

Bronx Cheer for Peterson's NAOL

by Ray Hair

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Friday, March 13, 1992 was as good a day as any to confront Charlie Peterson. President Massagli had called the IEB to New York City for five days of meetings beginning March 14. It would be the Board's first meeting in the city in years. It would also be a perfect opportunity (perhaps my only opportunity) to pay a call on Peterson, the self-appointed "Treasurer" of the National Association of Orchestra Leaders (NAOL) which is also based in New York City. So what's the big deal with the Orchestra Leaders, you ask?

The deal is that Peterson and his gang have been making history and a living out of terrorizing the AFM for more than thirty years. In 1959, Peterson and two of his pals, Joe Carrol and Ben Cutler, filed the first of a series of lawsuits against the AFM and New York Local 802. The unfavorable rulings in those early actions provided the basis for hundreds of National Labor Relations Board charges lodged later by the NAOL against the AFM and its Locals (including Local 72 in the early 1970's and Local 147 in the early 1980's) in a vain attempt to dismember our great union and make the entertainment business into a feudal system devoid of concern for working musicians. The AFM's defense against Peterson's attacks cost millions of dollars in legal fees and led to court-imposed settlements in the 1960s and '70s which gutted the protections of the AFM's Booking Agent Agreement, the Defaulters List and the Unfair List. It was Peterson, et. al., in 1963 who cut the legs off the AFM's pocketbook by obtaining an injunction against the 10% traveling surcharge, which

Our union has never recovered from that single fiscal setback. Nearly all of Peterson's NAOL court actions sought to remove the status of "employer" from the music purchaser and hang it around the neck of the Orchestra leader. The confusion and chaos in the music industry which stemmed from the misrepresentation of the employer/employee relationships of professional musicians in those cases led to the legislative initiatives of LIVE-PALRA). But Peterson and his bunch have never been ones to rest up after union-busing court cases. Over the years, and even today, aggressive AFM local activity has resulted in receipt of NAOL hate-mail sent either by Peterson himself or anonymously by one of his thugs.

One day in 1983, President-Secretary Foeller, trying to prepare me for what he knew would await me as Local 72 President, handed me a file-folder marked "NAOL" and urged me to study it. "you'll need to get used to this kind of thing," he said. Inside were Peterson's news releases and annual reports, trumpeting the NAOL's abusive onslaught toward the AFM and its Locals. I immediately flashed back to my experiences as a nightclub band leader in Dallas in 1978, when Peterson's D/FW devotees were preaching the NAOL gospel and trying to organize a lynch mob against Dallas Local 147. But even today, with the AFM reeling from its economic woes and Locals struggling to develop new organizing methods to replace those destroyed by NAOL court campaigns, Peterson has refused to lighten up. He has continued to attempt to undermine the AFM's legitimate interests at every turn, filing NLRB charges against the Las Vegas Local during its strike against the casinos, pleading with the AFM's signatory employers to treat all musicians as independent contractors, and begging the U.S. Congress to overlook the daily atrocities committed against musicians by music purchasers, all of which would be settled favorably by passage of LIVE-PALRA.

Yes, Friday the 13th would be a perfect day to confront Peterson. But just a personal visit to the NAOL, listed on the faded photocopied letterhead at 34 Metropolitan Oval, would not be enough. Let's show up on Peterson's doorstep with a hand-delivered letter asking a few questions about the NAOL. After all of Peterson's blab to the Congress, courts, and news media about the decline in AFM membership, the

AFM's financial troubles, and his non-stop bashing of AFM officials and Locals, I figured it was about time that somebody walk up to Peterson, look him in the eye, and ask, in person and in writing, stuff like who are the NAOL's officers? Are they elected? If so, when are they elected and who elects them? How many members does the NAOL have? Where are NAOL regional offices? Who are the regional directors? When and where are NAOL meetings held? Would you, please, provide copies of NAOL form 990's filed with the IRS over the last five years? And, oh yes, copies of NAOL by laws, membership list, and newsletters? Just a few simple little questions for Peterson on a piece of paper with the AFM seal emblazoned inside the state of Texas and the Lone Star Flag. Like holy water at an exorcism, I imagined. This was more than a call to duty. Heck, it would be an honor, I thought.

NAOL World Headquarters

Getting to New York City from D/FW was easier than finding Peterson's place from our location in Times Square. IEB member Sam Folio and his wife Monica had signed on to the mission, with Sam saying things like, "You know I can't let you do this by yourself," but plainly excited over the prospect of getting a first-hand look at the eye of an anti-AFM hurricane. After being jettisoned by several cabbies who either refused to take us or played dumb after hearing "34 Metropolitan Oval," we knew we were headed for something unusual. Monica called Peterson at the number listed on his NAOL stationery (to our surprise, the NAOL had no telephone listing in New York) and, posing as a special delivery courier, tricked him into giving her directions to the NAOL address. After a forty-five minute cab ride, at approximately 3:30 in the afternoon, Monica, Sam and I stepped out onto a narrow traffic circle surrounded by aging, numbered red brick tenement houses, located smack dab in the middle of the Bronx. "Keep your left hand in your pocket," warned Sam, referring to the diamond wedding ring Jackie had given me six years earlier. Dressed in a suit and tie, I didn't exactly match the look of the street toughs who watched as we wandered about their neighborhood, searching for the magic number.

Three or four more buildings over, and we found it. 34 Metropolitan Oval. An early 20th century apart-



AFM PRESIDENT MARK MASSAGLI looks on as NAOL "Treasurer" **Charlie Peterson**, left, loses his temper at Local 72-147 President **Ray Hair** inside a U.S. Senate hearing chamber following the conclusion of testimony concerning the **LIVE-Performing Arts Labor Relations Amendments (LIVE-PALRA)**.

ment building that had obviously seen better days. "He works out of his house," Sam said as we entered the small, dark foyer. Eyeing the mail drop, we noticed the name of Peterson amidst a row of names and apartment numbers. Tenants pointed to the elevator as we inquired the way to Peterson's door.

"Second floor," they said. Up the ancient elevator and to the door we went, but no luck. Nobody was inside. Disappointed, we returned downstairs and as the elevator doors reopened, we found ourselves face-to-face with Peterson himself.

"You're looking for me?" asked the 5'2" incredibly elderly man sporting black work shoes, a blue ball cap with tufts of silver-white hair creeping out from underneath and thick, black-rimmed eyeglasses that looked as though they weighed at least a hundred pounds.

"Yes," I said. "I have a letter for you, Mr. Peterson. I've come a long way to deliver it and I'd like to talk to you about it. There are some things we'd like to know about you and your organization." That was easy enough, I thought. Peterson snatched the envelope out of my hand and peered at it as we elevatored back to the second floor.

"I was just on my way to the post office. Who are you?" he said, edging sideways down the hall and groping for a key to his apartment door.

"I'm Ray Hair, from Texas," I answered. "And this is Sam Folio, and his wife Monica."

"You're Hair?" he snapped. "You're the one that's been giving my people hell down there."

Wow, how flattering, I thought. Maybe I'm on the right track with this union thing after all.

"And you're who?" he said loudly, squinting at Sam and Monica.

"I'm Sam Folio, from West Virginia and Reno," Sam said.

"Hair and Folio," repeated Peterson. "Two members of the Board," he said, again in a loud, high, squeaky voice. "I don't get guests like this everyday. You want to talk, huh? Well, come on in. Watch out for the elevator, I got mugged in there last week," said Peterson, a faint smile crossing his face.

We followed him in, slowly, through a dim, tiny entry hall, past a small kitchen table stacked with bulging file folders, across a cramped living area toward a bedroom. I guess you want to see the shop," he quipped, flicking on the light to reveal a

desk and bureau completely covered with piles and piles of manila folders and topped by a pink Los Angeles RMA directory. A small, worn Rolodex clung to the outer edge of the desk, obviously unable to compete for space against Peterson's massive files. Past what was apparently the NAOL nerve center, another room sat dark and silent, bed unmade.

Sam and I settled onto the couch in the small living area, Monica in an adjacent chair. Peterson stood before us, hands on his hips, like a grade school principal about to admonish delinquent children. "Are you here representing the Federation?" he asked.

"No, Mr. Peterson, we're here to give you that letter," I replied, pointing to the envelope, as yet unopened. "We'd like you to read it and answer the questions," I said tersely.

"Oh," said Peterson, opening the letter and unfolding it as he leaned toward the room's lone window to make full use of the afternoon sunlight. "Mr. Peterson," he began, following the first paragraph, "It has been brought to our attention that your organization was formed for the purpose of opposing the legitimate interests of the American Federation of Musicians..." his voice, which had been following the letter quietly, halted, then lurched into a high pitched whine somewhat akin to that of a jet engine at takeoff. "LEGITIMATE!" he roared, and instantly we knew we were dealing with a man who was hard

*"I don't hate you,
I just hate
what you
represent..."*

— Peterson

of hearing and prone to yelling instead of talking, particularly when his buttons were pushed. "Your union is anything but legitimate," he snorted. "What do you call leaders, partnerships, contractors and singles? They're all independent contractors! We've proved that time after time. And your union is full of them!" Peterson, gulping and shuddering after his takeoff roll, circled, and then continued his gatling gun-like commentary. "Which means your union can do practically nothing for musicians. Look here," he sneered, waving a copy of the *INTERNATIONAL MUSICIAN* he grabbed from his kitchen table. "You have no business helping the Guy Lombardo band. He's a leader, an employer, our cases say so, and you can't represent employers," he stormed.

Now my blood was beginning to boil. Here we were in the living room of the AFM's arch-enemy listening to him berate us for taking care of our own members. "Mr. Peterson, could you just read the letter and answer?" I intoned, trying to collect what little restraint I had left.

"And your journal," he continued, undaunted. "Why have you quit printing the minutes of your board meetings? You're not even a union," he shot, icily.

Enough was enough, I could endure his blasphemy not a minute longer. "Look, what we print in the *INTERNATIONAL MUSICIAN*, particularly the official business, is none of your business," I said. "And if we can be of service to our members and help them out of a jam, that's none of your business either. I came all the way from Texas to discuss this letter with you and I'd appreciate some answers." I looked at Sam Folio who had remained quiet, content to ob-

serve, for the moment.

Peterson, with a slight smile on his grizzled face, still standing before us, said "You're in my place and you'll listen to what I have to say or you can hit the road."

"No, Charlie, we'll stay and hear you out," said Sam. "Are we keeping you from the Post Office? Do you want to sit down?" Sam said.

"Post Office? Oh, no. This is more important," he said excitedly. "I feel like I'm ten feet tall." Obviously pleased with himself, he throttled down into what could be described as a quasi-story telling mode. "It was back in 1959 when we started this. What were you doing in 1959, young man?"

"I was thinking how proud I was to be in second grade instead of first," I answered. By this time, Sam and I knew we were about to get Peterson's version of the history of the world, according to the NAOL, since 1959. We bit our tongues and hunkered down.

"We were all members of Local 802," continued Peterson, "and we would go to the meetings on the Exchange Floor and it all started over what they called the 'price list'. What do you think of when I say price list?" he asked.

"I think of the pieces of paper I take to the grocery store," I said, smartly.

"Yes, well, every year 802 would have a Price List meeting to discuss the prices or scales to be charged for the musicians for their work. Hundreds of musicians would show up and vote up the scales, to which we, the leaders, were always opposed to having raised. The problem was, we were always outnumbered. Usually there were only ten or so of us, and we were always over in one corner of the room and they knew we were going to be outvoted every time, and they made fun of us." Suddenly he changed gears. "I am still active in the business," he said, putting on a poker face that reminded me of several booking agents I know. "I'm a theatrical producer and I am an expert in stage lighting and sound. I still do a bit of business over on 34th Street."

Somehow, I just couldn't picture Peterson on stage behind a multi-channel mixer board doing Delbert's monitors. "Oh, really?" I said, trying to act like I was going for it.

"Yes," he continued, "but 802 kept increasing the prices of the musicians and were powerless to prevent it. So, one day we got the name of a lawyer and went to see him. He asked us a lot of questions about our business, like who hires the musicians, who tells them what to wear, and such. Finally, the lawyer told us that we were employers and that 802 ought to negotiate the musicians' wages with us. 802 told us 'we never bargain' and we retained the lawyer, Godfrey Schmidt, to file suit. We each kicked in \$500.00 or so, dropped our checks off at his office one afternoon..."

On and on, Peterson went, for the better part of two hours, describing in detail the NAOL's (back then it was Orchestra Leaders Association of Greater New York) moves against 802 and the AFM in the early sixties in U.S. District Court and in the 2nd Circuit Court of Appeals, moves that eventually destroyed decades of AFM protective practices.

"Why do you hate the Union?" I asked at some point in his lengthy monologue.

"I don't hate you, I just hate what you represent," said Peterson, intensely. He quickly returned to his vocal documentary.

That must be it, I thought. He hates what we represent. The welfare and interests of professional

musicians. Good faith and fair dealing in the music industry. Maintenance and enforcement of fair wages and working conditions for all musicians. Labor law protections for musicians the same as exist for other workers. It dawned on me that there could never be peace with Peterson if, as we had been explicitly and pointedly told, he hates what we represent.

Sam, Monica, and I sat quietly, patiently, as the minutes ticked by, watching as Peterson would point to his file folders laying all about the room, saying he had the facts, the proof, and copies of everything, promising to send us volumes of corroborating materials later.

"Mr. Peterson, its getting dark outside, do you think you could read the letter?" I asked gently, hoping that Peterson would not explode again.

"I'll read it later," said Peterson, trying to avoid the subject.

"No, read it now," I interrupted, determinedly. "I'm going to have to insist that you read it. After all, we've listened to your side of things for the past couple of hours." I gave Peterson a hard look like he shouldn't try to make us leave without reading it.

He picked up the letter from where he'd left it, on the vintage 1950's Hi-Fi console, and moved again toward the window, straining his eyes for more late afternoon skylight. His voice stammered through the paragraphs, through the questions. Finished, he whirled to face us.

"Get your answers in court," he said. "If you can get a judge to order me to tell you, I'll tell you."

"But that's not fair," I said. "All of our materials, our reports, our newsletters, our lists are public information and are readily available for you to obtain and criticize. You're a non-profit organization, too." Peterson nodded in agreement. "You have to make your information available to the public," I said.

"Get it in court," said Peterson, "But I'll make you an offer, lets have a forum. Lets get the IEB and its attorneys and me and the NAOL and our attorneys together and debate the issues. Then, maybe you'll get some answers," he said tauntingly.

"Why would we want to go to that kind of trouble, if you hate what we represent?" I replied. "It's getting dark and it's dangerous out there. We better go, while it's still light," I said.

Peterson led us back into the hallway. "I won't tell anyone about this meeting," he said. I noticed a plaque on the wall, a Distinguished Service Award presented to Peterson by the ITAA, a consortium of Booking Agents who years ago joined Peterson in opposing PALRA.

"That's O.K. Charlie, we don't mind if people know we were here," Sam and I said together.

Minutes later we were in a cab speeding back toward Manhattan. It was a quarter past 6:00. Sam and Monica and I were reflecting on our encounter. Never in a zillion years would we have believed that three decades of legal and financial reversals for the AFM, which have adversely affected the lives of hundreds of thousands of musicians and cost millions and millions of dollars could have been masterminded by a handful of old men operating a hate-mail campaign from a three room flat in a Bronx tenement house. "People need to know," Sam said. But would they believe, I wondered.

Experts say that if you want to get rid of nightmares, you need to confront them. On Friday the 13th, 1992, we confronted the AFM's worst nightmare and found reality much less fearful than Peterson's wildest dreams. Sorry, Charlie.