

**A History of the
Musicians Union Local 6,
American Federation of Musicians**

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Introduction

The musical arts are arguably the most popular form of entertainment in the culture of the United States, and musicians often attain celebrity as a result of this popularity. In this process, musicians become the subject of intense media attention. The sensational portrayal of celebrity musicians by entertainment media serves to mystify the perceptions that ordinary people have of musicians in general. To think of a musician as a member of the working class goes against these sensational impressions. However the majority of working musicians are not celebrities. They are in fact workers. Despite our romantic notions of musicians as creative artists that are in some way extraordinary, musicians, more often than not, are literally employees. Musicians are skilled craftspeople that work for record companies, orchestras, theater production companies, restaurants, nightclubs, casinos, churches, private events and even government. Similar to the experience of workers in many other industries, musicians regularly encounter exploitative working conditions. These conditions have led to the formation of trade unions that engage in collective bargaining on behalf of working musicians. By far, the largest labor union for professional musicians in the United States (and Canada) is the American Federation of Musicians, an affiliate of the AFL-CIO. This paper traces the history of one particular local chapter of the American Federation of Musicians - Local 6 in San Francisco, California.

San Francisco rose to prominence as a major metropolitan city in the 1800s, largely due to developments in the local economy and infrastructure such as the California Gold Rush, the transcontinental railroad, the industrial revolution, and the major ports in the San Francisco Bay. The resulting wave of immigration to San Francisco led to rapid urban development and boomtown affluence. With this came the development of a substantial entertainment industry. The city gained a reputation for decadent entertainment such as fine dining, dancing, drinking,

prostitution, theater and music. Eventually San Francisco, and particularly the North Beach and downtown entertainment districts, earned the nickname "The Barbary Coast."

Entertainers of all types poured into San Francisco to perform in hotels, theaters, nightclubs and restaurants. Soon San Francisco became the home of hundreds, even thousands of musicians. Competition for jobs and the poor working conditions that these musicians often experienced led to several attempts to organize a union for local musicians. They succeeded with the formation of the Musician's Mutual Protective Union, Local 10, chartered by the National League of Musicians on September 3, 1885. When the National League of Musicians folded, many of its Locals were granted charters by the American Federation of Musicians, the new national musicians union formed under the umbrella of the American Federation of Labor. The current day Musicians Union Local 6 in San Francisco was granted its charter on February 2, 1897. This paper is an attempt to critically analyze the history of the Musicians Union Local 6, and in part, the history of the American Federation of Musicians on the national level, in order to characterize the union and to identify the most important issues facing musicians in the present.

Method

A study of the history of the American Federation of Musicians could resemble a study of the history of American music, or the American music business. However, this paper considers the *musician's* role in this history particularly, as it relates to employment. It looks at the collective action of professional musicians and how that action has affected both the working conditions for musicians and the development of the music industry as a whole. The study considers the developments in work organization for professional musicians due to the effects of

modernization and technology as well as the legislation that has shaped how musicians participate in collective bargaining through history.

The majority of the research for this study was archival. A large amount of primary sources were found in the stored documents at the Musicians Union Local 6 office. Further sources, both primary and secondary, were found in local libraries and archives including the SF Labor Archives, the SF Public Library History Center, the Holt Labor Library, the ILWU library in San Francisco, the Museum of the City of San Francisco and the SF Performing Arts Library. Additional materials were provided by the national office of the American Federation of Musicians.

The *historical-comparative method* of social research is used in this study to analyze the historical evidence presented here.¹ Evidence from several historical eras is compared in order to formulate theoretical conceptions for a possible causal framework for the current day working conditions and work organization for musicians. It is hoped that this study will identify the most critical issues facing current day professional musicians, and provide a basis for further study of those issues.

The Beginning

The collective action of musicians in San Francisco can be traced back as early as 1850, when musicians demanded a wage increase for performing at California's statehood celebration. Their demand was refused and the celebration went on without music.² The first campaign to organize a labor union for San Francisco musicians in 1869 failed. A musicians union was successfully formed in San Francisco in 1874, but the organization was short lived. The union disbanded and the money in the treasury was divided amongst its members. The failure was

attributed to political competition among the potential leaders of a would-be musicians union. It was believed that the "abortive efforts of various rival organizations" thwarted the formation of a legitimate musicians union, and that some of the leaders sought to "obtain control for the furtherance of private and selfish ends."³

During the same time period, local musician unions were forming in major cities around the United States. The development of independent unions soon led to competition between locals for jurisdiction over work in neighboring cities and in traveling shows.⁴ In 1885 there were calls for the formation of a national organization to deal with these problems, which led to the creation of the National League of Musicians of the United States (see appendix). On September 3, 1885 the Musician's Mutual Protective Union, Local 10 in San Francisco was granted its charter by the NLM, with the expressed purpose of "organizing a society for mutual protection and the furtherance of musical interests."⁵

The National League of Musicians grew rapidly, with over 100 affiliated locals around the country by 1896. However the NLM had major problems that it could not overcome. The first was its commitment to local autonomy. In order to encourage locals to affiliate, the NLM allowed the locals to retain complete control over their own rules, membership policies, prices and benefit plans. The inconsistencies and competition among the locals, and the lack of authority of the national union to deal with these problems undermined the legitimacy of the NLM.⁶

The second, and perhaps fatal problem of the National League of Musicians, was its identity crisis. Beginning in 1887, the union was invited several times to affiliate with both the Knights of Labor and the American Federation of Labor. The invitations led to a debate within the NLM over the identity of union musicians. Although many musicians considered themselves

to be workers, the majority of the NLM considered the union to be an "organization of artists," and did not want to be strongly associated with industrial unions and the working class. The NLM made it a practice to exclude membership to musicians that did not meet their artistic standard. This practice caused a problem of non-union musicians competing for jobs, and taking jobs for less pay, which led to lower wages for all musicians.⁷

The identity crisis within the National League of Musicians was never solved, and the union did not affiliate with either the Knights of Labor or the American Federation of Labor. In turn, both organizations began efforts to organize their own local unions for musicians around the country. At the NLM convention in 1896 there was another failed attempt to pass a resolution to affiliate with the AFL. The locals that approved affiliation then split from the NLM and requested national charters from AFL president Samuel Gompers. On October 19, 1896 the American Federation of Musicians was formed under the AFL, with the philosophy that "*all* musicians who receive pay need a labor union to secure fair wages and working conditions" (see appendix).⁸ Within a few months nearly half of the NLM locals joined the AFM and by 1903 all of the remaining NLM locals made the switch.⁹ The Musicians Union, Local 6 in San Francisco was granted its charter by the AFM on February 2, 1897.¹⁰

Eugene Schmitz (1865-1928)

Perhaps the biggest claim to fame for the San Francisco Musicians Union is its fabled leader, Eugene Schmitz. "Handsome Gene," as he was called, was a violinist, president of Local 6, and the 23rd mayor of San Francisco from 1901 to 1907¹¹ (see appendix). It was a time of rapid urban expansion in the United States, and in many cities the development of business grew at a faster rate than the development of laws to regulate business. The result was that many U.S.

cities had a corrupt "boss" figure that managed the affairs between city government and big business. San Francisco's boss at this time was Abraham Ruef. It was "Boss Ruef" who was behind the rise in prominence of the Union Labor Party in San Francisco, and he who engineered the election of its representative, Eugene Schmitz as mayor.¹²

Schmitz was an accomplished musician. The San Francisco native worked as a violinist for the San Francisco Symphony,¹³ as the conductor of the Columbia Theatre orchestra, and was also a composer. He was the president of the Musicians Union Local 6 at the time that Ruef recruited him. Ruef was Schmitz's personal attorney, and the attorney for the Musicians Union. Ruef and Schmitz were long time friends and partners in a steamship business. Schmitz had also supported Ruef's political ambitions in the Republican Party.¹⁴

Ruef believed Schmitz was the perfect mayoral candidate for the Union Labor Party. He later wrote, "Although you were on the Labor ticket, you could appeal to the conservative element."¹⁵ Ruef believed that Schmitz's connection to labor through the Musicians Union would not alienate the business community. Being a musician, Ruef would portray Schmitz as a charismatic man of culture, who was in fact a businessman himself. Ruef prepared a rousing speech for the party convention in September 1901 and Schmitz's theatrical delivery got him the nomination. His aggressive campaigning, financed by Ruef, won the support of both business and labor, and in November 1901 Schmitz was elected with an impressive majority of the vote.¹⁶ Schmitz was the first union leader in the United States to be elected mayor of a major city.¹⁷

Schmitz was a popular mayor, elected for an impressive three terms. He was mayor during the Great Earthquake in April 1906, and received great praise for his leadership. He issued the now famous "Maintenance of Order" decree to organize the emergency response. He also created and headed the "Committee of Fifty," a committee comprised of civic, business and

community leaders that planned the city's reconstruction.¹⁸ His popularity peaked with a failed bid for governor in 1906.¹⁹

Schmitz's connection to Ruef and his corrupt dealings would later cause the end of his career as mayor. Political foes charged Ruef and the mayor with bribery and extortion charges related to gambling, issuance of liquor licenses, and illegal prostitution taking place in the notorious "French restaurants" of San Francisco. They staved off the charges for as long as they could with legal maneuvering but both were eventually convicted. In June 1907 Schmitz was found guilty of extortion and removed from office. He spent only a few months in the county jail before his conviction was overturned on appeal in January 1908. Boss Ruef took a heavier fall, serving four years and seven months in San Quentin prison.²⁰ Despite his legal troubles, Schmitz later served on the city's Board of Directors for several years. He owned oil and mining businesses, and even composed an operetta before he passed away in 1928.²¹

The Musicians Rise Up

Membership in unions rose significantly as the power and influence of organized labor increased in the beginning of the 20th century. The same trend was true for the Musicians Union, which had been able to establish wage scales for all types of musicians as well as strict rules for membership and work in San Francisco. Local 6 regularly engaged in boycotts of any venue that did not honor their rules. The union also played an important role in the creation of the San Francisco Symphony in 1911, the San Francisco Opera in 1923, and the San Francisco Ballet in 1933, three of Local 6's most important organized workplaces even to this day.

The history of the halls of the Musicians Union is telling of its rise in influence. In 1885 the union first had its meetings in the back room of Rathskeller's Saloon at the corner of Sutter

and Kearny Streets.²² Through the turn of the century several moves were needed to keep up with the expanding membership. At the time of the Great Earthquake in 1906 Local 6 had its headquarters at Powell Street near the corner of O'Farrell, in the heart of the theater district where many musicians worked. The quake, and the subsequent fire, destroyed the hall along with most of the union's records. Local 6 found its new home at 68 Haight Street where it remained for nearly twenty years.²³ Membership continued to rise, with over 1,500 musicians joined by the year 1917.²⁴ Local 6 decided to fund the construction of an entirely new building to be its home. On August 23, 1924 ground was broken for the new Musicians Union Hall at 230 Jones Street (see appendix). The building took less than a year to complete and was 100% union made. It is a beautiful three-story building designed by the well-known San Francisco architect Sylvian Schnaittacher.²⁵ The building had a large office space, a music shop, and even a nightclub specifically for musicians (see appendix). That building would remain the Local 6 headquarters until 1998.

Troubles with Technology and the Theaters

During the first half of the 20th century Local 6 engaged in several labor disputes with local theater companies, the primary employer of musicians. Before the invention of recording and amplification devices, literally every theater had an orchestra, usually with 8 to 10 members, for dancing, dining, shows and film accompaniment. Working conditions were often poor. The theater companies required musicians to work seven days per week, and they were slowly reducing the size of orchestras, making it more difficult for the remaining musicians to fill larger theaters with sound.²⁶

In 1907 Local 6 created a coalition with the Stagehands Union to form the San Francisco Theatrical Foundation. The organization became a forum for the interests of workers in all theater related crafts. The Musicians Union created a theater classification system that established minimum sizes for orchestras based on the size of a theater. The organization survives to this day. Demands by musicians for a six-day workweek began as early as 1911²⁷, but the struggle would last for fifteen years. The dispute culminated in bitter strike against Allied Amusement Industries in 1926,²⁸ led by Local 6 president Walter Weber. The strike created a hostile relationship with the theater companies for years to come, but the musicians were able to win a weekly day off and a wage increase.

Technological innovations in the 1920s brought trouble for many musicians. The invention of recording devices had paved the way for recorded music and “talkies,” motion pictures with sound. While recording technology created recording jobs for some musicians, many more were immediately put out of work.²⁹ In 1929 Local 6 went on strike and filed a lawsuit seeking an injunction of the layoffs. Again going up against Allied Amusement Industries, Local 6 argued that the technology layoffs were a violation of their labor agreement. The case went all the way to the California Supreme Court, where the union was defeated.³⁰ At the time of the lawsuit, union musicians blacklisted and picketed the local theaters, but other supporters of the musicians decided to take matters into their own hands. In 1929 and 1930 several theaters were attacked with “stench bombs” and dynamite. An explosion at the Royal Theater on June 1, 1930 prompted a restraining order and injunction of the picketing of the theaters³¹. Local 6 denied any connection to the bombings.

The mass displacement of musicians around the country due to technology made “canned music” the number one issue facing the American Federation of Musicians. Both Local 6 and the national union began a massive public campaign to save “living music.”³² Approximately 120 cities, including San Francisco established a “Living Music Day”³³ that featured live concert performances all around the city. The public response surprised even the union leaders. It was found that while there was a consumer demand for recorded music and radio broadcast music for the home, most theatergoers preferred live orchestras for dramatic theater shows. It became the goal of the AFM to save and create as many jobs as possible by preserving and advocating live music as an art form. Simultaneously, they were fighting to organize the recording and radio work that was created for musicians. The champion of this effort was James Petrillo, the fast rising leader of the AFM’s Chicago local.

James Caesar Petrillo (1892-1984)

James Petrillo was a trumpet player in his home town of Chicago. He joined AFM Local 10 in 1918 and quickly proved himself as an effective unionist. His success in organizing the Chinese restaurants of Chicago got him elected vice president of his local by 1919. He gained a reputation for his “strong arm” tactics in the Chicago theater strike in 1920, and by 1922 he was elected president of Local 10.³⁴ Petrillo’s time as president of the Chicago local would be the beginning of his life-long mission to organize the recording, film and radio industry, preserve live music, and create jobs for musicians. In 1927 he led a strike against Chicago theaters, and by 1931 he successfully organized many Chicago hotels. He negotiated the first contracts in the country that required radio stations to pay musicians for live broadcasts, previously done by musicians only for promotion. In 1937 and 1938 he led Chicago musicians in the nation’s first

recording strike. Petrillo's success in organizing the Chicago local gave him notoriety with the national union.³⁵ By 1932 he was elected to the AFM International Executive Board, and by 1940, at age 48, Petrillo was elected President of the AFM.³⁶

As president, Petrillo made good on his promise to go up against the recording, film and radio industries. In 1942 he organized the largest strike by recording musicians in history, a walkout that lasted more than two years.³⁷ Petrillo boldly refused to negotiate with the record companies, which spurred government intervention by the National War Labor Board. The Board's order to the AFM to negotiate was refused by Petrillo, a signal to some in business and government that perhaps Petrillo was becoming too powerful. The recording strike resulted in milestone national labor agreements with all of the major record companies.³⁸ The agreements established wage scales for recording musicians and also established the Music Performance Trust Fund, a fund paid into by the recording industry, which would be used to sponsor free live concerts for the public, in order to foster live music as an art form.³⁹

In 1944 Petrillo negotiated the first AFM contracts with the film industry. The agreements secured a minimum number of jobs for musicians in each studio, extra pay for musicians that play more than one instrument, and established separate pay scales for rehearsals and performances. Most importantly, the contracts prohibited the use of a film soundtrack outside of the film itself.⁴⁰

In the radio industry live orchestras were gradually being replaced by the broadcasting of recorded music by DJs. The AFM did not oppose records for home use, but did fight their use by radio stations in order to keep live musicians employed. Radio stations were also broadcasting performances by student orchestras and military bands in order to save money. For these problems Petrillo was able to negotiate the required use of "standby" musicians, a minimum

number of union musicians that had to be hired and paid for shows that were recorded or done by amateur musicians.

Petrillo's high profile negotiations, and the controversial practice of hiring standbys, led to a government investigation of Petrillo and the AFM for featherbedding and excessive employment.⁴¹ It began in 1942 with an investigation by the Federal Communication Commission into the issue of hiring standbys for radio.⁴² The result was the passage of the Lea Act in 1946. The Lea Act was an amendment to the 1934 Communications Act, and made it unlawful to "threaten or compel a broadcaster to 1) employ more persons than it needed, 2) pay money instead of hiring more persons than it needed, 3) pay more than once for services, and 4) pay for services not performed."⁴³ The law was nicknamed the "Anti-Petrillo Act" by union musicians. The law was immediately challenged by the AFM, but was upheld by the Supreme Court in 1947. The Lea Act remained in place until 1980 when AFM legislative efforts won its repeal.⁴⁴ The Lea Act was a setback for the AFM, however 1947 also saw the passage of another labor law that would later prove to be a major obstacle for the AFM and all unions, the Taft-Hartley Act.

In 1949 Petrillo made headlines in San Francisco when Local 6 hosted the AFM national convention.⁴⁵ At the convention he performed a duet with President Harry Truman, who had recently appointed him as National Music Chairman (see appendix).⁴⁶ Petrillo served as AFM President until 1958. He passed away in 1984, leaving behind an inspiring legacy of the professional musicians' struggle with technological change.

The AFM and the Taft-Hartley Act

The leadership of James Petrillo in the 1940s brought the American Federation of Musicians to its peak of power and influence in the music business. The union had successfully organized the recording, film and radio industries, and membership was increasing dramatically. By 1947 the AFM had more than 200,000 members nation-wide,⁴⁷ and Local 6 in San Francisco had more than 4,000 members.⁴⁸

At this time all unions were enjoying the legal rights guaranteed to them by the National Labor Relations Act, and Petrillo capitalized on these rights to give the AFM more bargaining power. But American businesses were trying desperately to limit the legal rights of unions, and they found allies in the government. In 1946, Republican Representative Fred A. Hartley won the chairmanship of the House Committee on Education and Labor. Hartley took part in the government investigation of Petrillo that led to the Lea Act. He went on to co-author the Taft-Hartley Act (the Labor Management Relations Act), the amendment to the National Labor Relations Act that significantly limited the rights of labor unions.⁴⁹ The new law banned the “closed shop” (union-only workplaces) and allowed states to pass right-to-work laws. It also banned sympathy strikes (except when allowed by specific language in a collective bargaining agreement) and secondary boycotts. After its passage, all unions were now vulnerable to new legal challenges with regard to organizing tactics, elections, union funds and labor disputes.

A second recording ban led by Petrillo in 1948 was met with tougher resistance than the first, and was not as successful⁵⁰. The record companies, learning from the first strike, had many of its signatory artists record extra music before the strike.⁵¹ Enough music in fact, to have new material released throughout the strike. Secondly, the strike was immediately challenged under the new Taft-Hartley law. In May of 1948 several record companies filed NLRB charges against

the AFM, claiming that the recording strike unfairly compelled the record companies to stop business with radio stations.⁵² The union defeated the claim, and the strike continued. The companies then challenged the live music trust fund that was set up during the first strike, again claiming that it violated the Taft-Hartley law. When the parties agreed that a third party trustee, appointed by the record companies, would oversee the fund, the Board found that it was not in violation. The recording strike ended in December of 1948. Unfortunately the legal challenges during the 1948 recording strike would only be the first of many Taft-Hartley challenges that the AFM would later face.

Civil Rights and the Merger of Local 6 and Local 669

In contrast to the somewhat progressive politics of organized labor today, in the past many unions in the United States excluded blacks from membership, or practiced the segregation of blacks and whites, until the civil rights movement in the 1950s and 1960s. In many cities, the AFM had separate, segregated locals for the same jurisdiction, or a black local that was considered a “subsidiary local.” Subsidiary black locals were bound by the constitution and bylaws of the white locals, but members had no voting rights and were denied membership benefits.⁵³

In San Francisco, black musicians had a separate local, the Negro Musicians of San Francisco, Local 648, which was granted its charter by the AFM in 1924. Black musicians were not allowed to work in downtown venues, and were only hired to play venues in predominantly black neighborhoods. An ad hoc boundary was observed along Van Ness Avenue. White-only venues were to the east of the boundary and black venues were to the west.⁵⁴ Regardless of the boundary, there were some disputes over jobs and territory.

In 1934 Local 648 sued Local 6 over a jurisdictional dispute, claiming that white musicians were taking the jobs of black musicians. Local 648 lost the suit, and Local 6 retaliated with a complaint to the AFM. The AFM revoked Local 648's charter for punitive reasons, stating that Local 648 should have taken the complaint to the AFM before going to court. Local 648 was made a subsidiary of Local 6. In 1943, AFM President Petrillo prohibited all subsidiary locals and granted charters to all black locals that chose not to merge with white locals. Black musicians in San Francisco were granted a new charter in 1945, as Local 669.⁵⁵

In the 1950s, black and white locals with the same jurisdiction began to merge, but Local 6 resisted. In 1956 the AFM directed Local 6 to put a merger proposition on their election ballot, which was voted down. In 1959, the Attorney General of California and the Fair Employment Practices Commission of the State of California filed a complaint against the two Bay Area locals and the AFM. The AFM then required Local 6 and Local 669 to merge in April 1960.⁵⁶

The National Association of Orchestra Leaders, the 1979 Consent Decree and the Independent Contractor Problem

The passage of the Taft-Hartley Act in 1947 made unions in the United States venerable to legal attack, and the AFM was no exception. During this time, jobs for musicians were becoming increasingly scarce due to changes in technology and changes in popular music styles. Popular music that was once performed by large orchestras was slowly being replaced with smaller jazz combos and dance bands, and later, small rock n' roll bands. Simultaneously, work as a professional musician became increasingly freelance. Until this time, musicians were largely considered to be employees of the venues where they were performing. In 1948 the IRS ruled that bandleaders were considered employers for tax purposes.⁵⁷ Freelance musicians increasingly

viewed themselves as employers, rather than employees, in terms of how they conducted business. These “independent” bandleaders began to legally challenge the strict rules that the AFM had established, particularly the rules for booking performances and working at venues on the union’s “unfair list.” The biggest foe of the AFM in this regard has been the National Association of Orchestra Leaders, an employer association of bandleaders.

During the 1960s and 1970s the NAOL filed literally hundreds of NLRB charges and lawsuits against AFM locals around the country. They claimed that the union unfairly restrained trade and controlled the business activities of musicians that claimed to be employers with “independent contractor” status. Both the courts and the NLRB agreed. The AFM was losing nearly every case, and a large body of case law developed to establish freelance musicians as independent contractors, rather than employees of the venue where they were performing.⁵⁸

The NAOL took on Local 6 in 1978 over a dispute with the Jimmy Henderson Orchestra. Henderson refused to abide by union rules for an engagement at the Cow Palace and filed NLRB charges. Local 6 settled out of court and paid Henderson a \$1000 settlement.⁵⁹

In 1984 Local 6 was challenged again over a dispute at the Hyatt Oakland Regency hotel, which began using a contractor to hire musicians in order to avoid hiring union musicians. Local 6 picketed the hotel. One of the picket signs specifically contained the name of a musician performing at the hotel, Don Lewis - a member of the NAOL - identifying him as a “non-union musician.” That specific language on the sign was challenged as illegal picketing in a complaint to the NLRB. The NLRB agreed.⁶⁰ Local 6 appealed the decision, taking the case to the US 9th Circuit Court of Appeals. Local 6 lost the appeal and would later pay a judgment of \$310,000 in damages to Lewis.⁶¹

The NAOL continued filing charges with the NLRB nationwide in an effort to break the union. By the 1970s was clear that the AFM would have to change how it did business. In 1979 the union negotiated a Consent Decree that settled all of the outstanding NLRB cases. The Decree established that the AFM could not compel a member musician, working as an independent contractor, to refuse work because of union rules. The union could no longer bargain with or even attempt to organize venues, because the venue is not considered the employer, but rather, the purchaser of the services of an independent contractor. The union was also prohibited from picketing or boycotting any venues because it constituted a secondary boycott, and is a violation of the Taft-Hartley Act. Because freelance musicians are considered independent contractors, and because a large number of union musicians are freelancers, the Decree was devastating to the AFM's bargaining power, and the union's ability to organize freelance musicians, both internally and externally.⁶²

Local 6 in Present Times

Since the 1979 Consent Decree, the Musicians Union Local 6 and the AFM have seen a gradual decline in membership, largely in the freelance area of the job market. Local 6 currently has approximately 2,000 members, down from nearly 6,000 in 1969. Current membership in the AFM is approximately 100,000, down from 330,000 in 1976. The AFM has its strongest collective bargaining agreements with major symphonies/orchestras, Broadway-style theater production companies, and large record companies. Local 6 has agreements with the major orchestras in the Bay Area such as the San Francisco Symphony, the San Francisco Opera Orchestra, the San Francisco Ballet Orchestra. The Local 6 hall is currently located at 116 – 9th Street in San Francisco.

A recent labor dispute that Local 6 engaged in was the 1996 San Francisco Symphony strike, led by the local's current president Melinda Wagner. At this time relations between the symphony management and the union were contentious. The main issues of the strike were health benefits, an overly rigorous rehearsal schedule, and wage increases. The strike received a lot of attention in the local media. Many concerts were cancelled, and the symphony musicians, typically well paid, had trouble gaining the sympathy of the public. In an effort to sway public opinion the musicians performed free concerts for the public in local churches. After a difficult nine weeks the parties reached a satisfactory agreement.⁶³ While the strike was not considered a victory for the union, it did bring about changes in management personnel that improved union-management relations.

Conclusions

The history of the Musicians Union Local 6 and the AFM reveals several critical issues that face current-day musicians. Perhaps the most important issue is the displacement of live, professional musicians due to developments in recording technology. Recorded music has been putting musicians out of work since early in the 20th century. The AFM and Local 6 have a long history of fighting to preserve jobs and create new jobs for live musicians, making the AFM the leading advocate of preserving live music as an art form. In recent times technology continues to be a problem for musicians. High-speed internet has made it easier for recorded music to be pirated and distributed illegally. This practice deprives recording musicians of their proper royalty payments. The AFM helps to ensure proper payment for these musicians, provided they are working under a collective bargaining agreement.

A second issue that faces the AFM is the legal status of freelance musicians as independent contractors. A significant portion of jobs for musicians in San Francisco is live, freelance performances in clubs, bars and restaurants. However, since the 1979 Consent Decree, Local 6, and the entire AFM, has been unable to effectively organize freelance musicians. Most musicians join only when they have a definite employer, such as a record company or major orchestra. The AFM now encourages member bandleaders to sign collective bargaining agreements with the union, but the effort has had only limited success. Effectually, the independent contractor status keeps an entire segment of the musician job market mostly non-union.

A third issue revealed in this history is the scarcity of jobs, or conversely, the oversupply of labor. As early as 1898, the Local 6 Board of Directors issued the following resolution, “There are now too many musicians in San Francisco, more than enough to fill all the jobs. What we need is work, not musicians. Stay away from San Francisco. You’ll find it cheaper in the end.” AFM President Petrillo, on the same subject, said in 1951, “A musical career offers no security.”⁶⁴ Musician underemployment has led to competitive underbidding for jobs. Amateur and semi-professional musicians often compete for the same jobs as professional musicians, and are willing to perform for less pay as a professional. Many amateur groups, hoping to be discovered by a major record company, perform without pay at nightclubs simply for promotion. The result is oversupply in the musician labor market and lower overall wages for professional musicians.

Today the Musicians Union Local 6 and the AFM continue working to take on the issues discussed here. As stated in the Local 6 constitution, it is their mission to “unite the instrumental musicians of San Francisco and vicinity for the better protection of their interests, to promote and

conserve their welfare, to regulate wages and all business conditions appertaining to the musical profession.”⁶⁵ The American Federation of Musicians constitution states it is their mission to “improve wages and working conditions, expand the role of musicians in workplace decision making, and build a stronger union.”⁶⁶ The AFM has a rich history of struggle to protect musicians in their employment. Locally, nationally and internationally, union musicians are still organizing, and still making history for professional musicians.

Footnotes

¹ Neuman, W. Lawrence. 1994. *Social Research Methods: Qualitative and Quantitative Approaches*. Boston. Allyn and Bacon. Chapter 16, pp. 368-400.

² Kern, Phyllis. 1985. *A Centennial History of San Francisco Musician's Union, Local 6*. San Francisco: pamphlet published by the Musicians Union Local 6. p. 1.

³ *San Francisco Chronicle*. April 29, 1917 p. 36.

⁴ Seltzer, George. 1989. *Music Matters: The Performer and the AFM*. Metuchen, NJ: Scarecrow Press. p. 5.

⁵ Dewey, James. February 1957. "History of Local 6." *Musical News* (newsletter of AFM Local 6); *San Francisco Chronicle*. April 29, 1917 p. 36.

⁶ Seltzer, p. 6.

⁷ Seltzer, p. 6; Roe, Jessica. 1995. *The AFM: The First Century*. New York: booklet published by the American Federation of Musicians. pp. 5-6; Leiter, Richard D. 1953. *The Musicians and Petrillo*. New York: Bookman Associates. p. 15.

⁸ Roe, p. 5.

⁹ Seltzer, pp. 8-9.

¹⁰ Kern, p. 1.

¹¹ *Musical News*. September 1977, p. 2.

¹² Bean, Walton. 1952. *Boss Reuf's San Francisco*. Berkeley: University of California Press. pp. 20-27.

¹³ Kern, p. 1; *Musical News*. September 1977, p. 2.

¹⁴ Bean, p. 20.

¹⁵ Bean, p. 21.

¹⁶ Bean, p. 26.

¹⁷ Kern, p. 2.

¹⁸ Bean, pp. 120-123.

¹⁹ Bean, pp. 145-152.

²⁰ Bean, p. 226.

²¹ Bean, p. 315-316; *Musical News*. September 1977, p. 2.

²² Dewey. *Musical News*. February 1957; Kern, p. 2.

²³ Kern, p. 2.

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- ²⁴ *San Francisco Chronicle*. April 29, 1917 p. 36.
- ²⁵ Kern, p. 2.
- ²⁶ Dewey. *Musical News*. February 1957; Kern pp. 2-3.
- ²⁷ Dewey. *Musical News*. February 1957; Kern pp. 2-3.
- ²⁸ *San Francisco Chronicle*. August 19, 1926 p. 5, August 20, 1926 p. 17, August 21, 1926 p. 17, August 26, 1926 p. 7, August 27, 1926 p. 3, August 31, 1926 p. 8, September 7, 1926 p. 2.
- ²⁹ *San Francisco Chronicle*. November 12, 1929 p 12.
- ³⁰ *Musical News*. April 1, 1929 p.1, July 1, 1929 p. 1, May 15, 1930 p. 1; *San Francisco Chronicle*. May 1, 1929 p. 21, May 2, 1929 p. 3, May 11, 1929, p. 15, June 1, 1929 p. 10, June 20, 1929 p. 13, April 11, 1930 p. 7; June 10, 1930 p. 5, October 31, 1930 p. 5.
- ³¹ *Musical News*. May 1, 1929 p. 1, July 1, 1929 p. 1; *San Francisco Chronicle*. June 6, 1930 p. 1, June 24, 1930 p. 3, July 16, 1930 p. 11, August 15, 1930 p. 5.
- ³² *Musical News*. January 15, 1929 p 1, March 15, 1929 p.1, October 1, 1929 p. 1, November 1, 1929 p. 1, March 15, 1930 p. 1; Leiter, Richard D. 1953. *The Musicians and Petrillo*. New York: Bookman Associates. p. 59.
- ³³ Leiter, p. 61; *Musical News*. January 1932; *San Francisco Chronicle*. May 26, 1932 p. 4, October 1, 1936 p. 16.
- ³⁴ Leiter, pp. 42-45.
- ³⁵ Leiter, pp. 45-48.
- ³⁶ Leiter, pp. 48, 74.
- ³⁷ *Musical News*. January 1943 p. 32; Leiter, p. 132.
- ³⁸ Leiter, p. 140.
- ³⁹ Leiter, p. 141.
- ⁴⁰ Leiter, pp. 82-83.
- ⁴¹ Leiter, pp. 142-144, 158.
- ⁴² Leiter, p. 152.
- ⁴³ Leiter, p. 158.
- ⁴⁴ Roe, p. 25.
- ⁴⁵ *San Francisco Chronicle*. June 2, 1949 p. 3, June 6, 1949 p. 2, June 7, 1949 p. 15, June 8, 1949 p. 3, June 9, 1949 p. 10, June 10, 1949 p. 2, June 11, 1949 p. 8.
- ⁴⁶ Leiter, p. 148; Roe, p. 24.
- ⁴⁷ Leiter, p. 80.

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- ⁴⁸ Leiter, p. 95.
- ⁴⁹ Leiter, p. 178.
- ⁵⁰ *Musical News*. March 1948, p. 1.
- ⁵¹ Leiter, p. 166.
- ⁵² Leiter, p. 167.
- ⁵³ Kern, pp. 3-4; *Musical News*. January 1942, p. 39.
- ⁵⁴ Walsh, Alex. 2003. "A Brief History of Local 6." Unpublished article in the files of the Musicians Union Local 6; Walsh, Alex. 2003. "Eddie Alley: A Life of Firsts" Unpublished oral history interview in the files of the Musicians Union Local 6.
- ⁵⁵ Kern, pp. 3-4; Seltzer, p. 110.
- ⁵⁶ Kern, p. 6; *Musical News*. December 1959, p. 1, March 1960, p. 1.
- ⁵⁷ *Musical News*. July 1948, p. 1; Borenstein, Susan. 1998. "The AFM: Its History and Its Future." *Allegro*. New York: newsletter of AFM Local 802 in New York City. p. 6.
- ⁵⁸ Peterson, Charles. 1992. "Statement of Charles Peterson, As Treasurer for the National Association of Orchestra Leaders Before the Senate Committee on Labor and Human Resources Regarding S.492." New York: National Association of Orchestra Leaders. pp. 1-6.
- ⁵⁹ *Variety*. July 5, 1978.
- ⁶⁰ See NLRB decision: 298 NLRB 740.
- ⁶¹ See NLRB v. Musicians Union Local 6, 960 F.2d 842 (9th Cir. 1992).
- ⁶² Consent Decree between NLRB and the AFM. May 23, 1978 (taken from the legal files at the Musicians Union Local 6).
- ⁶³ *San Francisco Chronicle*. December 5, 1996, p. 1, December 10, 1996 p. E2, February 11, 1997 p. 1; *New York Times*. February 13, 1997 p. B7.
- ⁶⁴ Seltzer, p. 221.
- ⁶⁵ Constitution & Bylaws of the Musicians Union of San Francisco Local 6 (revised as of August 2002).
- ⁶⁶ Bylaws of the American Federation of Musicians (revised as of September 15, 2001).