



The AFM: Lost At Sea (Part 1)

A Position Paper from President Brian O'Connor

The place is Las Vegas, famous for glamour, for big winners and for even bigger losers.

The date is June 26, 2001, and Thomas F. Lee wins the AFM Presidency by a nose (12 votes out of 922.)

Local 47 casts its votes for Tom Lee with RMALA support.

We thought we were the big winners then... but history has proved us wrong.

A Study in Character

The date is now early February 2003. David Schwartz, the only rank and file representative at the AFM Pension Fund, has just resigned his position as Trustee at age 85. **Working musicians are now without rank-and-file representation at the Fund.** After eight years of exemplary service to AFM musicians, Mr. Schwartz will now dedicate all of his time to his wife Jane of 50 years who is seriously ill. Sadly, during the same period, Jane passes away.

Immediately following Mr. Schwartz's resignation, the remaining Trustees receive dismal financial reports and all hell breaks loose at the Fund. Four months later, as the AFM Convention begins, AFM President Tom Lee still has not yet appointed a Trustee to replace David Schwartz. Meanwhile, the AFM Convention Delegates and the RMA will be participating in historic financial decisions (the 'Special Payment Fees') that will dramatically affect

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RMALA to Establish \$250,000.00 Legal Action Fund

By Brian O'Connor, RMALA President

The RMALA 11th Annual Fundraiser/Party was our first ever all-day family event. Not only did we all have a great time, but the event was also financially successful! (see article this issue). We would like to thank everyone involved for his or her time, talents and generous financial contributions. Additionally, we thank our almost 1000 members for their unwavering support of their organization throughout the year – particularly because so many members have chosen to support



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Our Representation Denied!

By Jay Rosen, Publisher

Say the New York Philharmonic was entering into contract negotiations and the AFM President said "You guys selected a great Orchestra Committee, but my buddy in your cello section (who didn't get on your Committee) would be great, so I am going to appoint him to be your representative at the bargaining table".

Say the Country Music TV Network was entering into negotiations with the AFM, and the AFM President said "You guys in Nashville selected a great negotiating team, but I have this friend who would be great; he's going to represent you".

Say what?!

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all recording musicians.

Throughout the AFM Convention, the Lee Administration will keep the Pension Fund crisis totally hidden from the Delegates – Tom Lee and Florence Nelson will be re-elected by acclamation.

To this day AFM President Tom Lee has never thanked David Schwartz for his extraordinary service to all AFM musicians and has not even acknowledged his wife's death, although every other Labor and Management Trustee has graciously done so.

RMA Comes on Board

It is June 22, 2003, and the 95th AFM Convention is underway in Las Vegas.

At the outset of the Convention, the Player Conference Council (PCC), pursuant to AFM by-laws, unanimously recommends Phillip Yao for the position of rank-and-file Pension Fund Trustee. (The PCC consists of the Presidents of ICSOM, OCSM, RMA, ROPA and TMA.) Phillip Yao, a member of two of these conferences and an experienced Pension Fund Committee Chair, is widely acknowledged as an outstanding choice to succeed Trustee Schwartz.

Meanwhile, Tom Lee's administration, with months to prepare and with the entire resources of the AFM at their disposal, waltzes into the Convention hyping a per-capita dues increase that totaled \$12.00 over the course of four years. It will not even provide the AFM with the necessary funds to sustain the basic financial needs of the Federation – as outlined by President Tom Lee and Treasurer Florence Nelson themselves. Behind the scenes, and unknown to most of the Delegates, this package has already been abandoned. Further, after the financial package of the AFM leadership had already been deep-sixed, Lee and Nelson still went on hyping it publicly to the Delegates. What actually occurred was that the Joint Law and Finance Committee, headed by Bill Moriarity, beginning their work a few days before the Convention, had thrown out most of the Lee Administration's financial recommendations and had tasked a sub-committee to come up with a

comprehensive package of new resolutions and amendments. The sub-committee came up with a financial package (a combination of resolutions and substitute provisions) that would adequately provide for the Federation's future, and did it within three days!

Additionally, there are dangerous proposals from other quarters. The worst of these, authored by Richard Totusek and embraced by Tom Lee and AFM Secretary Florence Nelson, proposes to assess significant **work dues on Special Payments**. These proposals are all vigorously opposed by RMA.

While the Delegates are anxiously waiting on the Convention floor for the new financial package, hours of intense negotiations are happening behind the scenes. RMA leadership is brought in to engage with Bill Moriarity and George Cohen in the endgame of these negotiations. For the good of the entire Federation, our leadership agrees to a **major sacrifice** to keep the AFM afloat. For the first time, film and record musicians will be asked to pay fees (not Work Dues) to the Federation based on the amount of each individual's Special Payments and Secondary Markets Fund Checks. The RMA position regarding the illegality of the imposition of Work Dues on Special Payments prevails. The AFM will receive approximately **\$700,000** per year from the combined total of these fees! What's more, the Federation negotiators pledge to greatly improve the enforcement of the Motion Picture and Phonograph agreements using this significant infusion of our money. AFM President Tom Lee is **AWOL** and invisible during these historic negotiations. Tom instead sends his lawyer, George Cohen.

The Convention Delegates overwhelmingly agree to this financial package, giving Bill Moriarity a resounding standing ovation on the Convention floor for "ensuring the future of the AFM." Mr. Moriarity gives a straightforward presentation of his committees' financial package, positively acknowledging RMA's participation. AFM Counsel George Cohen in turn follows with a spirited wide-ranging presentation during which the RMA receives an unprecedented

standing ovation from the Delegates for its pivotal role. While all of this is happening, Tom Lee appears visibly distraught, standing behind Mr. Moriarity on the dais, out of the spotlight. After the Convention is over, in recognition of Bill Moriarity's dedicated hard work, AFM President Tom Lee charitably sends him the standard form letter for a thank you! For stepping up to the plate and for our union solidarity – to the tune of \$700,000, – what does AFM President Tom Lee extend to RMA Leadership and recording musicians? **Nothing at all!**

The Pension Fund and the Convention Connection

Prior to the AFM Convention, an AFM Pension Fund Sub-Committee, led on the union side by Tom Lee plus Bill Moriarity, came up with the draconian proposals that we would later learn included caps (dollar amount limits) on pension contributions and distributions. (Those caps would have primarily targeted recording, symphony, and Broadway musicians) Shortly thereafter at the AFM Convention, the same cast of characters again went after recording musicians for the \$700,000 in fees attached to our Secondary Markets Fund checks! (Remember that neither RMA nor the AFM Delegates knew then that the Pension Fund was in turmoil.)

Imagine, for a moment, what might have happened at the 2003 Convention (during the elections, for example) if all of us had known the truth; that under Tom Lee's watch, the AFM Pension Fund – our 'safety net' – was in serious trouble even as the Convention was taking place.

It is widely accepted practice among Pension Funds, when contemplating monumental changes, to reach out to the participants for input and guidance, and educate them about the potential ramifications well before implementation. This is usually a long and

interactive process. **That never happened here.** The primary fiduciary responsibility of the Trustees is to the participants and the Fund. Following is an excerpt from the ethical guidelines published by The International Foundation of Employee Benefit Plans (IFEBP) for Trustees: *“Avoid misleading other trustees, participants, beneficiaries...on matters relating to the Fund by inaction or silence.”* Pension Trustee and AFM President Tom Lee, through his inaction and silence at the Convention, hid the truth and turned his back on the Delegates, abdicating his responsibility to all AFM musicians. By any measure, that is not leadership. **Union presidents have been thrown out on their ear for less!**

Clearly, if we had had been given a heads-up during the Convention negotiations that in addition to the Special Payment Fees, just down the road were proposed pension fund caps and other drastic fund changes also to be levied on recording musicians – RMA participation, and the outcome, could have been very different.

Two months later, on August 22, waiting fully **six months** after David Schwartz's retirement, Tom Lee finally appointed Phillip Yao as a

Pension Fund rank-and-file Trustee. William Foster, from the National Symphony, was appointed soon thereafter, giving the Pension Fund, for the first time in its history two working musicians/Trustees. The fact that the Fund ultimately adopted far different and more equitable pension modifications than they had originally planned is in my judgment primarily due to the input of these new Trustees, supported by the protests of thousands of AFM members from all over the country. Los Angeles musicians can take pride in the fact that the letter-writing campaign, which began at RMA's emergency pension meeting, quickly spread throughout the country. As a result, although the final Pension Fund modifications will be severe, this was still a victory for the power

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of rank-and-file musicians to effect real change despite AFM secrecy. Looking into the future, we fervently hope the Trustees will continually review these changes and reverse these painful cuts as soon as possible.

Accountability

The Tom Lee Administration's performance at the 2003 AFM Convention betrays a cynical view of the AFM Convention Delegates and in fact of all rank-and-file musicians. Tom Lee had a great opportunity at the Convention to demonstrate leadership and union democracy in action. What he chose instead was **silence, censorship, cowardice and deceit.**

Tom Lee and Florence Nelson came to this Convention with a bogus financial plan, hid one of the biggest scandals in AFM history (the Phono Fund fraud), covered up potentially devastating Pension Fund changes and worst of all, denied the fund participants the expertise of rank-and-file representation during a major crisis. A quote from Edward Hennessy states, "*Ethics must begin at the top of an organization. It is a leadership issue and the Chief Executive must set the example.*" Ethics and character, it seems, have no place in the Lee Administration.

In the not so distant past, the AFM was a respected democratic labor union. Now might be a good time for all musicians to step back and take a good hard look at what it has become today under the stewardship of Tom Lee.


Andrew Carnegie reminds us that, "*No man will make a great leader who wants to do it all himself, or to get all the credit for doing it.*" We have seen it more and more clearly as time goes on: Tom Lee coming in for the "photo op" at the end of the day and failing to acknowledge the selfless hard working contributions of others; making appalling decisions and letting others take the blame; fearfully smothering creative new ideas if he cannot claim ownership of them. Added to this is his serious neglect of organizing in the Phono industry, a dismissive attitude towards our AFM Bylaws and an unimpressive understanding of the diverse constituencies he supposedly represents.

What a legacy, particularly for the many dedicated and hard working AFM musicians and employees who daily still try to make a difference. This has been our experience of Tom, mirrored by what we heard over and over again from the good folks we met at the AFM Convention and increasingly, throughout the country.

Solidarity and the Future

AFM President Tom Lee's delay in appointing a rank-and-file Trustee to the Pension Fund during the major Pension Fund Crisis was indefensible. He has demonstrated that he will ignore the Player Conferences, AFM Bylaws, and will even put the pensions and retirement of AFM members in serious jeopardy! The Player Conferences represent the professional musicians who generate the lion's share of AFM work dues – theatre musicians, orchestra musicians and recording musicians. Now, more than ever, we will re-double our efforts to work closely in solidarity with our sister conferences – despite any attempts by the Lee Administration to impede our efforts.

RMALA and its **1000** members are the backbone of RMA International. Our hard work here in the Los Angeles area continues to pay dividends. We are re-creating the recording industry in Los Angeles by responding creatively to ever-changing industry landscapes. Our efforts have provided hundreds of thousands of new dollars to the AFM and Local 47, brought thousands of hours of recording work to Los Angeles and provided hundreds of recording musicians with both session work and associated H&W and Pension contributions. We have managed to accomplish nearly all of this in spite of the constant roadblocks placed in our path by our hostile Federation leadership.

The Recording Musicians Association was organized in 1969 to protect the future of all recording musicians and defend against repression from within the AFM. RMA was here long before Tom Lee and Florence Nelson and we will still be here long after they are gone. 



Our Representation Denied *Continued*

Tom Lee, upon being informed that Neil Stubenhaus had been selected by the Recording Musicians Association to be the Rank-and-File representative to the Sound Recording negotiations, has countered by naming Bobby Ogdin to be his Rank-and-File Rep. Tom Lee has done something that no AFM President has done before; he has moved to undermine the process by which Player Conferences choose their own representation at the bargaining table.

Perhaps what Tom Lee needs is a clear understanding of what a representative is. A representative is not a pawn chosen by the king, but an individual chosen by the people he/she is expected to represent.

Perhaps we need AFM leadership that won't take the Player Conference (that working musicians freely join and support) and stiff them where it counts: at the bargaining table.

It is time for our voice to be heard! 

Legal Action Fund *Continued*


RMALA by renewing their memberships at the Patron Level and even beyond with special contributions. This level of membership funding allows us to continue our active lobbying, promotion and support of our great LA recording musicians. Of course, RMALA memberships also provide the funds to sustain our office and our day-to-day operations, and those costs are *continuing* to escalate.

Following the recent alarming events at the AFM Convention, Phono Fund and Pension Fund, many members have been asking us if we have considered establishing a special fund; a fund that would allow RMALA to deal effectively with the significant costs we might incur while defending our organization and our members' intellectual, legal, moral and ethical rights. Many of our members also question the AFM's commitment to defend the rights of

recording musicians, their best interests and their industry. In addition, considering the attitude displayed by the current AFM administration towards both RMALA and Local 47, we believe this fund may be necessary sooner, rather than later.

Recently, there have also been anxious inquires from our younger members, both single and married, who are particularly concerned about the condition of the Pension Fund, the many complicated changes and the long term impact on their families. The Phono Fund debacle has only served to alarm them even further. Additionally, many recording musicians have expressed shock and dismay that the Federation could continually ignore and misrepresent the largest constituency of their largest local (and the AFM's largest single group of financial contributors – the Los Angeles recording musicians.)

In answer to all of these questions and inquiries, the RMALA Executive Board has decided to initiate a *Legal Action Fund*. This ongoing account will be used by RMALA – if necessary *proactively* – to defend the best interests of our organization and recording musicians, no matter where the assault comes from. Additionally, an oversight committee will be appointed to advise on the utilization of the *Legal Action Fund*.

The initial goal is to raise **\$250,000.00**. Many RMALA members have expressed keen interest in this endeavor. If a substantial group of recording musicians contributes to the *Legal Action Fund* at levels commensurate with their earnings, if you do the math, we anticipate that we will reach our goal quickly. By the time this article is printed, we expect to be well on our way. Is there any doubt that L.A. recording musicians can only rely on themselves to protect their interests? RMALA believes that the Legal Action Fund is an excellent investment, in essence a group insurance policy! If you have an interest in contributing to the *Legal Action Fund* or participating in fundraising or committee activities, please contact RMALA Executive Administrator, Ximena Marin at 323-462-4762. 

RMALA Fundraiser 2003 A Huge Success!

by Fundraiser Committee Chair, Tony Cooke

This year, the RMALA Fundraiser was held on Sunday Afternoon, October 12, at the Calamigos Ranch in Malibu in the beautiful Santa Monica Mountains. This well attended and financially successful event, the first of its kind for RMALA, was conceived of as a family picnic and in the wonderful natural surroundings of Calamigos Ranch proved to be a great day for RMALA. Our emphasis this year reflected a more relaxed and inclusive style, which we all hoped would allow us to share the annual Fundraiser with our families, friends, as well as everyone attending.

Returning to the great outdoors for the first time since our fundraising events held many years ago at Flintridge Riding Club, the day featured numerous games and activities. Amongst them was the hugely popular Dunk Tank! Very good natured dunking victims were *Dennis Dreith* and *David Low*, who ably taunted their foes, although not enough to intimidate the most persistent and accurate from successfully dropping them into the water. Many thanks to David and Dennis for putting their pride on the line for the good of RMALA. Thanks also to *Chris Ermacoff*, *Julian Hallmark*, and *Shanti Randall* for so ably running this activity.


As the main event, we held a live auction, a first for RMALA - all previous auctions having been silent. Special thanks to the auction organizer, *Mario de Leon*, who has been so important to RMALA auctions over the years, as well as our very own auctioneer *Rick Baptist*, who was in rare form and captured the true spirit of the event. The considerable efforts in facilitating the auction and raffles by *Liane Mautner* and her daughter *Caitlan*, *Lisa Sutton*, *Irina Voloshina*, *Piotr Jandula*, *Eliana Lopes* and *Elaine Murphy* are also greatly appreciated.

Many thanks also to the generous individual contributors of the many wonderful items – from hotels to resorts and restaurants together with those by several of our own members;

Steve and Michele Richards, *David Weiss* (our official RMA LA Fundraiser Photographer-view the photos at www.rmala.org), *James Newton Howard*, *David and Connie Speltz*, *George and Marina Manukian*, *Sheridon Stokes*, and *Aimee Kreston*. Without their spirit of giving, the auction could not have been nearly so successful, proving once again that this portion of the Fundraiser, which was enthusiastically attended and received, truly has become a staple of the RMALA Fundraiser. Thank you to everyone.

Ximena Marin, RMA's Executive Administrator, was on hand the entire day at the entrance, warmly greeting new arrivals and selling RMALA jackets and hats. *Caroline Cooke* and *Marilyn Reynolds* were also in attendance the entire time for ticket check in and purchase at the main entrance. Special thanks to all of them, particularly because their responsibilities did not allow them to participate in much of the party.

RMALA wishes to extend a special thank you to the members of the Fundraiser Committee; *Brian O'Connor*, *Sandy and Ron De Crescent*, *Dennis Karmazyn*, *Julie Gigante*, *Jennie Hansen* and *Endre Granat*, who, in addition to all the work they assumed to enable the party to take place, also kept up their tireless enthusiasm throughout the year to keep this annual event energized. It would also have been impossible to have had a Fundraiser at all without our small army of ticket sellers. Thanks to *Dennis Karmazyn*, *Shawn Mann*, *Sandy De Crescent*, *Darius Campo*, *Peter Rotter*, *Geri Rotella*, *Bruce Dukov*, *Alan Estes*, *Chris Ermacoff*, *Nico Abondolo*, *Simon Oswell*, *Jim Thatcher*, *Rene Mandel*, *Mark Graham*, *Endre Granat*, *Clayton Haslop*, *David Low*. Special recognition is also in order for the staff of Calamigos Ranch, especially *Soroor Campbell*, who helped us in such large part with the planning and organization of the entire day.

So for this year, our annual event has come and gone. We have received positive reviews from scores of people who were present and they say that they had a genuinely wonderful time. Please, let us know what you think. Hats off again to all who attended or who supported our organization so generously. 

RMALA Party photos at right by David Weiss





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