

The Viability of the American Federation of Musicians in the 21st Century

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Abstract

For many years the American Federation of Musicians (AFM) has struggled with the manifold ways that technology has affected the careers of working musicians. This paper discusses the following matters:

- A brief history of the AFM: beginnings, how the organization is structured: the Canadian branch, ICSOM, ROPA, the Recording Musicians Association, the theater sub-group, and services for freelance musicians.
- Why has the membership of the union fallen by over 75% since the 1980s?
- In what ways is the union effective or ineffective in 2019? Who does the union serve, and what musical constituency is ignored or glossed over? Who leads the union, and what are the objectives of these leaders?
- Possible approaches to modernizing the union's approach to contemporary music and organizational practices.

Keywords: American Federation of Musicians, freelance musicians, unions, guilds

My motivation to write this paper comes partly from my experiences attending MEIEA annually from 1988 to 2004, and periodically thereafter. I have never seen or heard any mention of the American Federation of Musicians (AFM) at MEIEA meetings, and many of the music business books offer little or no coverage of the union. Don Passman, for example, has avoided mentioning the AFM in the many editions of his book about the music business.

I'll start with a brief recap of AFM history. The AFM is an artifact of the late 19th century. There have been several consistent threads in its history. One has been a continual battle against technology depriving musicians of work in the industry. This began with the invention of the player piano, and has continued through the end of live music in movie theaters with the introduction of talkies, the rise of the jukebox, the loss of work on live radio programs because of the widespread use of phonograph records, the end of studio orchestras on radio, television, and in the movies, the use of electronic instruments, introduction of DJ's as artists replacing musicians, the use of samplers and drum machines, and runaway film music production from New York and Los Angeles to such music business centers (!) as Budapest and Bratislava.

To move into reverse gear, the union has been most effective when it utilizes collective bargaining agreements (CBA's) with such organized entities as symphony orchestras, record labels, major film studios, and advertising agencies. These interactions have resulted in relatively high wage scales, and such bonus situations as residuals for jingles, the special payments fund for musicians playing on recordings, the films secondary fund for musicians who play on films, and the AFM/AFTRA Intellectual Property Fund, which covers some foreign royalties, record rentals, etc. Incidentally, the Film Musicians Secondary Markets Fund

collected over \$100 million in royalties in 2017, so some of these funds can represent substantial amounts of money.

In the symphonic world, the San Francisco Symphony recently negotiated a three-year contract that will see minimum wages start at about \$165,000 a year, moving to about \$175,000 a year in the third year of the contract. The contract also includes pension, dental, and health benefits, and additional wages based on years of service. On the other side of the ledger, many of the summer classical music festivals, including Chautauqua in Boulder, and others in Sun Valley, Jacksonville and Astoria, Oregon, Bellingham, and Aspen are non-union, yet union players in the mid-range symphonies like Cincinnati or Pittsburgh, who are making in the \$100,000 range under union contracts, play these jobs for under union scale wages and without union contracts. When asked to take action against such players, the AFM response has been, "it's the job of the local to organize these orchestras!"

The picture gets worse when we look at what has happened to freelance musicians. One way of looking at this is to zero in on the decline in AFM membership. That membership was at over 300,000 during the mid-1970s declining to a current membership, variously estimated at 65,000 to 70,000. Incidentally, the AFM includes its Canadian locals in these numbers. The president of the Vancouver local told me that there are currently about 20,000 AFM members belonging to Canadian locals. Canada has about 10% of the population of the United States, and if you accept the 70,000 membership figure, following the Canadian demographic, the AFM should have 200,000 U.S. members to add to the 20,000 Canadians.

The obvious question is why such a dramatic decline in membership has taken place. There are a number of factors behind this loss. The first one is a series of court decisions which defined night club musicians as independent contractors, and the leader of the band, rather than the club, as being the employer. Prior to these rulings, the AFM had reasonably strong control over club musicians, and older readers of this article may well remember being asked to show their paid-up membership cards to a union business agent. The second factor reflects two changes in the industry. One is that the popular music world has mostly changed from an orchestra-based model of fifteen to twenty musicians, to combo-based groups of three to five people. There are thousands of such groups in North America, and finding and organizing them is a much more ambitious task than dealing with the leaders of fifteen-to-twenty-piece orchestras. Compounding the problem is that the union has historically been a refuge of jazz, classical, and club-date musicians who even in 2019 don't look on country, folk, rock, or hip-hop as having much musical validity. For the old guard, the ability to read music is an essential part of taking on the

identity of a professional musician. From that point of view, the bulk of pop musicians are not professionals. The third and most current problem area is the rise of the DIY (do it yourself) aspect of the music business. The majority of working musicians do not record for major record labels, and many of them book their own shows, and even utilize their own members as de facto agents or personal managers. If a musician is working gigs where there are no union contracts, recording (and owning) their own recorded product, what advantage is there to joining the union?

The listed benefits of AFM membership include the ability to purchase dental and musical instrument insurance, in the larger locals limited use of rehearsal space, availability of a Visa card for members, access to the union bonus funds for those who use union contracts in the various mediums of recording, and guaranteed payment of at least union minimum wages for contracts filed with the union. The problem is that the self-directed musician isn't going to participate in the bonus funds, and in all likelihood can purchase their own insurance plans at comparable costs without a union card. To get a union card, a musician must pay the annual dues that vary from \$150 to \$200 a year, plus a one-time initiation fee of around \$150. (The initiation fee is sometimes waived during membership campaigns, or if an entire combo joins the union at the same time.)

Now we arrive at the most fundamental question that governs this paper. How could the union make itself attractive and useful to today's younger DIY combo musicians? Additionally, how could it do a better job of retaining existing members, and persuading former members to re-join the union? This brings us to the question of what musicians want. Obviously, they want the opportunity to play music in a public setting, preferably while earning a reasonable amount of money. They need health insurance that includes vision and hearing components, and access to moderate-priced housing. Other goals probably include reasonably priced rehearsal and recording facilities, and for middle-aged musicians, expectations of a reasonable pension and even living facilities for elderly musicians who have limited resources. Another level of desirable services might include discounted legal and accounting services, and educational classes on both business and musical matters. To be fair, a few locals actually do provide a few educational classes and some discounted legal services.

Arriving at the above list wasn't especially difficult. But how does the AFM rate in terms of pursuing these goals, and what could it do to make it crystal clear to musicians that union membership is a necessity for someone seeking a career as a professional musician?

Point by point: Although the Music Performance Trust Fund (MPTF) does provide musicians with a few opportunities to play their music in nursing homes, VA centers,

etc., the money that record companies pay into this fund has been greatly diminished, and nothing about the MPTF is designed to meet the needs of younger musicians (or for that matter, older ones) who wish to play their own music in an environment designed for listening. Although a number of the medium-sized or larger locals have rehearsal facilities that could be used for performances, these facilities are primarily used for band rehearsals. Moreover, the union has not created partnerships with arts centers, universities, or “listening venues” that encourage such performances. When it comes to health insurance, only a small number of high-earning recording musicians, players in long-running Broadway shows, and symphony musicians are eligible for health insurance. Given the somewhat perilous financial status of the AFM, the answer would seem to be partnering with other, larger unions for health insurance coverage. The union’s monthly newspaper has never proposed such an option in my decades-long membership in the AFM. Nor has the AFM lobbied for vision and hearing coverage to be added to any Medicare or universal health insurance plans, although clearly these benefits are especially important for musicians. Many union locals do have rehearsal facilities. They are essentially designed for musicians who read charts, and the locals limit how many hours musicians can use the facilities. Contrast this with the way rock or country bands rehearse. Usually working without written music, they create songs and arrange them over extended periods of time. Many rock musicians rent a facility and leave their equipment there between gigs. They may rent the space by the month, by the hour, or by the day.

There are two basic impediments to most musicians joining the AFM. They are annual dues of \$150 to \$200 (plus a similar initiation fee) plus the age-old question, “what will the union do for me?” Imagine if the union provided rehearsal spaces for combos, and charged, say, half of whatever the going rate is in the town. In cities like Los Angeles or New York it would take only a handful of rehearsals for a band to more than pay for the annual dues.

The only ultimate solution to the declining status of the AFM pension fund is to recruit large numbers of young musicians. The basic and obvious problem with the fund is that the amount of money being paid out far exceeds the money coming into the fund. The solutions advocated by the AFM leadership include raising contributions from record companies and creating federal legislation to enable the fund to apply for low-interest long-term loans. This seems to be an exercise in futility in the sense that it is difficult to see how such loans could be repaid as long as expenditures far exceed income. The seriousness of this problem can be ascertained by the recent defeat of the incumbent leadership of the New York local, the Federation’s largest local, by a 2-to-1 margin. The decline of the pension fund was the prima-

ry issue in this election. According to the AFM leadership, pension benefits will be reduced within the next year or so for anyone receiving a pension who is under the age of 80.

The union has not been involved in any movement for low-cost housing, which is an extremely important issue for freelance musicians, players in symphonies that do not have 52-week seasons, music teachers, and even music professors. A few months ago I read a *New York Times* obituary for composer-arranger-woodwind player Joseph Jarman. He died while in residence at the Actors’ Home in New Jersey. How he got admitted to a facility for actors, I do not know. However, it struck me that the AFM has never had or advocated for such a facility. Shouldn’t the AFM, perhaps partnering with MusiCares be involved in the building of such facilities in major cities?

Frequent music business education classes and access to quality discounted legal services would be extremely beneficial for young musicians who often do not have the financial ability to access such services. Nor has the union taken a strong position against gender discrimination. Law suits alleging wage discrimination from female principal players in Boston and Denver have garnered support from individual symphonic musicians, the AFM as an organization has presented only a cursory response to the widely publicized Me Too movement. The AFM’s monthly has indeed published non-specific calls for the end to gender pay disparity, but without any specific action plan. Once again the AFM is “behind the curve” of current social-political sentiment.

The paragraphs above outline the sort of services and initiatives that the union should be providing, but for the most part ignores. There is another step that the union could take to enter the music industry of the 21st century. The music trade papers and memoirs of famous musicians are rife with stories of musicians involved in expensive conflicts with personal managers. Although the union does franchise booking agents, it has essentially stayed out of dealings with personal managers. In today’s industry, managers often own or co-own publishing companies, and engage in complex negotiations with talent that define their compensation. Young acts are basically helpless to understand the nature of such legalities. There are quite a few talented, expensive lawyers who make such deals, but their services are not financially viable for musicians in early to mid-career. Why shouldn’t the union negotiate contracts with managers that place limitations on commissions, and on a manager double-dipping, owning all or half of music publishing companies, and then charging commissions on a bands’ songwriting royalties?

It is also time for the union to develop working partnerships with such organizations as the Rhythm & Blues Foundation and the Future of Music Coalition. In my judgement, these organizations began because the union failed to represent musicians appropriately in these areas.

National Issues vs. Regional Realities

Over the years the AFM has gradually come to realize that the interests of musicians who work under lucrative recording agreements in major music business centers do not always align with the needs of musicians working in smaller marketplaces. To remedy these conflicts, the AFM has instituted agreements for films and records that are produced with lower budgets. Regrettably most of these concessions have reflected the agitation of rank and file members of smaller locals, rather than representing a visionary approach on the part of the federation's leadership. The latest example of such conflicts occurred when the Vancouver, Canada local tried to initiate a lower scale with possible buyouts for film work. The impetus for this concept was simply a reflection of the large amount of U.S. television and film production that has been occurring for some years in Vancouver and Toronto. The federation's initial reaction was to attempt to expel and fine the leaders of the Vancouver local. This in turn led to court proceedings in Vancouver, which established that the AFM did not have jurisdiction in Canada to take such action. Thankfully, after several years of fruitless back and forth negotiations, the Canadian branch is pursuing the creation of such agreements.

Where Do We Go From Here?

It would be unfair to say that the union has never made any attempts to operate in the areas outlined. For the last decade the AFM locals in the Northwest in particular have begun a movement called Fair Trade Music. The intent of this group was to establish the notion that musicians should be paid a reasonable wage. To achieve these goals, Fair Trade has attempted to reach the general public of music consumers, and also has pursued some negotiations with music venues. In Seattle twenty-five music venues have signed on to the program, which does *not* necessarily require clubs to hire union members, but does commit to the notion of fair pay for musicians. It is not clear whether the future of this movement, if it has one, involves Fair Trade members to be union members. There is also little evidence that Fair Trade has resulted in convincing musicians to join the AFM.

Perhaps the future of the AFM means amalgamation with other existing talent unions. The union has remarkably little interaction with SAG-AFTRA, the singers, actors, and voiceover talent group that has roughly double the membership of the AFM. The AFM does admit singers, but the bulk of singers who are unionized join SAG-AFTRA. Although SAG-AFTRA has agreements with Equity and other unions that enable those who join multiple unions a reduction in the cost of membership, no such agreement exists between the AFM and SAG-AFTRA. Beyond combining with other talent unions, other possibilities include inviting songwriters into the AFM, as well as recording engineers who

are not also studio owners, and even music professors in unorganized colleges, especially poorly paid part-time instructors. Another possibility is to follow the SAG-AFTRA model and have regional locals, rather than the current 183 locals that honeycomb the United States and Canada. Quite a few of the smaller locals have fifty or fewer members, and file virtually no union contracts. Finally, an opportunity would seem to exist to organize employees of the major music store chains, who employ many musicians as teachers, repair people, and sales personnel.

Unless some of these steps are taken, it is clear that the fate of the AFM is to become a guild that limits itself to representing musicians who qualify for collective bargaining agreements, and abandoning DIY and freelance musicians to their own devices. A new approach to membership should include the election of younger members as local officers. To the union's credit, it does publish lists of unclaimed checks in its various recording bonus funds. Even a cursory look at these lists, along with ones published by SoundExchange, reveal hundreds of names of beneficiaries whose addresses are unknown. This happens because once a member leaves the union, the union has no current address for the claimant. Another other reasons for these mysterious unclaimed checks is that many members use performing names like St. Vincent or Killer Mike, which makes finding a new address for them difficult. Other reasons for the non-delivery of such checks include the death of the beneficiary, or in the case of female members, divorces that involve name changes. What if the union took the bull by the horns, and in cooperation with record companies, performing rights organizations, and music publishers established a database of musicians, union and non-union, so that royalties due to "missing" musicians could be distributed? Incidentally, none of the above sources of royalties bothers to publish lists of musicians or singers to whom they owe royalties, but whose current addresses are unknown.

Finally, the union has flirted with entering the booking agency business. To avoid competition with existing franchised agencies who book the bulk of important tours, one possible solution is to do local booking for minimal commissions, say five to ten percent. Currently there are very few local agents who actually operate under union rules.

My conclusions to the question of 21st century viability, is that the union has essentially been reduced to a guild that represents musicians operating under collective bargaining agreements. In order to recruit young DIY musicians, the AFM must operate in an entirely different way to provide the services that would benefit them. This would require a new vision of the role of the union and the needs of contemporary musicians.

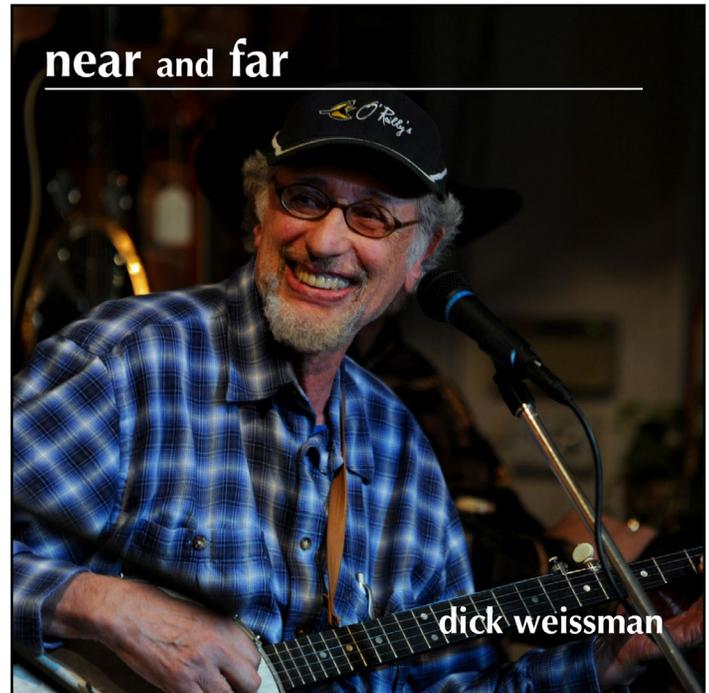
References

- Caves, Richard E. 2000. *Creative Industries: Contracts Between Art and Commerce*. Cambridge: Harvard University Press.
- Geoghegan, Thomas. 2004. *Which Side Are You On? Trying to Be for Labor When It's Flat on Its Back*. New York: New Press.
- Holmes, Sean P. 2013. *Weavers of Dreams, Unite! Actors' Unionism in Early Twentieth-Century America*. Urbana: University of Illinois Press.
- Keller, David E. 2013. *The Blue Note: Seattle's Black Musicians' Union, A Pictorial History*. Seattle: Our House Publishing.
- Kelley, Robin D. G. 2001. "Without A Song: New York Musicians Strike Out against Technology." in *Three Strikes: Miners, Musicians, Salesgirls, and the Fighting Spirit of Labor's Last Century*, edited by Howard Zinn, Dana Frank, and Robin D.G. Kelley, 119-156. Boston: Beacon Press.
- Leiter, Robert D. 1953. *The Musicians and Petrillo*. New York: Bookman Associates.
- Mulder, Catherine P. 2009. *Unions and Class Transformation: The Case of the Broadway Musicians*. New York: Routledge.
- Regev, Ronny. 2018. *Working in Hollywood: How the Studio System Turned Creativity into Labor*. Chapel Hill: University of North Carolina Press.
- Roberts, Michael James. 2014. *Tell Tchaikovsky The News: Rock 'n' Roll, the Labor Question, and the Musicians' Union, 1942-1968*. Durham: Duke University Press.
- Seltzer, George. 1989. *Music Matters: The Performer and the American Federation of Musicians*. Metuchen, N.J.: The Scarecrow Press.

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The information about the membership level of the AFM came variously from union websites and from a presentation by Jay Blumenthal, Secretary-Treasurer of the AFM at the Western Federation of Musicians meeting in Santa Ana, California in 2016.

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