arts, and more specifically, to the nation's symphony orchestras as a whole, the musicians of the Philharmonic had conflicted feelings about him. They felt that Ames was just not able to empathize with a musician's struggle to make a living, or even to dedicate himself entirely to the day-to-day running of the orchestra. Perhaps it was because of his dual leadership in two major institutions that had been always so tightly associated with one another—the Philharmonic and Lincoln Center—that kept him separate from the

⁴¹ Amyas Ames, "The Silent Spring of Our Symphonies," *The Saturday Review*, 28 February 1970, 81-82.

⁴² "Without help from [the] government, music and the performing arts in this country will wither." See *Ibid.*

⁴³ *Ibid.*

⁴⁴ *Ibid.*

musicians. To the musicians of the orchestra, Ames was neither reachable nor interested in their problems and needs.

When Ames became chairman of the board in 1970, the Philharmonic underwent a series of administrative changes, the most important of which was the appointment of Carlos Moseley as President. Moseley, who had been the managing director since 1961, would succeed Ames as President and became the first salaried professional full time president of any American orchestra. His position was described by Ames as “an administrative necessity,” shifting Moseley’s focus from administrative obligations to the long-term development of the New York Philharmonic: “its musical functions, its activity, its widening relationship in the community, its growing financial needs, its appeal for government support.”⁴⁵

Moseley was a native of South Carolina who first came to the Philharmonic in 1955 as director of press and public relations. He was himself a musician who had performed four concerts with the Philharmonic as one of the three soloists in Bach’s C major concerto for three pianos in December 1959,⁴⁶ sharing the stage with two other pianists, Leonard Bernstein and David M. Keiser (former chairman and president of the Philharmonic).⁴⁷ Since 1961, Moseley had played a significant role in various developments in the Philharmonic. Under his supervision, the Philharmonic increased its musicians’ contract from thirty-six to fifty-two weeks, relocated from Carnegie Hall to Lincoln Center, started giving free summer park concerts throughout parks in the city, renovated Philharmonic Hall a number of times, and formed the Philharmonic radio

⁴⁵ “Philharmonic Gets Full-Time President,” *New York Times*, 5 March 1970. 42.

⁴⁶ BWV 1064; since the 20th century, pianos have often been used to perform Bach’s harpsichord concerts.

⁴⁷ New York Philharmonic Concert program, 17 December 1959. <http://archives.nyphil.org>. Accessed 1 November 2014.

network. While Moseley was always a tough negotiator and evidently thought that musicians' salaries should be kept low, he truly believed that having a fifty-two week season was better for the lives of the musicians in the orchestra than a thirty-six week season. He had good relationships with the players of the orchestra and was, in fact, the only person the musicians trusted. He was liked and was often thought of as a gentleman who had a charming Southern manner. Orin O'Brien,⁴⁸ for instance, has described him as soft-spoken and non-confrontational, and has indicated that he seemed to want to do "best" for the orchestra and for the organization. She added that Moseley was always cordial and polite when meeting with the members of the orchestra: "He chaired the meetings with dignity, and never used harsh words or gave out negative vibe."⁴⁹

The board also appointed Helen M. Thompson, the chief executive of the American Symphony Orchestra league, as its new managing director, making Thompson the first woman ever to manage a major American orchestra.⁵⁰ Before coming to the Philharmonic, Thompson held a position as manager of the Charleston Symphony Orchestra in 1940, and then moved on to become chief staff executive of the American Symphony Orchestra League in 1950. For twenty years, she helped to build the league in size and influence while American orchestras were expanding and improving in quality. The *New York Times* once called her "one of the foremost arts lobbyists in the country".⁵¹

In 1970, she became manager of the Philharmonic, though she stayed at the post for only three years. She was criticized for being unsuitable to head an organization of the size and type of the New York Philharmonic, given that she had never managed a major

⁴⁸ Orin O'Brien was hired by Leonard Bernstein in 1966 as the first woman ever to join the New York Philharmonic in its history. Currently, she is in her forty-sixth season with the Philharmonic.

⁴⁹ Orin O'Brien, interviewed by Kuan Cheng Lu, April 2014.

⁵⁰ "Philharmonic Gets Full-Time President," *New York Times*, 5 March 1970. 42.

⁵¹ "Helen M. Thompson, 66, Dead," *New York Times*, 26 June 1974, 46.

American orchestra. It was believed that Carlos Moseley chose her to succeed him partly because she was a good friend of Catherine Filene Shouse, donor of Wolf Trap Farm National Park for the Performing Arts in the Washington D.C. area, in hopes that Mrs. Shouse would donate money to the New York Philharmonic. In September 1973, the manager of the London Symphony, Harold Lawrence,⁵² succeeded Thompson in the middle of the contract negotiations.

On 17 September 1973, when the musicians were first told that Moseley had had a heart attack and was unable to continue participating in the negotiations, they were not sure whether to believe the news, and tried to contact him, though without success. The general sentiment among the musicians was that Moseley was the only figure in the management they could—at the very least—relate to and that Ames was difficult even to talk to, much less negotiate with. And indeed, the negotiations without Moseley were noticeably more challenging. The musicians did not trust their management, and the two sides grew further and further apart.

At the eleventh negotiation meeting on 24 September 1973 the Society's lawyer, Martin Oppenheimer started out by urging the committee to accept their proposal and stated that the Fisher gift did not change the Philharmonic's situation and that it only reduced the expenses of the hall. He told the committee that he was aware that they want to be the best, but they could not be the best for every single benefit, because the lingering deficits would affect the Philharmonic's long-term financial situation. The union's lawyer, Victor Rabinowitz, requested that the management provide further information on the gift; he agreed that the details would not be published. He pointed out

⁵² Lawrence was the first American to manage a British symphony orchestra; he had been the manager of the London Symphony Orchestra since 1967. See "New Manager for Philharmonic," *New York Times*, 11 May 1973, 45.

that the Philharmonic's share of the hall's deficit was \$223,000, almost twice the amount of the total cost of fringe benefits.⁵³ The chairman of the orchestra committee, Lorin Bernsohn, mentioned that the Chicago Symphony's welfare was endowed, so with the Fisher gift relieving the hall deficits, the Philharmonic should be able to pay for their welfare. He also suspected that the \$8 to 10 million mentioned by the *New York Times* was not enough to change the name of the hall, and that the amount of the gift must have been greater than that sum. Rabinowitz told the management that with the public notice of the Fisher gift, the orchestra thought it was good time to strike. Oppenheimer, on the other hand, said that they did not want a fight in the press and would release information showing that their offer was fair.

A list was provided by the management of what New York Philharmonic musicians were paid in comparison to what the players of other major orchestras were paid during the 1972-73 season: for a weekly minimum scale that ranged from \$285 to \$330, the Philharmonic paid \$330; for per diem that ranged from \$25 to \$30, the Philharmonic paid \$28; for extra services that ranged from \$26 to \$32, the Philharmonic paid \$30; for concerts that ranged from \$35 to \$66, the Philharmonic paid \$66; for overtime per 15 minutes that ranged from \$3.25 to \$5.33, the Philharmonic paid \$5.⁵⁴ The meeting ended with no progress; both sides held firmly to their positions.

Negotiations continued on 25 September. Rabinowitz delivered the Orchestra's position on string sections' revolving seating plan:⁵⁵ they proposed that all string players except title chairs be rotated and given a \$15 raise the first year and \$25 for second. The

⁵³ Minutes of the committee, 24 September 1973, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

⁵⁴ Ibid.

⁵⁵ See footnote 45 of chapter two.

committee suggested that if the system failed after the first year, no one would drop back to minimum pay, and that the monies allocated for the second year should be applied to raises for the title chairs.⁵⁶ Oppenheimer countered that the management would only offer the title chairs a \$10 raise; all other rotating string players would remain at the status quo for the first year. If the rotation system was successful, they would give all rotating players a \$10 raise the second year while title chairs remained without an increase in salary. He also mentioned that they would only pay union scale rather than Philharmonic scale to substitute players unless they auditioned successfully.

The committee then left the meeting to play a concert. At its conclusion, a meeting with orchestra members was immediately held, with the recommendation that the orchestra strike. The musicians then voted unanimously to strike. Thereafter, all committees began to prepare for the strike, and the union endorsed and recommended the committee's recommendation.

⁵⁶ Minutes of the committee, 24 September 1973, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

Chapter Four: The Strike Begins

On the evening of 25 September 1973, shortly after that evening's performance, the one hundred and six musicians of the New York Philharmonic went on strike. It was apparent to them that negotiations between the Philharmonic-Society and Local 802 of the American Federation of Musicians had broken down and that no progress was being made. At noon the following day, when the musicians of the Philharmonic would ordinarily have been rehearsing on stage, they were instead forming picket lines outside Avery Fisher Hall.

In response to the strike, a representative of the Philharmonic Society announced that there was no choice but to cancel all performances until further notice. And because stagehands and other employees at Avery Fisher Hall had expressed a reluctance to cross the musicians' picket lines, there was the possibility that other events at the Hall might also have to be canceled as a result of the strike.

The Philharmonic musicians had last struck in 1961 when fighting for a year-round contract and for more involvement in the process of negotiating their contracts. That strike lasted one week. Twelve years later, they again found themselves on the picket line. The flyers they offered to any interested person explained why the decision to walk out was their only option:

The Society has deliberately provoked this strike by making a farce out of our efforts to play while talking. They really did not want a contract and they really did not want concerts.

The Society through its management has told the Orchestra that being the BEST is no longer important to them – and from this unprecedented shift in attitude and policy has flowed the stream of difficulties; i.e.: the unsupported pleas of poverty, the studied indifference to our needs.¹

¹ Flyer distributed by Pickets. Files collected by Orin O'Brien.

The musicians feared that the integrity of the Orchestra—its standards of excellence; and the competitiveness of its membership—would be lost if the Society would or could not improve upon the terms of the contract that had expired. Sol Greitzer,² who was the principal violist at the time, said that the strike had something to do with dignity:

I guess what we're doing has a lot to do with dignity; dignity as an artist and dignity as a man. We all love the Philharmonic. After all, it's our life, our livelihood, and it's a part of us."³

The musicians felt that the board of directors did not really understand what it took to be a member of the Orchestra, that, for the very few musicians fortunate enough to have the talent and ability needed to play in a world-class orchestra, a lifetime of study and countless hours of practice were necessary in order to be able to compete for—much less occupy—a seat in an orchestra like the New York Philharmonic. And primary among the reasons those few musicians who had both the talent and the drive to be members of the Philharmonic, and not some other orchestra, was the fact that they considered the New York Philharmonic to be the best orchestra in the nation.

They asked their music-loving public for support and loyalty, and to understand that the musician's goal was to keep the New York Philharmonic among the ranks of the world's best orchestras. They emphasized that with skyrocketing inflation and the management persistently trying to enforce a regressive and inadequate contract on its musicians, it would be impossible to do this, especially in a city like New York, where the cost of living was prohibitively high. Said one player: "the dollar simply buys less

² Sol Greitzer joined the New York Philharmonic in 1954; he was named principal violist by Pierre Boulez in 1972, and resigned from the Orchestra in 1985.

³ Michael Patterson, "The viola player who went out on strike," *Sunday News*, 7 October 1973, 92.

here than anywhere else.”⁴ And they expressed the belief that the Society’s latest offer looked to be one that was designed to be rejected by the orchestra and its union:

What self-respecting individual or union could consider a 3% increase let alone one that was coupled with an increase in workload? The Society’s wage offer is truly a cut in pay.⁵

The musicians pointed out that Philharmonic’s work schedule had always been one of the most demanding—perhaps the most demanding in the symphonic world—yet the management wanted to expand it: “they are offering us three percent and taking away six percent,” a representative from the union said.⁶

The orchestra’s committee revealed that during the contract that ran from 1970 to 1973, and which expired on 20 September 1973, they worked at least seventeen more rehearsals and five more concerts each year than the Chicago Symphony Orchestra. And when the Society offered them a matching minimum salary to that which the locked-out musicians of the Chicago Symphony had rejected, it included an additional four concerts with no additional payment. The musician’s union estimated that the value of the additional services would be more than \$20 per week for each musician.

The musicians tried to bring to the attention of their board of directors that the management had not even investigated requests that the musicians had proven relevant and necessary to their work, such as disability insurance, on the grounds that the management was not prepared to offer them anyway. And other requests of improved benefits were treated in the same fashion. The president of Local 802, Max Aarons, summed up the management’s negotiators at meetings in the following manner: “It

⁴ New York Philharmonic Orchestra Committee.

⁵ Flyer distributed by Pickets, 26 September 1973. Files collected by Orin O’Brien.

⁶ Dick Belsky, “Philharmonic Strike Continues,” *New York Post*, 27 September 1973.

doesn't require much labor statesmanship to sit at a bargaining table and say 'no' to every item up for negotiation.”⁷

While the public seemed sympathetic to the musicians' point of view, the *New York Times*, in an editorial of 28 September, questioned the musicians' motivation and their ultimate goal:

“The 3 per cent prestrike pay offer by the Philharmonic is clearly less than its musicians have a right to demand, both on the basis of comparability and of skyrocketing living costs. But if they push their settlement price into the stratosphere simply because Mr. Fisher's generosity has inflated their expectations, the sole effect will be to discourage other public-spirited citizens from coming to the aid of the arts.”⁸

Lorin Bernsohn, chairman of the orchestra committee, immediately sent a letter to the editor, saying that the *Times* had been “duped into playing the Society's game,” and had falsely implied that the musicians were motivated by greed, which he described as “a gross distortion and a grave injustice to the 106 artists whose only desire is to continue performing without interruption for its devoted audience.”⁹

The musician's argument was that the committee had submitted their proposal to the Society in mid-June, long before there was any inkling of such a major donation, and that their proposal was reasonably based upon their needs, working conditions, and benefits deserved. They also pointed out that the *New York Times* had not mentioned the management's demand for a heavier performance schedule, its proposals of actual cuts in several fringe areas, as well as its refusal to offer improvements in its inadequate health, welfare, and pension programs. They believed that the orchestra was therefore obligated

⁷ Max Aarons, “Discord at the Philharmonic,” *Allegro*, October 1973, 3.

⁸ “Inflated Expectations,” *New York Times*, 28 September 1973, 32.

⁹ Lorin Bernsohn, “Philharmonic Strike,” *New York Times*, 29 September 1973.

to lead a more progressive stand and to come forth with more realistic terms for their consideration.

To help the general public better understand the difficult situation behind the work stoppage, the musicians raised a number of key questions of the Society's management: They asked several questions: why didn't the New York Philharmonic Society tell them how much money it raises and what its sources are? Why didn't the Society give them detailed information concerning its assets and expenditures? How could the Society expect them to believe its pleas of poverty while telling them that the answers to the above questions are none of their business? Why had the Society chosen to announce the Avery Fisher gift the day their contract expired? Why were details of the amount and distribution of the Avery Fisher gift kept from them and what did the Society have to hide? And what board chairman would leave on a vacation to Italy within hours of his orchestra's decision to continue playing and negotiating, after its contract had expired?¹⁰

According to the musicians, the first hint of the Fisher donation came about the week before their contract expired, and was communicated by their personnel manager at the time, James Chambers.¹¹ He told them that there was some speculation about a large donation by someone to the orchestra, and that it would solve some of the financial problems, so the musicians did not have to worry. He said that the new contract would be better: improved health care, pension, and probably salary as well.

The musicians, however, were soon to be shocked by Amyas Ames' speech during the announcement of Fisher's gift:

¹⁰ Flyer distributed by Pickets. Files collected by Orin O'Brien.

¹¹ He was also the esteemed former principal French horn in the New York Philharmonic.

Mr. Fisher's grant, which one observer of the fund-raising scene termed "a pretty sophisticated kind of gift," would help the hall pay for such mundane expenses as window washing, security, electricity, and the like.¹²

As the musicians understood it, Ames had said that not one penny of the Fisher gift would go to them. Understandably, their reaction was shock and outrage. Even *Time* magazine commented upon the situation:

The bequest was announced at the most critical stage of the New York Philharmonic's labor talks, and since none of the money was for wages, it must have struck many a fiddler or trumpeter as a colossal case of bad timing.¹³

Orin O'Brien, a member of the orchestra since 1966, has described the changes that began to occur almost immediately following the announcement: "Already the name 'Philharmonic Hall' was being scraped off of the doors and other areas of the Hall."¹⁴ Players from the orchestra who had played chamber music with Fisher in his home found the sudden change from "Philharmonic" to "Avery Fisher" Hall especially hard to believe: to them, he had always seemed to be a very modest man.¹⁵

Fisher himself, however, told the *New York Post* in an interview that it was a big surprise that Lincoln Center had changed the name of the hall for him; he explicitly said that the idea to rename the hall was not his: "I will be very honest with you, I did not want the name. The idea was theirs."¹⁶

Meanwhile, the musicians took it as a direct insult that Ames was scheduled to leave for a lengthy vacation to Italy just hours after the orchestra's last contract had

¹² Donal Henahan, "Philharmonic Hall Gets Gift of \$8-Million," *New York Times*, 21 September 1973, 1.

¹³ "Sad Song," *Time*, 8 October 1973, Vol. 102 Issue 15: 76.

¹⁴ Orin O'Brien, interviewed by Kuan Cheng Lu, April, 2014.

¹⁵ Ibid.

¹⁶ Jerry Tallmer, "It Was Their Idea," *New York Post*, 6 October 1973, 22.

expired: “He did not seem to care about the effect of his pronouncement on the orchestra on the eve of negotiations for the new contract,” said O’Brien.¹⁷

The musicians viewed Ames’ departure to Italy as an act of hubris, one that typified the arrogance of the Society’s management. And their conclusion was that if Ames did not care that their contract was up and would not stay to negotiate, then perhaps a work stoppage was indeed desired by the management. The management, moreover, clearly understood that a strike was likely: they were informed on 21 September 1973, that the musicians had voted 97 to 0 to strike.¹⁸ They decided to continue negotiations and to perform under the threat of a strike vote.

As soon as the strike began, New York City mayor John V. Lindsay expressed his concern and asked Vincent D. McDonnell, chairman of the State Mediation board, to enter the dispute. McDonnell immediately set up meetings to confer with negotiators from both sides in an effort to end the strike. During a meeting at the State Mediation Office on 27 September 1973 members of the committee defended their position by giving a lengthy presentation pointing out areas in which they were equal and inferior to the Chicago Symphony Orchestra. For example, the Society’s proposal contained no provision for seniority pay while the expired Chicago contract included such a provision at an average of \$6.70 per musician per week. And while the expired Chicago contract provided \$25,000 of life insurance at no cost to each of its musicians, the Society provided only \$11,000 of insurance, to which each musician had to contribute \$5000. The Chicago Symphony Orchestra Association provided for a comprehensive medical and

¹⁷ Orin O’Brien interviewed by Kuan Cheng Lu, April 2014.

¹⁸ By secret ballot, 97 members of the Orchestra were in favor of the committee’s recommendation, 0 against, 8 absent, and 1 abstention. The time for strike was to be decided by the negotiating committee in consultation with the orchestra. *See minutes of the committee, 20 September 1973, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.*

dental insurance program featuring a maximum Major Medical Insurance benefit of \$50,000 while the Philharmonic Society's inferior program provided only \$10,000 of that benefit, and lacked a dental insurance program, which had been terminated in the middle of the 1972-1973 season because it was insufficiently funded. Moreover, while the Chicago contract provided specially designed disability insurance, suitable for a musician who could be vulnerable to the kind of accident or illness that was not disabling to the average person, but severe enough to shorten his or her career, the Philharmonic had overlooked this important need. According to the committee, the total difference in cost between the Chicago Symphony's health and welfare plan and the Philharmonic's plan was about \$40,000 every year, or just under \$7.50 per musician per week. They went on to mention that the musicians of the Chicago Symphony had already rejected a pension proposal that was far more substantial than theirs.

The management's lawyer, Martin Oppenheimer, responded that the committee had cited the Chicago contract too often, that the conditions between the two cities were not the same, and that the Chicago Symphony Orchestra should be compared in the context of the five major orchestras.¹⁹ He added that because New York was a major musical city, the musicians of the Philharmonic had opportunities, such as teaching, additional television appearances, recording fees, and other musical activities. He then noted that each Philharmonic musician had \$1000 in recording and television guarantee pay each year, while the musicians of the Chicago and Cleveland Orchestras had none, and those of the Philadelphia Orchestra were guaranteed \$2000 each.²⁰ He added that,

¹⁹ Boston, Chicago, Cleveland, New York, and Philadelphia were considered the five major American orchestras at that time.

²⁰ Minutes of the State Mediation meeting, 27 September 1973, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

notwithstanding Fisher's gift, financial difficulties would continue to plague the Society in the coming years, but that its economic position would not keep it from giving a wage increase despite deficits.

The mediation session, unfortunately, but not surprisingly, did not bring the two sides closer. It did, however, result in one agreement that was to the musician's benefit: on behalf of Mayor Lindsay, McDonnell brought up the opening night gala of the New York Film Festival, scheduled for the following day—28 September. He said that the annual event had proven to be a very important fundraising opportunity for the Film Society of Lincoln Center, and that since the City and Lincoln Center both sponsored the festival, he requested the musicians to temporarily withdraw their picket lines in the spirit of cooperation on this auspicious occasion.²¹

The committee voted on the matter and agreed to suspend picketing so that the event might take place without interruption. For their willingness to do so, however, they placed the following demands upon the sponsors: that there would be no live music during the event; that leaflets would be handed out at the doors; that a spoken announcement would be made at the start of the evening's festivities; and that if possible, an insert explaining the musicians' position would be included in the program.²²

Almost every able Philharmonic musician actively participated in picket duty around Avery Fisher Hall. Each musician was assigned a three-hour shift every three days, and there were twelve musicians for each round of duty. Each day, the picket lines

²¹ Dick Belsky, "Philharmonic Strike Continues," *New York Post*, 27 September 1973.

²² The opening gala of the Film Festival of New York was the only event that the New York Philharmonic musicians granted permission to suspend their picketing activities. A rock concert that was scheduled to take place at Avery Fisher Hall on 30 September 1973 was cancelled, because the two performing groups, Dr. John, and Blues & Roots, refused to cross the Philharmonic musicians' picket lines. See "Rock Concert Canceled," *New York Times*, 1 October 1973, 46.

stayed active from 10 A.M. to 10 P.M.²³ Certain members of the orchestra who lived closer to the Hall volunteered to picket on a more frequent basis; some people apparently were there every single day. When asked about the general morale on the picket lines, O'Brien recalled that people passing by were generally understanding of the musician's circumstances, though unsurprisingly, there were also people that were discouraging and did not think the musicians deserve anything more than they already had. O'Brien (see figure 3) said that several times people asked her: "Why do you want to be paid? You love your work, that should be enough!" Certainly, the musicians were shocked by the incomprehension of people who apparently loved music but could not understand that a musician also needed to make a living. Eventually she came up with a response:

Well, I do love my work, but since Con Edison does not accept my playing the Koussevitzky Concerto to pay my bill, I do need to be paid actual money. If they would accept my playing as payment, then I would not need money. But they don't!²⁴

On 1 October 1973, there was an episode in which the renowned Greek composer, Miki Theodorakis²⁵ crossed the picket lines and entered Avery Fisher Hall for a press conference regarding his performance that night. Theodorakis stated that he was in solidarity with the Philharmonic musicians, and that he had arranged to have Bernsohn appear on stage with him at the start of the evening's concert to confirm that there were no union members in Theodorakis's ensemble. Bernsohn did so, and wished him well. Of the Philharmonic's strike, Theodorakis commented with a shrug, "I have been trying for years to perform in America. Now the first time I am here there is a strike. I must play. It

²³ Orin O'Brien, interviewed by Kuan Cheng Lu, April 2014.

²⁴ Ibid.

²⁵ He is Greece's best known living composer, whose popular music was banned by his country's military junta.

is what I must do.” He said that he would not let his determination to freely perform his works be weakened either by the junta or the striking musicians: “In Greece, the picket line is forbidden.”²⁶

Figure 3: Philharmonic bassist Orin O’Brien and Philharmonic fourth horn Aubrey Facenda picketing outside Avery Fisher Hall at Lincoln Center.



A week into the strike, the two sides were growing even further apart, despite the ongoing mediation sessions. At a State Mediation meeting chaired by James McFadden on 2 October 1973,²⁷ Oppenheimer summarized the Philharmonic board’s point of view,

²⁶ Fred Ferretti, “Theodorakis Crosses the Picket Line But Asserts His Unity With Musicians,” *New York Times*, 2 October 1973, 55.

²⁷ McFadden was a special State Mediator, who founded the Manpower Education Institute. He was asked in by Vincent McDonnell to assist him with the Philharmonic’s contract dispute. See minutes of the State Mediation meeting, 27 September 1973, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

and stated that the Trustees and Directors did not want to compare the New York Philharmonic with the Chicago Symphony Orchestra, simply because the two orchestras had very different circumstances. The Chicago Symphony Orchestra

Association rented its orchestra out for the summer weeks; the Hall costs in Chicago were \$200,000 less than Avery Fisher Hall, not to mention that the Philharmonic had been sharing the Hall's deficit with Lincoln Center on top of the regular rental costs; Chicago had far less cultural competition (top price seat was \$12 in Chicago and \$9 in the Philharmonic); Chicago had \$2.5 million of welfare endowment; and there was better fundraising in Chicago because of less cultural competition (i.e., fewer organizations asking for money).²⁸ Oppenheimer said that the board had indicated very strongly that they would rather not have concerts than sign a contract that was financially irresponsible.

Victor Rabinowitz, the union's lawyer, responded by saying that the board should resign. It seemed to the musicians that the board was incapable of running the organization, and that the Society should get new board that could fulfill its public service. He also added: "We want to have full disclosure of the Philharmonic costs and the Fisher bequest."²⁹ Oppenheimer quickly responded that the orchestra should resign, and let the Philharmonic hire other players. He said that the Trustees did not get paid, and that their public responsibility was not to simply give the orchestra the demands it made, especially if those demands were financially irresponsible.

Bernsohn turned the topic to the Fisher bequest and said that the orchestra questioned why the building was more important than the musicians in it—in other

²⁸ Minutes of the State Mediation meeting, 2 October 1973, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

²⁹ Ibid.

words—why the money went to the landlord, Lincoln Center, and not to the Philharmonic. He said that the orchestra considered Ames’ loyalties to be divided between the New York Philharmonic, Lincoln Center, and other arts partnerships. He added that they would find out if Fisher really meant the gift to go to Lincoln Center instead of the Philharmonic, saying: “We feel we have been left out.”³⁰

At this point, McFadden asked the representatives of the to break temporarily so that he could speak with the union and the committee in private. When they were alone, he pointed to the considerable—and still widening gap—between the two parties, and warned that both parties must not be so damaged and injured that they could no longer live together. It was then agreed that no future meetings would be scheduled until both parties could draft new and constructive measures with the intent of reaching an agreement.

When approached by the press, McDonnell said that he foresaw a long strike, noting that the union continued to have a multitude of demands, and the management had refused to make a counter-offer because the union’s demands had not been reduced: “They are worlds apart, and it looks like a long strike, ... I see no prospect of an agreement.”³¹

Immediately following the meeting of 2 October 1973, the Philharmonic Society’s management sent a letter to its subscribers explaining its position. The letter stated that the Society had been able to increase the musicians’ salaries and benefits considerably since 1964, when the New York Philharmonic became the first orchestra in the United States to engage its musicians for a 52-week season every year: the minimum

³⁰ Minutes of the State Mediation meeting, 2 October 1973, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

³¹ Emanuel Perlmutter, “Music Mediator Sees Long Strike,” *New York Times*, 3 October 1973, 40.

scale player's total earnings and benefits through the Society rose from \$14,004 in 1964 to \$23,481 in 1973; and more specifically, between 1970 and 1973 alone, the minimum scale player's earnings and fringe benefits rose from \$18,872 to \$23,481. Management added that in order to increase the musicians' paid vacations and to reduce their workload under the contract that expired on 20 September 1973, the Society had twenty-eight fewer rehearsals and twelve fewer concerts per year than in 1964.³²

The letter also addressed the dispute over the gift from Avery Fisher. It said that the gift had been widely misunderstood, and stated that the gift was made to Lincoln Center, not to the Philharmonic.

None of this fund can be used by the New York Philharmonic for its regular operating expenses. If it were certain that costs to operate and maintain the hall over the next decade would remain at existing levels, the Philharmonic would receive some benefits from the gift since it shares in the deficit of Avery Fisher Hall. But since the gift may not be completed for some years, any advantage to the Philharmonic might only be at a distant date.³³

The purpose of the letter was to inform subscribers that the Philharmonic was in a serious financial crisis. Despite earned income, income from investments, contributions, special gifts and grants, the combined net deficit for the 1971-72 and 1972-73 seasons was reported to exceed \$550,000, which had forced the Society to use the last of its available reserve for operating expenses: "This is a new and dangerous financial situation and if continued would put the Philharmonic out of business."³⁴

The Society also explained that the union's demands for a reduced workweek, an increase in salary, and additional fringe benefits, would drive up operating costs by more

³² Letter of the management to subscribers, 2 October 1973, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

³³ Ibid.

³⁴ Ibid.

than \$1.7 million over the three years (1973-76),³⁵ and that it was impossible to agree to such demands. The Society nevertheless said they would make every possible effort to reach an agreement with the union, in accordance with the Philharmonic's financial responsibility.

Two days later (4 October 1973), the Local 802 held a press conference in its headquarters to apprise the news media of the state of the negotiations with the Society. Rabinowitz reported that the mediation sessions had broken down and no further meetings had been scheduled, though they had assured the mediators of their willingness to meet at anytime that they felt talks would be fruitful. He said that while the Society's demands would result in an overall net loss for the musicians, the union had cut down its demands to "an all-inclusive package of wage and fringe benefit improvements that fall well within the federal guidelines."³⁶ Of the speculation about the impact of the Avery Fisher gift on the negotiations, he said that it appeared to them that "the channeling of the Avery Fisher funds to Lincoln Center was primarily a bookkeeping device," because of the tight connection and joint leadership of the Philharmonic Society and Lincoln Center:

It seems incredible, in the light of the Society's pleas of poverty, that these monies, given by a gentleman who is a live music enthusiast, whose first commercial product was named Philharmonic Radio, would be directed to the landlord rather than to the Orchestra.³⁷

Rabinowitz added that the Chicago and Denver Symphonies had been locked out, that the New York City Opera had just resumed operations after a lengthy strike, and that the Metropolitan Opera had revealed wide-ranging reductions. He said the timing of these crises seemed less of a coincidence, and more part of a well organized scheme:

³⁵ Letter of the management to subscribers, 2 October 1973, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

³⁶ Statement of Local 802 to the media, 4 October 1973. Files collected by Orin O'Brien.

³⁷ Ibid.

To forcefully seek increased private and governmental aid is necessary and certainly legitimate. However, to dramatize the symphony associations' plight at the expense of the music-loving public and its artists is unconscionable, irresponsible and patently immoral.³⁸

When approached by the *New York Times* regarding the union's statement, Harold Lawrence, the new manager of the Philharmonic Society, said that they had not been told of any revised union demands, and that certainly those demands now on the table did not fall within the Federal guidelines. He also said that the Society's offer was much more substantial than as described by the union at its press conference.³⁹ On 9 October 1973, following a week without any negotiations, McFadden met with the two parties again in the hope the dispute could be settled in time for the Philharmonic's school concert, scheduled to take place on 15 October. According to committee member Newton Mansfield,⁴⁰ the five-member committee had gradually split in two as the strike continued: three members (Lorin Bernsohn, Ranier DeIntinis and Newton Mansfield) were leaning more towards making concessions in order to reach an agreement while two other members (Jon Deak and Gino Sambuco) insisted that the management agree on the Chicago deal or there would be no deal. For this meeting only, Bernsohn, DeIntinis, and Mansfield⁴¹ asked their former lawyer, I. Philip Sipser,⁴² to join them in the hopes that he could find some way forward through these difficult negotiations. Sipser, a lawyer who had been a longtime negotiator for symphony and opera musicians in New York, and who had effectively negotiated for the Philharmonic musicians during the two previous contracts, was reluctant to take the reins from Rabinowitz (who was an associate and a

³⁸ Statement of Local 802 to the media, 4 October 1973. Files collected by Orin O'Brien.

³⁹ "Lawyer for Striking Musicians Reports Reduction of Demands," *New York Times*, 5 October 1973, 19.

⁴⁰ Violinist Newton Mansfield joined the New York Philharmonic in 1961.

⁴¹ Lorin Bernsohn, Ranier DeIntinis and Newton Mansfield.

⁴² Sipser had successfully helped the musicians with their contract negotiations, including their 52-week season, paid vacations, pension and health insurance package, etc. Newton Mansfield, interviewed by Kuan Cheng Lu, 9 April 2012.

friend of his), and told the committee that he would only work with the musicians unofficially. At the end of the meeting, yet again, no progress was made and no future meeting was scheduled.

On 14 October 1973, the musicians of the Chicago Symphony Orchestra ended a four-week strike when they agreed to a new three-year contract which included a \$60 weekly raise over three years that would pay a minimum weekly scale of \$380 in the third year, plus improvements to fringe benefits. The following day, the two sides in the New York Philharmonic negotiations returned to the bargaining table with their mediators. Management started out by putting an offer on the table that included a \$35 weekly raise over three years, plus some increases in pension and welfare, but with no dollar amount attached in proportion to salary. They said that they could not offer the wage increase and additional benefits that the Chicago Symphony Association had given to its musicians.

The musician's committee immediately rejected the offer, saying that it was inferior the Chicago settlement. The musicians insisted that their contract should at least match those won by the members of the Chicago Symphony Orchestra, and that the higher cost of living in New York justified maintaining such differential. The meeting ended, and the strike, which was now into its third week, continued.

According to the *New York Times*, Ames called the musicians' demand for parity as "a travesty of logic." And Oppenheimer firmly believed that the Society must not allow the Philharmonic's contract to be dictated by that of another orchestra. "The Chicago orchestra is one of only two major musical organizations in that city."⁴³

⁴³ Donal Henahan, "Why Philharmonic Strike Drags On," *New York Times*, 24 October 1973, 42.

Sipser, on the other hand, had suspicions that the Society was in league with other American orchestras:

I think they and officials of the Chicago Symphony and the Denver Symphony [where another lockout had occurred] contracted in blood to each other to show the union that they must fight for every nickel. Maybe I'm getting paranoid, but I don't think so."

And Philharmonic violist Ralph Mendelson⁴⁴ echoed Sipser's suspicions:

We're absolutely convinced the management wanted a strike here, and wanted those lockouts, to dramatize the Orchestra's failure to get government funds. [Their goal was] to beat the Philharmonic down, the way they did the Cleveland Orchestra four years ago. It would be a feather in Amyas Ames's cap with the orchestra board chairmen around the country.⁴⁵

The Society dismissed these accusations as nonsense. Ames, while acknowledging that he and other symphony officials did carry on an exchange regarding their mutual managerial difficulties, noted the musicians had done precisely the same by talking about contract strategy and goals on a regular basis with the ICSOM.

Oppenheimer described the theory of intercity conspiracy as "totally absurd and totally unfounded," and pointed to the Chicago contract, in which the Orchestra had settled for a substantial increase in minimum salaries, as clearly exploding what he called "the conspiracy doctrine."⁴⁶ And Lawrence, pointing to the National Endowment for the Arts, which was withholding a grant to the Philharmonic pending resolution of the strike, said that *that* should counter the union's argument about the strike being a scheme to lure money out of the government.

While both sides stood firm on the issue of Chicago, there remained the issue of the Fisher bequest. The musicians felt that the management had never clearly responded

⁴⁴ He was a violist in the New York Philharmonic for twenty-six years, and served as chairman of the International Conference of Symphony and Opera Musicians (hereafter ICSOM) from 1970 to 1974.

⁴⁵ Donal Henahan, "Why Philharmonic Strike Drags On," *New York Times*, 24 October 1973, 42.

⁴⁶ *Ibid.*

to their questions as to why the money had gone to Lincoln Center, rather than to the Philharmonic, and why the Philharmonic had agreed to a contract in the first place that made the Philharmonic pay Lincoln Center \$200,000 of the hall's annual deficit. The musicians also questioned why the Philharmonic had been paying \$211,000 every year to amortize the series of acoustical renovations that had been done on Avery Fisher Hall when it did not own the hall. Oppenheimer's answer was that the \$211,000 annual expenditure was an obligation under the original lease with Lincoln Center. Regarding the Fisher gift, he said it was Fisher's decision to make the gift to Lincoln Center, and Fisher's decision also to keep its terms confidential.⁴⁷ This did little to assuage the musicians' skepticism. And the fact that Ames was chair of both the Philharmonic and of Lincoln Center was central to their feelings of mistrust.

Some of the musicians openly expressed their feelings that if Carlos Moseley had not been incapacitated by illness⁴⁸ and had been able to oversee the contract negotiations, the current crisis would not have been allowed to develop. One player told the *New York Times*:

Carlos Moseley is an honest man whom you can trust and a musician himself. ... This trust between us took years to build up and now it's gone, ... our contract under Moseley was one of the thinnest in the country — only four pages — but I can guarantee you that the next one will be as thick as the telephone book.”⁴⁹

On 22 October 1973, as the strike entered its fourth week, Ames sent out a letter to the Philharmonic's subscribers, contributors, and members of the Orchestra, informing each that the Society had agreed to accept the New York State Mediation board's recommendation to submit the terms and conditions of its new contract with the orchestra

⁴⁷ Donal Henahan, “Why Philharmonic Strike Drags On,” *New York Times*, 24 October 1973, 42.

⁴⁸ Moseley had suffered two heart attacks in early September, and had been out of the negotiations since then.

⁴⁹ Donal Henahan, “Why Philharmonic Strike Drags On,” *New York Times*, 24 October 1973, 42.

to binding arbitration, and said that he hoped the union would also agree with the mediator's recommendation:

In accepting arbitration of the differences which have resulted in the present strike by Orchestra musicians, the strike would be immediately ended, performances would be resumed, and both sides would agree to be bound by the determination of an impartial third party.⁵⁰

In the letter, Ames also gave a thorough explanation of the Society's situation and the factors behind its managerial decisions. He reiterated that the Philharmonic Society had supported one of the highest compensation levels and had one of the highest operating budgets of any symphony orchestra in the world, which the Society believed was right and proper for a great musical city such as New York. He then pointed to the two main factors that had been preventing the Society from agreeing to more than moderate increases and from agreeing to restrictive clauses in the contract: the first was that the orchestra was more dependent than ever before on the Society's fund raising, due to the fact that earned income from activities of the orchestra, which paid for 75% of the Philharmonic's operating costs in 1965, only paid for 57% of costs in 1973, increasing the amount the Society had to raise to support the orchestra from \$800,000 per year in 1965 to \$2.3 million in 1973; the second was that there was an ongoing crisis in the funding of the arts: "Across the country, the limits of private giving are being reached, ... adequate government support of the arts has not yet evolved."⁵¹ He assured his readers that the Society understood very well its great responsibility to sustain high standards of employment for its orchestra, but that without bearing in mind these two crucial factors, the quality or the earning power of the orchestra would be jeopardized. He went on to say

⁵⁰ Letter of Amyas Ames to subscribers, contributors and members of the Orchestra, 22 October 1973, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

⁵¹ Ibid.

that it would be wrong for the Society to approve the union's demand for a weekly salary that was higher than that of any other symphony orchestra in the world, as well as its demands to match or surpass each of the highest levels of any other orchestra in pensions, welfare, vacation and so forth, without considering its own circumstances. In conclusion, he said that the letter was prepared in the hope that it would speed a reconciliation of differences:

The Philharmonic Society is intent on increasing the funds raised annually. We accept the challenge of our time, and we know New York will help us meet it. But if we are to succeed we must go to the community of supporters with a fair and reasonable operating budget. There is nothing that could dry up the source of support faster than agreeing upon a cost package substantially beyond our means, out of funds we do not have. The best interests of the Orchestra will be served only by the prompt negotiation of a fair contract. It cannot embody excessive demands without hurting the future of the Orchestra itself.⁵²

Upon receipt of the letter, Sipser immediately denounced the proposal to accept binding arbitration and said that the musicians had not been consulted, nor would they agree to it:

This is a public relations gimmick by the management, ... Nobody on this side was contacted directly by the mediation board, and there has not been any agreement or serious discuss of arbitration.⁵³

Bernsohn seconded Sipser, saying he had not heard a word about any negotiations for arbitration, and that the management's one-sided statement of its position was "unethical and baffling." Sipser noted that his firm had been counsel to the musicians of thirty-two orchestras and that they had never once accepted arbitration of terms and conditions in a

⁵² Letter of Amyas Ames to subscribers, contributors and members of the Orchestra, 22 October 1973, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

⁵³ Donal Henahan, "Philharmonic Agrees to Accept Arbitration but the Union Balks," *New York Times*, 23 October 1973, 59.

contract, adding: “We do not intend to substitute arbitration for negotiation this time, either.”⁵⁴

To the musicians of the Philharmonic, it was clear that their management had decided upon an aggressive and intransigent position even before the start of the negotiations in the summer of 1973. They were very upset that management had proposed the cancellation of their health insurance upon commencement of the strike. And during the second week of the strike, Lawrence sent a letter notifying them of the necessity to discontinue their access to Avery Fisher Hall on account of the Philharmonic Society’s and Lincoln Center’s shared concern about security and maintenance costs at the hall during the labor dispute.⁵⁵

At a meeting with the entire orchestra musicians on 4 October 1973, the union informed the musicians that Lincoln Center had filed charges with the National Labor Relations Board (NLRB) in an attempt to halt their picketing, which the union regarded as a secondary boycott.⁵⁶ The union said that the NLRB would probably be slow to respond, but that the lawyers of Local 802 still had to sign a consent order in which it agreed not to stop musicians other than those of the Philharmonic from crossing the picket lines and from penalizing—or attempting to penalize—anyone who did.⁵⁷ At the end of the meeting, the musicians came to an agreement that the committee did not have the authority to withdraw picket lines without permission from them.

⁵⁴ Donal Henahan, “Philharmonic Agrees to Accept Arbitration but the Union Balks,” *New York Times*, 23 October 1973, 59.

⁵⁵ Letter of Harold Lawrence to the Orchestra, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

⁵⁶ According to the union, audiences had also filed charges on the musician’s picket lines. See minutes of the Orchestra meeting with Victor Rabinowitz, 4 October 1973, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

⁵⁷ Leighton Kerner, “Heading ‘em off at the impasse,” *The Village Voice*, 29 November 1973, 50.

To their comfort, the musicians received a great amount of support from colleagues around the country. On 8 October 1973, the Philadelphia Orchestra announced that it was canceling the first of its scheduled series of ten concerts at Avery Fisher Hall because its musicians would not cross the Philharmonic musicians' picket lines. And on 28 October 1973, just as the National Symphony Orchestra was about to open its annual New York series at Avery Fisher Hall, it announced that the first concert would instead be held at Carnegie Hall out of respect for the Philharmonic musicians' picket lines. The musicians of the National Symphony even distributed their own leaflets to the audience in which they endorsed their striking New York Philharmonic colleagues, and pledged to donate their salaries from that evening's concert to the Philharmonic musicians' strike fund:

As a matter of principle we do not wish to play a concert, or at least to put money in our pockets for playing a concert in a city where the resident orchestra is on strike. We also believe that the musicians of the New York Philharmonic, the principal orchestra of our greatest city, should receive salaries and fringe benefits which are second to no other orchestra's.⁵⁸

The Boston Symphony also relocated two of its concerts—10 and 12 October 1973—from Avery Fisher Hall to Carnegie Hall in order not to cross the Philharmonic musicians' picket lines.⁵⁹ In addition, the Boston players donated their fees from a concert in Boston to the Philharmonic musicians.⁶⁰

Such efforts by the musicians of other orchestras in support of the Philharmonic musicians, however, were not universally regarded as a good thing. The *New York Times*, for example, published an article saying the refusal of the Philadelphia Orchestra to cross

⁵⁸ Leaflet of the musicians of the National Symphony. Files collected by Orin O'Brien.

⁵⁹ Advertisement of the Boston Symphony, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

⁶⁰ "Striking Musicians Prepare For 6 Concert Iberian Tour," *New York Times*, 29 October 1973, 43.

the Philharmonic musicians' picket lines caused "utterly needless confusion" and deprived the Philadelphians' loyal subscribers.⁶¹

And for a variety of reasons, some musicians were not willing or able to honor the strike. On the afternoon of 21 October 1973, the musicians of the Symphony of the New World—who also belonged to the same union (the Local 802)—crossed the picket lines to play a concert at Avery Fisher Hall. The New World musicians had gotten into arguments with the picketing musicians during rehearsals for the concert. They indicated they were not employed by the New York Philharmonic Society, and that it seemed ironic that they should be asked to go bankrupt to support the Philharmonic Musicians' demand for better salaries and improved working conditions. They said that the union was aware of their situation and did not order them to observe the picket lines. And they added that no other union members at Avery Fisher Hall were observing the picket lines: "The Stage Hands Union is on the job, the Electricians Union, the Ushers Union, the Treasurers (box office) Union, are all on the job."⁶² They did, however, express their support for the Philharmonic musicians in their fight for better working conditions and salaries.

As the strike wore on, the loss of income put many of the striking musicians in financial jeopardy. Hanna Lachert,⁶³ for example, having just joined the orchestra the year before (i.e., 1972), and still in her 20s, had no savings; she had immediately taken a loan from the Philharmonic Society to purchase a violin because she did not own a instrument of suitable quality. Moreover, she was renting an apartment in Manhattan by

⁶¹ Harris Green, "While the Philharmonic picks sound their own note of protest," *New York Times*, 28 October 1973, 127.

⁶² Leaflet of the Symphony of the New World. Files collected by Orin O'Brien.

⁶³ Polish-born violinist, Hanna Lachert joined the New York Philharmonic in 1972, and retired from the Orchestra in 2012, after 40 years.

herself, which cost half of her monthly Philharmonic salary. When the strike began, she managed to pay the first month's rent, but in the second month, she had to borrow from the union.⁶⁴

And for most of the musicians, in the absence of a regular paycheck, there were only very limited sources of organized financial relief. The union set up a loan department, and also assumed responsibility for insurance premiums, and the ICSOM had a strike fund in place for them. Most of the musicians played concerts to raise money for their strike fund, and there were reports of some Philharmonic musicians helping others.⁶⁵

The strike forced the Philharmonic musicians to develop what might be called a “backup” administration. The strike had separated them from their usual means of governance, and in its absence, the musicians needed to develop ways to collectively make decisions and arrangements for themselves. They were, in fact, something like the musicians of the nineteenth century Philharmonic when it was first established as a cooperative institution in 1842, save for the fact that the musicians in 1973 were attempting to resolve a strike, rather than coordinate a concert schedule.

Committees were created to fill every need: telephone contact,⁶⁶ public relations, picketing, political contacts, finances, secretarial pool, benefits and free concerts, contacting performing groups, etc. (see figure 4) Most of the musicians were actively involved in musical activities; they said that there were a number of heart-warming incidents during the strike, particularly when the performance committee was looking to secure different venues for benefit concerts around New York City, and many individuals

⁶⁴ Hanna Lachert, interviewed by Kuan Cheng Lu, 8 June 2014.

⁶⁵ Orin O'Brien, interviewed by Kuan Cheng Lu, 6 April 2012.

⁶⁶ Orin O'Brien described a “phone-tree” system they had used, in which one person would call ten people, and then each of them would phone ten more, making it easier to contact each member of the Orchestra.

came forward to show their support. Among them, for instance, were the actor Paul Newman and his wife, Joanne Woodward, who offered their Manhattan apartment multiple times to the Philharmonic musicians as a venue for benefit chamber music concerts.⁶⁷

Violinist Gabriel Banat,⁶⁸ who served as chairman of the performance committee, recounted the difficulty of his task to organize a large fundraising concert for the entire orchestra to play in Carnegie Hall. He said that during the first meeting of the performance committee, he had delegated the Philharmonic bassoonist, Lenny Hindell,⁶⁹ to call Carnegie Hall, though Hindell was promptly told that the hall was fully booked. Nevertheless, Banat did not give up, and immediately contacted the legendary violinist Isaac Stern, who had been the leading force in saving the Carnegie Hall from demolition in 1960.⁷⁰ Stern agreed to help the Philharmonic's musicians to secure Carnegie Hall for their concert and said that an anonymous donor would pay the rental fee of \$3000.⁷¹ Banat said he suspected the anonymous donor was Stern himself. Banat writes that when the strike concert was first announced, it made some members of the Philharmonic board so angry that a number of nasty calls were placed to Stern: "With Isaac Stern away on tour, his wife, Vera had to endure some angry phone calls. One confused board-lady even called her husband a 'strikebreaker'."⁷²

⁶⁷ Newton Mansfield, interviewed by Kuan Cheng Lu, 9 April 2012.

⁶⁸ Gabriel Banat joined the New York Philharmonic in 1970 and retired in 1993.

⁶⁹ Hindell was in charge with contacting performing groups.

⁷⁰ In 1960, Isaac Stern persuaded Mayor Wagner that Carnegie Hall should be saved to serve as a national center for teaching music and the development of young artists. It was the 1956 Bard Act, which provided the authority to protect landmarks, and the 1960 amendment by Senator MacNeil Mitchell enabled Stern and his committee to move forward with their actions to save the hall. On 10 June 1960, the New York City Board of Estimate approved the purchase of Carnegie Hall for 5 million, and in 1964 the hall was designated a National Historic Landmark. www.carnegiehall.org.

⁷¹ Gabriel Banat, "Memoirs", unpublished manuscript, 5 July 2014.

⁷² Ibid.

Figure 4: Various committees created by the Philharmonic musicians during the strike.

ORCHESTRA COMMITTEES	
TELEPHONE CONTACT	FINANCIAL COMMITTEE
STEVE FREEMAN	B. BIAL
ORIN O'BRIEN	D. WIYTE
ED HERMAN	M. GILBERT
R. KOHLOFF	G. BANAT
R. WEINREBE	N. GOLDSTEIN
P. CLEMENT	
L. DAVIS	POLITICAL CONTACTS
H. GOLTZER	R. MENDELSON
J. CANDIDD	M. ROSEN
	S. POSNER
PUBLIC RELATION	S. GREITZER
B. KUYPER	M. WEINER
J. NOVOTNY	
M. BURGIO	SECRETARIAL POOL
E. ERWIN	T. PODNOS
R. SIMON	L. ROBBINS
A. SCHULLER	M. ROSEN
	G. COHEN
PICKETING	B. LAHR
NOWINSKI	A. MICCI
A. LAVIN	B. DE CELLE
T. LIBERTI	S. POSNER
G. APPLEMAN	
P. BROOK	
B. ANDREASON	
H. DI CECCO	
J. ROTH	
CONTACTING PERFORMING GROUPS	
J. CERMINARO	
B. FINCLAIR	
S. SAXON	
L. HINDELL	
O. RAVINA	
BENEFITS AND FREE CONCERTS	
G. BANAT	
R. SIMON	
M. BRAUN	
A. LANG	
L. ROBBINS	
W. BARBINA	
J. BAKER	

Once Carnegie Hall had been secured, the Orchestra needed to find a conductor to lead them, who was willing to do so for no pay. Banat recalled that he had gotten approval from the orchestra to ask music director Pierre Boulez if he would volunteer. To their surprise, Boulez offered his commitment to the concert right away, though he said that he would have to inform the Society's board of directors of his intention to do so: "I would be doing this as a fellow musician, not your music director."⁷³ Not surprisingly, when Boulez informed the board, they denied him permission to conduct the benefit concert. When asked by the press regarding Boulez's intention to conduct the musicians' strike concert, Ames said that Boulez "was right to accept," though Ames also said that he understood why the board did not "take kindly to the idea."⁷⁴ Banat, on the other hand, said that Boulez described the chairman's reaction in far less polite terms: "if you do this, your contract isn't worth toilet paper."⁷⁵ Newton Mansfield described Boulez as "tearfully" withdrawing from the event, and then writing a check for \$1000 in support of the Carnegie benefit.⁷⁶

The Philharmonic musicians approached some forty capable and well respected soloists and conductors,⁷⁷ but none would agree to be involved in the concert. The musicians concluded that the management had threatened some of them with negative consequences if they accepted. Eventually, the Belgian-born, American conductor and former member of the New York Philharmonic, Leon Barzin accepted the musicians'

⁷³ Banat was accompanied by principal violist, Sol Greitzer; they had met Boulez at the Lincoln Center Library. See Gabriel Banat, "Memoirs", unpublished manuscript, 5 July 2014.

⁷⁴ Donal Henahan, "Why Philharmonic Strike Drags On," *New York Times*, 24 October 1973, 42.

⁷⁵ Banat said that it was David Keiser, Chairman Emeritus, who acted for Ames while he was on vacation in Italy. Gabriel Banat, interviewed by Kuan Cheng Lu, 1 July 2014.

⁷⁶ Conductors who also made contributions to the New York Philharmonic Orchestra Strike Fund included Leonard Bernstein - \$200 and Andre Kostelanetz - \$1000. Notes of Orin O'Brien.

⁷⁷ Donal Henahan, "Why Philharmonic Strike Drags On," *New York Times*, 24 October 1973, 42.

invitation to conduct the Carnegie Hall concert on 29 October 1973.⁷⁸ He had told Banat that since his mother-in-law, Marjorie Merriweather Post, had just given \$55 million to endow his orchestra, the National Orchestral Association, he did not care about offending the management of the New York Philharmonic.⁷⁹

Leon Barzin became a member of the New York Philharmonic in 1921 when his former employer, the National Symphony, merged with the New York Philharmonic Society, and he was among the fortunate few musicians chosen to join the Philharmonic. He was a section violist at first; was appointed principal violist (by Mengelberg and Furtwängler) in 1925, and remained in that position until 1929, when—with the encouragement of Arturo Toscanini—he began to establish himself as an orchestral conductor. Barzin helped to create the National Orchestral Association in 1930, became its first Music Director, and remained active in that post until his death in 1999.⁸⁰ In addition to conducting the National Orchestral Association, he also served as the first Music Director of the New York City Ballet, and guest conducted many orchestras, including the New York Philharmonic. In 1973 he was named conductor of the New England Conservatory Orchestra as well as the chairman of the department of orchestral conducting.⁸¹

The Carnegie Hall concert, which the striking musicians titled “A Special Emergency Strike Fund Concert in Carnegie Hall,” marked the first time the full

⁷⁸ The concert was originally scheduled for 15 October 1973, but had to be postponed because the musicians had not found a willing conductor in time. See Donal Henahan, “Why Philharmonic Strike Drags On,” *New York Times*, 24 October 1973, 42.

⁷⁹ Gabriel Banat, “Memoirs”, unpublished manuscript, 5 July 2014.

⁸⁰ The National Orchestral Association under Leon Barzin had trained generations of musicians to get jobs in professional orchestras across the United States and foreign countries, including many members of the New York Philharmonic. <http://www.nationalorchestral.org/>.

⁸¹ Jacques Cornelis Voois, “Leon Barzin, America’s Pioneer Orchestra Trainer.” DMA diss., Peabody Conservatory of Music, 1986.

orchestra had performed together since 25 September 1973, the evening the strike began.

According to their press release:

Notwithstanding the pressures and exigencies of the continuing strike, the Orchestra members are looking forward with both pleasure and nostalgia to their “homecoming” in the warm and friendly ambience of Carnegie Hall.⁸²

The concert also marked the first time since migrating to Lincoln Center eleven years earlier that the New York Philharmonic was back in their long-time home. The evening’s program (see figure 5) featured three of the Philharmonic’s principal players: Julius Baker in Telemann’s Suite in A minor for Flute and Strings, John Cerminaro in Strauss’s Concerto for Waldhorn in E-flat major, and Lorne Munroe in Tchaikovsky’s Variations on a Rococo Theme for Cello and Orchestra, opus 33. The musicians also played the Overture to *Benvenuto Cellini* by Berlioz at the beginning, and finished the performance with Ravel’s *La Valse*.

The concert was well attended and well received, despite a severe rainstorm that evening. Danal Henahan from the *New York Times* observed that when the first chords of Berlioz sounded, “older members of the audience turned and smiled at one another.” While he indicated there was some “evidence of [the] Orchestra’s rustiness” in the Berlioz—perhaps on account of the limited rehearsal time—he went on to praise the orchestra, saying that its sound was “robust” in the winds and “unusually silky” in the strings.

Of the entire evening’s program, *La Valse* proved to be the favorite: “It was Ravel, played by the Philharmonic, in Carnegie Hall, and everyone present seemed happy about the success of the homecoming party.” The reviewer credited Barzin with showing great sensitivity and for abandoning his “professorial approach.” He also noted that

⁸² Press announcement of the Carnegie Gala Strike Fund Benefit Concert, 18 October 1973.

Barzin, in “leaping straight up off the podium,” was reminiscent of Leonard Bernstein.

And as for the three soloists, he offered the following review:

The Telemann found everyone in good form, with Mr. Baker’s liquid-toned flute performing wonders of nuanced articulation. Mr. Cerminaro, using the usual French horn instead of the unkeyed instrument Strauss wrote for in this early work, played with more precision and beauty of tone than imagination, and Mr. Munroe in the Tchaikovsky reversed that formula in an ardent but wiry toned performance.⁸³

According to Banat, the benefit concert raised \$10,000 for the musicians’ strike fund, and the experience of being back in Carnegie Hall, plus the outpouring of support from the public, gave a much needed boost to the morale of the musicians.⁸⁴ Furthermore, the event had effectively united all the musicians as they prepared for a greater and more challenging undertaking: an international tour to Europe without the governance of the Philharmonic Society’s management.

⁸³ Donal Henahan, “Music: All Benefited,” *New York Times*, 31 October 1973, 39.

⁸⁴ Gabriel Banat, “Memoirs”, unpublished manuscript, 5 July 2014.

Figure 5: Concert Program, 29 October 1973 - A Special Emergency Strike Fund Concert in Carnegie Hall.



The Musicians of the New York Philharmonic

Monday Evening, October 29, 1973, at 8:00

Leon Barzin *Conducting*
JULIUS BAKER, *Flute*
JOHN CERMINARO, *French Horn*
LORNE MUNROE, *Cello*

BERLIOZ Overture to "Benvenuto Cellini"

TELEMANN Suite in A minor for Flute and Strings

Ouverture
 Les Plaisirs
 Air à l'italien
 Menuets I and II
 Passepied I and II
 Polonaise
 Réjouissance
JULIUS BAKER, *Flute*
BRUCE PRINCE-JOSEPH, *Continuo*

STRAUSS Concerto for Waldhorn in E-flat major
JOHN CERMINARO, *French Horn*

INTERMISSION

TCHAIKOVSKY Variations on a Rococo Theme for Cello and
 Orchestra, Opus 33
LORNE MUNROE, *Cello*

RAVEL "La Valse" ("Poème chorégraphique")

Chapter Five: The Striking Musicians' Iberian Tour

While marching around carrying a board, a minor member of the management came up and held out his hand to me. Pleasantly surprised, I extended mine, but instead of shaking it he dropped a nickel in my palm.¹

The Philharmonic violinist Gabriel Banat recounted this unexpected incident that occurred while he was on picket duty, and which prompted him to lead his orchestra on a mission that no one would have thought possible: a tour of Spain, Portugal, and the Canary Islands without the assistance of the management. Banat first met the Spanish concert manager, Alfonso Aijon, in August 1973. Aijon—founder and director of Ibermusica in Madrid²—expressed interest in organizing the first New York Philharmonic tour of Spain. He asked Banat for his help in establishing a connection with the officials of the Philharmonic Society. When Aijon told him that Ibermusica's concert season normally starts at the end of September or the beginning of October, following the beginning of the Philharmonic's subscription season, Banat suggested Aijon contact Carlos Moseley, the then president of the New York Philharmonic.³

On 31 August 1973, a few days after the meeting with Banat, Aijon sent a letter to Moseley exploring the possibility of a tour of Spain; he also sent a copy of the letter to Banat, who was then on a domestic tour with the Orchestra. The letter stated that Ibermusica was interested in offering the New York Philharmonic a tour of six concerts in Spain during the last week of September 1975, immediately following the Philharmonic's tentative tour to Europe: "If you would not have the necessary free dates

¹ Gabriel Banat, "Memoirs", unpublished manuscript, July 5, 2014.

² Ibermusica is the second largest concert management in Spain, founded by Alfonso Aijon in the early 1970s; it focuses on bringing the most important soloists, conductors and orchestras in classical music world to music lovers throughout Spain and Portugal. www.ibermusica.es.

³ As mentioned in chapter two, Moseley had suffered a heart attack and had been away from work since mid-September.

for this number of concerts, we would of course organize as many as you would be able to give.”⁴ He mentioned that Ibermusica would offer up to \$20,000 for each Philharmonic concert.

Aijon did not receive a response until 2 November 1973, when Harold Lawrence, replied. He acknowledged receipt of Aijon’s letter, and indicated that Moseley had been ill and was recuperating at home. Regarding the possibility of a Spanish tour, Lawrence indicated the Philharmonic was already committed to a European tour in 1975, and that it was not possible to include Spain in their itinerary. But Lawrence said that the Philharmonic was always interested in coming to Europe, and that he would write to Aijon again at some future point.⁵

Aijon, while awaiting a reply to his offer, was not aware that the musicians of the orchestra had gone on strike shortly thereafter. In mid-October, Aijon received a phone call from New York: “Are you still interested in managing a tour of the New York Philharmonic?” It was Banat calling Aijon to tell him about the agonizing situation in which the Philharmonic had found itself. Would it be possible, he asked, for Aijon to arrange a tour for the striking musicians? There followed a catch: “... if we go, it has to be soon, within ten days.”⁶

Aijon, who had established Ibermusica just two years earlier, was in shock to learn that “an orchestra that had been conducted by Mahler, and [which] had premiered Dvorak’s ‘New World Symphony’ could be in danger of disappearing.”⁷ He also knew

⁴ Letter of Alfonso Aijon to Carlos Moseley, 31 August 1973, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

⁵ Letter of Harold Lawrence to Alfonso Aijon, 2 November 1973, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

⁶ Gabriel Banat, “Memoirs”, unpublished manuscript, July 5, 2014.

⁷ Letter of Alfonso Aijon to Gabriel Banat, 14 December 2010. Files collected by Gabriel Banat.

that organizing the tour Banat was suggesting on such short notice would involve great risk. Nevertheless, he was possessed by the idea of “saving” the New York Philharmonic. Aijon told Banat to wait while he consulted with his friend, the Minister of Culture of Spain.

While Banat was waiting to hear back from Aijon, he brought the idea to his colleagues in the negotiating committee. “My colleagues on the committee were ecstatic, I was the man of the hour! They urged me to go ahead and make it happen.”⁸ Soon after, Aijon got his approval from the Minister of Culture and the planning began straightaway. Aijon’s agreement with the musicians was that he would match what he had proposed to Moseley earlier: to pay up to \$20,000 for each concert, which was to include transportation, lodging, per diem, and the fees for the conductor and the musicians. The fees for the musicians were to be paid in advance to an escrow account in New York and released—via telex—after each performance.⁹

Banat recalls the intense pressure he was under to put the Iberian tour together in such short period of time, working both day and night—on account of the time difference between New York and Madrid, and corresponding with Ibermusica on the details of the tour via the telephone and telex, both of which were expensive:¹⁰

Concert dates, programs, finding conductors and accommodations had to be arranged via my home telephone operating due to the time lag with Europe late at night, until dawn. ... At first I tried to communicate with Ibermusica on July Baker’s ham radio set via a friendly operator in Madrid. But found that exchanging messages via the telex machine at *Truvynil*, Rosette’s [Banat’s wife] employer’s factory in Brooklyn, worked much better. A clerk there would collect the messages received overnight and read them back to me first thing in the

⁸ Gabriel Banat, “Memoirs”, unpublished manuscript, July 5, 2014.

⁹ Gabriel Banat, interviewed by Kuan Cheng Lu, 30 October 2010.

¹⁰ In total, the cost of the Iberian tour telephone and telegrams up to and including November 8, 1973 was \$946.81. See notes of Gabriel Banat to the management’s finance committee, 25 November 1973, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

morning. I would then telex back or else phone Madrid if the message was urgent. I was [also] concerned about the numbness of two fingers of my left hand, essential for a violinist, until I realized that it was due to the compression of the nerves of my elbow while talking [on] the phone for too many hours.¹¹

Banat recounts a story regarding a problem that arose during the planning of their first concert of the tour in Lisbon. For unknown reasons, the booking of the venue there was held up for days. Concerned about losing the first two concerts, and perhaps even the entire tour, Banat called Julius Bloom, the manager of Carnegie Hall, and who was able to put him in contact with a leading music critic in Lisbon. Banat immediately phoned the critic and discovered that the stumbling block was related to the matter of programming:

The gentleman answered my phone call with a tirade against our having programmed a Mozart flute concerto with its small orchestral complement on the first visit to Lisbon of the great New York Philharmonic.¹²

Banat promised to exchange the Mozart concerto for Stravinsky's *Firebird* Suite, a "blockbuster" work that utilized every single instrument in the orchestra. The critic was thrilled, and the scheduling of the two concerts in Lisbon proceeded without further delay.

* * * * *

In New York, as the strike entered its fifth week, the two sides were no closer to an agreement, despite continuing efforts by State mediators to help negotiate a contract. Given the stalemate, on 28 October 1973, the committee members decided to announce to the public their plan to go to Spain for a series of concerts on their own. According to Newton Mansfield, the committee had already sent a telegram to Ibermusica making explicit that that the committee was using the prospect of the Spanish tour as leverage in its contract negotiations, and that settlement of the strike prior to departure for Spain

¹¹ Gabriel Banat, "Memoirs", unpublished manuscript, July 5, 2014.

¹² Ibid.

would automatically negate any and all agreements with Ibermusica. Mansfield clearly remembers that while Aijon was aware of the risk of the entire tour being cancelled, “he was determined to hire the striking musicians.”¹³

When Banat found out that the orchestra committee was considering a cancellation of the tour if an agreement was reached with the management before departure for Spain, he countered that the tour planning had reached a point of no return, and that the Orchestra had no right to betray Aijon by using the Spanish tour as a bargaining chip:

Ibermusica had sent us the money for our airfare, but we had no right to take it while our own committee proceeded to negotiate away the ten days’ period needed for our tour. In a whisper I call the notion of betraying their confidence unthinkable, ... Had we already paid for our airline tickets, Ibermusica would have lost \$25,000—a sum large enough to ruin it.¹⁴

Banat promptly called for a full orchestra meeting. This meeting took place at the Good Shepherd-Faith Presbyterian Church on West 66th Street. When the orchestra was assembled, Banat asked his colleagues to vote for one of two propositions: a) reserve the ten-day period needed for the tour; or b) instruct him to call off the tour.

According to Banat, eighty-one members of the orchestra and union officials attended the meeting; eighty members voted in favor of the tour with one abstention. “At that point our union, impressed by the vote, offered to represent us by signing our contract with Ibermusica.”¹⁵

On 30 October 1973, Victor Rabinowitz, the union’s lawyer, at the start of a mediation meeting, described the specifics of the Spanish tour and announced that the musicians had voted to go on the ten-day Spanish tour while keeping some of its

¹³ Newton Mansfield, interviewed by Kuan Cheng Lu, 15 July 2014.

¹⁴ Gabriel Banat, “Memoirs”, unpublished manuscript, July 5, 2014.

¹⁵ Ibid.

negotiating committee members in New York for further negotiations, a gesture of their willingness to keep negotiating towards an agreement. Oppenheimer said that the management had discovered the musicians were planning to use the name “New York Philharmonic”—Filarmonicos de Nueva York—on their tour: “We have the right and obligation to protect our name, ... We will not keep you from going over, but we will not give our name.” Furthermore, the management had sent a telegram to Ibermusica:

We understand you are negotiating tour [with the] striking members of [the] New York Philharmonic [for] this November. Please be advised that only the Philharmonic Symphony Society of New York, Inc. can authorize use of the name of New York Philharmonic Orchestra and does not authorize its use in connection with this proposed tour. Unauthorized use of the name New York Philharmonic will subject you to legal action.¹⁶

Oppenheimer went on to say that the board of directors had been scheduled to meet the following day, and that he anticipated that there would be a cancellation of all performances for the following four weeks: “We are not going out of business, there will be a Philharmonic in the future, we are not going to negotiate with threats.”¹⁷

Rabinowitz argued that if the musicians cancelled the tour as a result of the management’s position, it would only result in further stiffening of the orchestra’s position. Finally, after a fruitless six-hour meeting with several failed attempts to get the two sides to at least nail down a wage settlement, Vincent D. McDonnell, chairman of the State Mediation board, declared an impasse and stated that no further meetings would be scheduled until someone had something new to offer.

The following day, 31 October 1973, Ames sent out a letter to apprise the members of the orchestra, contributors and subscribers of the strike situation. He said that

¹⁶ Telegram sent to Ibermusica by the New York Philharmonic Society, 30 October 1973. Files collected by Gabriel Banat.

¹⁷ Minutes of the State Mediation meeting, 30 October 1973, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

the Society, having been concerned about the pointless prolongation of the contract dispute “to the detriment of the orchestra and the city it serves,”¹⁸ had had full intention to reach an agreement during their prior mediation session, by being prepared to make a substantial move on wages and to resolve the differences on other aspects of the contract, if only the union would agree to respond with a meaningful counteroffer. He pointed out that because of the Fisher bequest and the Chicago Symphony Orchestra’s latest settlement, the union had suddenly increased its wage demand by \$10 since negotiations started—making the weekly salary increase to \$60 over three years—and had also indicated unwillingness to negotiate on other provisions, forcing the negotiations into an impasse. When approached by a reporter from *The Daily News*, however, Max Aarons, President of Local 802, denied receiving any improved offer from the management:

They are still talking in circles, dealing in ifs, ... if they put a concrete offer on the table, then we can bring it to our members and they can vote on it.¹⁹

Regarding the musicians’ right to use the name “New York Philharmonic” during their ten-day trip to Spain, Ames insisted that only the New York Philharmonic Society could use the name, because it was supported by copyright law:

For 132 years, the Society has stood behind that name, and we believe it to be in the interest of the orchestra members themselves that we do so. At the same time that we take no position concerning this tour, we are concerned that it would deprive New York of a full month of music, and it seems regrettable that the members of the orchestra should be subjected to the financial loss of such a prolonged strike.²⁰

¹⁸ Statement of Amyas Ames to members of the Orchestra, contributors and ticket holders, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

¹⁹ Michael Iachetta, “Talks Are Stalemated, Philharmonic States,” *New York Daily News*, 2 November 1973, 10.

²⁰ *Ibid.*

At the same time, Ames revealed that the Society had just learned of the termination of a long-term grant that had generated \$284,000 in the previous year. As a result, the Society would have to raise \$500,000 more the following year than the last—and without regard to the Fisher bequest. He added that the union's demands, "so far arbitrary in nature," would force the Society to raise an additional \$600,000 over the three years of the contract. He again suggested that the two sides should be bound by arbitration: "prompt reconciliation of differences would be a service to the whole cause of the arts and to the evolving vitality of the arts in our Society."²¹

On 1 November 1973, following the meeting of the Philharmonic's board of directors the previous evening, Lawrence held a press conference to announce "a total breakdown" in the negotiations, and also to present the positions of the Society and the union. In a two-page press release, it was pointed out that the Society did not operate its orchestra for a profit and that the only losers in this strike were the subscribers, the public, and the members of the orchestra themselves. He therefore urged the union to agree to one of the three alternative suggestions:

- (1) Agree to final and binding arbitration before an impartial arbitrator designated in any generally accepted manner;
- (2) In the alternative, resume work and agree to an impartial fact finding hearing before impartial fact finders, with non-binding recommendations of settlement;
- (3) Return to the bargaining table with negotiable proposals so that a fair and reasonable contract can be agreed upon consistent with the economic realities of the Society and consistent with the wages and working conditions being paid by other orchestras of similar stature.²²

²¹ Statement of Amyas Ames to members of the Orchestra, contributors and ticket holders, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

²² Ibid.

Meanwhile, Lawrence also told the press that Aarons had sent telegrams to Mayor John Lindsay, Governor Nelson Rockefeller, as well as to the Philharmonic Society, saying that:

Despite current rumors to the contrary, musicians of the New York Philharmonic are ready, willing and able to meet with Philharmonic representatives and are prepared to return to work forthwith if an equitable settlement can be reached.²³

By sending the telegrams, Aarons had indicated that the musicians' plan to leave for Spain, Portugal, and the Canary Islands had not yet been finalized. Though when approached by the media, he said, "We don't have a contract with the Philharmonic so there's no reason we couldn't book a foreign tour." The chairman of the orchestra committee, Lorin Bernsohn, also confirmed that the tour plan had not been settled, but a contract was on the verge of being signed. Regarding the signing of the tour contract, Aarons said, "The only thing holding up the signing is cash on the barrelhead."²⁴ Lawrence, on the other hand, said that if the musicians ended up signing the contract, it would create a great conflict between the two sides: "It would be a tragedy for the city of New York because such a tour would result in the Philharmonic's cancellation of the next four weeks of its season."²⁵

The next day, 2 November 1973, a negotiation meeting was put together hurriedly at Sipser's office, in which the management made its final offer to the Orchestra: a wage increase of \$50 per week over three years; an improved pension plan with a \$10,000 pension after 30 years of service at age 65; health and welfare benefits increase to \$20,000 in the first year, \$30,000 in the second year, and \$35,000 in the third year of the

²³ Michael Iachetta, "Talks Are Stalelated, Philharmonic States," *New York Daily News*, 2 November 1973, 10.

²⁴ Ibid.

²⁵ Ibid.

contract; and an increase for the per diem of \$34 for the first two years and \$36 for the third year.²⁶ According to the Philharmonic's press release on 3 November 1973, the union promptly rejected the offer. Ames stated that he was shocked by the rejection of the management's enhanced new proposal:

This offer would make the orchestra the best paid orchestra in the world with pension and welfare benefits equal to any. This is as far as we can go, ... I was very much disturbed that despite this generous offer, the orchestra has decided to go abroad.²⁷

The management said that the cost to the Philharmonic of its final offer would exceed \$800,000 over the three-year period of the contract and would require the Philharmonic to raise \$2 million in order to meet its operating deficit in 1973. Ames suspected that the union's quick refusal and its new set of demands seemed to indicate that it had no intention to negotiate, perhaps due to the fact that the musicians' plans to go to Spain were already too far along.

While this was unfolding, Ibermusica's representative, Hel Bruno,²⁸ arrived in New York with a check for the musicians' airfare, and was waiting to sign a contract with the musicians.²⁹ According to Banat, after sensing that there had been no change in management's attitude, two committee members (Jon Deak and Gino Sambuco) left the negotiation meeting at Sipser's office in order to attend a second meeting that Banat had called for 5 p.m. that afternoon. Local 802, having apparently been advised by its counsel to do so, had suddenly withdrawn its offer to represent the musicians in signing the tour

²⁶ Minutes of the Negotiations meeting at Sipser's office, 2 November 1973, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

²⁷ Press release of the Philharmonic Society, 3 November 1973, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

²⁸ Hel Bruno is Alfonso Aijon's brother-in-law as well as his business associate. He arrived on 30 October 1973.

²⁹ Telex sent to Banat by Ibermusica, 30 October 1973. Files collected by Gabriel Banat.

contract with Ibermusica.³⁰ Banat had managed to borrow a meeting space and to obtain new counsel,³¹ for the orchestra committee to be the first to sign the tour contract with Ibermusica,³² despite that he was not happy about some (Bernsohn, Mansfield, and De Intinis) of the committee members using the Spanish tour as leverage for the contract negotiations.

Mansfield, however, recalled that as soon as Sipser found out that part of the committee had left the meeting to sign the contract with Ibermusica, he furiously told the rest of the committee that, “the actions of the two committee members and [the] failure to stop them [from leaving]”³³ had befouled the whole negotiating process. According to Mansfield, the negotiations, under the threat of the proposed tour, had reached a point where “fresh money” was on the table. Of course, the moment Ames became aware that a portion of the committee had gone off to sign the tour contract, he immediately instructed that all offers be withdrawn. Mansfield said that at that point, the rest of the committee found itself with no choice but to join their colleagues and sign the Spanish tour contract.³⁴ After all the committee members had signed the contract,³⁵ the full orchestra was given the confirmation of the tour.

At 1 a.m. on 5 November 1973, ninety-five members crowded into the headquarters of Local 802, lining up to sign the three-page contract.³⁶ The musicians came to an agreement that Bernsohn and Mansfield were to remain in New York in the

³⁰ Gabriel Banat, “Memoirs”, unpublished manuscript, July 5, 2014.

³¹ Banat’s old friend, Louis Lipton, who was the head of Continental Resources Inc., offered the company’s boardroom and its lawyer to Banat, for the committee to sign a tour contract with Hel Bruno. *See Ibid.*

³² There are five orchestra members in the committee: Lorin Bernsohn, John Deak, Ranier DeIntinis, Newton Mansfield, and Gino Sambuco.

³³ Newton Mansfield, interviewed by Kuan Cheng Lu, 15 July 2014

³⁴ *Ibid.*, 9 April 2012.

³⁵ Orin O’Brien was the volunteer secretary; she was also at the meeting and typed up the three-page contract.

³⁶ “Union will picket as musicians tour”, *New York Times*, 6 November 1973.

event contract discussions were to be resumed on short notice. The union and some of the families of the Philharmonic's musicians had also agreed to continue picketing activities for the musicians at the hall while the orchestra members were in Europe.³⁷ Banat explained that the very late meeting was the last possible opportunity to assemble all ninety-five members of the orchestra. Once the contract had been signed by all, Banat could pay the airfare to Iberia Airlines the next day. If he had had to wait any longer, they would have lost their group fare.

Banat had originally negotiated a group fare for \$26,335 with Trans World Airlines (hereafter TWA) with the stipulation that the full amount had to be paid not later than fourteen days in advance.³⁸ Delays in the signing of the tour contract, however, had caused them to forfeit the TWA deal.³⁹ Having been left with no other solutions, Banat turned to Iberia Airlines, at a much higher cost of \$35,000. "Missing the deadline for the cheaper fare cost Ibermusica, and eventually us, [approximately] ten thousand dollars."⁴⁰ Upon signing the contract, the musicians agreed to seven concerts: two in Lisbon on 12 and 13 November; two in Madrid on 14 and 15 November; one in Barcelona on November 16; and two in Canary Islands on 19 and 20 November. The contract mentioned that an additional concert could be added on any date between 12 and 20 November, provided that Ibermusica notified the musicians of such additional concerts on or before 15 November; in fact, a concert in Barcelona was added on 18 November. Ibermusica agreed to pay a fee of \$8333.33 for each of the first six concerts, and a

³⁷ "Union will picket as musicians tour", *New York Times*, 6 November 1973.

³⁸ International regulations require 14 days advance notice for affinity charter flights. See telex sent to Aijon by Banat, 18 October 1973.

³⁹ The TWA deadline was 22 October 1973. Banat added that, even though the employees of TWA had gone on strike a few days before they took off for Spain, had they paid for the TWA tickets on time, the Pan American World Airways would have been assigned directly to take care of their travel plans. See *Ibid.*

⁴⁰ Gabriel Banat, "Memoirs", unpublished manuscript, July 5, 2014.

minimum of \$6600 for each additional concert; certified checks were made payable to an escrow agent, to be delivered to Rabinowitz or his designee:

Escrow Agent shall deliver the checks to the New York Philharmonic Musicians' Emergency Strike Fund as follows: a check for \$8333.33 at noon (New York time) of the second day following each of the first six concert dates. ... a check for \$6600 at noon of the second day following the seventh concert, ... and another check for \$6600 at noon on November 22, 1973.⁴¹

In addition to paying for all transportation for the musicians and their baggage to and from the New York airport and throughout the tour, including charges for excessively heavy or bulky baggage, Ibermusica also agreed to pay to each musician a per diem expense allowance of \$36 for each full day of the tour; the day of departure from New York and the day of return were to be counted as half days:

Of the \$36 total, \$25 shall be paid directly to the musicians follows – (i) On November 9, 1973, \$125 (5 days at \$25 per day) shall be paid in U.S. Dollars for each musician who has signed this contract. (ii) On November 15, 1973, the balance should be paid in Spanish pesetas equaling \$25 (at the official rate of exchange of the previous day) for each remaining day of the tour for each musician who has signed this contract and is present on that date.⁴²

The remaining \$11 of the total of \$36 per diem for each musician was to be added to their concert payment. Orin O'Brien, who had helped type up the tour contract, recalled that the musicians were grateful to receive the extra per diem and pointedly noted that it was two dollars per day more than the Philharmonic Society was willing to offer.

Even as travel plans and tour conditions were being finalized, the orchestra had not yet found a conductor who was suitable, available, and—of crucial importance—willing to lead them. According to Banat, “Fear of being blacklisted caused some of the

⁴¹ Contract agreement of the 1973 Iberian Tour, 2 November 1973. Files collected by Gabriel Banat.

⁴² Ibid.

twenty-five-odd maestros I approached to decline.”⁴³ Among the famous conductors, Herbert von Karajan was said to be ill, and Carlo Maria Giulini, Claudio Abbado, Riccardo Muti, Daniel Barenboim, Colin Davis, Igor Markevitch, and many others, were all unavailable. “Others, like 93-year-old Leopold Stokowski, who was recording in London, were otherwise engaged.”⁴⁴ Moreover, the presenter in Lisbon was not interested in lesser known conductors, and even proposed that the ideal conductor for the concerts in Lisbon should be at the same level as Colin Davis. “We regret but [Leon] Barzin unfortunately not accepted in Lisbon.”⁴⁵

After exhausting all his resources, Banat suggested that unless Ibermusica was able to secure a suitable conductor, the two concerts in Lisbon should be cancelled and the tour reduced to those venues in Spain and Canary Islands. Remarkably, Aijon—who was determined to have the Philharmonic musicians play as many concerts as possible, found them the Soviet-born Israeli conductor, Yuri Ahronovitch. Ahronovitch had suddenly become available,⁴⁶ and had accepted Aijon’s invitation to conduct the striking musicians.

Before immigrating to Israel in 1972, Ahronovitch had served as music director of the Yaroslavl Philharmonic Orchestra from 1957 to 1964, and was appointed music director of the Symphony Orchestra of All-Union Radio and Television (also known as the USSR Ministry of Culture Symphony Orchestra) in 1964, where he stayed until 1971. During his time in Soviet Union, he was said to have suffered from strict travel

⁴³ Gabriel Banat, “Memoirs”, unpublished manuscript, July 5, 2014.

⁴⁴ Contract agreement of the 1973 Iberian Tour, 2 November 1973. Files collected by Gabriel Banat.

⁴⁵ Telex from Aijon to Banat, October 25, 1973. *See Ibid.*

⁴⁶ Banat said that Ahronovitch had quit his engagement with the Stockholm Opera because he was not willing to agree to cuts in Tchaikovsky’s *Pique Dame*. *See* Gabriel Banat, “Memoirs”, unpublished manuscript, July 5, 2014.

restrictions,⁴⁷ and every concert engagement from abroad was reportedly denied by his government. It was not until he arrived in Israel that he began to receive invitations to guest conduct western orchestras. According to Banat, Ahronovitch conducted mostly in Western Europe, therefore, none of the Philharmonic musicians had ever heard of him. And when Banat went to pick up the maestro at the airport in New York, his reaction was:

His battered suitcase and shabby corduroy cloak did not fill me with confidence. Neither did his request that I get him a baton, the longest I could find, allay my doubts.⁴⁸

At a rehearsal in Carnegie Hall the next morning, the musicians, according to Banat, were skeptical, too:

[As] my colleagues scrutinized our scruffy looking pig-in-the-poke maestro with even more than their usual skepticism, the thought of being lynched by my peers should he fail the test crossed my mind.⁴⁹

When Ahronovitch (see figure 6) took the podium, however, things started to settle down:

The little Russian raised his long stick and I heard the first chords of Tchaikovsky's Fourth [Symphony] ring out, firm yet mellow as they used to sound in that great old hall, I knew that we found us a *real* conductor. Overcome by relief, I had to leave the stage and hide [my] sobbing in the men's room until I regained control and could return to the stage.⁵⁰

⁴⁷ The reason being that he was the son of a family persecuted by the authorities of the Soviet Union. www.yuriahronovitch.com.

⁴⁸ Gabriel Banat, "Memoirs", unpublished manuscript, July 5, 2014.

⁴⁹ Ibid.

⁵⁰ Ibid.

Figure 6: Soviet-born Israeli conductor, Yuri Ahronovitch.



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The Philharmonic Society grew increasingly concerned about the likelihood of Ibermusica using the name “New York Philharmonic” in promoting, advertising, and publicizing the tour in Spain and in Portugal. In an office memorandum, the management discussed steps to be taken to prevent Ibermusica from using the name: to have a Madrid-based law office write a letter to Ibermusica; to take ads in Madrid newspapers to inform the public of the situation; to ask the United States Ambassador to intervene with the Spanish Government; and to let Princess Sophia (through personal contact) know that the

concerts by the striking members of the New York Philharmonic in Spain could generate unpleasant publicity, which might cause “possible embarrassment” to her.⁵¹

In fact, two formal letters representing the New York Philharmonic were sent to Ibermusica from two separate law firms—one each in New York and Madrid. The first, dated 8 November 1973, was delivered by hand to Ragna Bruno, Ibermusica’s New York representative.⁵² The second, dated 9 November 1973, was delivered to Ibermusica’s Madrid office.⁵³ Both letters stated that the abbreviated name “New York Philharmonic,” which is known worldwide, is the exclusive property of the New York Philharmonic-Symphony Society, Inc., and that neither Ibermusica nor the striking musicians of the Society’s orchestra, either individually or collectively, have the right under any circumstances to use the name in any way:

Any infringement by Ibermusica of the rights of the Society in this regard will result in immediate legal action seeking injunctive relief and damages. Our client has retained counsel in Madrid, should appropriate legal action in Spain be required.⁵⁴

As a result, the musicians renamed themselves “Members of the New York Philharmonic” (see figure 7) and “Professors of the New York Philharmonic.” (see figure 8) Both names were accepted by Spain and by Portugal as the official title of the striking musicians on tour. Moreover, the Madrid Radio Symphony had agreed to be official host during the tour of Spain. In a note sent to the musicians by Banat, he assured his colleagues that while the management was attempting to thwart the tour, the committee had been in constant contact with the Spanish government via its Counsel General in

⁵¹ Office Memorandum of the New York Philharmonic, 7 November 1973, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

⁵² Co-founder of Ibermusica.

⁵³ Banat said that the letter sent to Ibermusica in Madrid was from the Rockefellers’ Spanish law firm.

⁵⁴ Letter of Proskauer Rose Goetz & Mendelsohn to Ibermusica, 8 November 1973. *See* Gabriel Banat, “Memoirs”, unpublished manuscript, July 5, 2014.

New York regarding the state of the negotiations, and that the government of Spain was sympathetic to the musician's cause. He added that the Spanish government had accepted the musicians while on strike and that they would welcome any move on the management's part against their tour in Spain: "They feel it will add to our publicity and success."⁵⁵

⁵⁵ Notes of Gabriel Banat to the Orchestra, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

Figure 7: Philharmonic musicians renamed themselves “Members of the New York Philharmonic.”



Figure 8: Philharmonic musicians renamed themselves “Professors of the New York Philharmonic.”



On 7 November 1973, the two sides went back to the bargaining table.

Rabinowitz began by saying that during their last meeting (Sipser's office, 2 November 1973), the whole situation was very upsetting and that several items in the management's final offer were confusing and unclear. He said, for example, that it was not clear whether the string revolving system was to be dropped or not; that the management tended to favor seniority as opposed to the revolving system; that while the Society's final offer of a \$10,000 pension at age 65 with thirty years of service seemed generous, somehow the pensions for those with fewer than thirty years of service would not be proportionately less but significantly reduced. When Oppenheimer did not show up, Rabinowitz terminated the meeting.

That same day, Ames sent a letter to the members of the orchestra, enumerating four points from the perspective of the Philharmonic Society that he hoped would clear up the lingering misunderstandings between the two sides.⁵⁶ Ames's first point addressed the musicians' persistent question as to why the Society paid \$200,000 (i.e., 40%) of the Hall's annual deficit on top of its rental. His response was that the Philharmonic's rental contract with Lincoln Center was negotiated in 1959 by David Keiser (the former President of the Philharmonic Society), at which time Ames was not directly concerned involved in contract matters. Ames explained that the rental contract stipulated that the Philharmonic was to pay 40% of the total costs of the Hall, which he characterized as "a simple method of determining our fair share of the total cost."⁵⁷ He also stated that the contract had proven to be "unusually" favorable to the Philharmonic, given that other

⁵⁶ Ames was responding to a *New York Times* article of October 24, 1973: "Why Philharmonic Strike Drags On."

⁵⁷ Letter of Amyas Ames to members of the Orchestra, 7 November 1973, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

constituents in Lincoln Center had to bear the full costs of their own halls. He stressed that everyone in the Philharmonic was indebted to David Keiser for the contribution he had made to the Society in negotiating this deal.

Ames' second point addressed the musicians' complaint as to why the Philharmonic had to pay \$211,000 per year for the acoustical renovation of Avery Fisher Hall when it did not own it. Again, Ames cited an agreement in the 1959 rental contract. But he urged the musicians to understand that Lincoln Center itself had paid for a major part of the acoustical adjustments: "The important part of the money came from the income from extra seats in the Hall, and from separate funds which would otherwise not have been available to us."⁵⁸ He went on to say that each time a decision was made to renovate the Hall, it was based on the advice of the musicians, noting that the board of directors would agree to the changes, not only on the basis of the advice of the musicians, but for "practical business reasons, [i.e.,] that improved acoustics would attract large audiences and make for a more successful Hall."⁵⁹ Ames' third point, which was addressed to criticism of his dual position as chairman of the Philharmonic and of Lincoln Center, was the following:

Let me only say that, in 1969 when John Rockefeller asked me if I would be chairman of the Executive Committee and later chairman of Lincoln Center, I took the position that I would do so only on the condition that it was understood by everybody that my first loyalty was to the New York Philharmonic. It has been my unflinching principle to refer any matters that concern both organizations to others, either on the Philharmonic Board or the Lincoln Center Board.⁶⁰

⁵⁸ Letter of Amyas Ames to members of the Orchestra, 7 November 1973, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

⁵⁹ Ibid.

⁶⁰ Ames was referring to John D. Rockefeller III, who built Lincoln Center as part of the "Lincoln Square Renewal Project". See Ibid.

Ames' fourth point addressed the accusation made by Philharmonic violist Ralph Mendelson: that the Philharmonic management had fomented the strike. Ames stated that Mendelson's accusation was incorrect, and that the musicians' management had agreed to be bound by compulsory arbitration.

Ames urged the immediate resumption of performances, stating that the Philharmonic Society did not believe a continuing strike was in the best interests of the musicians. Ames added that he felt strongly that the standard disputes between labor and management have no place in non-profit art organizations in the United States: "I believe that our State should pass legislation [that] would bring about compulsory arbitration in every non-profit organization negotiation if the parties could not reach agreement without it."⁶¹ Lastly, he urged everyone in the Orchestra to come to an agreement for the sake of the arts.

On 8 November 1973, a meeting was held for the Philharmonic's executive committee. Ames told the executive committee that the musicians' decision to go on tour resulted in four more weeks of strike, of which only one week was offset by tour income:

It is because, with our final offer on the table, the loss to the musicians is greater than anything the Union could have hoped to gain that we believe emotion may have overcome practical realities.⁶²

Ames laid out the figures, explaining that for each additional week of strike, the orchestra as a whole would lose \$45,000 of salary, welfare, and other benefits; the Philharmonic Society would lose \$10,000 of income; Lincoln Center, Inc. would suffer an income loss on the hall of \$23,000; and that there would be 11,200 disappointed ticket

⁶¹ Letter of Amyas Ames to members of the Orchestra, 7 November 1973, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

⁶² Notes of Amyas Ames for the Executive Committee Meeting, 8 November 1973, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

holders. He added that the loss for Lincoln Center was a loss for the arts of New York City: “The audience loss translates into heavy losses for restaurants, etc. in the neighborhood, ... so obviously the Orchestra player is the real loser.”⁶³

Ames also pointed out that he had made sure the orchestra committee understood that the management’s last offer could not be improved upon because any greater offer would swamp the Society’s ability to raise funds. Ames also said that he believed that there were misunderstandings and a lack of communication between the orchestra committee and the musicians, and perhaps even between the board and the musicians, which he said was against the best interests of the players:

We are told that some musicians are ‘infuriated’ that our first offer was so low and that our final offer came so late. Apparently, the moves and the firm indications we made to the Orchestra committee and the mediator were not disclosed to the Orchestra. This lack of communication may have been intentional to make us look unreasonable.

Ames went on to say that:

We seemed to be facing with a major power play which goes beyond the direct interests of our Orchestra. It also seems that militants on the committee may have fanned emotion to the point of losing control.⁶⁴

Ames urged the Philharmonic’s executive committee to recognize the ongoing problems resulting from the strike, which he said were detrimental to the well being of the organization, and noted that something must be done to ensure the best interests of the players. He suggested three ideas: a) that the executive committee should use the time while the orchestra was away in Europe to prepare a “statement of reconciliation” in which was analyzed each of the differences between the positions of the musicians and

⁶³ Notes of Amyas Ames for the Executive Committee Meeting, 8 November 1973, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

⁶⁴ Ibid.

the management, and which would be presented to the musicians upon their return; b) that certain members of the board should adopt particular points of view regarding the strike, and with the analytical assistance of staff, write a short memo of recommendation—or opinion—to the players; and c) that the Society should draft a 3000-word report detailing just how strong was the management's final offer was,⁶⁵ one that would make the Philharmonic the best paid orchestra in the world. Ames indicated that the report should: a) break down the pension, welfare, and insurance provisions (i.e., the quality of the coverage and how each works); b) that it should fully explain the Fisher gift and its true purpose, including why it does no more than reduce hall overhead, and why the Philharmonic must still raise additional \$500,000 even if the gift were to be given in its entirety by 1974;⁶⁶ c) that it should propose a meeting between the players and the members of the Executive Committee for the purpose of encouraging an exchange of ideas, and also for the development of an understanding by both sides; d) that the report should thoroughly analyze the problem of raising \$2 million each year, as well as the reasons why the Philharmonic cannot go beyond the highest payments of other orchestras without exceeding its fund raising capabilities and therefore jeopardizing the Orchestra; e) that it should include the letter from Carlos Moseley advising the players to return to the stage and play music while their differences with the management are being resolved; f) that there be a plan for the termination of the strike upon return of the orchestra from Europe, and that this document should clearly explain why the loss of each week's pay exceeds any benefits that might be gained from a longer strike; and lastly, g) that it should include a statement clarifying Ames' dual leadership of the

⁶⁵ Above other major orchestras' offers by 5.4%.

⁶⁶ Ames said the report should include Fisher's personal statement of intent.

Philharmonic and Lincoln Center, explaining that he had no dual loyalties, but that he nevertheless suspected the musician's union of mounting a "carefully planned attack" on the central authority of the Society.⁶⁷

* * * * *

On that same day, the two sides met again. Oppenheimer reiterated that the management's last proposal was final, and stated that there would be no further offer, despite the fact that Bernsohn told him that the orchestra had voted to reject it. Before the two parties went their separate ways, Oppenheimer announced that because the musicians had not been employed by the Philharmonic for weeks, their benefits would not be continued, and that the health insurance and welfare were to be cut off as of midnight on 9 November 1973. He also explained in details of the cost of the health and welfare coverage and said that either the musicians or the union would have the option to pay for their ongoing costs.

On 9 November 1973, a letter from the Society on behalf of Ames was sent to the subscribers of—and contributors to—the Philharmonic Society. Its purpose was to keep both abreast of the Society's continuing efforts to resolve the strike, and in particular, to emphasize the Society's distress over the rejection of its final proposal by the members of the orchestra, as well as their departure on a European tour versus the resumption of concerts in Avery Fisher Hall.

At its conclusion, the letter indicated that subscribers: a) could return their tickets for the cancelled concerts to the Society as a tax deductible contribution (as the full value of the tickets would be acknowledged for tax records); or b) they could return their

⁶⁷ Notes of Amyas Ames for the Executive Committee Meeting, 8 November 1973, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

tickets for a refund. According to an office memorandum sent to Lawrence, Ames' letter triggered a series of phone calls from confused subscribers. A number of tickets were returned with a copy of Ames' letter—the last paragraph encircled and notes to the effect, “as per your request.” Increasingly, the subscribers, both in person and on the phone, were said to have become increasingly hostile.⁶⁸ According to Philharmonic violinist Matitiahu Braun, who was a member of the performance committee, the management had sent letters to the spouses of the musicians urging them to dissuade their spouses from going abroad to perform, and had done everything possible to prevent the musicians from accepting other paying venues.⁶⁹

* * * * *

On 10 November 1973, the day of their departure for Spain, the musicians, after having studied the Society's press release (issued 3 November 1973), sent an open letter to Ames which read: “We are chagrined at the manipulation of facts and the use of half-truths to influence public opinion. The time is long overdue that we answer your charges point by point.” The musicians contended that while the management's \$50 weekly raise over three years appeared to be adequate, it failed to inform the public that it was tied to an increase in services:

In terms of real income, Mr. Ames, your offer amounts to a 4.5% increase during the first year. The Chicago Symphony was recently granted an increase of almost 10% in the first contract year and for fewer services than we are expected to perform. Thus, your assertion that our increase would make us ‘the best paid orchestra in the world’ is untrue.⁷⁰

⁶⁸ Office Memorandum of Keith Waggoner to Harold Lawrence, 14 November 1973, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

⁶⁹ Matitiahu Braun, interviewed by Kuan Cheng Lu, 28 May 2014.

⁷⁰ Open letter of the 106 musicians of the New York Philharmonic to Amyas Ames, 10 November 1973, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

The letter went on to discuss pension and welfare, and said that the management's proposals were still inferior to those of many other orchestras, and certainly were not "equal to any," as Ames had asserted. The musicians said that they had been in an "intolerable" situation, in which they did not have a disability insurance plan beyond Social Security, and their dental plan had collapsed in the middle of the season during the prior year. They also criticized Ames for taking away their medical and hospital insurance as an attempt of intimidation:

It is you, Mr. Ames, challenging us and the welfare of our families, who would have this magnificent instrument decline to the rank of a second-class ensemble or lie fallow and dormant for these months on end.⁷¹

Regarding Ames' statement that the musicians' European tour would deprive New York audiences of weeks of music, the musicians contended that the tour was agreed upon only after Ames and the Philharmonic Society had denied their public six weeks of music making via their deliberately retrogressive proposals:

We will not be starved into an unfair contract by your false concern for concert-goers, nor will we be intimidated by your threats of lawsuits to whoever employs us or performs with us. We have already demonstrated our readiness to play and our own organizational skill to perform at Carnegie Hall or anywhere in the world under our own auspices. ... We leave for Europe with great regret. We prefer to perform for our own public in our own city, and we prefer that the Philharmonic management arranges our business matters. We prefer to play music rather than plan travel arrangements, draw up contracts, and attend to the multitude of details necessary to move 100 musicians and instruments to Europe.⁷²

The musicians said that because their preferences could not be fulfilled, they had no choice but to seek other alternatives in order to continue to perform. The letter concluded with an expression of hope that upon their return from Europe, the two parties could

⁷¹ Open letter of the 106 musicians of the New York Philharmonic to Amyas Ames, 10 November 1973, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

⁷² Ibid.

agree to working as a true “partnership of the arts”—“A partnership based on an equitable contract fully cognizant of today’s needs, a partnership that will return the New York Philharmonic to the people of New York, to whom this great orchestra belongs.”⁷³ O’Brien said that there was always a strong feeling among the musicians that having self-booked an international tour demonstrated the musicians could do better than the management and the board of directors. To this day, she continues to reminisce about the tour preparations with other members of the orchestra who were also on the same tour, and everyone agrees that morale in the orchestra had never been higher. She said that everyone was helping everyone else along the process. For example, people who were taller and stronger—in particular, Philharmonic bassist Walter Botti,⁷⁴ whom the musicians called “the baggage master”—volunteered to lift heavy instruments and to help with loading luggage. O’Brien herself had offered her living room to Philharmonic bassist and acting personnel manager on the tour, John Schaeffer,⁷⁵ and Philharmonic horn player and orchestra committee member, De Intinis, to lay out all the manifests of instruments, including insurance forms and custom declarations. According to O’Brien, only ten members did not join the tour: “We had a few substitute players, and most of those who did not go declined for health reasons.”⁷⁶

On the afternoon of 10 November 1973, immediately before buses took the striking musicians from Avery Fisher Hall to the airport, the musicians’ union gave them a very special sendoff. As described by Banat: “The union, perhaps to expiate its timidity,

Open letter of the 106 musicians of the New York Philharmonic to Amyas Ames, 10 November 1973, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

⁷⁴ New York Philharmonic Bassist, Walter Botti, was in the Orchestra from 1952 to 2002.

⁷⁵ New York Philharmonic Principal Bass, John Schaeffer, was in the Orchestra from 1951 to 1996.

⁷⁶ Orin O’Brien, interviewed by Kuan Cheng Lu, 6 April 2012.

sent us off in style with a great brass band, the best New York could offer, playing marches and with little red bows tied to [their] instruments.”⁷⁷

Another major difference in going on tour without the assistance of the Philharmonic’s management was the absence of tour wardrobes and instrument trunks such as they had when the management organized the tour. O’Brien remembered that most players had to carry a large suitcase plus their instrument. The only exceptions were those players of very large instruments. These instruments: ten cellos, eight basses (and bass stools), contra bassoon, percussion (timpani, xylophone, celeste, etc.), tuba, harp, plus the music library (a large container holding all the instrumental parts),⁷⁸ were known as the “unaccompanied baggage.”

When the musicians arrived at the airport, they were greeted by some unwelcome news: the airline (Iberia) had mistakenly assigned the airplane which was to take them and instruments to another group. Fortunately, the airline was able to quickly arrange another airplane for them, but after everyone had boarded, yet another problem arose: the baggage compartment doors on the replacement Boeing 707 were too narrow to accommodate the large instruments. The airline said that there was no choice but to put the large instruments on a separate flight. Fearing still more of the unexpected, Banat went to the flight deck and spoke to the captain, asking him to hold the plane while Schaeffer rushed the other gate to make sure that all instruments had gotten on the other flight smoothly. As the musicians finally departed for their independent European tour adventure, they realized what a miracle it had been to accomplish all the bookings, travel, and logistical arrangements within a period of two weeks, and to have done it with an

⁷⁷ Gabriel Banat, “Memoirs”, unpublished manuscript, July 5, 2014.

⁷⁸ Tour folders of John Schaeffer.

“amateur managerial team,” which is what they called themselves. In a letter of statement to Ames and the members of the Philharmonic’s board of directors, Bernsohn said that:

It was not a vacation bound, light hearted group that departed from Kennedy airport on Saturday evening. Our orchestra, to the last man and woman, would much prefer to perform in our own hall for our own audiences. We have been compelled to cross oceans to seek physical and artistic sustenance because the wide gap still separating us from the Society’s negotiators has not yet been bridged.⁷⁹

Bernsohn urged the Society to understand that the musicians had reduced their demands to a point where “further trimming would be almost impossible,” and that their desire to maintain the \$10 differential in salary demand between themselves and the Chicago Symphony was not based upon “arrogance or greed,” but rather upon the cost of living differential and the workload each week. He further pointed out that the Chicago Symphony had been paying its musicians the seniority increments for years while the Society had not done the same to recognize its musicians’ years of service and experience as the “value of a musician’s contribution.”⁸⁰ In terms of the ongoing differences between the Society and its musicians, the letter stated:

Unfortunately the relationship between management and the Orchestra has deteriorated markedly during the past several weeks. The Society’s recent decision to suspend health and welfare payments and its threats to enjoin and otherwise disrupt our Iberian concerts have not been moves conducive to early settlement. A contract cannot be consummated on the basis of threats and intimidation.⁸¹

He asked the Society to “seriously reexamine” its positions, so that by the time the orchestra returned home, there would be a welcoming contract agreement.

⁷⁹ Letter of Lorin Bernsohn to Amyas Ames and the members of the board of directors, 12 November 1973, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

⁸⁰ The committee suggested for an increment of \$5 each week after ten years of service, \$10 after fifteen years and \$15 after twenty years. *See* letter of Lorin Bernsohn to Amyas Ames and the members of the board of directors, 12 November 1973, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

⁸¹ Letter of Lorin Bernsohn to Amyas Ames and the members of the board of directors, 12 November 1973, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

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Once the musicians and their instruments had all safely arrived in Lisbon, they played their first two scheduled performances at the Teatro Imperio. O'Brien's mother, who was living in Lisbon at the time, had tried to help with the booking of the Opera House (the largest concert hall in Lisbon), but it was already fully booked. The solution Ibermusica arranged was to have the musicians play at the Teatro, which turned out to be one of the largest movie theaters in Lisbon.⁸² At the first performance, the front page of the printed programs specifically mentioned that the performance was being given by the Members of the New York Philharmonic, though, it was said that the local concertgoers were happy to ignore the legality and to assume that it was the New York Philharmonic making its first appearance in Portugal.⁸³ In fact, the *Diário de Notícias*, one of the best known Portuguese newspapers, had described the event as a "big hit" cultural presentation by the New York Philharmonic.⁸⁴ The musicians' first concert program, which was dedicated to the late Pablo Casals, the legendary cellist who had passed away only a few weeks prior to the concert,⁸⁵ featured the Philharmonic's principal cellist, Lorne Munroe, in Dvorak's cello concerto. Munroe's performance received a rousing standing ovation, which led him to offer the audience one of Casals's own compositions, "*Canção Triste*," as an encore. The rest of the program included the *Roman Carnival Overture* by Berlioz, Tchaikovsky's Symphony No. 4, as well as an orchestral encore, the march from "*The Damnation of Faust*" by Berlioz. The concert was a huge success.

⁸² Orin O'Brien, interviewed by Kuan Cheng Lu, 6 April 2012.

⁸³ *The Associated Press*, date unknown. Files collected by Orin O'Brien.

⁸⁴ Portuguese newspaper collected by Gabriel Banat, 13 November 1973.

⁸⁵ Pablo Casals died on 22 October 1973 in San Juan, Puerto Rico.

For the second Lisbon concert—also a huge success—the musicians played Mozart’s Symphony No. 38, (the “*Prague*” Symphony), Stravinsky’s *Firebird Suite*, 1919 version (the concert suite for orchestra No. 2), and the Shostakovich Symphony No. 5.

On 14 November 1973, as the musicians were preparing to depart Lisbon for Madrid at 5:50 p.m., Banat, Philharmonic violinist Don Whyte, and Aijon’s wife, Kristina, set off by automobile for Madrid at 5:00 a.m. It is routine for the management of an orchestra on tour that some member of the staff to travel ahead of the musicians and to ensure that everything is in order before the orchestra arrives. Since there were no management personnel on the 1973 strike tour, the musicians themselves had to assume this responsibility. And as it turned out, it was fortunate that Banat had left early for Madrid. Upon arriving at the hotel, they discovered that: “Instead of first names, the list of the musicians given to the hotel [had] only initials [and] they had some of our women rooming with a guy.”⁸⁶

But after getting the Concierge to correct his error, they encountered a much worse problem: the cargo doors of the Boeing 737 that was to fly the orchestra to Madrid were similarly unable to accommodate the large instruments. As Ibermusica desperately searched for an alternative way to fly out both the musicians and all of their instruments, Aijon’s brother-in-law, who was chief commander of Barajas Airport (Madrid’s main international airport), was at the last minute able to secure the only available aircraft, a Boeing 747, to make the trip from Madrid to Lisbon, pick the musicians and their instruments, and immediately return to Madrid. Banat said that that 747 saved their day, although the cost was an unfortunate “\$10,000 or more.”⁸⁷

⁸⁶ Gabriel Banat, “Memoirs”, unpublished manuscript, July 5, 2014.

⁸⁷ Gabriel Banat, interviewed by Kuan Cheng Lu, 30 October 2010.

Concerts in Spain tend to start at a later than in the United States—usually around 10:30 p.m. But because the musicians arrived in Madrid one hour later than originally planned, they kept their eager audience waiting in the Palacio de Congressos for almost another hour. After quickly donning their concert attire and setting up the stage, they began the taped concert (to be later televised), at around 11:20 p.m.⁸⁸

It had been decided to use the concert to benefit the victims of the disastrous floods that struck Southeastern Spain the previous month,⁸⁹ and many of the government cabinet-ministers as well as a large number of political figures were present at the gala concert. The cover of the elegantly printed program reads: “The Grand Gala Concert, Sponsored by Her Excellency Mrs. Doña Carmen Polo de Franco,⁹⁰ Presented by the Professors of the New York Philharmonic.” Banat commented that, “the resulting combination was a veritable paradox: an orchestra on strike touring Spain under the auspices of the wife of its Fascist dictator.”⁹¹ But the musicians, despite their exhausting day of travel, played brilliantly and Munroe gave yet another exceptional performance of the Dvorak cello concerto. The following day, the *ABC. Viernes*, Madrid’s newspaper, wrote in the headline of the music section, “Triumphant performance by the New York Philharmonic”; the reviewer raved about the musicians: “truly remarkable and admirable,” despite not having the glorious name “New York Philharmonic.” He said that the orchestra had proven a most sensitive instrument from which Ahronovitch coaxed a round and beautiful sound, that the two together possessed cohesion and brilliance

⁸⁸ *ABC. Viernes*, 16 November 1973. Files collected by Orin O’Brien.

⁸⁹ A heavy storm of 600mm had caused catastrophic flooding on October 18, 1973, in the stream of Albuñol, which caused the loss of 46 lives, the destruction of 91 houses and serious damages to 141. A layer of mud was said to have covered the streets of La Rabita. The damages were estimated at 300 million pesetas. The Institute of Agricultural Sciences of Spain - <http://www.ica.csic.es/>.

⁹⁰ The wife of the dictator of Spain, Francisco Franco.

⁹¹ Gabriel Banat, “Memoirs”, unpublished manuscript, July 5, 2014.

throughout the program, and that they had made a significant impact on the members of the audience.⁹²

Ahronovitch, who had conducted in Spain prior to the tour, had some familiarity with the audience in Madrid, and his interpretations on the two programs in Madrid were both very well received. Following the second of the two Madrid concerts, a critic in a local newspaper wrote: “The Triumphant Goodbye of the New York Philharmonic ... Great, magnificent orchestra, ... powerful but not harsh, finely nuanced, ... capable of impressive fortissimos and the best pianissimos whenever the conductor’s baton so demands.”⁹³

After the successful visit to Madrid, the musicians then traveled to Barcelona, where they were initially to perform only one concert. Because the concert sold out soon after its announcement, however, it was decided to present a second concert on 18 November 1973, on what was originally to be the musician’s scheduled free day. Both concerts took place at the beautiful Palau de la Música Catalana (see figure 9),⁹⁴ and the highlight of first concert was Munroe’s rendition of a traditional Catalan song, “*El aant dels ocells*” (“*The Song of the Birds*”), one of Casals’ own arrangements, which Munroe (see figure 10) dedicated to the memory of Casals. Banat said that the audience, “rose to

⁹² *ABC*. *Viernes*, 16 November 1973. [“... con y sin el nombre glorioso, ... los elementos que han llegado a nosotros forman un conjunto de verdad extraordinario y admirable.”]

⁹³ A review of a Madrid’s local newspaper, 17 November 1973. [“TRIUNFAL ADIOS DE LOS FILARMONICOS DE NUEVA YORK.” ... “gran, magnífica orquesta, ... pujantes sin acritudes, ... capaces para fortissimos impresionantes y maximos pianissimos, siemাপре que se lo exija la batuta rectora.”]

⁹⁴ The Palau de la Música Catalana, which seats about 2,200 people, is an architectural jewel of Catalan Art Nouveau. In 1997, it was declared a UNESCO World Heritage Site, which represents an essential landmark in the cultural and social life of Catalonia. There are massive sculptures surrounding the stage, displaying the theme of choral music. The Palau is also the only auditorium in Europe that is illuminated entirely by natural light during the daylight hours. <http://www.palaumusica.cat>, the official web site of the Palau de la Música Catalana.

its feet and, roaring its approval” made Munroe repeat it again, and after that the musicians had “sixteen curtain calls!”⁹⁵

Figure 9: Philharmonic musicians performing at the Palau de la Música Catalana in Barcelona.



⁹⁵ Gabriel Banat, “Memoirs”, unpublished manuscript, July 5, 2014.

Figure 10: Philharmonic principal cellist, Lorne Munroe, performing “*El cant dels ocells*” (“*The Song of the Birds*”) in Barcelona.



On 19 November 1973, the musicians traveled to their last destination of the tour, the Canary Islands, to play their final two concerts on tour: one at the Teatro Perez Galdos in Las Palmas, and one at the Teatro Guimera in Santa Cruz de Tenerife. Once again, the concerts were highly praised; the Las Palmas’ local newspaper even called the musical event, “a dream come true” for the local concertgoers.⁹⁶

After the last concert of the tour, O’Brien said that Ahronovitch was kind enough to take the entire orchestra out to dinner, to celebrate the fruitful and unforgettable touring experience. Many musicians who were on the 1973 strike tour have said that the

⁹⁶ *Diario de Las Palmas*, 20 November 1973. [“un sueño que por dos horas se ha hecho realidad tangible.”]

independent tour was the highlight of their career, and that it was a real morale booster for the orchestra. Not only that it had given the musicians some much needed financial support, it had also brought everyone in the orchestra closer during a very difficult period of time. One of the musicians who wished to remain nameless shared that he regards the orchestra's strike tour as one of his most enjoyable times in the orchestra. He said that the musicians played passionately at each of the concerts, and most of them went out to dinner every night after the performance, and then stayed up until dawn! Banat described strike tour as having the opportunity to experience "the spirit of self-reliance," and added that while a regular tour would have cost the Philharmonic's sponsors close to one million dollars, theirs earned \$80,000 net: "Especially welcome for those of us with overdue rent or mortgages."⁹⁷

⁹⁷ Gabriel Banat, "Memoirs", unpublished manuscript, July 5, 2014.

Chapter Six: Aftermath of the Tour

The Philharmonic musicians' tour of Portugal and Spain won them a great amount of admiration, and eager newspaper reporters were waiting to greet them upon their return to New York. The *New York Times* called their eleven-day tour "highly successful";¹ the *New York Intelligencer* reported that the ninety-five Philharmonic musicians, representing "the Ensemble of New York," had drawn "huge crowds in a country that doesn't have much in the way of good, home-grown symphony orchestras." It went on to note that the musicians were "weighing further offers from South American and Swiss promoters [and] for more pay-per-concert than they would get in New York even if their current demands are met."²

Gabriel Banat, the person most responsible for bringing the Iberian tour to fruition, recalled that almost immediately, he was contacted by the committee chairmen of *all* five major American orchestras wanting to know how to organize a tour such as the Philharmonic musicians had just completed. Perhaps surprisingly, Banat's answer was that it was no longer possible: "After the problems we caused Ibermusica, no European manager would consider engaging an American orchestra on strike."³

The musicians were also greeted upon their return with a six-page ultimatum in the form of a letter, dated 19 November 1973, from Amyas Ames, the chairman of the board of the Philharmonic Society. Ames' letter began: "On November 2nd, the New York Philharmonic-Symphony Society made an offer which, because we wished to end

¹ Marcia Chambers, "Musicians, Back, Get Same 'Final Offer'," *New York Times*, 23 November 1973, 44.

² James Brady, "Philharmonic: Cavils & Travels," *New York Intelligencer*, 26 November 1973, 75.

³ Gabriel Banat, "Memoirs", unpublished manuscript, 5 July 2014.

the strike, was our best and final one.”⁴ It continued that argument and misunderstandings are inevitable in a strike, but that the musicians must understand that “the time for argument is past.”⁵ He summarized the major elements of the Society’s final proposal, and under each, he provided comparisons with the best paid orchestras of the country. He concluded with the hope that the musicians would then draw their own conclusions.

The first issue Ames addressed was wages. He made no new offer, but instead continued to promote the same salary package the musicians had rejected before they left on tour. That offer was for a minimum wage of \$350 a week during the first year, \$360 during the second, and \$380 during the third, representing a combined increase of \$50 per week over the life of the agreement. He went on to note that under this offer, the Society’s wages would be in line with the highest wages paid by any symphony orchestra in the country—and in fact, in the world. To make this assertion specific, he noted that:

[The Society’s offer is] equal to the wages called for under the new Chicago agreement, \$10 per week higher than those paid under the Philadelphia contract, and \$20 per week higher than those in Boston.⁶

Ames emphasized that the wage proposal would prove even more advantageous to the Philharmonic musicians because the Society was also offering increased overscale for all revolving string players; every playing member in the Philharmonic would then end up getting at least \$15 over the minimum scale, which other orchestras’ musicians did not have.

⁴ Letter of Amyas Ames, 19 November 1973, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

⁵ Ibid.

⁶ Ibid.

Regarding the pension plan, to which the Society had proposed to increase its contribution by \$270 per year for each year of service, and which would result in a minimum pension of \$10,000 per year for players who retire with at least thirty years of service at age sixty-five, Ames said that the Society's pension would be far better than that of any other orchestra, and would provide a retiring musician with approximately \$2,000 more per year than what his or her colleague in Chicago or Boston would receive, and \$3,500 more per year than any colleague in Philadelphia. Ames added that while the Boston and Chicago orchestras let their musicians retire at age sixty, rather than sixty-five, their pensions had strict limitations on the benefits payable to employees—limitations which were absent in the Philharmonic's pension program—and that they therefore provided considerably fewer benefits to their musicians upon retirement.

Regarding welfare benefits, Ames pointed out that the Society was offering to increase welfare contributions by \$35,000 over the three years of the agreement, with an increase of \$20,000 in the first year, \$10,000 in the second year, and \$5,000 in the third year—for a total of \$144,000 per year. This would offer the musicians a “substantially improved major medical plan, substantially increased life insurance, an improved dental insurance plan, and increased instrument insurance.”⁷

Regarding the comparison with other orchestras, Ames said that given the special endowment that underwrites the benefits of the Chicago Symphony, the Society was simply not able to make a matching offer. Yet its proposed offer was far better than those of Philadelphia and Boston. Ames pointed to the provision of \$2,500 of instrument

⁷ Letter of Amyas Ames, 19 November 1973, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

insurance and \$2,000 of life insurance—benefits that would continue following retirement and explicitly noted that: “No other orchestra has either of these benefits.”⁸

Regarding the increased chair prices for string sections, Ames confirmed that the revolving string system was to be implemented for one year to determine whether it can prove to be artistically satisfactory:

Compensation will be made during the first year to those members of the string section who are asked to play one of the front desks. If this works, as we assume it will, all members of the string section, in the second year, will receive a payment of \$15 over scale, and those string players who are presently receiving over scale payment in excess of \$15 will continue to receive such payment.⁹

Ames went on to stress that the Philharmonic would be the only orchestra to pay contractual over-scale payments to its string section.

He also noted that the Society’s final proposal offered substantial increases in per diem allowance during tours: \$34 for the first two years and \$36 for the third year. He noted that this was “generally” equivalent to that of the Chicago Symphony, but was significantly higher than that of Philadelphia, Boston, or Cleveland. In terms of the musicians’ additional workload, Ames said that during four weeks of the subscription season, the Society would like to have the option of scheduling three, three-hour rehearsals and a one-hour student concert, “with the understanding that this student concert will not include the Young People’s Concerts or any concert which has previously resulted in income for the musicians.”¹⁰ Ames noted that while it would permit the Society to increase its student concert program, it would not result in a greater workload for the musicians.

⁸ Letter of Amyas Ames, 19 November 1973, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

⁹ Ibid.

¹⁰ Ibid.

At the letter's conclusion, Ames referred to the musician's suspicion that the management had in fact wanted this strike to occur. He countered that once the strike began, the Society made great efforts to quickly end it, and as evidence of their good faith, cited their willingness to submit the matter to binding arbitration. Ames reiterated that the strike was costing the Society approximately \$5,000 a week and the Orchestra \$45,000 a week in salaries, and that their final offer would compel the Society to raise another \$2 million in donations at a time when "national energy and financial crises, have certainly made the fund raising burden more difficult than ever."¹¹

He concluded by saying to the musicians that under the circumstances, he believed they had already achieved—via the Society's last offer—"a major victory ... you have before you a contract which equals or betters that of any symphony orchestra in the world."¹²

* * * * *

On 25 November 1973, the entire orchestra met to discuss Ames' letter. Their instruction to the negotiating committee was to "fill in the gaps" in the management's final offer.¹³ On 27 November, negotiators from both sides met at the bargaining table for a day-long session in which both sides struggled to reach an agreement. On the following day, the Philharmonic's musicians were informed of a "modified contract offer" that represented—probably—the last chance from either perspective to salvage a concert season. The orchestra members were then faced with a choice between accepting the

¹¹Letter of Amyas Ames, 19 November 1973, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

¹² Ibid.

¹³ *Senza Sordino*, December 1973-No. 2: 5.

“modified” package, of which they were not fully apprised, or face another four-to-six weeks on the picket lines.

Committee member Newton Mansfield recalled that if the musicians were to keep the strike going past the Christmas and New Years season, they would essentially be doing the management a favor, given that for one of the weeks the musicians were on vacation, and the others were among the least audience-producing weeks of the season. On the evening of 28 November 1973, the striking musicians gathered at the headquarters of Local 802 for a ratification meeting. Each was handed a six-page points- of-agreement supplement to the trade agreement covering the period 21 September 1973 to 20 September 1976.

The first item dealt with the issue of salary increase: the management had made no change to their offer, and it remained at \$50 over the three years of the proposed contract (\$20; \$10; \$20). The second item dealt with tour arrangements: the management stated that it would continue to consult the orchestra committee in the same manner as in the past contract. The third item dealt with the Society’s general policy on the engagement of personnel:

Choosing the performing personnel is considered an important function of the Music Director, and the Society has vested complete authority for final decision regarding the choice of personnel in the Music Director ... It is recognized, however, ... in some instance ... the best interests of the Orchestra may not be served by requiring auditions of every prospective new solo player. In such instances the Music Director and Management will use their best judgment regarding the auditions...¹⁴

Under the agreement, any prospective new member had to be interviewed by the management before they were engaged, and was required to pass a physical examination

¹⁴ Ratification letter of the 106-musicians of the New York Philharmonic, November 29, 1973, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

which was to be conducted by a medical doctor. Following successful completion of the probationary period, the new player was then required to undergo a second physical examination before tenure could be conferred.

The fourth item discussed the details the Society's general policy regarding strings' rotation system and chair prices:

During the first year of the Agreement, the seating of all members of the string sections other than the first two stands of the first violin section and the first stands of the other string sections shall be on a periodically revolving basis throughout the year. Members in revolving seats shall be listed in alphabetical order.¹⁵

The agreement also pointed out that if the revolving system proved to be satisfactory, each member of the string section would then receive \$15 over-scale in the second year of the agreement, and \$20 over-scale in the third year of the agreement.

The fifth through seventh items dealt with the Orchestra's "day off" in each week; the Society said that it would try to arrange two consecutive days off for the musicians whenever possible.

The eighth item was a promise that the Society made to the second players in the woodwind, horn and trumpet sections. For some years, the players in those sections had been complaining that due to the nature of standard orchestration, their workload was greater than the rest of their respective sections. In the eighth item, the Society had finally agreed to provide them with an occasional relief week, though under the condition that other members of the section will make their services available so that such relief weeks could be afforded.

¹⁵ Ratification letter of the 106-musicians of the New York Philharmonic, November 29, 1973, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

The ninth item was an agreement by the Society to grant leaves of absence without pay for a twelve-month period under the following circumstances: a) the Society must be able to engage a substitute whom it deems acceptable; b) no more than three members of the entire Orchestra, and not more than one player within any one instrumental section are to be on leave at the same time; c) priority will be given to requests for leave based on seniority; and d) that requests for a leave of absence may be made only once every seven continuous years of service.

The tenth item dealt with the Society's proposal on health and welfare benefits. Through New England Mutual Life Insurance Company, the Society would provide the musicians with group life insurance, dental expense benefits, basic medical benefits, major medical benefits, and long term disability benefits. The Society also proposed an increase in musical instrument insurance provided at its expense from \$750 to \$2,500.

According to Mansfield, Philharmonic cellist Evangeline Benedetti had met an insurance broker and introduced him to the orchestra committee. When the orchestra was in Spain, Mansfield and Lorin Bernsohn met with this broker and were told that the Society had been buying a health insurance plan (Blue Cross) from one of the Philharmonic's board members "as a favor."¹⁶ They were then told that the Philharmonic could purchase a better plan at a much lower price from New England Mutual Life Insurance Company. Bernsohn and Mansfield immediately proposed making this change to the management.

The management agreed to make the change, and the savings in cost that it would generate over the span of the new contract would leave the Philharmonic Society with a

¹⁶ Newton Mansfield, interviewed by Kuan Cheng Lu, 7 April 2012.

considerable amount of unexpected, and therefore, unbudgeted funds. They agreed not to hold this sum in reserve, but instead agreed to use it to fund the string rotation system.

The eleventh item addressed the pension fund and retirement program. The Society agreed to increase its annual contribution of \$209,000 to the pension fund to \$219,000 the first year; \$229,000 the second year; and \$234,000 the third. As for the age of retirement, the Society proposed that:

The retirement date for Orchestra members shall continue to be the end of the season following their 65th birthday. After consultation with the Orchestra Committee, however, the Society may, in its sole discretion and when special circumstances obtain, invite an Orchestra member to remain with the Society after that age on a year-to-year basis, but in no event past the end of the season following the 68th birthday. The Society will give maximum consideration to the request of each Orchestra member who asks to remain past the normal retirement date.¹⁷

This last item was to fulfill the orchestra's request to have an artistic committee, comprised of six elected musicians from the orchestra, to meet with the management. The Society's agreement was that the management would designate a committee to meet with the orchestra's artistic committee not less than four times each year to discuss artistic policies such as choice of conductor, use of rehearsal time, and anything else that affected—or might affect—the orchestra's functioning and its musical future.

● * * * *

After reviewing the document, the orchestra committee was bitterly divided over whether to ratify the contract. The orchestra as a whole, moreover, was similarly divided, with sixty percent for ratification, and forty percent against it.¹⁸ Philharmonic bassist, Orin O'Brien, who had stayed in Europe following the Iberian tour, and who had given

¹⁷ Ratification letter of the 106-musicians of the New York Philharmonic, November 29, 1973, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

¹⁸ Newton Mansfield, interviewed by Kuan Cheng Lu, 7 April 2012.

her proxy vote to one of her colleagues, was told that at the ratification meeting a member of the orchestra wanted to raise an objection to one of the proposals. In response, Sipser was said to have impolitely prevented him from doing so. Although recommendations were not given to the musicians by the orchestra committee, Sipser appeared inclined towards a quick settlement with no arguments.

At midnight, the orchestra, by a vote of 69 to 35, ratified a new three-year contract and ended their ten-week strike.¹⁹ In so doing, the musicians gave up the fight to win the \$10 differential in minimum weekly pay between themselves and their Chicago colleagues. But as a result of the strike, they gained on issues such as pension, life insurance, instrument insurance, rehearsal pay, the string rotation system that would pay each rotating string player an additional \$20 above the minimum in the third year of the contract, and most importantly, more involvement in the artistic decision making process.

According to Ralph Mendelson, Philharmonic violist and chairman of the negotiating committee:

The negotiating committee's lack of recommendation and the large number of dissenting votes to ratification must be directly attributed to the Society's refusal to either improve the Orchestra's service and working condition provisions or to compensate for its heavy work schedule and high cost of living in New York.²⁰

O'Brien echoed Mendelson, saying that given the absence of movement on the management's side and the apparent absence of any effort on the management's part to negotiate or compromise, the orchestra was thoroughly discouraged. Mansfield added that while the vote had brought the strike to an end, there were bitter feelings towards the management and a sense of mistrust that lingered for many years.

¹⁹ *Senza Sordino*, December 1973-No. 2: 4.

²⁰ *Ibid.*

On 4 December 1973, the orchestra resumed their rehearsal schedule at Fisher Hall; their first performance following the strike was 6 December 1973. Daniel Barenboim, who was scheduled to conduct a program of Russian music that week, had cancelled his engagement due to the illness of his wife, Jacqueline du Pré.²¹ He was replaced by the Polish conductor, Georg Semkov, in a program of Moussorgsky, Tchaikovsky, and Scriabin. Vladimir Ashkenazy was the soloist.

* * * * *

The Philharmonic's ten-week work stoppage resulted in the loss of forty-six concerts, including thirty-five subscription concerts, two "Prospective Encounters" events in Greenwich Village, six educational concerts, one special program on Long Island, one Young People's Concert, and one concert conducted by Andre Kostelanetz. Donal Henahan of the *New York Times*, following the musicians' ratification of the new contract wrote:

Musically, the casualty rate has been serious but hardly fatal ... the losses have been, by luck or otherwise, surprisingly light.²²

Not quite six months later, however, Harold Schonberg of the *New York Times* observed:

All [ten] weeks of programs had to be scratched; all the soloists were unheard. There must have been bitter tears; many of them were making their first appearances with the Philharmonic, and a Philharmonic date still carries a great deal of clout.²³

Moreover, a clause in the contract between the Philharmonic and its guest conductors and soloists stipulated that the honorarium for any guest appearance with the Philharmonic

²¹ Jacqueline du Pré, a British cellist, was diagnosed with multiple sclerosis in October 1973.

²² Donal Henahan, "Philharmonic Ready for the Downbeat," *New York Times*, 29 November 1973, 54.

²³ Harold C. Schonberg, "How the Philharmonic Survived the Flood," *New York Times*, 19 May 1973.

that was cancelled due to a strike would not be paid.²⁴ Among those whose engagements during the strike were cancelled and who lost income from it were André Watts, Jean-Bernard Pommier, Zino Francescatti, Rafael Druian, Pinchas Zukerman, Pierre Fournier, Erich Leinsdorf, Julius Baker, and John Cerminaro.

* * * * *

In the aftermath of the strike, both the Philharmonic Society and Lincoln Center conducted thorough evaluations of its cost—and potential future costs—to them. The Philharmonic reported that the strike would most likely produce an adverse effect on subscription renewals for the 1974-75 season. According to Ames, 74,412 tickets were sold to the subscribers during the strike period; this meant that the Philharmonic's liability for advance ticket sales would be \$513,000.²⁵ Season ticket holders were informed of their options throughout the strike, including an option to donate their subscription to the Philharmonic Society, but as of 18 January 1974, the number of tickets donated amounted to only about \$85,000. Moreover, according to the Society, many people expressed an unwillingness to continue supporting the pension benefit concerts. Lincoln Center informed the Philharmonic Society that, due to the loss of revenue from the strike, the operating deficit of Avery Fisher Hall (before income from the Avery Fisher Trust Fund) increased by approximately \$133,000, and when added to the ongoing deficit of \$562,000, brought the total operating deficit to \$695,000.²⁶

²⁴ The Orchestra's music director, Pierre Boulez, however, was still to be paid by the season.

²⁵ Notes of the management's meeting, 12 December 1973, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

²⁶ Report of the New York Philharmonic to its Special Committee of Board of Directors, 25 January 1974, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

During the 1972-73 season, the Philharmonic shared about 35% of the hall's operational deficit—a percentage based proportionately on its use of the hall.²⁷ But according to a Force Majeure clause in the Memorandum of Understanding (dated 14 June 1961) and the Final Agreement between Lincoln Center and the Philharmonic (dated 1 July 1966), the Philharmonic was not responsible for paying the base rent of \$1,500 per performance if a performance had to be cancelled.²⁸ After factoring in the cancelled performances due to the strike, therefore, the Philharmonic's obligation to Lincoln Center for its share of the deficit of Avery Fisher Hall dropped from 35% to 30%, and the cost of the strike to Lincoln Center rose from \$93,000 to \$121,000.²⁹ In response, Lincoln Center petitioned the Philharmonic to pay its normal proportion of the hall's deficit (approx. 35%), without regard to the language of the Lease Agreement. Their rationale was as follows:

- (a) in the spirit of partnership, and as a matter of equity, Lincoln Center should not bear the full brunt of the financial effects of the strike which was against Philharmonic;
- (b) Lincoln Center's exposure was completely unforeseen at the time of the earlier agreement between the parties;
- (c) [a] "rough" estimate by Lincoln Center [was] that [the] Philharmonic saved \$70,000 during the strike; the Center's strike burden is \$121,000.³⁰

²⁷ "Under terms of Lease Agreement, Philharmonic, effectively, is responsible for that portion of the annual deficit which equals the proportion of Philharmonic bookings to total bookings. For example, in 1972-73, the Philharmonic proportion was 35%, viz: Philharmonic booking revenues (\$488,000) divided by total revenues (\$1,416,000) equals 34.45%. *See* report of the New York Philharmonic to its Special Committee of Board of Directors, 25 January 1974, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

²⁸ Within the report cited above in footnote 27, it quoted the Final Agreement between Lincoln Center and the Philharmonic, July 1, 1966 - Article IV, Use by the Philharmonic of the Concert Halls, includes a Force Majeure clause, as follows: "It is understood and agreed that if, as a result of a strike, acts of God, unavoidable casualty or similar causes beyond its control, the Philharmonic shall be unable to, or shall be prevented from, using the Concert Hall on one or more of the dates specified by it for use, the Philharmonic shall not be obligated to make payment of the rental for such date or dates."

²⁹ Increase to Lincoln Center: \$93,000 / strike cost + \$28,000 / the 5% difference in the Philharmonic's share of hall's budget deficit = \$121,000.

³⁰ *Ibid.*

David Keiser, the former president and chairman of the Philharmonic Society, and the person who led the Society as the Memorandum of Understanding and the Final Agreement were being drafted, felt there should be no deviation from the Final Agreement, even though the Orchestra's deficit obligation of \$34,000 was not large:

Such a deviation would set a very bad precedent whenever a problem arose where one party would ask and perhaps obtain that the provision which is to its disadvantage be changed.³¹

Moreover, he added that the Philharmonic Society should be open to the possibility of making changes to the Final Agreement regarding future strike situations. Lincoln Center pointed out that during the strike period, the Philharmonic Society did not release its bookings of Avery Fisher Hall. Consequently, Lincoln Center could not sell the Philharmonic's unused dates to other producers: "Generally, a producer needs 'lead time' of a month and one-half to market his show. Moreover ... the picket lines would have been a significant deterrent to most producers."³²

Lincoln Center, which believed that "the issue of equity, or moral responsibility would emerge more compellingly in absence of the force majeure clause," therefore proposed a modification of the Lease Agreement be considered by the Philharmonic Society. It noted that if a strike against the Center was by a trade union, which might cause a heavier burden on the Philharmonic than on Lincoln Center, the Society would certainly be considered for a modification of the Agreement as well. Eventually, the Philharmonic agreed to Lincoln Center's proposal to modify the joint Agreement, which specified that:

³¹ Notes of the management's meeting, December 12, 1973, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

³² Report of the New York Philharmonic to its Special Committee of Board of Directors, 25 January 1974, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

Prior to the expiration of the eighth full year thereof (i.e. June 1973), any Party feeling aggrieved by the operation of any provision of this Agreement may propose a modification thereof and the Parties will attempt to agreeon. If the Parties are unable to so agree the matter will be referred to arbitration as hereinbefore.³³

While the strike had an impact upon both the Philharmonic Society and Lincoln Center, it was obvious that both institutions collectively preferred to stay in a good working relationship with each other. Following receipt of the Avery Fisher bequest, moreover, the Society and Lincoln Center were entertaining the idea that the Philharmonic might possibly become the full time occupant of Fisher Hall: “with the Fisher gift such a full time occupancy might now be interesting to the Philharmonic, whereas this was not feasible when the Hall first opened.”³⁴ For the Philharmonic musicians, however, the fact that the Fisher bequest did not go directly to the orchestra pointed directly to the conflicts of interest that arose from Ames’s position as chairman of both Lincoln Center, and the Philharmonic Society.

³³ Article XVII of the Lease Agreement quoted in the report of the New York Philharmonic to its Special Committee of Board of Directors, 25 January 1974, New York Philharmonic Archives, Orchestra Committee Files, box 912-01..

³⁴ Notes of the management’s meeting, December 12, 1973, New York Philharmonic Archives, Orchestra Committee Files, box 912-01.

Chapter Seven: Conclusion

A year after the conclusion of the 1973 strike, the Philharmonic musicians continued to feel a lingering discontent about the way the labor negotiations had folded and the strike ended. One result of this was the musician's demand that Ames demonstrate more transparency in his running of the organization. On 22 January 1975, Ames finally held a meeting with the entire Orchestra, in hopes of improving the relationship of the orchestra to the Society by answering lingering questions within the Orchestra.

The Philharmonic musicians all shared the same impression of Ames: that he was distant, and that he had never shown any interest in getting to know the members of the orchestra. He was asked why he did not sit face-to-face with the orchestra committee during the contract negotiations, and why he left for Italy just as the strike began. Ames responded that he was aware of the prevailing problems, and that while the management's capable lawyer, Martin Oppenheimer, was representing him in the negotiations, that he was always in the next room to the negotiating session and always participating in the management's caucuses on all crucial decisions. He noted that Carlos Moseley was absent from most of the negotiations, and that Harold Lawrence was new to the management's team, and that these two factors had made negotiations more difficult for both parties. He went on to note that some orchestras have board members sit at negotiation meetings, and that while the Philharmonic Society had not done so in the past, he was willing to consider it as a procedure in the next negotiations. Regarding his trip to Italy, Ames contended that his family had arranged the trip eight months in

advance, and that he went because he was always within twelve hours of the negotiating table. He said that:

other members of the Board were authorized to act for me. I kept in touch by Transatlantic phone almost daily while I was away. I even talked with Mayor Lindsay from Italy and offered to come back if he wanted me, which he did not.¹

One of the musicians expressed his view that it was unethical of Ames to send “propaganda” letters to the musicians’ spouses while the orchestra was on tour in Spain, and asked him why he did not directly communicate with committee members Bernsohn and Mansfield. Ames answered that he believed it was the Society’s obligation to communicate with the orchestra as a whole, and to fully advise each of the musicians of what the Society was proposing and why they were proposing it:

We are not an impersonal corporation, we are your Society, and you are not tens of thousands of faceless people, but the artists of the New York Philharmonic.²

He went on to say that while it would be impractical to negotiate a contract with the entire orchestra, it was important for every musician in the orchestra to understand what the position of the Society was when the two parties had reached an impasse.

Questions concerning the Fisher donation were raised: what was its true amount, and why did it go to the concert hall and not to the New York Philharmonic. Ames explained that at the time of the negotiations (1973), the gift had a value of \$10 million, of which 80% was in support of Avery Fisher Hall. As of 1975, however, due to the volatility of the securities market, the total value of the gift had decreased to \$6.5 million. In terms of why Lincoln Center would be the recipient of the money instead of the orchestra, Ames said that it was Lincoln Center that was approached by Fisher’s agent,

¹ Notes of Amyas Ames’s meeting with the Orchestra, 22 January 1975. Files collected by Gabriel Banat.

² Ibid.

that Lincoln Center owned the building, and that they approved the change of the name because the gift would be beneficial to the Philharmonic as well as Lincoln Center:

The income from the gift to the New York Philharmonic will be close to \$150,000 and as it is an endowment, this will happen year after year.³

Ames's answer regarding the Fisher bequest did not put to rest the lingering question, both for the musicians and for the public, as to whether Fisher himself had known, when he first approached Lincoln Center in 1973, that his donation would be used to pay for most of the 1976 renovation—at a cost of \$6.4 million—of what was then still known as Philharmonic Hall. The work done in 1976 was the fourth in a series of renovations that the facility had undergone since opening on 23 September 1962, the total cost of which had risen to \$28,535,000.⁴

At the meeting, concerning repertoire and conductors were raised. The musicians pointed out that the Philharmonic's programming was the most difficult among American orchestras, and that Pierre Boulez's "mediocre" artistry was not helping the box office intake, and yet the Society had renewed his contract through 1977. Even the *New York Times* had reported that Boulez's personal programming ideas had created a "fierce outburst" of grievances from its audience during Boulez's first years on the podium regarding his mixture of contemporary music and avant-garde materials.⁵ Ames' response was that the New York Philharmonic was greatly admired, and was the envy of many other orchestras for having Boulez as music director:

[Boulez] is not a mediocrity in any sense of the word, and neither the music world nor the world at large regard him that way. He has set out to help the Philharmonic Society and its audiences to come fully into the twentieth century,

³ Notes of Amyas Ames's meeting with the Orchestra, 22 January 1975. Files collected by Gabriel Banat.

⁴ Ibid.

⁵ Harold C. Schonberg, "How the Philharmonic Survived the Flood," *New York Times*, 19 May 1974, 135.

through the realization that the future of symphonic organizations may be bleak indeed if serious efforts are not made in this direction.⁶

Ames added that the Society had thousands of new subscribers and persons attending the concerts, and that there was an increase in box office receipts of over \$100,000 in the year since Boulez became music director during the 1972-73 season. Moreover, Ames stated that the Society expected to fill the Hall to 96% of capacity during the 1974-75 season.

Ames also weighed in on the orchestra's newly created artistic committee, stating that the Society regarded the artistic committee and the orchestra committee "highly important" in bringing together the two parts of the Society—i.e., the orchestra and the management—and that he was confident that these committees would be the "channels through which problems and misunderstandings can be processed."⁷ The musicians specifically wanted to know which of the many problems brought before the Society by the artistic committee had been resolved to the satisfaction of the orchestra members and how many more were still pending. Ames responded by giving two examples. First, he said that after the artistic committee voiced a concern over the 1975 Rug Concert programs—which included too much repertory to allow for effective preparation—the Society had cut the number of concerts by two, reducing the repertoire to be covered and increasing the rehearsal time for what remained.

Second, he noted that members of the artistic committee had criticized the audition procedure as being unreasonably "time-consuming." Ames promised the orchestra that new audition procedures were being formulated, and that a revised letter to applicants was being discussed in their next meeting: "Many other matters have been

⁶ Notes of Amyas Ames's meeting with the Orchestra, 22 January 1975. Files collected by Gabriel Banat.

⁷ Ibid.

discussed in these meetings, and I have asked that a complete listing of them be prepared, so that they can be reviewed.”⁸

In closing, Ames assured the musicians that his dual leadership of the Philharmonic and Lincoln Center would not cause conflicts of interest because whenever a situation arose that called for negotiation between the two institutions, he would recuse himself and delegate the matter to members of the Lincoln Center and Philharmonic boards of directors to resolve. He emphasized that the Philharmonic was a great organization, and that the orchestra and its management needed each other: “I believe we can put the troubles of 1973 behind us, and can approach the difficult times ahead with great confidence by working together.”⁹

* * * * *

To a great extent, the 1973 strike had earned the Philharmonic musicians a place in the Society’s artistic functioning to which they were not previously entitled. The strike tour was a historic undertaking that should be remembered as a pivotal moment in the orchestra’s history. During the tour, the musicians were able to play as a self-managing group and to achieve a mission no one would have thought possible. The musicians repeatedly characterized their performances during the strike tour with the expression: ‘we played our hearts out.’ And they reported that the feeling and the meaning of making music as an orchestra was entirely different on that tour: each musician had a sense of ownership and self-sufficiency that they had never felt before, and which infused their ensemble playing with a sense of spontaneous brilliance.

⁸ Notes of Amyas Ames’s meeting with the Orchestra, 22 January 1975. Files collected by Gabriel Banat.

⁹ Ibid.

While the contract that was agreed upon at the conclusion of the tour was only for the next three years, the ten-week work stoppage had shown the Society that its musicians were a force to be reckoned with, and that they would fight for what they saw as correct and fair. Today's Philharmonic musicians owe a debt to their predecessors for the innovations they achieved, and for preserving the Orchestra's long tradition of musical excellence in the face of pressure to compromise.

According to the Philharmonic violist Kenneth Mirkin,¹⁰ who has served on every negotiating committee since 1985, the 1973 strike certainly made a significant difference in the Philharmonic's subsequent negotiations; until recent years, the musicians had been able to negotiate for comparable contracts equal to those demanded by the other big five orchestras. During the past four decades, the Philharmonic musicians have seen a steady of increases in their salaries, and more importantly, the relations between the management and the musicians have been kept on good terms. Mirkin pointed out that the one time that the contract negotiations became bitter again was in 1995, when the two sides did not come to an agreement on time, and the musicians had to let one strike deadline pass and postponed a second. On 28 September 1995, a Philharmonic performance was delayed for thirty minutes because the two sides had debated passed the concert time while the audience waited.¹¹ O'Brien recounted that the musicians had even planned ahead by making arrangements with the owner of the gallery across the street from Lincoln Center to play a free concert, in case the concert at Avery Fisher was cancelled – "We would have played the Mendelssohn's *'Reformation'* Symphony no. 5

¹⁰ Philharmonic violist Kenneth Mirkin joined the Orchestra in 1982.

¹¹ Allan Kozinn, "Orchestra Defers Threatened Strike," *New York Times*, 29 September 1995, C3.

with a reduced string section, ... free for all who could fit into the gallery.”¹²

Nevertheless, the musicians eventually were able to ratify a three-year contract that made them the highest paid American orchestra in the final year of that contract.

On 12 December 1997, almost a year before their three-year contract was to expire, the musicians ratified an unprecedented six-year contract agreement. It was the longest contract ever for a symphony orchestra; not only it had raised the Philharmonic musicians’ base salaries above \$100,000 for the first time in the industry, but also guaranteed labor peace for six years until 2004.¹³

* * * * *

Until the economic recession in late 2007, there was stability in American orchestras; musicians’ salaries and benefits were good, and most of the major orchestras had fifty-two-week seasons. Starting in late 2007, most American orchestras have been in financial jeopardy. From small-budget local ensembles to the top-ten American orchestras, each organization has had to deal with cancellations, reductions, freezes, etc., in order to survive a climate of greatly reduced financial support.

Among the worst cases is the Honolulu Symphony Orchestra. In October 2009, the orchestra filed for Chapter 11 protection¹⁴ and announced the cancellation of all performances for the remainder of the season. In December 2010, following the orchestra’s failure to meet a deadline for filing a plan of reorganization, the U.S.

¹² Orin O’Brien, interviewed by Kuan Cheng Lu, 15 October 2014.

¹³ “Orchestra Pact Accepted,” *New York Times*, 13 December 1997, B8.

¹⁴ Chapter 11 is a chapter of Title 11 of the United States Bankruptcy Code, which permits reorganization under the bankruptcy laws of the United States.

Bankruptcy Court agreed to convert the orchestra's bankruptcy case from Chapter 11 to Chapter 7,¹⁵ thus ending its operations after 110 years.



In January 2008, the Columbus Symphony Orchestra issued a plan to reduce the number of full-time musicians from 53 to 31, to cut wages by 30%, and to cut twelve weeks out of its forty-six-week season. The musicians and the local union responded by publicly stating that they would not accept the elimination of any orchestra personnel, even if that meant the loss of all jobs. After five months without concerts, the musicians accepted a pay cut from an average of \$55,000 to about \$34,000, and a reduction in the season from 46 to 38 weeks.¹⁶



The Charleston Symphony described its 2008-2009 season as the worst fiscal crisis in the organization's seventy-two years of history. In order to stabilize operations, all of its musicians and staff members agreed to take an 11.4% pay cut for 2008-2009 season, and a 25.1% pay cut for 2009-10 season. Despite these cuts, a constant decline in fund-raising continued to plague the orchestra, and in March 2010, all concerts remaining in that season were canceled.



On 17 January 2010, the musicians of the Cleveland Orchestra went on strike for two days, following a proposal by their management to cut salaries by 5.5%. But by agreeing to a pay freeze during the first two years, a 3% increase in the first half of the

¹⁵ Chapter 7 of the Title 11 of the United States Code (Bankruptcy Code) governs the process of liquidation under the bankruptcy laws of the United States.

¹⁶ Sam Hendren, "Columbus Symphony Musicians Approve 3-Year Contract," <http://wosu.org/2012/news/2008/09/22/columbus-symphony-musicians-approve-3-year-contract/>. Accessed 26 August 2014.

third season and a 2% increase in the second half, the two sides were able to reach a settlement and to avoid any further cancellation of concerts. To give their management some budget predictability, the musicians also agreed to an extra ten rehearsals or concerts without pay.¹⁷



By August 2008, the Baltimore Symphony Orchestra's investment portfolio had fallen by 21%, forcing wage freezes and other concessions on its musicians by April 2009. Just three months later, the musicians agreed to another pay cut of 12.5%. In March 2010, the musicians agreed to yet another pay cut: a freeze for the 2010-2011 season, and a 16% pay cut for the following season "By the 2012-2013 season, base pay for [Baltimore Symphony Orchestra] members will be \$67,600- essentially the same as it was in 2001."¹⁸



On 4 October 2010, the musicians of the Detroit Symphony Orchestra went on one of the longest strikes in the history of any North American orchestra. At issue were its management's proposals to reduce salaries by 30% and to "redefine" their work rules. According to the musicians, their management had imposed a new rule that "a musician can be fired under the guise of failed artistic competence."¹⁹ The strike cost each musician about \$55,000 in salary. Many resigned and sought work elsewhere.



¹⁷ Daniel J. Wakin, "Strike at Cleveland Orchestra Points to Classical Music Woes," *New York Times*, 19 January 2010, A1.

¹⁸ Tim Smith, "Musicians accept pay cut to help struggling BSO," *The Baltimore Sun*, 25 March 2010. http://articles.baltimoresun.com/2010-03-25/entertainment/bal-bso-contract-0325_1_ceo-paul-meecham-bso-president-major-american-orchestra. Accessed 28 August 2014.

¹⁹ "Tenure is not a security", 3 December 2010. <http://www.detroitssymphonymusicians.org>. Accessed 28 August 2014.

The board of the Philadelphia Orchestra voted on 16 April 2011 to file for Chapter 11 bankruptcy, making it the first major American orchestra to do so. On 13 October 2011, the musicians approved a four-year contract that included significant concessions on their part: a) 15% pay cut; b) a reduction of the full-time members of the orchestra from 105 to 95 members; c) and a change from their defined-benefit pension plan to a 401(k) plan.²⁰ The morale of its musicians suffered greatly, and many of its most esteemed players subsequently resigned. More difficult to measure but just as significant was the demoralizing effect upon the orchestra's audience.



The Syracuse Symphony Orchestra started reporting serious problems with its finances in 2009, and asked its musicians to agree to a two-year wage freeze to help stabilize the organization. In March of 2011, it was announced that the organization was operating under a \$5.5 million deficit and a \$2.5 million unfunded pension liability,²¹ and that more concessions totaling \$1.3 million from the musicians would be necessary. When the musicians rejected this, the orchestra's board of directors voted to suspend operations, and in April 2011, filed for Chapter 7 bankruptcy, "effectively ending a half-century of music in Upstate New York."²²



Yet another orchestra filing Chapter 7 in April of 2011 was the New Mexico Symphony Orchestra.²³ Following years of financial turmoil, the organization cut off all

²⁰ Peter Dobrin, "Philadelphia Orchestra and its musicians agree to labor concessions," *The Philadelphia Inquirer*, 14 October 2011. http://articles.philly.com/2011-10-14/news/30279549_1_philadelphia-orchestra-musicians-john-koen.

²¹ Melinda Johnson, "Syracuse Symphony Orchestra will file for bankruptcy, board announces," http://www.syracuse.com/news/index.ssf/2011/04/post_411.html. Accessed 28 August 2014.

²² *Senza Sordino*, June 2011, 5.

²³ Founded in 1932.

employees' health insurance in 2009, and for the four months prior to filing for bankruptcy, the musicians and staff worked without pay.²⁴



The Pittsburgh Symphony Orchestra finished its 2009-2010 season with a deficit of about \$2 million. The musicians agreed to one of the biggest pay cuts in the orchestra's history: a 9.7% reduction for the first year; a freeze for the second year; and a possible increase in the third and final year.²⁵ Moreover, they agreed to donate \$200,000 to the orchestra's annual fund as well as agreeing to a conversion from a defined benefit pension plan to a defined contribution plan for members with less than five years of service.²⁶



In 2009, the musicians of the Colorado Symphony agreed to a 24% pay cut. On 21 September 2011, the musicians voted to accept another pay cut of 9% in response to their management's report of an expected \$1.2 million deficit at the end of the 2010-2011 season and the possibility of cancellations in the next two seasons.



On 25 August 2012, after the musicians had rejected the Atlanta Symphony Association's proposed concession of \$5.2 million, the Association locked its musicians out. On 26 September 2012, the musicians accepted a two-year contract that included the

²⁴ "NM Symphony Orchestra Files Bankruptcy," *KOAT Albuquerque*, 20 April 2011. <http://www.koat.com/news/new-mexico/NM-Symphony-Orchestra-Files-Bankruptcy/6127224>. Accessed 29 August 2014.

²⁵ Andrew Druckenbrod, "Pittsburgh Symphony Orchestra musicians get 3-year contract," *Pittsburgh Post-Gazette*, 13 June 2011. <http://www.post-gazette.com/ae/music/2011/06/13/Pittsburgh-Symphony-Orchestra-musicians-get-3-year-contract/stories/201106130149>. Accessed 29 August 2014.

²⁶ "In a defined contribution plan, the employee and/or the employer contribute to the employee's individual account under the plan. ... The contributions and earnings are not taxed until distribution. The value of the account will change based on contributions and the value and performance of the investments." (www.irs.gov)

\$5.2 million in concessions. Under the new agreement, each musician was to take a 17% pay cut in the first year, and a 14% pay cut in the second year; the number of musicians was to be reduced from 95 to 88; to fund the musicians health insurance premiums and to increase flexibility in working conditions, the orchestra's fifty-two week season was reduced to forty-one weeks in the first year, but increased to forty-two weeks in the second year.

Only two years later (7 September 2014), the Association locked its musicians out again, because its parent organization, the Woodruff Arts Center, announced that it could no longer afford the orchestra's continuous yearly deficits. The lockout lasted for two months until the two sides reached a four-year agreement on 8 November 2014. The new contract offers a small increase for the musicians, but also requires them to contribute more for their healthcare plan; the number of musicians will remain at 77 for the first year of the contract, and a goal of 88 musicians by the fourth year.



After more than five weeks of lockout, the musicians of the Indianapolis Symphony Orchestra ratified a five-year agreement on 15 October 2012. The new contract, which represented \$11.5 million in concessions from the orchestra members, included: a 32% pay cut in the first year (\$53,000), with raises in each subsequent year of the contract (topping out at \$70,000 by the fifth year); and a reduction in the season to thirty-eight weeks in first year, with the season increasing to forty-two weeks by the fifth year.²⁷



²⁷ *Senza Sordino*, November 2012, 8.

On 21 October 2012, the management of the St. Paul Chamber Orchestra decided to lock its musicians out. The lockout lasted for more than six months, the musicians went without pay or benefits. On 29 April 2013, the musicians felt that the best way to save their orchestra was to ratify the regressive contract proposed by their management, thus ending the first work stoppage in the history of the orchestra. The new three-year contract guaranteed the musicians a thirty-two week season but reduced their salary by 18.6% (to \$60,000 for all three years). It also reduced the size of the orchestra from thirty-four members to twenty-eight.²⁸



On 1 October 2013, the New York City Opera announced that it would file for Chapter 11 bankruptcy protection and shut down all operations after an unsuccessful emergency fund-raising campaign. Following its move from Lincoln Center in 2011, the opera company had struggled to raise the necessary operating capital to sustain itself; moreover, its endowment had reportedly decreased from \$48 million in 2008 to a mere \$5.07 million by June 2012.²⁹ It gave its final performance on 28 September 2013.³⁰



In April of 2012, the Minnesota Orchestra Association told its musicians that if they did not agree to drastic cuts, the orchestra's endowment—more than \$150 million—would be exhausted within five years.³¹ After rejecting their offer to submit the entire contract to binding arbitration, the Association locked its musicians out on 1 October

²⁸ Graydon Royce, "Harmony at last," *Star Tribune*, 30 April 2013.

<http://www.startribune.com/entertainment/music/205278231.html>. Accessed 30 August 2014.

²⁹ "New York City Opera to shut down after failing to meet \$7m funding goal," *The Guardian*, 1 October 2013. <http://www.theguardian.com/world/2013/oct/01/new-york-opera-files-bankruptcy>. Accessed 30 August 2014.

³⁰ Presenting the opera, "*Anna Nicole*", by Mark-Anthony Turnage.

³¹ *Senza Sordino*, November 2012, 8.

2012. It was not until 14 January 2014, following sixteen months of labor battles, that the musicians announced they had reached a new three-year contract agreement with their management. Under the new contract, the musicians would take a wage reduction of 15% in the first year, a 2% increase in the second year, and 3% in the third year. They would contribute more to the cost of health insurance.³²



On 30 June 2014, the board of the Metropolitan Opera (hereafter, either the “Met,” or the “company”) sent an open letter to the general public via the *New York Times* in which it stated that the company’s box office had declined from 92% in 2008 to 79% in 2013, and that its endowment was less than its annual operating budget of more than \$300 million. The company’s board of directors proposed to double its endowment over a five-year period, and to cut its personnel expenses (administrative staff and workers who were represented by some fifteen different unions) by 16%. It was not until 23 August 2014, that all of the unions reached an agreement with the company. It stipulated that both the company and the union workers would make compromises: the union workers would recognize the financial instability of the company and would accept significant cuts; the company, in turn, would forego its drastic demands and would agree to cut costs of its own.

* * * * *

Some of the disputes, discussed above, between orchestra musicians and their respective managements during the past seven years have ended in disaster. Venerable organizations in Honolulu, Albuquerque, Syracuse—even New York City—have closed their doors and ceased to exist. For those musicians who lost their jobs and their

³² *Senza Sordino*, May 2014, 5.

livelihood, these have been difficult times indeed. For those who retained their jobs only by agreeing to cuts in pay in the midst of an economic climate where expenses continue to rise, the times have also been difficult. While there are signs that the classical music industry is recovering from the financial downturn that followed the banking crisis of 2007, there is still a profound sense of concern within the industry about its future. Moreover, the lingering effects of long, hostile contract disputes has had an especially demoralizing impact upon orchestral musicians. Yet in the midst of all the bad news, there are some organizations that have weathered the storm, and which appear to be on the path to recovery.

At its annual board meeting in December 2013, the Detroit Symphony, citing a remarkable set of statistics—a “43% increase in fund-raising (\$18.9 million), a 100% increase in the donor base over 2011, and the second consecutive year of subscription sales growth”³³—announced that it had achieved its first balanced budget since 2007.

In that same month (December 2013), the Cleveland Orchestra announced that, for the first time in years, its fiscal year ended with a balanced budget (\$48.2 million). The announcement cited increases in the orchestra’s audiences, in its endowment, and in the number of student attendees.³⁴

In December 2009, the Cincinnati Symphony Orchestra received the stunning news that a long-time arts patron from Cincinnati was donating \$85 million to the orchestra so as to ensure that the Cincinnati Symphony would have a full complement of

³³ Press release of the Detroit Symphony Orchestra, December 12, 2013.

³⁴ Zachary Lewis, “Cleveland Orchestra reports balanced budget, larger endowment and growing audiences in fiscal 2013,” *The Cleveland Plain Dealer*, 6 December 2013.
http://www.cleveland.com/musicdance/index.ssf/2013/12/cleveland_orchestra_reports_ba.html.

musicians with fifty-two weeks employment.³⁵ Since then, the orchestra's endowment has increased by 43%, the number of gifts has increased by 94%, and there has been a double-digit increase in attendance.³⁶

The Indianapolis Symphony Orchestra has reported a 19% increase in ticket sales (from 93,337 tickets to 110,770) for the 2013-14 season. Of these, more than 45,500 tickets were for subscription concerts, and represented a 30% increase in subscription sales.³⁷

In June of 2014, the Chicago Symphony Orchestra Association received two of the largest donations in its 123-year history: a \$17 million gift to the Association's endowment and general operating funds, and a second gift of \$15 million to support the work of the Chicago Symphony's institute for Learning, Access and Training.³⁸

Even the Minnesota Orchestra, which had endured one of the most devastating contract disputes in recent history, has been the beneficiary of unexpected support. On 27 August 2014, the orchestra's management announced that during the past three months, it had received four donations totaling \$13.2 million. The largest of these—a bequest of \$10 million—was given by an anonymous donor to the organization's "Building for the Future Endowment."³⁹

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³⁵ *Senza Sordino*, December 2009, 6.

³⁶ Opening Address of Bruce Rudge to the 2014 ICSOM Conference, 25 August 2014.

³⁷ Lou Harry, "ISO sees surge in ticket sales, led by subscriptions," *Indianapolis Business Journal*, June 25, 2014. <http://www.ibj.com/articles/48305-iso-sees-surge-in-ticket-sales-led-by-subscriptions>. Accessed 2 September 2014.

³⁸ Press release of the Chicago Symphony Association, 12 June 2014. <http://www.cso.org>. Accessed 29 August 2014.

³⁹ Press release of the Minnesota Orchestra, 27 August 2014. <http://www.minnesotaorchestra.org/about/learn-more/press-room/990-major-gifts-2014>. Accessed 2 September 2014.

While the New York Philharmonic has not had a work stoppage since 1973, the relations between the musicians and the Society has been seriously tested of lately. During the negotiation process in December 2011, the Society sent out a letter to each Philharmonic musician stating that an “unrestricted” portion of the Society’s endowment, which historically had been used to cover budget deficits and pension shortfalls, had declined “from \$75 million in 2008 to \$7 million in 2011,”⁴⁰ because the Society has tapped into the endowment excessively, and because a new State law has imposed restrictions that made it more difficult to use more of the endowment. The letter’s purpose, ostensibly, was to persuade the musicians to agree to the Society’s proposals. In order to address the financial health of the Orchestra, the management indicated, the following would be necessary: a) a migration from the defined-benefit pension plan to different pension arrangement; b) a wage freeze for the following two seasons; c) a change in the health insurance plan; and d) certain changes in working conditions and media agreement.

The letter, however, only served to antagonize the musicians, who immediately suspected that the management was trying to circumvent the elected orchestra committee, the union, and the orchestra’s lawyer. Newton Mansfield, who had been in the orchestra for more than fifty-one years at the time, and had served on many committees, said that:

The last time I received such a disturbing piece of news was in 1973 when we [the Orchestra] received a letter from Aymas Ames, which became the opening gun for the 1973 strike.⁴¹

In response, the musicians of the orchestra voted unanimously to strike. Given that there was an upcoming European tour on the schedule, the strike vote demonstrated

⁴⁰ Letter of Zarin Mehta and Bill Thomas to the Orchestra, 6 December 2011.

⁴¹ Email of Newton Mansfield to the Orchestra and the management, 6 December 2011.

both the solidarity of the musicians and their determination to fight the management's proposed cuts and changes. Unlike the 1973 negotiations, however, which ended in deadlock and led to a strike, both parties to the 2011 negotiation had a sincere desire to reach an agreement, and in fact, did so just in time to avoid cancellation of the upcoming tour.

* * * * *

Nevertheless, there is a gathering storm on the horizon of the American symphony orchestras. Iván Fischer, the prominent Hungarian conductor and founder of the Budapest Festival Orchestra, in a recent interview with the *London Times*, predicted that:

Symphony orchestras in their present form have only a few more decades left at most. Their financing is already a vulnerability. Will American-style civic pride or the goodwill of European politicians really be enough to feed these large beasts that are basically the same now as they were a century ago? And is that rigid formation really appropriate for today, or are we simply stuck with it? I think we are stuck with it. I would welcome a more flexible musical family that could adapt its size and resources to what different composers and audiences required. In Budapest we have a pool of musicians doing a variety of activities. Those orchestras that are flexible will survive; the rigid ones won't. The same thing happened to dinosaurs, I think.⁴²

This description of the future of the symphony orchestra—perhaps fate would be a better adjective—is perhaps the worst-case scenario. But there is not an orchestral institution active today does not fear that Fischer's prediction will in fact come to pass. In today's world, orchestras have not only to cope with fund-raising challenges, they must also deal with an aging, shrinking concert audience. While most orchestral musicians would undoubtedly prefer to focus primarily upon repertoire from the classical canon, it

⁴² Richard Morrison, "Iván Fischer: Symphony orchestras have only a few decades left," *The Times*, 13 August 2014. <http://www.thetimes.co.uk/tto/arts/music/classical/article4174308.ece>. Accessed 5 September 2014.

is clear that they have been playing more “pops” concerts than ever. The reason for this, of course, is to attract a younger and more diverse audience. This seems, in fact, to be a validation of what Iván Fischer says about the need for a more flexible musical organization, one that can swell or shrink, depending upon the demand.

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The most recent contract agreement of the New York Philharmonic, ratified on 11 December 2013, guarantees the musicians an increase in salary totaling 6.5% over the course of the four-year agreement. Yet the Philharmonic players will still not be the best paid musicians in the country, despite the extreme demands of both schedule and repertoire that the Philharmonic player must negotiate with unmatched skill. In fact, their base salary has been less than that of the Los Angeles Philharmonic, the Chicago Symphony Orchestra, and the San Francisco Symphony for many years. And given the provisions of the latest contract, the Philharmonic musicians will have to start shouldering the cost of their health insurance premiums beginning 2015.

* * * * *

The Philharmonic concluded its 2013 fiscal year with a deficit of \$6.1 million. According to its President and Executive Director, Matthew VanBesien, this was mostly the result of the musicians’ woefully underfunded defined-benefit pension plan and the shrinkage of the Orchestra’s endowment as a consequence of the recession. Yet VanBesien pointed out that the orchestra’s fund-raising efforts in 2012 brought in a record \$31 million.⁴³ Moreover, the Philharmonic Society has, in recent years, begun to change its strategy regarding the running of the Orchestra. In 2012, for instance, it

⁴³ Michael Cooper, “Deal Gives Philharmonic Musicians Modest Gains,” *New York Times*, 18 December 2013, C1.

announced that the Orchestra would commit itself to a four-year partnership program (beginning in 2014) with the Shanghai Symphony Orchestra. Its dual goals will be to bring world-class music to China, and to help turn talented young players into professional musicians. By having a residency in Shanghai, the financial capital of Asia, VanBesien said that the Philharmonic could potentially attract international sponsors. Furthermore, in March 2014, the Philharmonic announced another similar partnership program in Santa Barbara, California.

* * * * *

The Philharmonic continues to be known as one of the busiest and hardest working orchestras in the world, yet its musicians' salaries and benefits have fallen behind those of other orchestras whose seasons and repertoire are not the equal of the Philharmonic's. Given the Society's unsuccessful attempt in 2011 to change the musicians' pension plan, but their continuing claim that the current plan is putting the financial stability of the organization in jeopardy, the future of labor relations between the musicians of the New York Philharmonic and the Philharmonic Society promises to be difficult. From the perspective of the musicians, their two highest priorities are to safeguard their current defined-benefit plan, and to achieve parity of pay scale with the other big-five orchestras, if not also to exceed it.

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