

Labor in American Orchestras

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Rather than opening their 2012-2013 season with Dvorak, Wagner, and Respighi as originally planned, the musicians of the Chicago Symphony Orchestra (CSO) chose to leave Orchestra Hall empty two hours before the first Saturday concert of the season was scheduled to begin. After months of contract negotiations between the musicians and members of the administration led to a stalemate, the players collectively decided that it was in their best interests to leave the hall dark than to continue performing without a contract.

When questioned by the *Chicago Sun Times*, double bassist Steve Lester commented that the Chicago Symphony Orchestra Association requested that the musicians “increase their contribution to a health-care plan to 12 percent from 5 percent of its \$18,000 cost — about a \$1,200 increase. . . . We got to the point where there was absolutely no movement from the association, no willingness to accommodate.”¹ The musicians’ major point of concern was that the increased healthcare costs would knock them down a peg or two on the list of top compensated orchestras in the United States. They worried that, as a result, they would lose their competitive advantage when holding auditions for new musicians.

While the dispute in Chicago only lasted for the weekend, the musicians’ concerns were certainly not unique to them as an American orchestra. The desire to be among the most-compensated orchestras in the country is a common theme in orchestral labor disputes. Musician union representatives frequently state that if musicians in their orchestra are compensated as much as those in the Los Angeles Philharmonic or the New York Philharmonic, then they will attract musicians of a similar caliber when they hold auditions. In short, a higher salary attracts better talent. Since the talent and performance

¹ Sfondeles, Tina. "Chicago Symphony Orchestra Musicians on Strike." *Chicago Sun Times* 22 Sept. 2012. Web. 6

of an individual, especially one who holds a principle position, has the potential to seriously affect a symphony's reputation, orchestras all over the country fight to attract the best musicians to their auditions. Once an orchestra holds a spot in the top-ten highest-paid orchestras in the nation, they will hold tightly to that spot, even if it means stopping work to make a point to the board of directors.

Orchestral strikes are especially interesting because in the United States, symphony orchestras are nonprofit organizations. However, unlike most nonprofit and charitable organizations, some orchestras have expenditures in the tens of millions of dollars and behave somewhat as though they belong in the for-profit sphere regarding workers' compensation. This attitude may prove to be detrimental to overall organizational health. Orchestras rely on donors, and people giving large gifts frequently feel snubbed when the musicians refuse to play. In the case of Chicago, "I think it's despicable," said subscriber Alvin Beatty, who came with his wife and a cousin who flew in from Florida. "They are thumbing their noses at the people who pay them." Beatty, 80, of Evanston, said he was reconsidering his donations to the famed orchestra: "The CSO is the beneficiary of half of my estate. I'm going to tell you I'm going to rethink it."²

In a time when arts journals and blogs are lamenting the death of classical music and the American orchestra as we know it, this research investigates the causes of labor disputes in orchestras in the United States. It examines whether the "classical music crisis" is real or a figment of journalistic imagination. It begins by conducting a statistical analysis of American orchestral strikes between 2003 and 2013, using only salaried, full-time orchestras. The data include the musicians' base pay for each of the years, the orchestras'

²Sfondeles, Tina. "Chicago Symphony Orchestra Musicians on Strike." *Chicago Sun Times* 22 Sept. 2012. Web. 6 Jan. 2014.

total expenditures, which union represents them, the state and national unemployment rates, the mayor's political party, the cities' populations, and the regions of the country that claim each of these orchestras.

Next, four orchestras were selected to conduct a case study, based on their strike activity. One orchestra that did not go on strike between 2003 and 2013, one orchestra that threatened to go on strike during those years but did not, one orchestra that went on strike but did not make an unfulfilled threat, and one orchestra that had instances of both an unfulfilled threat and an actual strike during the specified time frame. The Los Angeles Philharmonic, the Fort Worth Symphony Orchestra, the Detroit Symphony Orchestra, and the Minnesota Orchestra represent each of these categories, respectively.

This study contributes to the body of knowledge deciphering why, when, how, and how often American orchestras go on strike, and why labor relationships in the arts seem to frequently go sour. The Detroit Symphony Orchestra's six-month strike in 2010-2011 inspired me to delve into the topic. I believe that all people, especially people in struggling cities like Detroit, should have the right to have access to art, music, theater, and dance to help them cope with political and economic turmoil. When an arts organization does not function for an extended period of time, they are denying their city a vital artistic resource. I hope to understand any patterns that may occur in American orchestral strikes so I can work to prevent them; thereby ensuring that everyone who wants orchestral music has access to it. In order to establish context for understanding labor in modern arts organizations, this study begins with an overview of American labor history, followed by a more specific look at labor in American arts organizations.

Overview of American Labor

In contrast with other industrialized nations, the United States does not include a labor party amongst its major political players. Robin Archer observes that, “Labor-based political parties have been an important electoral force in every advanced capitalist country. Every one, that is, except the United States. Elsewhere, these parties were established in the late nineteenth or early twentieth centuries. . .”³ Bearing this in mind, the following provides a brief overview of the evolution of the labor movement in the United States, beginning with *Commonwealth vs. Hunt*.

The landmark decision Chief Justice Lemuel Shaw made in the 1842 case *CommonweAalth vs. Hunt* gave workers the legal right to combine. This decision stood in marked contrast to the previously accepted and utilized English common law, under which “peaceable combinations of workingmen to raise wages, shorten hours, or ensure employment were illegal in the United States.”⁴ The case resulted from an employer firing one of his workers at the urging of the Boston Journeymen Bootmakers’ Society, who deemed that the employee in question acted against the society’s rules. The employer complied, and the fired employee charged the society with conspiracy. The Boston Municipal Court found the union guilty, but hearing an appeal, Justice Shaw “altered the traditional criteria for conspiracy by holding that the mere act of combining for some purpose was not illegal. Only those combinations ‘to accomplish some criminal or unlawful purpose, or to accomplish some purpose . . . by criminal or unlawful means’ could be

³ Archer, Robin. *Why Is There No Labor Party in the United States?* Princeton, NJ: Princeton University Press, 2007. 1. Print.

⁴ Tomlins, Christopher L. *Law, Labor, and Ideology in the Early American Republic*. New York, NY: The Press Syndicate of the University of Cambridge, 1993. 133. Print.

prosecuted. Shaw, in effect, legalized the American labor union movement by this decision.”⁵

The first national labor federation in the United States, the National Labor Union (NLU) was founded by William Sylvis in 1866. Though it ceased to exist in 1872⁶, it paved the road for other national labor organizations to form, such as the Knights of Labor, the International Workers of the World (IWW, members of which were known as “Wobblies”), and the American Federation of Labor (AFL), all of which were founded in at the end of the 19th and beginning of the 20th centuries.⁷

The early efforts of regional, national, and specialized labor unions succeeded in legislation including establishing an eight-hour workday, age restrictions on workers to reduce and eliminate the use of child labor, workplace safety regulations, a minimum wage, workers’ compensation if injured on the job, and retirement benefits.⁸ These accomplishments were not easily won, however, and many labor demonstrations resulted in bloodshed. For example, an 1886 strike for an eight-hour workday led by the Knights of Labor in Haymarket Square in Chicago resulted in a bombing that killed a police officer and injured several bystanders. While the source of the bomb remains unknown, the Knights of Labor were blamed for the incident and their membership rates drastically decreased immediately thereafter.⁹

The Great Upheaval of 1877 provides another example of a national labor movement resulting in violence. Workers for the Baltimore and Ohio Railway Companies

⁵ Tikkanen, Amy. "Commonwealth v. Hunt." *Encyclopaedia Britannica*. Web. 8 Jan. 2014.

⁶ "Early National Organizations." *U.S. History Online Textbook*. Web. 8 Jan. 2014.

⁷ "Our History." *AFL-CIO: America's Unions*. Web. 8 Jan. 2014.

⁸ Ibid.

⁹ "Early National Organizations." *U.S. History Online Textbook*. Web. 8 Jan. 2014.

in Martinsburg, West Virginia decided to cease all operations after company leaders chose to impose a 10% pay cut—the second reduction in less than eight months. Crowds gathered to support the workers, and the city government lost control of the mob. The mayor called for members of the National Guard as backup, but did not receive much support from them as many members of the National Guard worked for the railway system themselves. After two people were killed in a skirmish, the Guardsmen laid down their weapons and joined in the protest. This particular strike ended after intervention by the US Army, but the protest spread to various railway companies throughout the country, resulting in mobs that could only be countered by the US military.¹⁰ Although none of the strikes gave workers increased wages or decreased working hours, the Great Upheaval provided major momentum for the American labor movement. It proved to employers that workers are capable of spontaneous, national action, and in that sense, employers' fear of another upheaval likely prevented future worker mistreatment in large companies.

The United States government responded to organized labor's increasing power with the Taft-Hartley Act of 1935.¹¹ This law, formally known as the Labor-Management Relations Act, served to limit unions' power. It prohibited a variety of strikes, including secondary strikes, solidarity strikes, shops hiring only union workers (known as "closed shops"), and required workers to give 80 days' notice of any strike activity. The Labor-Management Relations Act was amended after World War II as a response to increased union power, and still remains in effect today.

¹⁰ Piper, Jessica. "The Great Railroad Strike of 1877: A Catalyst for the American Labor Movement." University of Colorado: Denver, Web. 8 Jan. 2014.

¹¹ Taft, Robert, and Frank Hartley. "29 U.S. Code § 141 - Short title; Congressional declaration of purpose and policy." *Cornell University Law School*. 23 June 1947.

Legislation such as the Taft-Hartley Act was effective in discouraging American union membership in the private sector. In their article “The Changing Landscape of US Unions in Historical and Theoretical Perspectives,” Amy Bromsen and Michael Goldfield note, “Since around the mid-1950s, the United States has been the only economically developed country with a continuous decline in union density (see Goldfield 1987).”¹² They go on to note, “The primary reason for [the] decline, in our opinion, has been employer opposition and the inability of unions to successfully counter it.” Legislation is not the only driving force for decreased union membership between the 1950s and 2000s. Coupled with anti-communist and socialist political movements, large-scale employers implemented policies to subtly discourage new hires from joining the local unions, hoping that they will die off when older employees retire. This idea is specifically manifested in a two-tier employee plan, used by white grey, and blue-collar organizations. “We believe that the institution of two-tier employee plans (where many new hires are given inferior benefits and substantially lower wages than existing employees while doing the same work) has had a negative effect on unions and their already-weakened abilities to organize nonunion employees.”¹³

While the private sector saw a decrease in union membership, the public sector experienced the opposite between the 1960s and 70s: “Governmental unions at the federal, state, and local levels grew from 903,000 members in 1960 (10.8% union density) to almost six million members in 1976 (40.2%) (Troy & Shefflin 1985, pp. 3–20, 3–31). State and local unions achieved the most dramatic growth, climbing from 307,000 members (5%

¹² Bromsen, Amy, and Michael Goldfield. “The Changing Landscape of US Unions in Historical and Theoretical Perspectives.” *Annual Reviews* (2013): 235. Print.

¹³ Ibid.

union density) in 1960 to 4.8 million members (39.9%) in 1976. The public sector, thus, went from being a bastion of the unorganized to being a stronghold of US unions (Hirsch & Macpherson 2012)."¹⁴ Organized labor in the public sector culminated in a massive strike put on by the Professional Air Traffic Controllers Organization (PATCO) in 1981¹⁵, and ended with union-suffocating action taken by President Reagan. After PATCO members requested double wages, decreased working hours, earlier retirement, and better benefits, President Reagan fired 11,000 workers who did not return to work after he issued a 48-hour grace period for the strike participants, thus scaring other public sector employees away from organizing strike activity on a large scale.

Despite the massive decrease in union membership, modern trends are suggesting a possible upswing in union membership and activity in some sectors. "There is a great deal of unrest among professional workers, who don't have a history of union joining behavior," claims Harley Shaiken, a professor at Berkeley who specializes in labor issues. "They represent the frontiers of unionization in America."¹⁶ Highly educated workers, such as health care professionals, are mentally equipped to recognize and act on inequalities in the workplace, and are highly motivated by their massive outstanding student debts. "Many professionals have pricey educations and are more sensitive to unequal distributions of wealth. That's made them more willing to speak out about inequality at the workplace. . . . That can mean threatening to unionize to get better contracts, if not actually organizing."¹⁷

¹⁴ Saxton, A. (2009). Why is there no labor party in the United States? *Science & Society*, 73(3), 413-416.

¹⁵ Hurd, R. W. & Kriesky, J. K. (1986). "The rise and demise of PATCO" Reconstructed [Electronic version]. *Industrial and Labor Relations Review*, 40(1), 115-122.

¹⁶ Semuels, Alana. "White-Collar Workers are Turning to Labor Unions." *Los Angeles Times* 16 May 2013. Print.

¹⁷ Ibid.

Overview of Labor in Arts Organizations

While American labor history has been largely shaped and defined by unskilled workers, skilled workers in arts organizations built and branched off of the blue-collar legacy by staging large-scale strikes as a form of protest against their employers. Unlike unskilled workers, historian David Montgomery has stated that skilled workers, in this case workers in arts organizations, “frequently have more direct control over the production process than their unskilled counterparts, and more to lose as managers [attempt] to increase productivity by taking away control of the production process.”¹⁸ An employer for an arts organization such as an orchestra, opera, or ballet company cannot quickly train replacements for their workers who were hired on the basis of their talent and years of experience, and trained together as a team for months or years. Thus, employers in the arts sector find it very difficult to hire replacement workers in the event of a strike. Arts organizations also face the challenge of pleasing their customers, who are composed of audience members with special and specific relationships to their workers. If they want to continue operations and remain in good graces with their audience, arts organizations cannot fire their entire staff and replace them with an equally qualified one as in the case with the previously mentioned 1981 PACTO strike.

In an effort to discourage union activity, employers in arts organizations have attempted to employ similar tactics as those in other sectors. For example, many performers and other artists are placed on a pay scale similar to the two-tiered system, with pay increasing based on years of experience within the organization. This system encourages newer members to refrain from organizing and simply waiting until they earn

¹⁸ Newman, Kurt. "White collar workers are exploited too." *Salon*. 4 May 2013. Web. 15 Jan 2014.

the wages they want. In arts organizations, however, the artists' role acts as another tier. In the performing arts, soloists, principal players, and actors in lead roles have opportunities to negotiate for their own, unique, and very high salaries and benefits packages. The tiered system also acts with the goal of discouraging younger artists from organizing and participating in strike activity, as it provides them with the goal of eventually becoming a principal player or actor within the organization. An artist cannot experience upward mobility if he or she protests against the people establishing their pay scale. Additionally, artists compete internally for upward mobility, especially in ballet companies, which is a practice that actively discourages labor organization.

The end of the 20th century and beginning of the 21st saw a shift in union activity in arts organizations. It is now imperative that artists receive a college education in order to pass the resume round of auditions and hiring processes. Thus, full-time artists have the capacity to recognize and understand when their working conditions are unfair and when they are being exploited for their work. For example, the San Francisco Ballet threatened to strike in 2013 against their "bullying management."¹⁹ While their public statements are only as specific as accusing the San Francisco Ballet management of unfair labor practices²⁰, celebrated French ballerina Mathilde Froustey alluded to the San Francisco Ballet "unfairly blocking her career progress."²¹

Opera companies and symphony orchestras experience similar labor experiences to ballet companies in that the artists' increasingly high levels of education encourage them to

¹⁹ Mackrell, Judith. "Is it time for ballet companies to become more democratic?." *The Guardian* 24 Oct. 2013. Web. 15 Jan. 2014.

²⁰ Itzoff, Dave. "San Francisco Ballet in Dispute with Dancers." *The New York Times* 2 Oct. 2013. Print.

²¹ Mackrell, Judith. "Is it time for ballet companies to become more democratic?." *The Guardian* 24 Oct. 2013. Web. 15 Jan. 2014.

organize. However, the blind auditions process (auditioning behind a curtain so that the judges and hiring managers do not know the performers' identities) minimizes internal competition by allowing those outside of the organization to take on the roles of principal, soloist, or lead performer. The New York City Opera went on strike in 2012 and has since filed for bankruptcy.²² The artists disputed with the management when the company wanted to "only pay people for the work they do" by eliminating salaried positions and paying artists a wage for each service in which they participate, with a sliding pay scale depending on their role in the production.

Non-performing artists are at a greater risk for exploitation as they are not in the public eye in the same way as performing artists. For example, stagehands represented by IATSE (International Alliance of Theatrical Employees) working at Carnegie Hall went on strike after the Carnegie Hall Corporation did not act in accordance with their agreement with the union. When a location is recognized by IATSE, they agree to use only IATSE employees for all productions. This offers IATSE locations access to highly skilled stagehands and technicians, as membership in IATSE requires a minimum of a bachelor's degree or equivalent experience.²³ When the location decides to hire outside of IATSE employees, as the Carnegie Hall Corporation did in 2013, the employees of that location can opt to strike for future performances. As a result, Carnegie Hall could not put on its annual season-opening gala, as they lacked the stagehands and technicians to do so.²⁴

²² Kearney, Christine. "Labor dispute threatens New York City Opera season." *Reuters*. Ed. Bob Tourtellotte. 9 Jan. 2012. Web. 12 Mar. 2014.

²³ Bishop, Walter. Personal interview. 17 Jan. 2014.

²⁴ Stuart, Tessa. "Stagehands Striking at Carnegie Hall Average More Than \$419,000 Per Year." *The Village Voice Blogs*. 3 Oct. 2013. Web. 15 Jan. 2014.

A final group of artists whose labor activity has appeared in the public eye in the last twenty years is writers for the stage and screen. For example, writers for the show *Fashion Police* on the network E! were given a new contract that pays them exactly \$500 each week, listed as eight hours of work, regardless of the number of hours worked.²⁵ Television writers' work requires many hours of writing, pitching jokes and ideas to the actors, and revising until the show is filmed. In the case of *Fashion Police*, one episode's worth of jokes can take up to 17 hours to complete over the course of three days, and the writer is only paid for eight hours of work. Hollywood's exploitation of its writers eventually culminated in the Writers Guild of America going on strike for 100 days in 2007-2008. The industry lost an estimated \$3 billion as a result of the strike.²⁶ The writers were victorious in that their strike activity convinced their employers to compensate them for their work that streams online; however, they did not succeed in earning a higher base salary or pay for actual hours worked.

While they employ the same tactics as blue-collar workers, such as strikes and rallies, workers in arts organizations also understand that they have specific advantages, such as their years of training, high levels of education, and massive talents when negotiating with their employers. They also understand that strike activity is a strong tactic, as they are not easily replaced. From the 1990s onward, artists have taken and are taking a more active role in determining their pay, working conditions, and upward mobility by unionizing and using strike activity when the situation calls for it.

²⁵ Newman, Kurt. "White collar workers are exploited too." *Salon*. 4 May 2013. Web. 15 Jan 2014.

²⁶ "This Day in History: Writers' Strike Ends after 100 Days." *History*. History Channel, 12 Feb. 2010. Web. 15 Jan. 2014.

Research Design

In order to discover patterns in striking behavior in American orchestras, this study utilizes both quantitative and qualitative approaches. The quantitative approach, a statistical analysis, is used to find if there are any statistical patterns in orchestral striking behavior, and if so, what they are. This analysis is done by observing several variables concerning a broad population of orchestras over a period of time (2003-2013). The orchestras in this study are independent organizations that foster full-time, salaried musicians.

The qualitative approach recognizes that every instance of orchestral striking is nuanced, complex, and unique. The purpose of this portion of the study is to understand the mechanisms that cause striking behavior and, if patterns arise, to use this knowledge to prevent potential strikes from coming to fruition. The qualitative study observes the following behaviors: one orchestra that did not go on strike, one orchestra that went on strike, one orchestra that threatened to go on strike but did not do so, and one orchestra that both went on strike and had a different strike threat go unfulfilled.

This study used the list of organizations belonging to the League of American Orchestras. The League placed the organizations into groups 1-8 based on the size of their annual expenditure: group 1 orchestras spend more than \$15.9 million, group 2 spends \$7.5-\$15.9 million, groups 3 and 4 range from \$2-\$7.5 million, groups 5 and 6 range from \$550,000-\$2 million, and groups 7 and 8 spend less than \$550,000 annually. Since the purpose of this study is to observe full-time, salaried musicians, the subjects come from groups 1 and 2.

This study does not include: orchestras who pay their musicians per-service instead of salaries; orchestras with part-time musicians or with seasons that are 32 weeks or shorter; summer festivals, whose membership lasts a maximum of three months each year; orchestras with age restrictions; ballet and opera orchestras; orchestras associated with colleges or universities; orchestras that place limitation on membership length; and orchestras whose income is pooled with other organizations who share the same performance space. The orchestras remaining are organizations whose members could be motivated to organize and act as a unified labor groups. This list is the basis for the statistical study.

Of the 31 orchestras observed in the statistical analysis, four orchestras that demonstrated each of the previously mentioned striking behaviors were selected for a statistical study. The Los Angeles Philharmonic has never had a musicians' strike in the organization's history, and was thus selected for the first case study. The Detroit Symphony, which went on strike in 2010-2011, and did not have any unfulfilled threats of strikes, was selected for the second case study. The third case study is of the Fort Worth Symphony Orchestra, which threatened a strike in 2010 but did not act on their threat. Finally, the fourth case study is of the Minnesota Orchestra, which threatened to strike in 2009 but did not do so, and later went on strike in 2012-2014. Information for these case studies is gathered from the organizations' official websites, musicians' official and unofficial blogs, independent blogs, newspapers, and online arts journals.

Statistical Analysis

The purpose of this study is to understand in both broad and specific terms why American orchestras go on strike between 2003 and 2013. In order to gain the broader perspective, this study conducts a cross-sectional time-series analysis of the top-31 paid orchestras in the United States, and analyzes the data with a panel probit regression model.

The independent variables cover a wide range of possible factors in striking and labor behavior, both within the organization and within its community. The variables dealing directly with each organization include: the musicians' minimum salary, the unions by which the musicians are represented, and the orchestra's annual expenses. The independent variables dealing with each orchestra's community include: the cities in which the orchestras are located, state unemployment rates, national unemployment rates, city populations, the mayors' political parties, and the region of the country to which the orchestras belong (i.e., Northeast, South, Midwest, and West).

In terms of factors exclusive to each organization, variables were chosen that have a major impact on the musicians' participation both within and without the organization. The musicians' minimum salary determines the set of candidates who will audition for open spots. If a section player does not earn enough money to live a comfortable lifestyle, then he or she will have to take on multiple jobs and/or supplement their income through freelance work. A low minimum salary diminishes the orchestra's caliber, as their musicians have less time to individually rehearse the orchestra's repertoire. The orchestras' annual expenses are also included, as indicated on their 990 forms. The organization's Form 990 provides perspective on how much is spent each year, where it goes, and whether it appears at a glance if the organization needs to cut labor costs.

Finally, this study observes which unions represent the majority of musicians in each orchestra. Individuals may choose to be represented by a specific union, especially if they had a freelance career before joining an orchestra, but during contract negotiations each of the studied orchestras selects a representative from the following: the American Federation of Musicians (AFM), the International Conference of Symphony Orchestra Musicians (ICSOM), or the International Guild of Symphony, Opera, and Ballet Musicians (IGSOB). This study aims to determine whether any given musicians' union tended to promote striking behavior more than another at the organizational level.

This research includes factors outside of the organization that may lead to strike activity, such as the Metropolitan Statistical Area (MSA) population, and the mayor's political party for each city that claims one or more of the top-31 paid orchestras. For example, it is possible a more liberal city, demonstrated by electing a mayor who identifies as a Democrat, would be more accepting of labor activity, thus, have higher striking rates. As for population, this study includes the MSA population to account for the orchestras' entire potential audience-base, donors, and subscribers. At the state level, this study observes unemployment rates between 2003 and 2013 to determine whether or not surrounding unemployment rates had an impact on strike activity in orchestras. The independent variables conclude with variables at the national level: the unemployment rate for each year and the region of the country to which the orchestras belong (i.e., Northeast, South, Midwest, and West).

Each variable received its own hypothesis separate from the others. I hypothesized that an internationally founded union, such as the International Conference of Symphony and Opera Musicians, may have a higher rate of striking behavior than a union founded in

the United States, due to the United States' track record of union-squashing activity. Keeping in line with sympathy toward labor groups, I also hypothesized that cities with mayors who identify as a Democrat may have higher rates of orchestra strikes than cities with mayors who identify as Republican, unattached, or other. Orchestras with high annual expenses may host higher rates of strike activity than orchestras with low annual expenditures, as musicians may interpret large spending as indicative of the organization's fiscal health, and when pay cuts are proposed, they would feel slighted. I predicted that when state and national unemployment rates are high, striking rates will be low, as the musicians would have more difficulty finding secondary employment if the strike did not proceed as planned. Finally, I predicted that smaller cities might have more orchestral strikes, as orchestras in smaller cities hold more power over the city's artistic scene, and can use it as a bargaining chip. This power stands in contrast to orchestras in larger cities with more performing arts ensembles, as their audiences have other opportunities to seek artistic fulfillment.

Table 1 demonstrates that none of the observed independent variables hold statistical significance over striking behavior in American orchestras between 2003 and 2013. It is possible that one or more of these factors could be statistically significant if observed over a longer time frame, such as from the 1950s to the present. However, documents indicating salaries and expenses for each orchestra were only available to the public through 2003.

Table 1. Cross-Sectional Time-Series of American Orchestral Strikes, 2003-2013

Independent Variable	Dependent Variable (went on strike) Coefficient (Standard Error)	Descriptive Statistics Mean (Standard Deviation)
<i>ICSOM</i>	0 (Omitted)	0.8 (.40)
<i>Annual Expenses</i>	-1.60e-08 (1.65e-08)	3.21e+07 (2.28e+07)
<i>State Unemployment Rate</i>	17.14 (15.24)	0.068 (0.021)
<i>National Unemployment Rate</i>	-2.95 (17.69)	.068 (.018)
<i>Party Dem</i>	0 (Omitted)	0.83 (0.37)
<i>City Population</i>	8.76e-08 (1.28e-07)	0.40 0.38
<i>Midwest</i>	.24 (.47)	0.27 (0.44)
<i>Cons</i>	-2.92 (.88)	
<i>lnΣ2μ</i>	-14.44 (655.79)	
<i>Σμ</i>	.0007328 (.24)	
<i>ρ</i>	5.37e-07 (.0003521)	
<i>Number of observations</i>	330	
<i>Likelihood-ratio test of ρ</i>	0.00	
<i>Likelihood-ratio test of χ²₁</i>	0.00	

This analysis determined that none of the independent variables hold any statistical significance. I was concerned about the possibility that the lack of significance was due to multicollinearity between the independent variables. I also ran a series of regression analyses in which only one independent variable was included in the analysis. The results, not reported here, revealed that the only independent variable that was significant was the dummy variable for the Midwest region. However, this may be impacted by the fact that the Midwest claims more of the top 31-paid orchestras than the other regions. This implies that strike behavior among American orchestras between 2003 and 2013 may follow statistical patterns that this study does not observe, and that each case is nuanced and complex in its own way.

Overview of Case Studies

In addition to the statistical analysis, this study closely observes four American orchestras in an effort to determine the mechanisms that cause labor activity and strike behavior. The following criteria determined which orchestras were selected as part of the case studies: one orchestra must not have gone on strike between 2003 and 2013; one orchestra must have gone on strike; one orchestra must have threatened to go on strike, but the threat went unfulfilled; and one orchestra must have both made an unfulfilled threat and have actually gone on strike.

The Los Angeles Philharmonic did not go on strike between 2003 and 2013, and in fact, has never experienced striking behavior in its entire history. In contrast, the Detroit Symphony Orchestra staged a strike in 2010 that lasted for six months, the record for the longest-lasting orchestral strike. That is, until the Minnesota Orchestra went on a strike in

2012 that lasted for fifteen months. They had threatened to strike in 2009, but that specific threat remained unfulfilled after successful negotiations. Finally, the Fort Worth Symphony Orchestra threatened to strike in 2010, but did not.

Each of these orchestras represents distinct striking behavior, and each type of behavior may be caused by different mechanisms. By studying each different behavior and comparing them, this study aims to find organizational patterns resulting in striking behavior, and whether potential strikes can be prevented if these patterns are observed.

The Los Angeles Philharmonic

Now celebrating ten years of residency in the Disney Concert Hall²⁷, the Los Angeles Philharmonic is among the most successful arts organizations in the United States. There is not a single record of the musicians staging a strike in the organization's entire history. It is consistently the object of comparison to which musicians point during contract and salary negotiations. Their dynamic and prolific music director, Gustavo Dudamel, is among the top-eight highest-paid conductors in the country,²⁸ and he is also active in El Sistema, an organization born in Venezuela that provides music, instruments, and lessons to underprivileged children; the organization has since expanded to the United States, among other countries.

How did the Los Angeles Philharmonic become so successful, and how did it seem to escape the effects of the 2008 Great Recession? One possibility is the cost of living in Los Angeles, which is 29.4% higher than the national average.²⁹ During contract negotiations,

²⁷ "Walt Disney Concert Hall 10th Anniversary." *LA Phil*. Web. 20 Feb. 2014.

²⁸ "Graphic: High Earning Conductors." *Los Angeles Times*. 21 Nov. 2012. Web. 20 Feb. 2014.

²⁹ "Consumer Price Index, Los Angeles area - January 2014." *United States Department of Labor*. 5 Feb. 2014. Web.

musicians and administrators must consider the cost of living in determining the dollar amount each worker is paid. Thus, the musicians are paid a dollar amount that is always on the list of the top-ten highest paid orchestras, because they need a high dollar amount to live comfortably. The salary attracts the best new musicians to audition for open spots, and so perpetuates the orchestra's reputation as one of the best in the country.

Los Angeles ticket prices notwithstanding, there must be other factors that contribute to the LA Philharmonic's organizational success than simply paying its musicians well. As compared to the other cases in this study, there is a notable lack of multiple blogs and writers contributing to the information about the organization available on the Internet. Thus, most of the organization's press is controlled through their official webpage, and the musicians and administration consider themselves as part of a unified entity. There are sections of the official website dedicated to both musicians' and administrators' biographies, and there are multiple blog entries written by musicians. However, everything published on the Internet by the Los Angeles Philharmonic can be traced back to their official website. There is not a "Musicians of the Los Angeles Philharmonic" page on Facebook. In short, the musicians do not feel compelled to publish a voice that is separate from the official organization, in contrast with the other three orchestras in the case study.

A major contributing factor to the Los Angeles Philharmonic's unity in communication stems from their president, Deborah Borda. She studied viola performance from many of the same institutions as the musicians did, such as the New England Conservatory and the Tanglewood Music Festival. In her interview with Laurie Niles from

violinist.com, Borda made clear that the entire organization, including musicians, staff, administration, and board, understands the orchestra's mission and keeps it at the forefront of their work. When asked who determines the mission, Borda responded, "No one person decides it. You need leadership to achieve people uniting around it, but it is decided by a combination of people working together, and that makes it stronger. It's a combination of the executive leadership, the music director, the leadership of the board, sometimes community stakeholders, the musicians—it's a complex mix. . . . I think you create a sense of mission by constantly bringing people together and talking about it."³⁰

Deborah Borda did not inherit a well-functioning organization. "In 2000, we were still over at the Dorothy Chandler Pavilion, and we were in an incredibly challenged position. We had a structural deficit that was 15 percent of our annual budget, and an enormous accumulated deficit."³¹ Borda and the music director at the time, Esa-Pekka Salonen, worked alongside the board, the musicians, and the rest of the administration to raise funds to build a new concert hall. The musicians increased their contribution to the organization by playing a wider variety of concerts. They introduced a jazz series, a world music series, a songbook series, an organ series, and educational activities, among others. By expanding their audience while the board and administration implemented an aggressive fundraising strategy, every facet of the Los Angeles Philharmonic worked together to ensure that they would have the funds necessary to build a new concert hall: one that would act as "a living room for the city," according to the architect Frank Gehry.³²

³⁰ Niles, Laurie. "Interview with LA Phil CEO Deborah Borda: Building a Great Orchestra." *violinist.com*. 19 Nov. 2013. Web. 13 Mar. 2014.

³¹ *Ibid.*

³² *Ibid.*

In addition to Deborah Borda's leadership, music director Gustavo Dudamel is a vital component of the Los Angeles Philharmonic's success. Like Borda, he is intensely mission-driven. In 2009, he established the Gustavo Dudamel Foundation, which is a nonprofit organization that teaches that, "Music does more than nourish the human spirit. Its very practice instills focus and discipline, respect for others, a spirit of collaboration . . . The Foundation's goal is to expand the opportunity to experience music for as many children and communities as possible."³³ The musicians in the Los Angeles Philharmonic interact on a regular basis with leaders who share common goals about which they are very passionate, and it transfers to their playing and attitudes toward the organization.

When interviewed by Reed Johnson of the *Los Angeles Times*, musicians and members of the board of directors commented on their confidence in their leaders. Bassist Peter Rofé said, "Boarda deserves much of the credit for the orchestra having one of the nation's most generous labor contracts, as well as for its artistic quality. I think right now we have the best management in the country."³⁴ Rofé has been a member of the LA Philharmonic since 1986, and serves as the head of the musicians' negotiating committee.³⁵ The musicians also have a record of speaking highly of their music director. Cellist Gloria Lum says of Dudamel, "There are many conductors who are technically perfect, but they are taken with themselves, with their own ego as opposed to the music. With Dudamel, there is no artifice, no ego."³⁶

³³ "The Dudamel Foundation." *Gustavo Dudamel*. 2012. Web. 20 Feb. 2014.

³⁴ Johnson, Reed. "Deborah Borda orchestrates the creative chaos of the L.A. Philharmonic." *LA Times* 26 Sept. 2010. Print.

³⁵ Ibid.

³⁶ "L.A. Philharmonic warms to Gustavo Dudamel." *David Bohnett Foundation*. 9 Apr. 2007. Web. 20 Feb. 2014.

The Los Angeles Philharmonic is a successful orchestra in part due in part to the ability to maintain extremely high levels of artistry. Their generous pay scale attracts the best musicians, which enhances the quality of their performances, which in turn, attracts even more of the world's top classical musicians. They can afford this generous pay scale because of a highly motivated administrative team and board who are genuinely engrossed in their mission, and who actively track their progress in terms of quantifiable measurements, such as audience participation and whether or not they meet fundraising goals. The musicians place great trust in their business and artistic leaders, and are motivated to work alongside them, as demonstrated by a massive increase in the number of concerts between the 1999-2000 season and the 2009-2010 season: 1999 saw 189 concerts, whereas in 2009 the LA Philharmonic performed 240 concerts, which amounts to a 27% increase in performances.³⁷ The increase in work went uncontested by the musicians, as they knew that expanding the concert repertoire would lead to a broader audience—a central part of the organization's mission. In short, the Los Angeles Philharmonic can pin its success on its organizational unity, transparency, and dedication to the mission of spreading classical music to new and diverse audiences.

The Detroit Symphony Orchestra

The Detroit Symphony Orchestra (DSO) stands in stark contrast to the Los Angeles Philharmonic. The Great Recession hit the city of Detroit especially hard—by mid

³⁷ Johnson, Reed. "Deborah Borda orchestrates the creative chaos of the L.A. Philharmonic." *LA Times* 26 Sept. 2010. Print.

September of 2008, 8.4% of the city's adult population was unemployed.³⁸ Like other Detroit-based companies, the DSO tried to cut labor costs to survive the economic downturn. In this case, the cuts were so extreme that the musicians decided it was wiser for them to not play than to play under the suggested contract.

The Detroit Symphony Orchestra Association first suggested "a reduction in the number of guaranteed paid weeks in the season that would lead to a 33 percent cut in guaranteed base salaries in the first year followed by slight rises in the next two years. New players would start at 42 percent less than the current guaranteed base, \$104,650."³⁹ The musicians counter-offered by suggesting a 22% pay cut for the first year of the new contract, which would be followed by incremental raises in the following years, depending on the DSO's fiscal health. The management declined, and it led to the fifth DSO musicians' strike since 1969.⁴⁰ Although this is a pattern indicative of a consistently rocky labor-management relationship, this strike was unique in that it broke the national record of the length of an orchestral strike—the conflict remained unresolved for ten months.

After approximately three months with no forward motion, the Detroit Symphony Orchestra turned to the Michigan state government for assistance. Senator Carl Levin and Governor Jennifer Granholm drafted a \$36 million compensation plan for the musicians, which, according to journalist Jonathon Oosting, would have "split the difference between the latest offers from the musicians (\$38M) and management (\$33 M to \$34M)."⁴¹ While the musicians were ready to accept this offer, the management was not. Board Chair

³⁸ Youssef, Hibah. "Solution to Detroit's Jobless: Move." *Assignment Detroit*. CNN, 28 Oct. 2009. Web. 5 Feb. 2014.

³⁹ Wakin, Daniel J. "Day of a Strike Dawns for Detroit Musicians." *The New York Times*. 3 Oct. 2010. Web. 12 Feb. 2014.

⁴⁰ Ibid.

⁴¹ Oosting, Jonathon. "Spokesman: Musicians ready to settle Detroit Symphony Orchestra strike, management is not." *MLive*. 20 Dec. 2010. Web. 12 Feb. 2014.

Stanley Frankel reported, "A \$36 million compensation package is beyond what every consultant and our Board have said is feasible. In order to fund our current proposal, we have already cut our staff and operations severely and pushed our revenue expectations beyond every advisors' recommendations. Even with these dramatic cuts and ambitious goals, the DSO will continue to operate in a deficit position."⁴² The specific deficit position to which Frankel referred was an \$8.8 million deficit at the end of the 2010 fiscal year.

The musicians of the Detroit Symphony Orchestra took to the Internet and published the blog *The Musicians of the Detroit Symphony* in early 2011. The category links include: "Who We Are," "Where We Stand," "What We Must Fix," "Did You Know?" "Who's Kidding Whom?" "What We Think," "What Others Think," and "What You Think."⁴³ These titles indicate that the DSO stands as a unified group, with the massive exception being the category "Who's Kidding Whom?" In this section, the bloggers document actions taken by the DSO management, casting them in a negative light and using negative language. "Who's Kidding Whom?" represents the massive rift between the musicians and the DSO management, and the attitudes surrounding the sour relationship.

Surprisingly, Leonard Slatkin, the Detroit Symphony Orchestra's music director, did not come forth in favor of either the musicians' or the administration's position in the strike.⁴⁴ Although he did not actively express an opinion, many DSO fans and bloggers felt that his silence indicated his support for the administration, or rather, a lack of support for the musicians. John Pitcher of *Nashville Scene* writes, "One other thing he didn't do was talk. To do their jobs, music directors must maintain the goodwill of both their board directors

⁴² Ibid.

⁴³ *Musicians of the Detroit Symphony Orchestra*. 2011. Web. 14 Mar. 2014.

⁴⁴ DeRose, Danny. "DSO's Slatkin Should Speak Out, Back Musicians." *The South End Weekly*. 22 Nov. 2010. Web. 20 Feb. 2014.

(who pay them) and their musicians (who may or may not be willing to play beautifully for them. So during labor disputes, music directors often stay mum in order to appear neutral. But saying nothing in Detroit poses risks. 'The longer Slatkin remains silent, the more it's going to look like he's trying to please everybody,' says McManus. 'In the end, the only thing that's going to do is make everybody mad.'"⁴⁵ In this case, the DSO's musicians lacked the artistic leadership they needed to motivate them to act cooperatively within the organization.

Like the Los Angeles Philharmonic, the Detroit Symphony Orchestra hoped to rejuvenate itself by renovating its performance space: the Max M. Fisher Music Center. Rather than paying for the construction through aggressive fundraising campaigns and a diverse program offering more concerts, the DSO took out a \$54 million bond. CEO Anne Parsons accepted partial blame for the DSO's bleak financial state: "Our problems are not gray,' said Parsons, adding that she takes responsibility for them. 'They're pretty black and white, and they have implications that are difficult for people. We've raised an enormous amount of money, but not as much as we would like.'"⁴⁶

The strike finally ended in April of 2011. The musicians accepted a \$36.3 million compensation plan, which also included additional services such as community engagement, educational programs, and digital media. IATSE, the union that represents the DSO's technicians, agreed to pay cuts and freezes as well. Finally, music director Leonard Slatkin agreed to a longer season at lower pay.⁴⁷

⁴⁵ "Conductor Leonard Slatkin sits on the sidelines as his orchestra in Detroit self-destructs ." *Nashville Scene*. Ed. John Pitcher. 10 Mar. 2011. Web. 17 Mar. 2014.

⁴⁶ Lewis, Zachary. "Detroit Symphony Orchestra strike reverberates in music world." *cleveland.com*. 17 Oct. 2010. Web. 20 Feb. 2014.

⁴⁷ "Detroit Symphony Orchestra reaches successful resolution with its lender syndicate." *Detroit Symphony Orchestra*. 30 May 2012. Web. 14 Mar. 2014.

The Detroit Symphony Orchestra called in a lot of help from outside sources, specifically the Michigan state government, but to no avail. Their strike in 2010-2011 demonstrates the necessity of strong leadership in ensuring a satisfactory working environment. The musicians did not have the backing of their music director, nor did they have the support of their administration. Without the support of their leaders, the musicians felt inclined to publish a website with blog posts detailing the entire process, with the goal of rallying community members around their cause. The blog still exists, and all of the posts from the strike are archived—not deleted. The musicians did not feel connected to the official organization, and so broke off for six months so that their voice could be heard.

The Minnesota Orchestra

Hailed by the *New Yorker* in 2010 as “the greatest orchestra in the world,”⁴⁸ the Minnesota Orchestra’s musicians were locked out by their management in October of 2012, resulting in a strike that lasted a record-smashing 15 months. However, the strike did not come as a surprise to the orchestral community, as the musicians of the Minnesota Orchestra had threatened to go on strike in 2009⁴⁹, after the stock market crashed and the Minnesota Orchestra Association decided to reevaluate the musicians’ contracts. The musicians responded by publishing the Musicians of the Minnesota Orchestra Facebook

⁴⁸Ross, Alex. "Battle of the Bands: an orchestral marathon, at Carnegie." *The New Yorker*. 22 Mar. 2010. Web. 20 Jan. 2014.

⁴⁹ Royce, Graydon. "Minn. Orchestra deficit: \$2.9M." *StarTribune*. 7 Dec. 2011. Web. 12 Feb. 2014.

page, in an effort to distance themselves from their management.⁵⁰ The only remaining post from 2009 is a positive review of their concert featuring famed violinist Joshua Bell⁵¹; all other posts have been deleted and cannot be retrieved as cached versions. The Minnesota Orchestra's website has also removed content regarding 2009 labor strife, as the archive only extends to 2011. According to local news sources, however, the musicians eventually agreed to forgo \$4.2 million in total wages between 2009 and 2012,⁵² hoping that their sacrifice would ensure the organization's fiscal health and survival.

When their contract was set to expire in 2012, the musicians of the Minnesota Orchestra created their own blog, separate from the Minnesota Orchestra's website. Similar to the Fort Worth Symphony Orchestra's threatened strike in 2010, the Minnesota Orchestra created their blog in anticipation of strike activity. The blog's third post, published on June 16 of 2012, gives readers an update regarding the ongoing contract negotiations between the musicians and their administration⁵³. Subsequent posts throughout July, August, and September entitled "Why are the musicians in a union?"⁵⁴, "What is the price of orchestral excellence?"⁵⁵ and "Minnesota's Music Lovers: Support Keeping World Class Musicians in the Minnesota Orchestra"⁵⁶ serve to warn readers of the possibility of a strike, and to keep the readers informed of the musicians' specific opinions and positions regarding their contract talks and negotiations. Scattered throughout the

⁵⁰ "Musicians of the Minnesota Orchestra." *Facebook*. Web. 20 Jan. 2014.

⁵¹ Hewett, Ivan. "Minnesota Orchestra and Joshua Bell make a thrilling sound – review." *The Telegraph* 26 Feb. 2009 [UK]. Print.

⁵² Kerr, Euan, and Paul Tosto. "MPR News Primer: Orchestra contract negotiations." *MPR News*. 18 Aug. 2012.

⁵³ "Negotiation Update." *Musicians of the Minnesota Orchestra*. 16 June 2012. Web. 28 Jan. 2014

⁵⁴ "Why are the Musicians in a Union?" *Musicians of the Minnesota Orchestra*. 19 June 2012. Web. 28 Jan 2014

⁵⁵ "What is the Price of Orchestral Excellence?." *Musicians of the Minnesota Orchestra*. 9 Sept. 2012. Web. 28 Jan. 2014.

⁵⁶ "Sign Our Petition." *Musicians of the Minnesota Orchestra*. 2 Oct. 2012. Web. 28 Jan. 2014.

posts regarding labor activity are posts from individual musicians detailing their education, auditions process, and the paths they took that led them to a position in the Minnesota Orchestra. The approach they took of providing readers with personal stories in an effort to connect with them on a more intimate level, succeeded in gathering hundreds of vocal supporters at their November rally at Peavy Plaza⁵⁷

The musicians of the Minnesota Orchestra maintained that it was critical for them to remain among the top-ten highest paid orchestras in the United States. A spot on this prestigious list attracts the best new performers and keeps the best-experienced performers, resulting in unparalleled artistic excellence.⁵⁸

The Minnesota Orchestra Association has since deleted all press releases regarding the 2012 lockout from their website, with a marked gap of records between April 2012 and February 2013⁵⁹ in an effort to keep the negotiations quiet and confidential. However, local news sources and independent blogs show that the Minnesota Orchestra's financial state was abysmal. The Minnesota Orchestra Association (MOA) reported that labor costs were depleting the endowment, and in order to save it, musicians' salaries and benefits needed to be reduced by \$5 million per year, in addition to the above stated \$4.2 million in musician concessions.⁶⁰ During this time, however, the MOA raised \$50 million as part of a campaign to renovate Orchestra Hall, giving it a new lobby among other improvements.

Minnesota Orchestra President Michael Henson indicated in an interview that the orchestra's large-gift donors prefer to see their donations go toward capital rather than

⁵⁷ "Rally Size Doubles." *Musicians of the Minnesota Orchestra*. 1 Nov. 2012. Web. 28 Jan. 2014.

⁵⁸ Kerr, Euan. "Inside the Minnesota Orchestra negotiations: A key conversation avoided an impasse." *MPR News*. 24 Jan. 2014. Web. 4 Feb. 2014.

⁵⁹ "Press Room: Press Releases." *Minnesota Orchestra*. Web. 5 Feb. 2014.

⁶⁰ Brucato, Cyndy. "Michael Henson, MN Orchestra president: It's time for musicians to negotiate." *MinnPost*. 4 Nov. 2013. Web. 5 Feb. 2014.

salaries for both the musicians and the staff. Henson reported, "I quote a story I have from one of the donors. He made a very substantial donation to this project, and what he said was, 'You came and asked me for a capital donation and I gave you this much money. [Henson indicated a foot in length with his hands.] If you came and asked me for the annual fund, you've got that much money.' [Henson indicated an inch between his thumb and forefinger.] We have very sophisticated donors who understand long-term and understand the importance of a hall."⁶¹ Thus, the majority of the MOA's received donations were restricted to renovating Orchestra Hall, and the organization chose to dip into the endowment to cover labor costs. Mary Schaeffle, a Twin Cities nonprofit professional, reported that the income from interest on the endowment was expected to decrease by 45% in 2012⁶², so in an effort to minimize endowment spending, the management suggested a 32% pay cut. They then chose to lock out its musicians when they did not accept this offer on October 2, 2012.

The lockout effectively ended the 2012-2013 season, with the musicians organizing some concerts for the community at various venues throughout Minneapolis. Music director Osmo Vänskä made good on his promise to resign if an agreement was not reached by October 1, 2013, and many principal and other important musicians left with him to pursue other orchestras that offered stable contracts.⁶³

The dispute finally began to move in a positive direction in 2014 when "trombonist Doug Wright, a member of the musicians' negotiating team, reached out to Ron Lund, a

⁶¹ Brucato, Cyndy. "Michael Henson, MN Orchestra president: It's time for musicians to negotiate." *MinnPost*. 4 Nov. 2013. Web. 5 Feb. 2014.

⁶² Hogstad, Emily E. "What We Know About Minnesota Orchestra's Finances – and What We Don't, Part I." *Song of the Lark*. 12 Nov. 2012. Web. 10 Feb. 2014.

⁶³ Royce, Graydon. "Osmo Vänskä's departure shakes Minnesota Orchestra." *StarTribune*. 3 Oct. 2013. Web. 10 Feb. 2014.

member of the orchestra's board, and suggested they talk. . . . Wright said their discussions weren't about money, but artistic philosophy."⁶⁴ Toward the end of their discussions, after other musicians, management, and board members joined in, they agreed that they lost sight of their common goal. ". . .it suddenly became clear that he [Lund] wanted the same thing we wanted, which was to keep a great orchestra here in Minnesota," Wright reported.⁶⁵

The musicians and management agreed to keep the musicians' pay among the top-ten paid orchestras in the country, which, to the musicians, demonstrated the management's dedication to artistic quality. The musicians compromised by accepting significantly higher health care costs, as well as limiting the number of new musicians hired during the duration of their new contract.

The Minnesota Orchestra's experience with both threatening strikes without taking action and following through on strike threats demonstrates to the orchestral community the importance of maintaining artistic status through musicians' compensation. Their experiences also provide insight in the way musicians and their management give information to the public, what is removed from their official websites, and whether or not the musicians want to be seen as part of the orchestra association or as a separate entity. At the end of their arduous journey, the management and the musicians of the Minnesota Orchestra found that they could reach an agreement only when they kept their common goal, that of artistic excellence and community pride, in plain sight.

⁶⁴ Kerr, Euan. "Inside the Minnesota Orchestra negotiations: A key conversation avoided an impasse." *MPR News*. 24 Jan. 2014. Web. 4 Feb. 2014.

⁶⁵ Kerr, Euan. "Inside the Minnesota Orchestra negotiations: A key conversation avoided an impasse." *MPR News*. 24 Jan. 2014. Web. 4 Feb. 2014.

Forth Worth Symphony Orchestra

The Fort Worth Symphony Orchestra in Fort Worth, Texas opened its 2010 season with a concert that began in silence. Rather than start to play as soon as the conductor, Miguel Harth-Bedoya, took the stage, the musicians stood in silent protest, which served as a “warning to orchestra management that [they] were united in their opposition to cuts proposed during their contract renewal talks” according to journalist Peter Simek of *Front Row Magazine*.⁶⁶

Management at the Fort Worth Symphony Orchestra proposed cutting musicians’ pay by 17.3%, as well as reducing the season length to 43 weeks from its original 52 weeks. Management also hoped to cut musician base pay to \$49,600 annually, from its original \$60,000. All cuts considered, as well as benefits reductions, amounted to “a 20 percent cut,” according to local American Federation of Musicians representatives.⁶⁷

The musicians counter-offered by suggesting a 2.5% cost-of-living increase in each of the following two years and to maintain the 52-week season. According to Ray Hair, the local AFM president, the musicians altered their position in an attempt to compromise, but to no avail. “‘We got absolutely nowhere,’ Hair said. ‘We attempted to find some middle ground. We offered to make changes to the bargaining position we’ve taken in order to accommodate the company’s deficit position.’”⁶⁸

The company was, in fact, experiencing a major deficit position. While it may not appear as daunting as the budget deficits for larger organizations, such as the Minnesota

⁶⁶ Simek, Peter. "Musicians Reach Agreement With Fort Worth Symphony, Approve Pay Cuts." *Front Row: Blog*. 17 Nov. 2010. Web. 12 Feb. 2014.

⁶⁷ Shlachter, Barry. "Fort Worth Symphony Orchestra's contract negotiations don't strike a chord." *Dallas Morning News*. 16 Oct. 2010. Web. 10 Feb. 2014.

⁶⁸ *Ibid.*

Orchestra (\$2.9 million in 2011⁶⁹) or the Detroit Symphony Orchestra (\$8.8 million in 2010⁷⁰), *The Dallas Morning News* reported that the Fort Worth Symphony Orchestra's revenue "dropped by \$819,000 since August 2008 . . . at the same time, expenses rose \$210,000."⁷¹ According to the president of the Fort Worth Symphony Orchestra Association, Ann Koonsman, "we are looking at a deficit of between \$750,000 and \$1 million if we run a 52-week season. We must live within our budget."⁷² The Fort Worth Symphony Orchestra's management first attempted to deal with the potential deficit by "laying off four non-musician staff members, as well as a pay freeze and an end to matching 401(k) retirement plan payments for remaining administrative employees."⁷³

Despite their efforts to downsize, the Fort Worth Symphony Orchestra Association could not keep up with lost revenue that was frequently beyond their control. Grants normally given by the local Arts Council were cut, various performances outside of their regular venue were canceled, and partner-performances with the Texas Ballet Theater and the Southwest Baptist Theological Seminary were put on hold.

The musicians and the administration of the Fort Worth Symphony Orchestra gave the general public differing depictions of the organization's fiscal health. According to Barry Shlachter of *dfw.com*, Ray Hair stated that the endowment was strong and healthy:

⁶⁹ Royce, Graydon. "Minn. Orchestra deficit: \$2.9M." *StarTribune*. 7 Dec. 2011. Web. 12 Feb. 2014.

⁷⁰ Guerra, Jennifer. "Detroit Symphony Orchestra reports \$8.8M budget deficit." *Michigan Radio*. 10 Dec. 2010. Web. 12 Feb. 2014.

⁷¹ Shlachter, Barry. "Fort Worth Symphony Orchestra's contract negotiations don't strike a chord." *Dallas Morning News*. 16 Oct. 2010. Web. 10 Feb. 2014.

⁷² Shlachter, Barry. "A sour note in symphony contract negotiations." *DFW.com*. 13 Oct. 2010. Web. 12 Feb. 2014.

⁷³ *Ibid.*

“... the endowment is nearly \$30 million. That’s more than it had in 2003.” Shlachter also reported on Koonsman’s contrasting view of the endowment. “She said the endowment has been shrinking and is down to \$25.6 million from \$29.6 million a year ago.”⁷⁴

The administration’s views on the potential strike were published in the form of interviews on local news outlets, but in order to find the musicians’ collective views on the bargaining process, one has to turn to their blog and Facebook page. Their blog has a separate URL from the organization’s main website, and one does not link to the other. The Facebook page for the Musicians of the Fort Worth Symphony Orchestra was published in July of 2010, one month before their contract was up and one month into the contract negotiations. Their first few posts consist mostly of photo albums from their 2008 Carnegie Hall performance, as well as photos from educational outreach events, but throughout September and October of 2010 they frequently posted quotes from leaders in orchestral administration—specifically Michael Kaiser, known in the industry as “the Turnaround King”⁷⁵ regarding relationships between labor and management. For example, on October 10, 2010, they posted the following:

I have never felt myself to be on the opposite side of any of my union employees and artists. If we are not working in the same direction, then what am I there for? My job as an arts administrator is purely a supportive one—I am there to create the resources and the environment for the artists to do their best work. I am failing if I ever work against their interests. –Kennedy Center President, Michael Kaiser⁷⁶

The post stood in stark contrast to the otherwise politically indifferent posts on their page. They also posted links to some articles referenced above, with endorsements for specific writers in the comments section rather than the articles themselves.

⁷⁴ Ibid.

⁷⁵ Boyle, Katherine. "Michael Kaiser: The ‘Turnaround King’ becomes a teacher of arts management." *The Washington Post*. 2 Aug. 2013. Web. 14 Feb. 2014.

⁷⁶ "Musicians of the Fort Worth Symphony Orchestra." *Facebook*.

Their blog, fwsomusicians.org, was copyrighted in 2010 but the archive extends only to 2012. One notable link from their Facebook page to the blog from the 2010 contract talks, listed as “An Open Letter from the Musicians,” is met by the viewer with a 404 Error. In the cached version of the website, the letter will not load, but a press release regarding the contract negotiations still exists online, in which union action is implied if the negotiations continued in the same direction: “If management’s last offer is put to a vote, the orchestra will reject it,” said Union president Ray Hair.”⁷⁷

The Fort Worth Symphony Orchestra musicians and administration eventually came to an agreement on November 17, 2010. According to Drew McManus in his blog *Adaptistraton*, the musicians “voted to ratify a two year concessionary contract by a ‘definitely close’ margin that reduces the number of weeks from 52 to 45 in one year and then 46 in year two.”⁷⁸ Reporter Peter Simek outlined the rest of the settlement in a follow-up article in *Front Row Magazine*. For the 2010-2011 concert season, the musicians would be compensated for 45 weeks, with section players earning \$51,926, associate principal players earning \$58,417, and principal players earning \$64,911. For the 2011-2012 concert season, the musicians were compensated for 46 weeks, with section players earning \$53,080, associate principal players earning \$59,715, and principal players earning \$66,354. Under their previous contract, the musicians were compensated for 52 weeks, with section players earning \$60,003, associate principal players earning \$67,504, and principal players earning \$75,008.⁷⁹

⁷⁷ Hair, Ray. "Mediation Resumes Tomorrow." *www.fwsomusicians.com* 22 Oct. 2010. Web. 15 Feb. 2014.

⁷⁸ McManus, Drew. "Jumping the Gun." *Adaptistraton*. 18 Nov. 2010. Web. 14 Feb. 2014.

⁷⁹ Simek, Peter. "Musicians Reach Agreement With Fort Worth Symphony, Approve Pay Cuts." *Front Row: Blog*. 17 Nov. 2010. Web. 12 Feb. 2014.

In short, the Fort Worth Symphony Orchestra very narrowly avoided a strike in 2010 as a result of proposed pay cuts amounting to nearly 20% of their annual income and benefits. They counter-offered with a request for a cost-of-living wage increase of 2.5% over each of the next two seasons, which was automatically rejected by the orchestra's management. The musicians and the management painted contrasting pictures of the organization's fiscal health in their public statements, both referring to the size of the endowment as central points in their arguments. The negotiations process led to the musicians starting their own, separate Facebook page and blog, both of which gave hints about the possibility of a strike. However, after an agreement was reached, the musicians removed information about the dispute from their blog, and have since only been active in advertising upcoming concerts and events.

Discussion

Although the statistical analysis did not provide any significant patterns in striking behavior among the top-31 paid US orchestras between 2003 and 2013, it does imply that these factors should not be blamed for cases of orchestral strikes. Rather, each of the case studies points to patterns that fall outside of the independent variables observed in the statistical analysis. For example, an orchestra is likely to go on strike if suggest pay cuts will jeopardize its position on the list of top-ten highest-paid orchestras, if applicable. In this respect, the salary is a symbol of the organization's prestige rather than a concern over musicians' purchasing power. When musicians refer to the list of the top-ten highest-paid orchestras, there are minimal references to the variety in costs of living, and most point to

the Los Angeles Philharmonic as the standard to which they would like to hold themselves, even though Los Angeles has a cost of living that is 27.9% higher than the national average.

Additionally, an orchestra is more likely than not to strike if its musicians feel as though their artistic and business leaders do not hear their collective voice. This sentiment becomes apparent when the musicians of a given orchestra publish a blog that is not a part of the organization's official website, or when they start an independent fan page on Facebook or other social media sites. The sentiment is less strong in organizations in which musicians feel connected to their artistic and business leaders, and in organizations with the most open lines of communication between every facet, the independent blogs do not exist at all.

Table 2 (p. 40) outlines each of the critical differences and similarities between each case study, and shows the patterns that occur in modern American orchestral strikes. For example, all of the orchestras surveyed that either went on strike or threatened to go on strike created a musicians blog and Facebook page separate from their organization's official website at the onset of their contract negotiations. Both of the observed orchestras that went on strike faced pay-cuts that threatened to remove them from the list of the top-ten highest paid American orchestras, which made them fear a decline in artistic quality. The Minnesota Orchestra's fears became a reality when their beloved artistic director, Osmo Vänskä, left the organization when he felt the Minnesota Orchestra Association did not value a high level of artistry.

Table 2 also shows that taking out debt to renovate an existing performance space or to build a new performance space hurts the relationship between management and musicians. Especially with the Minnesota Orchestra, regular donors gave restricted gifts

for the new performance space (an example of which is described in the interview with Michael Henson on p. 30), which forces the organization to dip into the endowment to cover regular costs, such as musicians' salaries. Renovating or building a performance space is indicative of a possible strike especially if the organization faces its largest budget deficit in the same year, as the musicians perceive that the management considers artistic quality less important than the organization's public image.

Finally, each orchestra that went on strike or threatened to go on strike faced the largest budget deficit in the organization's history. The large budget deficit forces the organizations to propose large salary cuts—all in one contract negotiation. Generally the musicians are generally proposed a livable wage, but they have established lifestyles that cannot support a drastic 42% wage decrease in one year. It is possible that more frequent wage fluctuations could prevent such drastic proposals, but none of the orchestras studied used this method, and further research is required.

Table 2. Comparative Analysis of Case Studies

Variables	Los Angeles Philharmonic	Detroit Symphony Orchestra	Fort Worth Symphony Orchestra	Minnesota Orchestra
Pay scale in top-ten	Yes	Yes	No	Yes
Pay cuts threatened to take them out of the top-ten	No	Yes	N/A	Yes
Argued that pay cuts threatened artistic quality	N/A	Yes	Yes	Yes
Highest budget deficit (Year)	\$7,000,000 (1999)	\$8,800,000 (2010)	\$750,000 (2010)	\$6,000,000 (2012)
New or renovated performance space between 2003 and 2013	No	Yes	No	Yes
Debt accrued from new or renovated performance space	N/A	\$54,000,000	N/A	\$11,000,000
Musicians' blog independent of organization's official website	No	Yes	Yes	Yes
Strike (Year)	No	Yes (2010)	Threatened (2010)	Yes; threatened (2012; 2009)

Conclusion

The goal of this study was to determine patterns in modern American orchestral strikes. It found that while each incident of a strike is complex in its own way, there are several signs that orchestras can use as indicators of a possible upcoming strike, and to be wary of drawing out contract negotiations for longer than necessary. For example, if orchestra leaders find that their musicians start to publish webpages, blogs, and Facebook pages that are separate from the organization's official pages, they know that the musicians feel compelled to have a public voice separate from the organization. This means they feel their collective voice is not internally considered, and so they seek outside support for validation. Once noticed, organization leaders could use the independent blogs and webpages as a conversation starter in meetings with musician representatives. When orchestra leaders understand their musicians' motivation to create such pages, the musicians will feel as though the organization values their collective opinion, thus improving future contract negotiations.

Orchestra leaders could also use the information in this study to plan for any labor unrest during performance space construction. When the organization spends massive amounts of money on a new or renovated performance space, the musicians and audiences see it as a sign that the organization is fiscally healthy. However, if the orchestra's management simultaneously decides to cut labor costs due to restricted large gifts, then the musicians conclude that the management is more concerned about the organization's public image than they are about the organization's mission—that is, to create beautiful music.

One of the most important findings produced by this study is the effect of musicians' sense of personal and organizational status on contract negotiations. Musicians in both of the orchestras that went on strike in the case studies centered their argument on maintaining artistic integrity by maintaining their status among the top-ten highest paid orchestras. There are no public arguments put forth by musicians from either the DSO or the Minnesota Orchestra in favor of maintaining musician pay so that they could maintain a comfortable lifestyle, nor did they disclose much information on benefits, health care plans, or what the organization offered as far as retirement. Instead, they narrowed their focus on recruitment: the only way they could continue to recruit the top talent is to pay for it.

In the case studies, the musicians who were vocal during strike activity honed in on the recruitment process faced by every major orchestra: the only way to recruit the best talent is to pay the best salaries. They did not refer to salaries as a means of attaining personal purchasing power, but rather as a way to attain both personal and organizational status in the orchestral world. The musicians who are invited to audition for the top-ten highest-paid orchestras have all studied with critically-acclaimed teachers, and have likely attended very prestigious universities, conservatories, and summer festivals. Even to a highly trained ear, the actual musical differences between the top players can be miniscule. However, the auditions process is not just an opportunity for orchestras to recruit the best musicians; it is an opportunity to recruit musicians who have widely-known reputations for being the best as well. As soon as an orchestra earns prestige in the orchestral community by paying its musicians competitive salaries, it attracts better and more famous musicians to its auditions, and the cycle perpetuates itself. On the other hand, if an orchestra threatens its organizational prestige by cutting pay such that it is no longer

competitive with orchestras of a similar caliber, then the better and more famous musicians will choose to audition elsewhere, and the both the artistic quality of the orchestra and its prestige as an organization will plummet.

This study demonstrates that a labor force made of performing artists considers salary as not just a means of purchasing power and supportive of a comfortable lifestyle, but also as a direct connection to their personal prestige in the orchestral community. Thus, orchestral leaders must keep musicians' salaries a top priority in contract negotiations. As the Minnesota Orchestra and the Detroit Symphony did, they may seek concessions in health care and retirement benefits, and the length of the season may be adjusted as well, but when orchestral administrators cut the dollar amount listed as the organization's base salary, the musicians feel personally attacked, as their salary represents both their lifestyle and their professional status among their peers.

The future of American orchestras, and performing arts organizations in general, appears to depend largely on opening up the lines of communication between musicians and their administration. The Los Angeles Philharmonic is an excellent example of what clear and open communication can do: the musicians, staff, board, administration, and artistic leaders remind themselves of their organization's mission at every meeting, keeping them on the same page and motivated to accomplish their goals. The artists feel valued, the staff feels valued, and the good leadership allows for the organization to be one of few orchestras to run a surplus. In short, when the musicians and administration of a performing arts organization need to trust each other to make the best decisions for the organization, and when that happens, the organization can run smoothly and without labor strife.

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