

Summer
2010

The Leading Tone

ROPA Conference Preview

Carla Lehmeier-Tatum, ROPA President

The Regional Orchestra Players' Association 26th annual conference will be held in Omaha, Nebraska, August 3-5, 2010. The conference will be hosted by Omaha Symphony Musicians and AFM Omaha Musicians' Local 70-558, and Local 70-558 President Chris Acker. A special thanks to Local 70-758 Secretary/Treasurer Dan Cerveney, and the Omaha Symphony ROPA Delegate and ROPA Board Member-at-Large Karen Sandene for their organizing assistance.

This year's annual conference will take on a new dimension that will feature a summit proposed to explore orchestral trends that have been promoted at the national level. The ROPA Board has designed the summit to include perspectives from representatives of different constituents from the orchestral field. Among the topics we plan to explore are the roles musicians play

in their organizations including education and community engagement. We will also discuss how the new Integrated Media Agreement can be utilized in the ever-changing media outlets.

The Conference will also host a meeting for Local Officers facilitated by Linda Patterson, Executive Assistant to the President of the AFM. Our current tentative agenda includes the following topics and speakers: Bruce Hembd: *Building Your Players' Association Website* and Robert J. Zagozda: *Symphonic Financial Analysis*. Symphonic Services Staff will offer a presentation that will include *Utilizing the new ROPA Wage and Scale Chart* and Patricia Polach, ROPA Attorney will speak. AFM Officers and invited guests from the managerial field will also participate in the conference.

Harmony Reigns in Las Vegas!

Gary Lasley, Delegate-at-Large to the AFM Convention

It was again my honor and pleasure to be your Delegate-at-Large to the 98th Convention of the American Federation of Musicians, hosted by Las Vegas Local 369 and its President, Frank Leone. ROPA President Carla Lehmeier-Tatum, Vice-President Paul Austin and I were proud to represent the musicians of the 83 ROPA orchestras from across the United States.

This year there were 274 delegates representing 169 local unions from the United States and Canada, plus three delegates each from ROPA, ICSOM, OCSM, TMA, and RMA. ROPA was well represented. In addition to your delegates, Secretary Larry Gardner attended as President of Local 12 (Sacramento); Treasurer Dennis Danders, President of Local 297 (Wichita); and Member-at-Large Karen Barker Ferren represented Local 118 (Warren, Ohio).

Highlights included: the keynote speech by

Roberta Reardon, President of the American Federation of Television and Radio Artists (AFTRA); the Memorial Service for deceased delegates and prominent musicians, performed by the Nevada Chamber Orchestra; the Diversity Awards; and the election of officers. And from now on, the AFM doing business north of the Border will be known as the Canadian Federation of Musicians, or CFM.

The greatest amount of time was spent debating and voting on the recommendations and resolutions. There were far fewer submitted this year, 25 recommendations and 18 resolutions. Many of the more controversial recommendations were withdrawn: Recommendation #2 would have reduced the number of rank-

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The Leading Tone

Volume 26, Issue 4

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ROPA

The Leading Tone is the official newsletter of the Regional Orchestra Players Association, a conference of the American Federation of Musicians of the United States and Canada, and is published quarterly. Unauthorized reproduction of any part of *The Leading Tone* is strictly prohibited.

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Subscriptions

\$8.00 per year payable to
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INFORMATION

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- This newsletter is online at:
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 - To subscribe to the ROPA Internet Mailing List, visit
<http://www.ropaweb.org/forms/elist.php>.
- The list is open to musicians in ROPA member orchestras, and AFM Local officers for those orchestras.

ROPA Report to the AFM Convention

Carla Lehmeier-Tatum, ROPA President

June 24, 2010 Las Vegas, NV

Thank you so much for the opportunity to address the 98th Convention of the AFM. I am very proud to be here representing our 83 member orchestras and the ROPA Executive Board. I have valued the opportunity to meet and speak with board representatives of our member orchestras. The ROPA Executive Board holds a great deal of respect for our local officers as many of them serve on their local union boards and understand the issues of our locals. We appreciate the support ROPA has received from this constituency of the union.

Two years ago, shortly after I became President of ROPA, I traveled to Las Vegas and addressed the AFM International Executive Board. During my remarks, I stressed the importance of working together; the locals, the orchestra committees, the AFM and the Players Conferences. I shared an account of the Tucson Symphony musicians who during the prior year had reached out to me for assistance while enduring a difficult negotiation. These musicians were members of the other symphonic union—the Guild. At that time, the negotiations committee did not have a Local and they received very little assistance from their union. I spent over four months in conversation with the Tucson musicians before I convinced them that they were not alone and that it was time for them to face the discord within their orchestra and consider returning to the AFM. After hearing of the divisions that existed in the AFM, I used this as an example of how we could be partners in working together and I am pleased to announce that the Tucson Symphony is one of the nine new member orchestras that has joined ROPA over the past year and a half.

Today as I reflect on my message of working together, I recognize that this was an understatement given the challenges our

orchestras have faced. Since the last convention, we have witnessed orchestras deal with devastating economic challenges as well as managements and boards who have used the economy to bring our musicians to their knees using ruthless take-it-or-leave-it negotiations. Last week at the League of American Orchestra Conference in Atlanta, the President of CNN addressed the membership and stated, “it’s a shame to waste a crisis.” These words sent a shiver down my spine as this statement came to me after my own orchestra, the New Mexico Symphony, was locked out for 3.5 months and we musicians watched while financial offers from our community were turned down and government leaders’ offers of assistance were ignored. Once back to work, the musicians of the New Mexico Symphony found themselves without an Executive Director, Finance Director, and Development Director and performed while their paychecks were up to six weeks behind. The New Mexico Symphony does not stand alone in this category: two years ago the Shreveport Symphony was on strike for over a year after their management implemented an agreement that included a 75% pay cut. This past fall the Sarasota Orchestra management unilaterally imposed its final offer on its musicians instead of negotiating a mutually agreeable contract. In April, the Charleston Symphony board cancelled the remainder of their season as well as their health insurance. The last offer the Charleston Symphony musicians received included an 84% pay cut and a condition that if this offer was not accepted the symphony board would not hire the Executive Director that was recently identified through their search process.

It is interesting to point out that while our orchestra musicians have endured

A Quarter of a Century of Progress: The 1985 ROPA Conference The Taft-Hartley Act of 1947

Rachel Cox, ROPA Historian

The 1985 ROPA Conference was held at the Hyatt Regency Hotel in Fort Worth, Texas, from September 6-8 (Friday through Sunday).

After opening remarks were delivered by ROPA President Nathan Kahn, and Local 72 President Ray Hair (at the present time the International President-Elect of the AFM) delivered a brief history of the musicians' unions in the U.S., AFM President Victor Fuentealba assumed the floor.

Victor Fuentealba, who was president of the AFM from 1978 to 1987, gave a concise history of the AFM so that the ROPA delegates would have a better understanding of why they had gathered at the convention. Much of the speech centered around the effects of the Taft-Hartley Act of 1947 on the music industry, which was still affecting musicians nearly 38 years later.

The American Federation of Musicians was organized in 1896 when delegates from Mutual Aid Societies gathered together at the invitation of American Federation of Labor (AFL) President, Samuel Gompers, to charter a musicians' trade union. The AFM was one of the first labor unions to affiliate with the AFL (which merged with the Congress of Industrial Organizations, or CIO, in 1955) and became the largest union to represent artists and entertainers in the world.

Despite such auspicious beginnings, the AFM was plagued with deep-seated problems, most especially the fact that it represented such a diverse group of musicians that may or may not have had anything in common. This fact became even more obvious as other critical issues arose over time, largely due to the anti-labor laws that were passed in post-World War II America.

The Labor-Management Relations Act, 80 Pub.L. 101; 61 Stat. 136, known informally as the Taft-Hartley Act, was sponsored by Republican Party paladin Senator Robert A. Taft of Ohio and Fred A. Hartley, Jr. of New Jersey. The Act was a major revision of the National Labor Relations Act of 1935 (informally called the Wagner Act) and sought to curtail the influence and power of unions.

Prior to passage of the pro-union Wagner Act, workers did not have a federally protected right to join trade unions or refuse to work during industrial disputes. Workers could do those things, but employers had the right to fire them for it. This environment made workers reluctant to join unions; by 1933 only a small percentage of the U.S. workforce was unionized.

The National Labor Relations Act (or NLRA, 20 U.S.C. Section 151), which was sponsored by Senator Robert F. Wagner of New York and supported by Secretary of Labor Frances Perkins, was enacted July 5, 1935. This law is considered the most important piece of labor legislation in U.S. history. The Wagner Act covered all firms and employers engaged in activities that affected interstate commerce. (Government employees, agricultural workers, and those subject to the Railway Labor Act of 1934 were not protected by the law.) The NLRA gave employees the right to organize and join unions, to engage in collective bargaining via their chosen representatives, and to strike. The Act defined five unfair labor practices committed by employers: interference with the efforts of employees to organize and bargain collectively; refusing to bargain collectively and in "good faith" with the designated employee representative; employer domination or influence over a union; discrimination against union members in hiring or awarding tenure to employees; and discrimination against employees for filing charges or giving testimony under the Act. The Act also established the National Labor Relations Board (NLRB), an independent federal agency comprised of three members appointed by the U.S. president that enforced the provisions in the Act, including the issuance of cease-and-desist orders to employers who engaged in unfair labor practices.

However, post-World War II America experienced an anti-union climate fueled by a combination of factors. For one thing, there was a tremendous growth in the membership and influence of unions in the U.S. By 1930, union membership accounted for only 6.6% of the workforce; by 1947 union membership had expanded to 14 million, or 22.4% of the workforce (*Encyclopedia of American History*, 526). A series of large-scale work stoppages in response to postwar inflation also plagued the nation; there were 4,750 work stoppages in 1945 and 4,843 in 1950 (*Encyclopedia of American History*, 526). Last but not least, in the spirit of Cold War politics, paranoia concerning Communist infiltration of labor unions gripped the mentality of the country.

The mid-term elections of 1946 resulted in Republican Party majorities in both houses of Congress for the first time since 1931. At the core of the Eightieth Congress was a group of conservative congressmen (among them Joseph McCarthy of Wisconsin and Richard Nixon of California) who enthusiastically sought to dismantle as much of the New Deal legislation as humanly possible. Amending the Wagner Act was therefore considered a major priority.

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A Quarter of a Century of Progress, continued

On June 23, 1947, over President Harry S. Truman's veto, Congress passed the Labor-Management Relations Act (U.S.C. 29, Sections 141-197), otherwise known as the Taft-Hartley Act.

The Act states:

29 U.S.C. 141 (b) It is the purpose and policy of this chapter, in order to promote the full flow of commerce, to prescribe the legitimate rights of both employees and employers in their relations affecting commerce, to provide orderly and peaceful procedures for preventing the interference by either with the legitimate rights of the other, to protect the rights of individual employees in their relations with labor organizations whose activities affect commerce, to define and proscribe practices on the part of labor and management which affect commerce and are inimical to the general welfare, and to protect the rights of the public in connection with labor disputes affecting commerce.

The amendments of the Act:

- banned the closed shop, which requires union membership by employees as a condition of employment;
- allowed employers to sue unions for broken contracts or damages that occurred during strikes;
- required unions to make their financial statements a public record; and
- prohibited union contributions to federal political campaigns.

The Act further prohibited what were considered union unfair labor practices:

- jurisdictional strikes and boycotts, an attempt to force an employer to employ members of one union instead of another (Wagner, 2002);
- secondary boycotts, in which a union refuses to work for, purchase from, or even handle the products of a secondary employer—with whom there is no dispute—in order to force that employer to stop business transactions with the primary employer, or the one with whom the union has a labor dispute (Miller and Jentz, 863); and
- sympathy strikes or boycotts (often called “blackmail picketing” by anti-labor forces), which involve trying to persuade an employer, other than one's own, to either recognize and/or bargain with an unrecognized union (Wagner, 2002).

Union shops, or places of employment in which all employees, once hired, must become union members with a certain time frame for continued employment, were permitted as long as state law allowed them. This provision allowed individual states to pass their own right-to-work laws, which stipulate that employees are not required to join a union as a condition of continued employment. At the present time, five states—

Arizona, Arkansas, Florida, Kansas, and Oklahoma—have right-to-work laws written in their respective state constitutions, and another 17 have right-to-work laws, for a total of 22.

The Act also required union officers to sign non-Communist affidavits with the government and take a corresponding oath swearing that they were not members of the Communist Party.

The Act further provided for the U.S. president, if he/she believed that a strike would threaten national health or safety, to invoke legal injunctions to prevent the continuation of a strike. (This stipulation was in reaction to strikes called by the United Mine Workers of America in 1946 involving 400,000 bituminous coal miners.) The provision requires parties in a dispute to attempt to settle their differences within 60 days, the so-called “cooling-off” period, which was subsequently extended by 20 days. The Taft-Hartley Act has been used by U.S. presidents 35 times in order to halt work stoppages in labor disputes; of those, all but two of those attempts succeeded (Wagner, 2002). (The “cooling-off” period has helped settle the majority of disputes.) In 2002, President George W. Bush invoked the law by appointing a board of inquiry to report to him on the economic damage connected with the employer lockout of the International Longshore and Warehouse Union during negotiations with the West Coast shipping and stevedoring companies.

The Taft-Hartley Act had become a destructive entity to the AFM soon after its passage. James Petrillo, AFM President from 1940-58, took on the record companies by calling for a ban on all commercial recording by AFM members from 1942-44 (the so-called Petrillo Ban) in order to force recording companies to find more effective ways of paying royalties to recording artists. A second recording ban, which was in effect from January 1 to December 14 of 1948, was organized in response to the Taft-Hartley Act.

Other problems arose after the law went into effect. Charges of unfair labor practices were now brought against musicians' unions in regard to practices that Locals had operated under for years. According to Fuentealba, “If you read the Taft-Hartley Act literally and if it's enforced literally, this union would be out of business, because it doesn't cover the complexity of the entertainment industry as far as music is concerned.”

Fuentealba commented that the Act did not define musicians in all branches of the music industry as employees. Those who performed the so-called “casual work” (e.g.,

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My Summer Vacations (or, Whatever Happened to Venice?)

Paul Austin, ROPA Vice-President (Grand Rapids Symphony)

After years of longing to vacation in Italy, I finally spent a week there in early June, staying primarily in the city of Venice, which really left an impression on me. Visiting this beautiful city of canals was like stepping back in time, and one could not help but recall the rich musical history of Venice, and such notable composers as Claudio Monteverdi and Antonio Vivaldi.

But I would have to return my brass-player membership card had I not visited Venice's most famous building, St. Mark's Basilica, to experience the site where Giovanni Gabrieli was employed. His many instrumental canzoni were written specifically for this magnificent edifice, and he exploited the antiphonal effect of brass choirs playing from its balconies.

I learned a surprising fact about Venice from my travel book: Venice was, centuries ago, the most populous European city, although today it only has about 60,000 residents. (Tourism is the obvious means of employment now, and Venice was packed with vacationers during my time there.)

So, what happened to Venice? What led to its decline in population, and why did its musical importance fade over time? Feeling inspired to research this when I returned to the United States, I turned to *The New Grove Dictionary of Music and Musicians*.

Yes, Venice was the center for music during the late

Renaissance and early Baroque times. However, at some point, the financial powers decided that the musicians of St. Mark's should not earn as high of a salary as they had previously. As a result, the musicians left Venice for work in other Italian cities, where higher wages could be earned, and soon the decline in the quality of music at St. Mark's became apparent.

What can we learn from this history? That a once-powerful city such as Venice, heralded at one time as the largest city in Europe, today has a smaller population than Dover, Delaware (65,044), Dubuque, Iowa (65,251), Jackson, Tennessee (65,086), or Westminster, Maryland (65,034)? I do not mean to slight these fine American cities; instead, I hope that this may help us to put into perspective the size of Venice today.

While this magnificent Italian city currently boasts a beautiful opera house and at least one outstanding period instrument ensemble, one must admit that it is no longer the center for music that it was over 400 years ago. One can only wonder what Venice would be like today, had its forefathers maintained and advanced the wages of its musicians.

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A Quarter of a Century of Progress, continued

those working in nightclubs, hotels, or restaurants) were not considered employees but were defined as independent contractors, for whom the Act did not apply. Fuentealba therefore urged the delegates to communicate with their respective congressional representatives to have the bill altered in order to accommodate this discrepancy.

The effects of the Taft-Hartley Act, 63 years later, continue to affect musicians today. Right-to-work laws, for example, continue to impede the progress of the AFM in representing musicians who work in those states.

This article is part of a series that will focus on the importance of the 1985 ROPA conference.

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Harmony Reigns in Las Vegas, continued



ROPA at the AFM Convention: Gary Lasley, Paul Austin and Carla Lehmeier-Tatum

Finance Committee submitted a recommendation that empowers the IEB to establish an annual fee payable by musicians who work under Federation recording agreements (other than symphonic recording agreements), provided that it is approved by the Electronic Media Oversight Committee and ratified by the affected musicians. This compromise has the potential to drastically increase the revenue to the AFM while establishing a fair process whereby stakeholders have a voice in their governance. It was passed by the Convention.

An Emergency Resolution was introduced by Gary Matts, President of Local 10-208 of Chicago, condemning the practice of replacing professional musicians with student musicians. It was overwhelmingly passes by the Convention.

The Regional Orchestra Players Association would like to congratulate the newly elected International Executive Board: President Ray Hair, currently President of Local 72-147 (Dallas/Ft. Worth); Vice President Bruce Fife, (Local 99, Portland); Canadian Vice-President Bill Skolnik (Local 149, Toronto); Secretary/Treasurer Sam Folio (Local 368, Reno); and the Executive Officers: Vince Trombetta (Local 47, Los Angeles); Tino Gagliardi (Local 802, New York); Dave Pomeroy (Local 257, Nashville); Tina Morrison (Local 105, Spokane); and Joe Perente (Local 77, Philadelphia).

and-file pension trustees from 3 to 2; Recommendation #3 would have changed how the cost of living increase for full-time Internationals Officers' salaries is calculated; Recommendation #23 would have eliminated the office of International Secretary/Treasurer and transferred those duties to the President's Office; Recommendation #24 would have created a \$10,000 slush fund for each International Officer.

There was a lively, two-hour debate over Resolution 17, which provided that revenues collected by the AFM through visa advisory fees be earmarked for the Music Performance Trust Fund. The delegates agreed on the value of the Fund, but decided that this was not a viable way to capitalize the Fund and the Resolution was defeated.

Unfortunately, Resolution #10, which would have helped ROPA musicians who are required to belong to many locals by reducing the requirement for a per capita rebate for membership in multiple locals from 3 to 2, was defeated.

ROPA submitted one Resolution, #2, to honor Ron Bauers, and it passed unanimously!

Recommendation #1, the financial package that proposed to raise per-capita and to raise work dues on motion picture employment was defeated. In its place the Law/

Unity was the theme of this Convention. The delegates exerted a collective will to overcome the rancor and acrimony that has strangled this Union and threatened its very existence. With a loud voice this Convention decided to choose harmony over dissonance, unity over division, order over chaos, strength over weakness, and solidarity over discord.

I am optimistic that in the days ahead, as we learn to work together; and as we confront our common challenges, and there are many; that we will find comfort in knowing that we are one large community; and that our confidence will grow as we acknowledge that harm to one is harm to all; and that a victory for one is a victory for all.

Herein lies the opportunity for all of us to breathe life into those three words that adorn the official symbol of the AFM: "Unity, Harmony, Artistry"

Address to AFM Convention, continued

some of the most troubling times, the participation within ROPA has increased and our ROPA membership continues to grow. I believe that the recent growth in ROPA membership is a response to the consistent request for our musicians to subsidize their institutions and the recognition of the resources that ROPA has developed over the past 26 years. The ROPA Board has worked diligently to track the industry trends and provide tools for our Delegates so that they are prepared to deal with the initiatives brought forth by their managements and boards. One of the largest hurdles we face is that our symphony managements have delivered the message both to board of directors and to community leaders that the current orchestra model is no longer sustainable at a time when they should be promoting relevance and continued funding support from their community. The latest model we have seen promoted in the industry is the concept of service conversion in which orchestra services are being exchanged for office work at a lower rate of pay. As an alternative to taking a pay cut, this conversion of service is being promoted as innovation. Musicians are being told that they must take a higher responsibility for their organization or there will no longer be an orchestra. Managements are also making concerted efforts to inform their communities that they can no longer afford symphonic musicians' working conditions and that the union is holding back the institution. Unions have taken a hard hit in our regional communities and our boards of directors are capitalizing on the anti-labor movement our country faces today.

As a result of these latest agendas, ROPA has responded to these initiatives by scheduling a summit where we plan to formulate a response to the pressures our musicians have received during our managements attempts to create the so called "sustainable model." We need your help. In order for us to develop a successful solution, the AFM local officers need to be part of this constructive dialogue. We ask that you consider attending our ROPA Conference hosted by Omaha Local 70-558 that will take place August 3-5. There will be a meeting for Local Officers on August 3 that will take place the day prior to our summit.

We must work together to find strength to fight the consistent bankruptcy threats that in many cases have crippled the union's bargaining power. We can no longer function as a union that separates its membership by how they make a living. We must confront the divisions of our past and look to what we have in common—our music.

I am proud to be a second generation AFM member. My father was a union member who celebrated diversity within our union and held an expectation of respect for that diversity. I watched my father work endless hours as he directed a successful school orchestra, performed as a bassist in two orchestras, gigged regularly as freelance musician and was one of the first staff arrangers for Hal Leonard. He toured with Gene Krupa and performed with Pepper Adams during the Korean War. I tell you this story because my father earned his living through diversity and was successful because he capitalized on that diversity. We too can be successful but we must all roll up our sleeves and face the current challenges of our union together and stop the divisions that have weighed down our federation.

Current and former ROPA Executive Board members (from left to right): Kathleen Grimes, Dennis Danders, Laura Ross, Paul Austin, Carla Lehmeier-Tatum, Barbara Zmich, Gary Lasley, Paul Castillo, Diane Merrill, Christopher Durham, Larry Gardner and Bruce Schultz



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ROPA Member Orchestras

Full Members

- Akron Symphony Orchestra
- Albany Symphony
- Allentown Symphony
- Ann Arbor Symphony
- Arizona Opera Orchestra
- Atlanta Ballet Orchestra
- Atlanta Opera Orchestra
- Austin Symphony Orchestra
- Boulder Philharmonic
- California Philharmonic
- California Symphony Orchestra
- Canton Symphony Orchestra
- Charleston Symphony Orchestra
- Chattanooga Symphony & Opera Orchestra
- Colorado Springs Philharmonic Orchestra
- Dallas Opera Orchestra
- Dayton Philharmonic
- Delaware Symphony Orchestra
- Duluth Superior Symphony Orchestra
- El Paso Symphony
- Elgin Symphony Orchestra

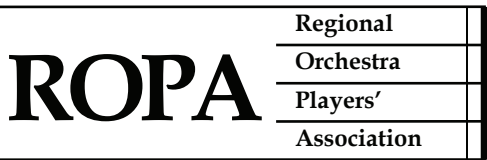
- Erie Philharmonic Orchestra
- Fort Wayne Philharmonic
- Fresno Philharmonic Orchestra
- Grand Rapids Symphony
- Harrisburg Symphony Orchestra
- Hartford Symphony Orchestra
- Hollywood Bowl Orchestra
- Houston Ballet Orchestra
- Houston Grand Opera Orchestra
- Huntsville Symphony Orchestra
- Kalamazoo Symphony Orchestra
- Knoxville Symphony Orchestra
- Las Vegas Philharmonic
- Lexington Philharmonic
- Long Beach Symphony Orchestra
- Long Island Philharmonic
- Los Angeles Chamber Orchestra
- Los Angeles Opera Orchestra
- Memphis Symphony Orchestra
- Michigan Opera Theatre Orchestra
- Minnesota Opera Orchestra
- Mississippi Symphony Orchestra

- Monterey Symphony
- Napa Valley Symphony
- New Haven Symphony Orchestra
- New Mexico Symphony Orchestra
- New West Symphony Orchestra
- Oakland East Bay Symphony
- Omaha Symphony Orchestra
- Opera Cleveland
- Orchestra Iowa
- Pacific Symphony
- Palm Beach Opera Orchestra
- Pasadena Symphony Orchestra
- Pittsburgh Opera Orchestra
- Portland Opera Orchestra
- Portland Symphony Orchestra
- Reading Symphony Orchestra
- Rhode Island Philharmonic
- Richardson Symphony Orchestra
- Richmond Symphony
- Santa Barbara Symphony
- Santa Rosa Symphony
- Sarasota Orchestra

- Shreveport Symphony Orchestra
- South Bend Symphony
- Southwest Florida Symphony Orchestra
- Spokane Symphony Orchestra
- Symphony Silicon Valley
- Toledo Symphony Orchestra
- Tucson Symphony Orchestra
- West Virginia Symphony
- Wichita Symphony Orchestra
- Wisconsin Chamber Orchestra

Associate Members

- Eastern Connecticut Symphony Orchestra
- Flint Symphony Orchestra
- Green Bay Symphony Orchestra
- Hudson Valley Philharmonic
- Lincoln Symphony Orchestra
- Milwaukee Ballet Orchestra
- Pittsburgh Ballet Orchestra
- Tulsa Opera Orchestra



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