



# The Dallas/Fort Worth MUSICIAN

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The Dallas/Fort Worth Professional Musicians Association • www.musiciansdfw.org

July - Oct. 2009

## Why Will the Ballet Be Allowed in the Door?

By KAREN SCHNACKENBERG  
Local 72-147 Vice-President



*Karen Schnackenberg*  
Local 72-147 Vice President

I am incredibly upset. After a wonderful week in which the new performing arts center in Dallas opened – the AT&T Center for the Performing Arts – and the city has been bursting with well-earned civic pride about its accomplishment, there is an ugly story from behind the scenes that is coming back to the fore. It should have gone away by now, and I guess I had unrealistic hopes that someone would make the right decision and we wouldn't have to talk about it anymore. But they didn't. So here we are again.

On November 27th, only weeks after the first performances have taken place in the stunning new Winspear Opera House, which, by all accounts has fantastic acoustics, the Texas Ballet Theater will be allowed to present its run of *The Nutcracker* ballet without an orchestra. That's right. We have built a \$354 million performing arts center, spending millions alone on the Winspear and its incredible acoustics, and within six weeks of the opening, the ballet is going to dance to taped music. In *THE NUTCRACKER*.

(See *BALLET ALLOWED* on page 4)

### *Collins Fund benefited drummer, harpist*

**Becky Scherchell** is a free-lance harpist who for nearly forty years has performed wedding engagements, special events and has served as an orchestral harpist with every professional orchestra in Dallas-Fort Worth. In June, 2009 Becky's doctors found a large tumor in her abdomen. The tumor was successfully removed but the procedure left her unable to play or move her harp for many weeks, rendering her unable to teach privately or accept work as a professional musician through the summer. She is now recovering, but the loss of work sustained as a result of illness was devastating.

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**Brent Dacus** is a free-lance drummer who performs on drum set and percussion for theatrical musical productions presented by Casa Manana in Fort Worth. He was playing a private party with *Trey and the Tri-Tones* when he was suddenly unable to breathe. He was transported immediately to Harris Hospital in Fort Worth where doctors were eventually able to stabilize his condition, diagnosed as adult-onset asthma. Because the extent of his illness required an expensive hospital stay, he could not rehearse and perform Casa's production of *Five*

(See *COLLINS FUND* on page 5)

### *Press panned 'flawed sound' at ballet opener*

The Texas Ballet Theater braved a Local 72-147 picket line on September 22 at Bass Hall in Fort Worth when it opened its second consecutive season dancing to recorded music.

But the campaign of concerted union activity that was intended to advise ballet patrons about an empty orchestra pit attracted extensive print and television media coverage, and received unexpected support from one *Fort Worth Star-Telegram* arts critic whose review was headlined, "Flawed sound takes center stage at 'Russian Masters'".



*Star-Telegram* arts contributor Punch Shaw began his 'morning after' review of TBT's season opening performance with a clear rebuff of the ballet company's canned music policy.

"The dancing was what should have mattered most," wrote Shaw, "but on this night, it was impossible to ignore the white elephant in the room: the issue of live vs. taped musical accompaniment."

"Pickets were seen outside the hall before the performance with placards protesting the move ('Press the Eject Button' read one). And inside the hall, Texas Ballet Theater responded with a program insert defending the move and explaining how painful the change was for all concerned."

"But," Shaw continued, "the recorded music used sounded brutally loud and

(See *PRESS PANNED* on page 5)

# THE PRESIDENT'S MESSAGE

## Ballet protest moves to Dallas for Canned Nutcracker

With the entire world watching, the ruling rich who built the \$350 million Dallas Center for the Performing Arts (now named the AT&T Performing Arts Center) will debut a series of classical ballet performances by Texas Ballet Theater – with recorded music instead of a live orchestra. We will be on the sidewalks outside the Center with pickets, leaflets and our inflatable rat.

In this column three years ago, I expressed my concern that the final chapter of the DCPA's campaign to build the Center might actually be the beginning of a concerted effort to destroy the labor-economic standards we have fought for and won across Dallas, Fort Worth and throughout the region.

While media attention has focused on the lavish celebrations surrounding the Center's October 2009 opening, not one word was uttered about the loss of jobs suffered by professional musicians as a result of TBT's canned music policy, tacitly endorsed by the Center's elite.

In the press run-up to the Center's opening, here's what the Center says about itself.

"Nearly a decade in the making, the Dallas Center for the Performing Arts will complete the vision of a downtown arts district that will act as a cultural cornerstone for the region and drive creative vitality," said John Eagle, Center Board of Director member and Chair of the Center's Grand Opening Committee. "The Grand Opening celebrations will not only acknowledge the success in making the dream of the Center a reality, but will also look to the future, giving North Texas and beyond a taste of all the Center will offer."

We differ with that description.

John Eagle cannot flaunt the Center as a "cultural cornerstone" with "creative vitality" when its resident ballet company performs with an empty orchestra pit. The "taste" offered by the Center is nothing more than poor taste. And that is an understatement.

Then, at the Center's Grand Opening Gala on October 18, where tickets cost up to \$10,000 each, we beheld gratuitous appearances by the high and the mighty themselves, prophetically doping out omens of greatness as the curtain went up.

"I firmly believe these performances will turn into a larger, Dallas-Fort Worth communitywide celebration of the center's opening," the Center's Gala Chairperson and executive committee member Jeanne Marie Clossey told the *Fort Worth Star-Telegram*.

Clossey failed to disclose to gala celebrants and to the

press that while she was a member of the Texas Ballet Theater's board of directors prior to the company's August 2008 financial collapse, she and a colleague collected six-figure annual sums totaling more than \$700,000.00, an

amount the company recouped last year by kicking musicians out of the orchestra pit and replacing us with recordings, some made in China.

She conveniently forgot to reveal that the Center's plans include booking low-budget non-union theatrical roadshows during Dallas Opera hiatus weeks, shows which are touring with self-contained non-union orchestras paying musicians as little as \$500 per week and no benefits – under scale by \$1000 per week.

I ask here and now the same questions I asked three years ago: How does \$350 million buy more glory for the wealthy and more pain for professional musicians?

Why are these same philanthropic millions being used against us, when the perfect performances from our hands, bodies and minds brought nothing but happiness to thousands of concertgoers who were moved

to give the Center such vast sums of money?

These are questions that should be answered by those in charge at the top of the DCPA food chain – like CEO Mark Nerenhausen, whose annual salary is reportedly \$660,000.00.

The recent economic meltdown has given a green light to employers across the nation who are out for blood and who want to obliterate our hard-won labor-economic standards. It seems the jobs of professional musicians, who bring joy to the world, are not immune from the slaughter.

The Center's proponents promised us a share in the creation of up to "2000 new jobs in the Dallas' arts and hospitality industries." With the Center's canned classical ballet presentations, we have sustained real job losses.

It reminds me of the US Congress, where hundreds of

(See *PRESIDENT'S MESSAGE* on Page 5)



Ray Hair



The Dallas/Fort Worth

## MUSICIAN

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# NOTES FROM KEN . . .

## (Part One)

# When is Moderation a Bad Thing?

Picture this. You don't remember when it all started, but you are and have been a member of a so-called community orchestra for eleven or twelve years now. The orchestra has gradually progressed artistically, a board of directors was formed eight years ago, which has since put together a management staff that includes a full-time executive director, along with two full-time staff members and one part-time.



**KEN KRAUSE**

Each year the size of the orchestra has been expanded along with the length of its season. As the orchestra has gotten better and word has gotten around, season ticket sales have increased at a steady pace.

Everything is looking good, certainly better than you or any of your fellow musicians could have hoped for, with one exception. The pay scale, which was always quite low, has been increased only once in the last ten years, and marginally at that. But you've stayed with the organization,

because the repertoire is fantastic and you are ever hopeful that someday soon the pay and working conditions will be improved.

Various individuals have dropped a lot of hints to management, even certain board members whom they know personally, that maybe it's time the musicians are paid more in accordance with the demands of their jobs with the orchestra. The musicians go so far as to form a committee, for which you are asked to serve, whose purpose is to try and persuade the board of directors that the time for a more equitable pay scale is now. Surely they will listen to reason – after all, they seem like such good and caring people.

The president of the board shows up at the beginning of the next orchestra rehearsal in order to explain that the board understands how the musicians feel, and in fact would like to pay them more. But, they just can't do it right now. The time isn't right yet, because they say they can't "afford" to pay the musicians the going rate for their services. Most of the orchestra members suspect otherwise.

At this point your orchestra committee, out of a sense of frustration, decides to pursue the idea of going to the local musicians union, in order to seek its help in obtaining a collective bargaining agreement that would ensure fair wages and working conditions. You are understandably startled when several of your own orchestra members, start rallying to the support of management. After all, everyone at the last orchestra meeting seemed to be in agreement that it was time

that somebody do something to make things fairer. They come to management's aid not because they think better pay isn't warranted, but because as some have put it, "We're (which really means management) just not ready yet for a union contract". Still some others object by saying things like "You don't understand, this is going too far – these people (meaning the board) are not used to working with unions, therefore let's don't push it". One committee member resigns in protest because he is certain that a move toward unionism "is going to kill the orchestra."

The interesting thing here is that everyone is in total agreement that a contract guaranteeing fair wages and working conditions is a great idea. Some within the group, fearing the perception of being too confrontational, suggest that a more moderate "middle of the road" approach will eventually encourage management to do the right thing and give them a square deal. Still others don't want to "push it", because "the time isn't right". You can't help but ask aloud in front of the whole group, "So, when will the time be right? And, why is demanding a fair contract by unionizing seen as an extreme measure?" But, none of the objectors volunteers an answer to your question.

The above scenario is in part fictitious, although it contains a mixture of events that are at least similar and in some cases exactly like real life events. Some of you may have encountered similar circumstances, and more than once. But, it begs the question, when is the time right for justice and fair play?

How should we respond when we already have a contract in place that management has violated, but to pursue a remedy we fear will only upset management and possibly lead to some future repercussion? When is the time right for justice in such a scenario? And, how do we respond to management when only a few (perhaps even just one) within the group have been wronged? Especially if we don't particularly like them and suspect they had it coming.

Surely the more prudent course of action would be to avoid a confrontation with management since few of us have anything apparent to lose. But, would that be the right thing to do?

Is it better to be seen as being moderate and not confrontational, even when some or all of us suffer an injury or some form of injustice we don't deserve? Should we view someone who is willing to take a position, and proactively voice that position, as an extremist, unworthy of our support? Or, is it possible that the extreme viewpoint is the only one with true validity and thus the truly moderate, "middle of the road", voice?

When we walk a picket line is that an unfair, confrontational stance against the extremism of injustice? Is it truly more

*(See NOTES FROM KEN on Page 5)*

# BALLET ALLOWED —

(Continued from Page 1)

Are you kidding me??

It's appalling.

Who made this decision? Why isn't anyone UNmaking it?

The city has claimed bragging rights for now having the best arts district outside of Lincoln Center (some even say including Lincoln Center), the largest performing arts center in the country, and acoustics that are better than any other opera house in the world. The reviews following the opening of the house and The Dallas Opera's 2009-10 season in its production of *Othello* gush about the superb acoustics:

From Scott Cantrell at the *Dallas Morning News*: "For 20 years, Dallas has had one of the world's greatest orchestra halls in the Meyerson Symphony Center. On Friday night, it was joined by one of the world's greatest opera houses. Designed by London's Foster + Partners, the new Margot and Bill Winspear Opera House is wonderfully welcoming outside and coolly elegant inside. And thanks to acoustician Robert Essert, the sound for the Dallas Opera's first full production in the house, Verdi's *Otello*, answered every dream and then some. Voices, from pianissimo solo to triple-forte chorus, leapt off the stage and filled the 2,200-seat, horseshoe-shaped auditorium. From the quietest pluck of harp to thrilling blasts of brass, the orchestral sound was as much a physical presence as the singers onstage."

Finally, the city has an acoustically and architecturally superior arts district where the visual and performing arts will intersect on a regular basis. It's been 30 years in the making, and the intent is to give a home to the arts organizations that are the lifeblood of this city's cultural soul. Just as the Meyerson gave the Dallas Symphony Orchestra a home, the Winspear will give The Dallas Opera the same. And it would be great for the Texas Ballet Theater to be included if only they were acting like a real ballet company.

I don't know how much of the \$350+ million spent on the center was for the Winspear and its acoustics – but even if, conservatively, the 2,200-seat cornerstone of the PAC was merely half of the total cost, don't you think one of its basic policies should be that only live music will be allowed in the pit, just for starters?

Of course, we believe that the Texas Ballet Theater shouldn't be allowed to play Bass Hall or anywhere else without a live,

professional orchestra to perform with its live, professional dancers. And, it certainly should not be using the money it has saved from eliminating the musicians, which is reportedly around \$600,000, to continue business as usual (including ticket prices and advertising that don't reflect they are not performing with and paying for an orchestra). The company has been making bad financial decisions for years now, and the dancers and musicians continue to take the hit as a result while some others make a lot of money. Now they are going to be rewarded with a run at the Winspear, which adds insult to considerable injury.

What makes it even more upsetting, and what calls the credibility of the TBT (and, now, the PAC) into question is that one of the board members of the new performing arts center just happens to be a former board member of the TBT who was paid *hundreds of thousands of dollars* to raise money for the ballet. Oddly, the payments to her and one other board member (not directly through the company but from a foundation bankrolled by one of the ballet's leading donors), amounted to between \$600,000 - \$700,000. Hmmmmm.

Coincidence? Or conflict of interest??

And, don't forget, this is the same ballet company that sent its representatives to China and paid for a recording to be made of *Cleopatra*, which was used back here in the US instead of live, local musicians.

I have been telling everyone I know all over the world about this fantastic new center for the performing arts. I am blown away by how it looks and sounds, and the feat of bringing to life a long-held vision of the city's cultural leaders. I am so proud and happy that, finally, Dallas has stepped up like the major city it is, and created spaces for its artists and audiences to celebrate the expression of the human spirit.

So now, because of Texas Ballet Theater, we are going to be the laughingstock of the arts world. How embarrassing.

According to radio station KERA, Mark Nerenhausen, CEO of the AT&T PAC, said "he expects Dallas to draw top artists, national and international tourists, and invigorate the arts citywide." How are we going to draw top artists and international tourists with canned orchestras?

Why is this being allowed to happen? Why isn't anyone stopping it? Doesn't anyone understand how this type of

decision will adversely impact the economy of our arts district and city in the long-term? Don't the same people who are so proud that they created the arts district and boast about it being the best in the world care how this TBT sham makes our city look? Most importantly, what about how this hurts the tax-paying, hard-working, family-raising local musicians who count on income from annual performances of *The Nutcracker*?

Why is the Texas Ballet Theater going to be allowed to perform in the Winspear Opera House with TAPE, and cash in on holiday revenue derived from being in this beautiful new venue?

They should be told they cannot perform there until they do so with a professional orchestra. In the meantime, there are other ballet companies who would be absolutely thrilled to do their *Nutcracker* run with a live, local, professional orchestra at the Winspear. What a great holiday celebration that would be for our city!

So, on November 27th I'm going to be in front of the Winspear with a sign protesting this gross misalignment of priorities. I hope you will join me. If all 1,750 of us showed up we could make quite the point. After all, if the Texas Ballet Theater is going to be allowed to present its performances in the Winspear Opera House without orchestra, the same could happen to any of us in any other place.

Yes, the TBT and some of its supporters will criticize and curse at us. They will accuse us of "causing trouble" and marring their festivities. They will blame the evil UNION and convince themselves that the problem isn't theirs, that we are just greedy musicians. They'll try to convince the public that they can't afford live music because of the economy. They will say that everyone is hurting, and that the ballet had to make hard budget choices to save the company.

What a shame.

I'm sorry, but that dog won't hunt. Not this time. We know the truth. So I'll be out there on November 27th and so will Ray Hair, Ken Krause, the members of Local 72-147's Executive Board and other concerned member musicians. We will try and make sure the audience understands how outrageous this is.

Hope to see you there.

• • •

*Karen Schnackenberg is Vice President of Local 72-147 and is Principal Librarian of the Dallas Symphony Orchestra.*

# PRESIDENT'S MESSAGE

(Continued from Page 2)

millions of taxpayer dollars were approved to bail out the banks and auto industry and to fund bonuses for corporate CEO's. The DCPA has approved the use of musicians' jobs to bail out the ballet company.

DCPA's actions toward musicians speak louder than the majesty of its

architecture and words of Dallas' cultural caliphs. Despite the Center's grand opening hype and John Eagle's eye toward its future, it is clear that for professional musicians, whose performances helped create the Center in the first place, there is more of the future to protest than to celebrate.

Please join with us as we continue the campaign against the canned ballet presentations of DCPA (aka AT&T Performing Arts Center) and Texas Ballet Theater in Dallas on November 27, 2009 at 12 Noon and 6pm, immediately prior to performances of *Canned Nutcracker* at the Winspear Opera House, located at 2401 Flora Street, adjacent to the Meyerson Symphony Center.

On November 27, when the spotlight is shining on the Center's big ballet coming out party, we will be there to oppose the artistic dishonesty being sold to an unaware public. It's what any self-respecting Union would do.

# Cello stolen in Dallas

A thief broke into Dwight Anderson's car on October 14 and made off with his 1930 Carletti cello and two bows, together valued at more than \$15,000. Dwight was shopping at Half-price Books located at the southwest corner of Central Expressway and Northwest Highway in Dallas. His instruments were not insured.

Dwight's description of his stolen property is as follows: Cello – Orfeo Carletti Bologna 1930, French polish finish, Wayne Burak bridge, red fiberglass Paxman case. Bows – Nuremberger, silver mounting, silver winding; Chargas, contemporary stick, Herringbone winding.

If the whereabouts of the above instruments become known or if they are seen, please call Dwight Anderson immediately at 469-867-0839.

# NOTES FROM KEN

(Continued from Page 3)

laudable to stand quietly to the side, in the name of moderation, than to confront injustice and seek what is right? Or could it be that the safer, more moderate approach is actually a greater injustice?

I would like to pursue this further, and take a look back in history at someone who was considered very much an extremist for his methods for seeking justice. I invite you to join me in our next newsletter in December.

# PRESS PANNED –

(Continued from Page 4)

metallically harsh. So it was a fine night of ballet to see, but I think it is safe to assume that everybody involved wishes it had been better to hear."

*Local 72-147's protests of Texas Ballet Theater's canned music policy will continue at 12 Noon, November 27, 2009 in Dallas at the Winspear Opera Hall located in the Dallas Center for the Performing Arts (now known as the AT&T Performing Arts Center).*

# COLLINS FUND — (Continued from Page 1)

Guys named Moe. The cost of his treatment coupled with the inability to fulfill his engagements translated into a severe economic loss.

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Becky and Brent are two of our talented members who have received assistance from the Bill Collins Benefit Fund. Please make a donation to the Fund to enable Local 72-147 help members in crisis. The Fund was established by Bill Collins III in memory of his Dad, member Bill Collins, Jr, to aid sick, injured and disabled Union members in financial distress. The Fund's ability to provide assistance depends solely on the generosity of our members. Send your check to the Union office today, payable in any amount to the Bill Collins Benefit Fund. Help us help your colleagues in a meaningful way. We'll publish your name in the next edition of the *Dallas Fort Worth Musician* with our thanks.

We extend thanks to the following members for their Bill Collins Benefit Fund contributions:

- |                         |                            |                             |
|-------------------------|----------------------------|-----------------------------|
| Bill Atwood             | Charlie Hoffman            | Karen Schnackenberg         |
| Rex Bozarth             | Greg Hustis                | James and Lisa Sims         |
| Debbie Brooks           | Ken Krause                 | Larry Spencer               |
| Bill Collins III        | John and Jennifer Laird    | Dorothy and Charles Stewart |
| Andrew Cooper           | Chris McGuire              | Don Thomas                  |
| Roger Dismore           | F.J. Milan                 | Preston Thomas              |
| Jim Fielder             | Adron Ming                 | Bert Truax                  |
| Ron and Linda Gail Fink | Henry Okstel               | James Warden                |
| Jennifer Garner         | Todd Parsnow               | Curtis Wilson               |
| Genie Grant             | Steve and Cinde Pettey     | Bruce Wittrig               |
| Eugene Gwozdz           | Kim Platko                 | Wes Woodrow                 |
| Ray Hair                | Hildegard Froelich Rainbow | Dave Zoller                 |
| James Hayden III        | Cleo Raymond               |                             |
| Marshall Head           | Jack Rumbley               |                             |
| Carl Hillman            | Leo Saenz                  |                             |

# GENERAL MEMBERSHIP MEETING

Saturday,  
December 12, 2009  
• 1:30 pm •  
Union Headquarters

# *A Public Performance Right for Sound Recordings?*

*At long last, Congress is on the verge of adopting it*

**In the United States, royalties for public performances are paid to songwriters, composers and publishers. But what about the person who performs the song?**

**Consider this.** When you hear John Coltrane's recording of 'My Favorite Things' on the radio in the US, the estates of Richard Rodgers and Oscar Hammerstein - the composers of 'My Favorite Things' - are compensated through ASCAP. But the estate of John Coltrane receives nothing for this performance.

However, if you hear the same performance on XM or Sirius, or via a webcast, or on a cable music station - even on that terrestrial radio station's webcast - both Rodgers and Hammerstein's estates AND John Coltrane's estate are compensated.

**Why the difference?** US terrestrial broadcasters are exempt from paying a public performance right for sound recordings.

## **Royalties for Songwriters and Composers in US**

Royalties are generated when a copyrighted song is performed publicly - whether on a radio station, at a sports event, or on a jukebox. In the US, these royalties are collected by ASCAP, BMI and SESAC and distributed to the member songwriters and publishers. As an indication of the significance of this revenue stream, ASCAP reported distributing over \$680 million to its members in 2006.

## **No Royalties to Performers for Terrestrial Radio Play**

Although royalties are distributed to songwriters and publishers for public performances for terrestrial radio play, this right does not extend to the performers or the sound recording copyright owner (usually the record label). So, when you hear Patsy Cline singing "Crazy" on the radio, songwriter Willie Nelson and his publisher are compensated through BMI, but the estate of Patsy Cline receives no pay for the performance. Neither do the studio musicians, backing vocalists, or the record label.

This arrangement is the result of a long-standing argument made by terrestrial

broadcasters that performers and labels benefit from the free promotion received through radio play. Broadcasters contend that airplay increases album sales, which leads to compensation for performers and record labels. As a result, broadcasters have, for decades, convinced Congress that they should be exempt from paying the public performance royalty for sound recordings. But the broadcasters' argument is steadily losing relevance, and their exempt status becomes more questionable when compared to other countries' broad requirements for performance royalties.

## **Exemption in US Leaves Artists' Money on the Table**

The US is one of the few industrialized countries - if not the only one - that does not have a terrestrial broadcast performance right for sound recordings. At least 75 nations, including most European Union member states, do have a performance right. This means that foreign broadcasters flow royalties to songwriters/composers and performers. But since there is no reciprocal right in the US, foreign performance rights societies cannot distribute these royalties to American performers. This leaves tens of millions of dollars of royalties on the table annually rather than in the pockets of American artists.

## **Digital Performances Mean Broader Compensation**

Terrestrial radio's unfair exemption is even more obvious when viewed alongside new media platforms. Broadcasters of digital performances - webcasters, satellite radio, cable subscriber channels - obtain licenses from ASCAP, BMI and SESAC which compensate the songwriters and publishers of the music they play. But because of the Digital Performance in Sound Recording Act of 1995 (DPRA), they also pay royalties to the performers. SoundExchange - the performance rights organization established by the DPRA - distributes the royalty payments directly to performers (45%) and to the sound recording copyright owner,

which is usually the record label (50%). Non-featured performers receive 5% of the royalties, via a royalty pool managed by AFM and AFTRA. This means that terrestrial radio is the only medium that broadcasts music but does not compensate artists or labels for the performance.

## **Time for Harmonization**

There are two clear reasons why it's important for artists and advocates to support the expansion of the public performance royalty. First, as the consumption of music moves further away from the purchase of CDs and towards "listens" via digital streaming, satellite radio and webcasting, the likelihood of performers being compensated based on traditional/retail sales continues to decline, while revenue from performances continues to increase. Second, the US exemption penalizes US stakeholders in the international arena and results in losses of as much as \$100 million annually for US musicians and labels. This also hurts the US economy and limits our ability to exploit one of our few industries that has a positive balance of trade. As the music marketplace goes global, the need for a broad-based performance royalty is more important than ever.

## **Legislative Action in 110th Congress**

Recording artist groups including AFTRA, AFM, and the Recording Academy have continuously advocated for the public performance royalty for sound recordings. In 2007, the campaign ramped up considerably with the creation of the MusicFIRST Coalition, as well as repeated congressional attention on digital music services, webcasting rates, radio, media ownership and copyright. In February 2009, House Judiciary Committee Chairman John Conyers, Jr. (D-MI), and Darrell Issa (R-CA), introduced The Performing Rights Act in the U.S. House that takes a first step at ensuring that all radio platforms are treated in a similar manner and that those who perform music are paid for their work. Companion  
(See *PERFORMANCE RIGHTS* on Page 8)

# OFFICIAL BUSINESS

## NEW AND/OR REINSTATED MEMBERS AND THEIR PRINCIPAL INSTRUMENTS

[ CLIP AND SAVE FOR FUTURE REFERENCE ]

<b>Bass, Acoustic</b>		<b>Percussion</b>	
Walter, Ryan .....	213-675-2277	Merrill, Steven .....	214-906-4132
<b>Bassoon</b>		<b>Piano</b>	
Pool, Christopher Scott ....	817-478-9797	Johnson, Richard .....	469-438-7092
Riding, Russell .....	214-643-2697	Perryman, Jennifer .....	214-384-1983
<b>Cello</b>		<b>Trombone</b>	
Rice, Bonnie .....	205-665-0163	Faske, Bruce .....	972-530-2786
<b>Clarinet</b>		Owner, Timothy .....	773-387-9850
Petruzzello, Ivan .....	817-874-1583	Ream, Derek .....	972-955-3681
<b>Drum Set</b>		Sampo, Fabio .....	214-592-3903
Knox II, Christopher .....	210-387-4070	<b>Trumpet</b>	
<b>Flute</b>		Crafton, Jason .....	515-480-6165
Chen, Jennifer .....	713-553-4336	Cron, Daniel .....	970-270-1289
<b>French Horn</b>		Edwards II, Kenneth .....	972-724-2579
Voges, Jennifer .....	281-300-0586	Haley, Matthew .....	502-718-6806
<b>Guitar, Electric</b>		Heinen, John .....	817-658-0554
McArthur, Steven .....	830-275-3479	Miller, Ransom .....	703-470-6745

Richter, Vernon .....	972-355-8643
Senninger, Kiel .....	619-417-8649
<b>Tuba</b>	
Keathley, Sandy .....	972-562-0624
<b>Viola</b>	
Chairez, Luis .....	682-556-6116
Formicola, Samuel .....	818-298-1980
<b>Violin</b>	
Salazar, Irina .....	214-499-3894

## RSO late pay drawing TWC scrutiny

The Richardson Symphony Orchestra opened its season in late September and early October still owing musicians for services performed in May of this year. And five days after the October 3 season opener, when musicians were supposed to be paid for their work according to contract, the players received an email from management announcing yet another payment delay.

"It appears that the RSO thinks that paying its musicians on time is optional, despite the fact that there is a collective bargaining agreement that requires it," said one musician.

A Local 72-147 initiative through the Texas Workforce Commission has resulted in a determination that the RSO is an employer under TWC rules, paving the way for payday claims against RSO under the Texas Payday Law. Musicians may now seek remedy under state law when RSO avoids or fails to make payment.

The Union has filed grievances against RSO because of its delinquent payments, but may now refer the RSO's ongoing pattern of delinquent payments to the TWC for administrative penalties and action through the office of the Texas Attorney General.

Meanwhile, an arbitration involving the RSO's wrongful termination of a tenured violinist was concluded on September 22, and a decision is expected by the end of November. The violinist was fired at a May 8, 2009 RSO rehearsal after complaining to an RSO staffer that contract provisions were being violated.

## LIFE LINES

### DEATHS

**Lonnie Campbell**, 84, of heart disease May 9 in Waco. Lonnie was a drummer who served his country during World War II as a member of the US Army. He was a retired painting contractor and was a life member of Local 72-147.

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**Charles Thompson**, 85, of heart disease July 7 in Des Plaines, Illinois. Charles was a saxophonist and a life member of Local 72-147.

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**Karen Adrian**, 65, of cancer October 17 in Fort Worth. Karen joined the Fort Worth Symphony Orchestra in 1978 and by July 4, 2009 had completed thirty seasons as assistant principal flute and principal piccolo with the orchestra, despite her illness. A native of Greenfield, Indiana, Karen grew up listening to her mother playing the piano. At age 4, she was taking piano lessons and by fourth grade, she was studying and playing the flute as well. Karen earned her bachelor's and master's degrees in



music with highest honors from Indiana University, where she was the first flutist to obtain the prestigious Performer's Certificate. She performed with orchestras in Dallas, Toledo, Denver and Washington, D.C. prior to winning an audition in Fort Worth. In 1995, Karen received FWSO's Distinguished Musician Award sponsored by American Airlines. She was an adjunct professor of flute at Texas Christian University, and was also a member of the Casa Manana orchestra, where she had performed countless Broadway shows over the decades. "Karen was a very, very reliable person. She never missed rehearsals, she was always prepared, she had a terrific attitude toward performing, and she went the extra mile in preparations for performances and rehearsals," former FWSO music director John Giordano told the *Fort Worth Star-Telegram*. "She played beautifully."

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**THE DENTON-BASED TWO TIME GRAMMY AWARD WINNING NUCLEAR POLKA BAND *BRAVE COMBO*** headlined the first evening of the newly organized Mansfield Music Festival on October 16, 2009. Local 72-147 booked and administered the entertainment for the new event. Shown above left to right are Local 72-147 members Jeffery Barnes, Danny O'Brien, Carl Finch, Little Jack Melody (Steve Carter), and Arjuna Contreras.

## PERFORMANCE RIGHTS — (Continued from Page 6)

legislation was introduced in the Senate by Judiciary Committee Chairman Patrick Leahy (D-Vt.) and former Chairman Senator Orrin Hatch (R-Utah).

"All those in the creative chain of musical production - the artists, musicians, and others who enrich us culturally - deserve to be justly compensated for their work," said Conyers. "We have introduced the Performance Rights Act to ensure fairness so that any service that plays music pays those who create and own the recordings - just as satellite, cable and internet radio stations currently do. Working with the Senate, I hope that Congress may act quickly to pass this important legislation to level the playing field between different technologies and ensure rightful compensation to performers."

"Beyond the fairness that this bill provides for performers, we have an opportunity to show the rest of the world that the United States practices what it preaches in protecting intellectual property," said Issa. "For the past 70 years Congress has ignored the constitutional mandate that we protect copyrights by completely exempting broadcasters from paying performers, while the vast majority of countries have no such exemption. Our ignorance of intellectual property rights on this issue is a worldwide embarrassment and it must end now."

### What Musicians Can Do

Educate yourself about the issue and send the attached letter to your representatives in Congress so that they will know that a constituent musician will be

affected by this legislation. Please feel free to modify and personalize the letter. To learn more about the performance rights campaign, go to [www.afm.org](http://www.afm.org).

### Sample Letter for Campaign Subject: Performance Rights Act Dear [ Decision Maker ] ,

I am writing to ask you to co-sponsor the Performance Rights Act, H.R. 4789, S. 2500, a bill to grant a long-overdue performance right to performers when their music is played on the radio. I am a member of the American Federation of Musicians, a nationwide organization of over 90,000 professional musicians who will benefit from this legislation.

Performers create the music which terrestrial AM/FM radio needs to lure its advertisers. But AM/FM radio refuses to pay a cent to those performers. It's time to correct this inequity.

Over-the-air AM/FM radio is still the dominant music platform in spite of the introduction of satellite, internet, and cable radio in recent years. But over-the-air radio gets an unfair advantage over its competitors because the other music platforms pay a royalty to performers. It's time to level the playing field.

Performers lose out twice. They are not paid when their music is played on U.S. radio and they are not paid when their music is played overseas. Royalties are collected abroad for U.S. performers (because almost every other country in the world has a performance right), but these royalties are not given to U.S. performers because we do not have a reciprocal law.

I hope you will co-sponsor the Performance Rights Act, which will bring our law up to par with all the other developed nations. It is finally time to recognize and appropriately compensate those who make our country's music - and broadcasting - industry the most vibrant in the world. Thank you.

Sincerely,

# BAND DISCOUNT:

**Save \$\$\$**  
**if you join**  
**all together**

Musicians performing in self-contained bands or musical groups of two or more can avoid paying \$165 each in Local and Federation initiation fees if all band members apply together and join the Union at the same time.

A bylaw change at the AFM Convention in June has paved the way for locals to offer musicians a "Band Discount" if all band members join at once. To take advantage of the special group rate at Local 72-147, each band member pays annual dues in advance, plus dues for the current period. Local and Federation initiation fees are waived.

Musicians can download membership application information, pay with credit cards through Paypal and join online at [www.musiciansdfw.org](http://www.musiciansdfw.org), where affiliated groups can get their own free web page listing with photo, bios, and sound files for booking and job referrals.

Other important group membership benefits include assistance in the collection of local and traveling claims, low-cost equipment insurance, use of AFM engagement contract forms, access to online membership directories, and much more.

Spread the word – *Bands who join together save together.* Empowerment has never been more reasonable. For more information, call the Union office or visit [www.musiciansdfw.org](http://www.musiciansdfw.org) and click "How to Join."



## DALLAS-FORT WORTH MUSICIANS LOCAL 72-147 STATEMENT OF ASSETS, LIABILITIES, & FUND BALANCE for the year ended, December 31, 2008

<b>ASSETS</b>			
<b>CURRENT ASSETS:</b>		Fixed Assets Less	
Cash in Guaranty Bank	\$ 35,474.25	Depreciation	102,020.27
Cash in Credit Union	100,906.61	Land	<u>50,002.00</u>
Cash in Credit Union	2,018.26	<b>Total Fixed Assets</b>	<b><u>152,022.27</u></b>
Cash in Credit Union		<b>TOTAL ASSETS</b>	<b><u>\$363,528.53</u></b>
Death Benefit Fund	36,727.83	<b>LIABILITIES &amp; FUND BALANCE</b>	
Cash in Credit Union		<b>CURRENT LIABILITIES:</b>	
Union Strike Fund	31,296.63	Payroll Taxes Payable	\$ <u>3,748.06</u>
Cash in Bill Collins		<b>Total Current Liabilities</b>	<b><u>\$ 3,748.06</u></b>
Benefit Fund	2,756.27	<b>Total Liabilities</b>	<b><u>\$ 3,748.06</u></b>
Accounts Receivable	<u>2,326.41</u>	<b>FUND BALANCE:</b>	
<b>Total Current Assets</b>	<b><u>\$211,506.26</u></b>	Fund Balance	<u>359,780.47</u>
<b>FIXED ASSETS</b>		<b>Total Fund Balance</b>	<b><u>359,780.47</u></b>
Machinery & Equipment	23,228.34	<b>TOTAL LIABILITIES &amp; FUND BALANCE</b>	<b><u>\$363,528.53</u></b>
Furniture & Fixtures	60,458.95		
Building	<u>171,435.17</u>		
Depreciable Assets	225,122.46		
Less accumulated			
Depreciation	<u>(153,102.19)</u>		

## STATEMENT OF REVENUES & EXPENDITURES

<b>REVENUES:</b>		Non-employee compensation	750.00
Dues & Assessments	\$188,785.74	Office Expenses	2,521.58
Work Dues	269,231.32	Pension Plan	12,621.47
Fees	7,485.00	Postage	7,357.53
Advertising	100.00	Printing	10,359.88
Administrative fees	12,816.20	Rent, Equipment	1,845.29
Service fee	1,042.38	Returned Checks & Cr. Cards	(43.55)
Interest Income	4,614.82	Salaries	153,439.06
Rent Income	41,210.00	Special Projects	365.60
Charitable Contributions	2,750.00	Supplies	222.76
Prior year checks voided	294.90	Taxes	26,895.42
Refunds & Allowances	<u>(110.00)</u>	Telephone	10,092.23
<b>Total Revenues</b>	<b><u>\$528,220.36</u></b>	Travel-Convention	11,000.92
<b>EXPENDITURES:</b>		Utilities	11,581.66
Federation per Capita Tax	\$ 90,216.00	Work Dues Transmitted	71,514.30
State per Capita Tax	840.00	Waste Removal	<u>1,139.96</u>
County per Capita Tax	1,870.20	<b>TOTAL EXPENDITURES</b>	<b><u>\$529,390.47</u></b>
Conference Fees	9,216.00	<b>EXCESS (DEFICIT) OF REVENUES OVER EXP. FROM OPERATIONS:</b>	<b><u>\$ (1,170.11)</u></b>
Initiation Fees A.F.M.	1,450.00	<b>OTHER REVENUES AND EXPENSES:</b>	
Bank charges	192.20	Transmittal of funds (In)	1,670.53
Burglar Alarm	430.36	Transmittal of funds (Out)	<u>1,284.93</u>
Business Agent Expense	6,650.04	<b>CURRENT EXCESS (DEFICIT) OF REVENUES OVER EXPENSES</b>	<b><u>\$ (784.51)</u></b>
Depreciation	8,670.96	<b>STATEMENT OF FUND BALANCE</b>	
Dues & Subscriptions	726.48	<b>FUND BALANCE, BEGINNING</b>	<b>\$360,564.98</b>
Employee Relations	230.57	<b>CURRENT EXCESS (DEFICIT) OF REVENUES OVER EXPENSES</b>	<b><u>\$ (784.51)</u></b>
Entertainment	(875.00)	<b>FUND BALANCE, ENDING</b>	<b><u>\$359,780.47</u></b>
Exterminator	534.60		
Insurance	21,868.04		
Janitor, commons	3,305.17		
Life Ins. Members Benefit	26,000.00		
Legal & Accounting Fees	25,343.95		
Maintenance & Repairs	9,095.91		
Meeting Expense	919.21		
Negotiation Expense	1,041.67		

# Breeden receives UNT honorary doctorate

The University of North Texas awarded an honorary doctorate to professor emeritus Leon Breeden on August 14. Mr. Breeden, a Denton resident, was director of the UNT jazz studies program and the One O'clock Lab Band from 1959 to 1981 and is a life member of Local 72-147.

The degree is awarded to candidates who have demonstrated high standards of excellence through scholastic achievements, professional accomplishments, philanthropy or public service. Under Breeden's direction, the UNT jazz studies program rose to international prominence. It was during his tenure that world-renowned bandleader Stan Kenton discovered the UNT jazz program, the first of its kind in the country, at the Notre Dame National Jazz Festival.

In 1959, Breeden took over direction of the One O'clock Lab Band, a name that developed when he moved the rehearsal time for the premier band up one hour from 2 p.m.

Before he stepped down, the band celebrated many firsts, such as becoming the first college or university band to appear at the White House by presidential invitation in 1967. The lab band received nearly 50 national awards for group and individual performances.

In addition to spurring the nation's first bachelor's degree program in jazz studies,

Breeden developed a reputation beyond the university as a respected clarinetist, saxophonist, arranger and composer. His arrangements were performed by many groups, including the Boston Pops and the Cleveland and Cincinnati orchestras.

He received an "Outstanding Professor" honor in 1976 from TINT. The Texas Legislature proclaimed May 3, 1981, to be Leon Breeden Day.

In 1985, he was inducted into the Hall of Fame for the National Association of Jazz Educators. The North Texas Jazz Festival unveiled a Leon Breeden Award for the best middle school or high school big band in 2003.

Breeden was recognized as an honorary alumnus at UNT in 1986 and has performed important roles at many of the jazz program's celebrations and milestone anniversaries.

Breeden earned a bachelor's and master's degrees in music education from Texas Christian University. He was awarded an honorary Doctor of Letters degree by TCU in 2001.



*Professor emeritus*  
**LEON BREEDEN**



**VOTED BEST COVER BAND 2009 BY FORT WORTH WEEKLY, POOLIVE CREW**

*entertained audiences at two music festivals in October - Musicarte' in Fort Worth on October 9, and the Mansfield Music Festival on October 16. Shown left to right are John Davis, Jon Hendrix, Shane Pace, Dave Bird and Scott Rice.*



**Dallas-Fort Worth Professional Musicians Association**  
Local 72-147 American Federation of Musicians  
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Arlington, Texas 76011

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