

UNITY • HARMONY • ARTISTRY

American Federation of Musicians of the United States and Canada

AFL-CIO/CLC Affiliated

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Editor

Variety

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Dear Editor:

Jon Burlingame's April 22, 2007 article ("Musicians to Tune Out AFM Union") describing the apparent dissatisfaction with the American Federation of Musicians (AFM) among a tiny number of Los Angeles musicians' hit the wrong chord. The balance of this letter sets the record straight.

The AFM is an international union with a membership of more than 90,000 professional musicians in the United States and Canada. Its diverse membership participates in all facets of the live and recorded music industry, including the motion picture, record, commercial announcement, network television, public broadcasting, industrial film and countless other industries. It is the AFM's goal and responsibility, as it is the goal and responsibility of every labor union, to expand the opportunities for its members to enjoy the protection and benefits of employment under a union agreement.

Unfortunately, technology does not limit an employer's ability to record in LA only or, for that matter, in the US and Canada, and current competitive business demands put pressure on employers to utilize available technology to the fullest extent possible. Years ago, the AFM stuck its head in the sand and engaged in a bargaining strategy that was premised on the mistaken belief that it could stop recording technology altogether as part of a campaign to preserve live music. History has shown that effort to have been ill-fated. The AFM simply cannot stick its head in the sand again and ignore the negative effect that technology and globalization has had on the business of recording music. Over the years we have seen too much music production outsourced to London or Prague or Bratislava. If our task is to provide the benefits of union employment and all that it provides – health benefits, pensions, dignity and minimum employment standards – to all the great artists who are AFM members, and not just those few who happen to work in Los Angeles and who happen to be enjoying high pay today, then we will have failed in our fundamental purpose if we ignore the current reality.

Happily, the AFM has not simply stuck its head in the sand. On numerous fronts, the AFM and many of its local unions have risen to the challenge. Just last year, the AFM negotiated a groundbreaking new agreement designed to expand live symphonic recording, an art form and industry that was nearly extinct in the US and Canada. Its New York City local (along with other performer unions) recently negotiated an agreement with the Metropolitan Opera to permit that great institution to spread its live and recorded coverage well beyond the walls of Lincoln Center. As I write this letter, the AFM is working on ways to maximize union musician participation in the world-wide Cirque d'Soleil enterprise – both for live performances and recorded work. And we are discussing with our talented symphonic members better ways to ensure that their product will be produced on radio, both commercial and public. In short, there is no area of AFM jurisdiction that is immune from review because there is no area of AFM jurisdiction that is immune from the impact of technology and globalization.

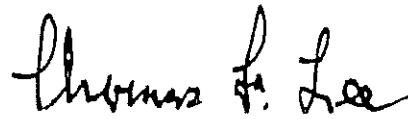
It is with that background that we have approached video game scoring. Mr. Burlingame's article reports that the so-called "Professional Musician's Guild" -- a small group of Los Angeles musicians who, by dint of talent, luck, timing and connections, have enjoyed extraordinary success in the motion picture industry -- claims that things have been just fine in the video game world and that the newly promulgated AFM agreements covering that work are adversely affecting musicians. They claim that under the existing agreement, \$1,000,000 in musicians' wages have been paid in the video game business over the last three years. If that were true, it would hardly be "just fine," given the huge number of games produced. But the truth is that that \$1,000,000 figure stretches over many more than three years. And the further truth is that virtually every game produced has been produced without the benefit of union musicians.

As a consequence of that reality, in November of 2006, the AFM responded to requests of recording musicians in New York City and San Francisco and promulgated a new video game agreement that promises to capture work for musicians that previously had gone overseas or to other non-union venues. That agreement is working fine and now union musicians in New York and San Francisco and other areas of the country (including LA) have the potential of doing work that in the past simply was not available to them. That is the agreement that forms the centerpiece of the PMG's "complaints." It is neither a "sweetheart" nor "backroom" deal, as the PMG suggests, but rather an open and completely public effort to ensure, to the fullest extent possible, that this important segment of the music business is union.

Mr. Burlingame's article suggests that our LA Local -- Local 47 -- is "not happy" with the PMG. I can't tell you whether it is happy or not, but I can tell you that its leadership seems to have turned its back on the rest of the community of musicians in the United States and Canada and has tacitly endorsed the Professional Musicians Guild by not taking a strong and vocal position in opposition over the last several months. It is even more regrettable that its

deafening silence on that point is occurring at the very time when substantial numbers of Local 47's members who have not had the good fortune of sharing in the success enjoyed by the PMG musicians are being lured by a non-union LA scoring stage that is promising them work if only they will face up to the modern challenges of technology and business (and, incidentally, drop their AFM cards). The AFM is ready to assist Local 47 in whatever manner possible to respond to that threat, but it cannot do so until Local 47's leadership recognizes that there is a bigger problem that must be addressed by it in the first instance. That problem is that applying the old approaches to recording in this new world has created a small number of "haves" and a large number of "have-nots," and threatens to keep that disparity alive for the foreseeable future. And the solution to this problem is not to pit groups of members against one another nor is it to pretend that there is no problem so long as the highly compensated motion picture musicians continue to pay dues to Local 47. Rather, the first step toward a solution is to acknowledge that there is a problem and that its solution stems from the very core of the labor movement – take all necessary measures to bring the greatest good to the greatest number of workers. It is that philosophy that has guided organized labor since its inception and that will guide the AFM as it tackles the complicated issues of modern recording business and technology.

Sincerely,

A handwritten signature in black ink that reads "Thomas F. Lee". The signature is written in a cursive style with a large, prominent "L" and "E" at the end.

Thomas F. Lee
President
AFM

TFL:tn

"The people who are interested in this new organization are very strong unionists," Malloy said, "and have been active supporters of the federation, most of us since high school. (The PMG wouldn't exist) if they had people truly working on behalf of the musicians who are doing the work in this town," he said.

Local 47, the L.A. local of AFM, generated nearly \$1 million in work dues for the national federation last year, more than any other local, according to Local 47 president Hal Espinosa.

Espinosa said he is "not happy" that there is a new guild -- the beginnings of a possible revolt against an unresponsive AFM -- but also pointed out that "it could have been avoided, at least four years ago, if the musicians here felt that they had support from their leadership."

Espinosa is planning a run for the national AFM presidency against current president Thomas Lee. "Tom has been very divisive," he said. "He's lost the respect of other entertainment unions, and certainly has lost the respect of a lot of the recording musicians in L.A."

Lee did not respond to phone calls seeking comment. These issues are expected to come up at a Local 47 membership meeting at 7 tonight at the union offices on Vine Street.

If the PMG continues to attract members among L.A. recording musicians, it will pose a significant threat to the AFM's long-held dominance over recording in L.A.

The current agreement between the AFM and the Alliance of Motion Picture & Television Producers, under which U.S. musicians record film and TV scores, expires in 2009. Some PMG members feel that if the AFM continues its current practices, they should vote to decertify the union as its collective-bargaining agent and choose PMG instead to negotiate with producers.

Read the full article at:

<http://www.variety.com/article/VR1117963587.html>

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