

APRIL, MAY, JUNE 2007 LOCAL 369 DESERT ARIA

In-laws, Out-laws, and Bylaws

“Government is a contrivance of human wisdom to provide for human wants. Men have a right that these wants should be provided for by this wisdom.” Edmund Burke

And so it was that the committees and delegates summoning their wisdom, set upon the unenviable task of amending or eliminating existing AFM *Policy and Bylaws*, and also creating new AFM *Policy and Bylaws*.

The AFM held its 97th International Convention June 18-20, at the Riviera Hotel. As at every such gathering, *Recommendations & Resolutions* in the hundreds are submitted to the AFM by a convention year deadline. They attempt to amend or even completely change existing AFM *Bylaws* or *Policy*, or put into place brand new laws. They are examined by the IEB and AFM counsel for veracity and legal applicability. On average, about 100 or so will be deemed viable to submit for acceptance or rejection by the delegate body. The delegates also have the ability to further amend right from the floor. Floor debate on one item alone can last up to two hours or more, often with heated rhetoric. This year’s combined *Recommendations & Resolutions* totaled 93, an almost impossible amount to address in only three days.

To expedite the process, various committees are appointed by the AFM President to discuss, debate, and even amend proposals within the committee. The chairperson ultimately presents to the delegate body, the committee’s recommendation (favorable or unfavorable) on each individual proposal. Often there is contentious debate within committees, but this is good. What better way to get to the heart of the idea, and reflect it with language perfected by many minds? However, a committee’s recommendation may be overturned by the full delegation. The idea for both committee and delegate body is to get to the truth and “light.”

Depending on its subject matter, a proposal will be assigned to one of several committees: Law, Measures & Benefits, Finance, Good & Welfare, Organization & Legislation, Revenue, or joint combinations of these committees. Some committees meet at least ten days prior to the convention, otherwise the addressing of many complicated issues could not be achieved in just three days.

This year it was my honor to again be selected by President Tom Lee as *Chair* of the *Organization & Legislation Committee*. Also serving on the committee, was Local 369 Vice President, Bill Klinger, whose assistance and contributions to the committee I gratefully acknowledge, and who at my request also acted as O&L Committee Parliamentarian. The other 14-committee members were of keen minds, with many of them contributing immensely to the honing and fine-tuning of the proposals.

Now to some of the salient items achieved at this convention.

1) The AFM will prevail on Congress to amend the Copyright Act of 1994, to include full performance rights (royalties) for sound recordings that apply to terrestrial and analog broadcasts, as well as to digital broadcasts. This if achieved, will put money into the pockets of all musicians who played the session when the recording is also used for any type of broadcasting, and in any sector, including foreign. The measure would also attempt to achieve reciprocal agreements for broadcast payment in foreign markets.

Don’t expect a miracle too soon, but let the fight begin!

2) The 97th Convention will call on the FCC to reverse its efforts permitting further consolidation of media ownership. The fact is that going back as far as the Reagan administration, consolidation in various industries, not just music, has amounted to monopoly, and anti-monopoly laws have largely been ignored by every Congress since. As a result of one company gobbling up nearly every radio station in America and subjecting programming to a “pop culture” formula, there is dearth of local programming diversity, and a diarrhea of “pop schlock” catering to the lowest common denominator via sensationalism and the continued pushing of the airwave prudence envelope. To prove this, go from one end of the dial to the other; you’ll hear what tyrannizes as so-called music. In my opinion, the FCC through its decisions promulgates at the most base level, the perpetual musical-cultural enslavement of the listener, particularly the young. What music?!!!

3) Another measure will speed the process for our Canadian AFM brothers and sisters to enter the USA in order to perform. This method often requires months, and fees of \$1,000.00, even to play a single *casual*. We can all see the obvious merit in eliminating this process.

4) Significant is the adoption that the AFM International Convention will now take place every 3 years. This means that the term of office for AFM officials is also 3 years. I proposed from the floor that this be sent back to the committee to be further amended to make the convention 4 days long, as its current 3 days is woefully inadequate. Also, I was disgusted to hear certain delegates state that they had to leave early afternoon on the third day because of a gig or teaching obligation. If you are a delegate, it’s your solemn duty to remain until 11:59 p.m. of the last day of business, otherwise you’re failing your membership. If you can’t meet the obligation of staying the full number of convention days (now once every 3 years), don’t attend. Get an alternate who can! Let’s hope a 3 year term and 4 day stay is a catalyst for further achievement and sufficient time in between to ultimately resolve our internal challenging issues.

5) The financial package ultimately adopted after a grueling roll-call vote, includes a per capita increase in annual membership dues of \$2.00. For the year 2008, Local 369's Executive Board voted generously and unanimously that our Local will absorb the increase, and review its ability to do the same in the 2 successive years. The rest of the package once again turned for significant revenue to the AFM's recording industry musicians. This of course agitated the continued strife between the AFM and its RMA (Recording Musicians of America) Conference. However, we applaud IEB member, Joe Parente, who boldly stated to the *Convention* that he will personally spearhead talks to end dissension once and for all, and resolve all matters equitably and amicably. If we remain brother against brother, you won't have to guess the fate we'll suffer.

6) An innovative resolution will now allow 2 or more non-AFM members of an existing self-contained band or musical unit making application together, to join a Local without having to pay AFM or Local Initiation Fees. Presumably and hopefully, this will be a catalyst for increased membership, particularly from younger musicians, often whose band leader may already be in the union. This includes all styles of music, not just rock. It is important for a local to ascertain that the applicants are from a legitimately existing unit, not one temporarily created as subterfuge to avoid LIF and FIF. Truly, this resolution came as a result of the thousands of Indie (Independent) Bands in America emerging and recording CD's on their own. Bringing them under the AFM umbrella would be beneficial for all.

7) Every local in the AFM now has the ability to create a Youth Membership classification not tied to any educational status, merely age, enabling people 20 years or younger to join the AFM without any Local or AFM Initiation Fees, and with all the rights and obligations of regular members.

8) Self-produced recordings (aka Vanity Recordings) by a solo performer, band, or ensemble will be exempt from SRLA (AFM-Sound Recording Labor Agreements), provided that the musicians are protected by an AFM-approved *joint-venture agree-ment* to be created by the IEB and EMSD not later than September 30, 2007. This unshackles performers from restrictions of existing AFM Electronic Media Agreements, none of which appropriately or accurately address the particular conditions of today's recording facing such self-producers who in the first place, have not been *employed* by any company to make a record.

This is a glimpse of the nearly 100 proposals, many others of which would also merit description except for space considerations. What is fascinating, is the process of arriving at the truth, then eliminating the frivolous, and maintaining and passing the substantive.

On another note, it was my honor in his absence, to conduct at the convention, Maestro Rodolfo Fernandez's Nevada Chamber Symphony, whereby I was able to perform the local premier of "Mediation and Elegy for Strings," by my beloved teacher and distinguished American composer, Romeo Cascarino. Romeo's personal definition of an idealist—was that he "as an idealist was a realist who's learned what to live for." Perhaps this definition is what we as AFM members, officers, delegates, and human beings should also seek to embrace.