ICSOM STRENGTHENS AFM TIES

With the prospect of four of its member orchestras, Cincinnati, Montreal, Baltimore, and St. Louis, facing lockouts, ICSOM moved quickly to extend to them all of its resources. The ICSOM Emergency Relief Fund, which has recently been of valuable assistance to the National Symphony, the San Francisco Symphony and the St. Louis Symphony was made available. Aside from its concern with the imminent lockouts of 4 major orchestras, the conference moved to strengthen its ties with American Federation of Musicians.

Labor Attorney Retained

Leading New York labor lawyer, I. Philip Sipser, was retained by the conference. Along with the amendments printed in the last (Summer Supplement) Senza Sordino, the delegates adopted several other amendments for ratification by the member orchestras. Importance to the future of ICSOM was a change in the dues structure, raising individual rates to $6, $8 and $10 from $3, $4 and $5. Other proposed amendments dealt with Officers and traveling expenses for delegates. ICSOM’s executive board was instructed to contact the Voice of America over taping, and upon instruction from the member orchestras, to work with the AFM to ban any future taping agreements which violate the Federation price list. The emergency relief fund contributions were kept at $3 and funds were authorized spent to buy the Contract and Rapid Communications Center a new duplicating machine. Committees were appointed to deal with the upcoming recording contract and to draw up guidelines to permit refusal to perform compositions whose parts are illegible.

New orchestras accepted into ICSOM were Dallas, Denver, Montreal, New Orleans, San Antonio, Vancouver and the New York City Ballet. The Chamber Symphony of Philadelphia was granted a conditional acceptance.

Denov New Vice-Chairman, Others Re-elected

Re-elected were Chairman George Zazofsky of the Boston Symphony; Secretary Robert Maisel of the St. Louis Symphony; Treasurer Gino Raffaelli of the Cleveland Symphony; and Senza Sordino Editor David Smiley, San Francisco Symphony. Newly elected as Vice-Chairman was Sam Denov, Chicago Symphony.

Guests of the conference were: Merle M. Alvey, President of Local 5, American Federation of Musicians, Detroit; Ted Dreher, Chairman of the AFoFM Law Committee and President of Local 34, Kansas; Ken Farmer, President of Local 2, St. Louis; and Jerry Spain, Vice-President of Local 6, San Francisco. The next annual conference will be held in Baltimore August 29 through September 2, 1969.

MEMBER ORCHESTRAS

- International Conference of Symphony and Opera Musicians
- Baltimore Symphony
- Boston Symphony
- Buffalo Philharmonic
- Chamber Symphony of Philadelphia
- Chicago Symphony
- Cincinnati Symphony
- Cleveland Orchestra
- Dallas Symphony
- Denver Symphony
- Detroit Symphony
- Honolulu Symphony
- Houston Symphony
- Indianapolis Symphony
- Kansas City Philharmonic
- Los Angeles Philharmonic
- Metropolitan Opera
- Milwaukee Symphony

- Minneapolis Symphony
- Montreal Symphony
- New Orleans Philharmonic
- New York City Opera and Ballet
- New York Philharmonic
- Philadelphia Orchestra
- Pittsburgh Symphony
- Rochester Philharmonic
- St. Louis Symphony
- San Antonio Symphony
- San Francisco Symphony and Opera
- Seattle Symphony
- Toronto Symphony
- Vancouver Symphony
- Washington National Symphony
HISTORICAL PARALLEL?

In pointing up the difficulties of the budget problem, Joseph Meyerhoff, president of the association, mentions the "divided loyalty" of music lovers in the Baltimore area.

This refers to the fact that the Philadelphia Symphony Orchestra plays eight concerts here during the season, thereby drawing some attendance and money which might otherwise go to the Baltimore orchestra.

The irony is that half a century ago, the Boston Symphony Orchestra included in its season a series of concerts in another city, posing a similar problem for the orchestra of that city.

That orchestra faced a crisis similar to the one now faced by the Baltimore orchestra.

Its salaries were relatively low and its quality was criticized, and there was talk about the "divided loyalty" of its citizens who attended the Boston Symphony series.

During the crisis, that orchestra hired a new conductor who molded it into one of the nation’s finest. Its local support grew. The Boston Symphony discontinued its series there.

The conductor was Leopold Stokowski, and the city, of course, was Philadelphia.

— Lou Panos, Baltimore Evening Sun

TREASURER’S REPORT

by Gino Raffaelli

All orchestras except the Metropolitan Opera (which has notified it will pay very soon) have paid their 1967 dues. The current General Fund checking balance is $3,904.88. Disbursements from 9/3/67 to 8/31/68 totaled $8,926.36. Receipts from 9/2/67 to 8/31/68 (not including delinquent dues) were $8,883.00. It is apparent that a dues increase is a vital necessity in order to maintain the services of legal counsel.

The current Emergency Relief Fund balance is $315,28 in the checking account and $7,653.42 in the savings. Nineteen sixty-seven contributors to the ERF are Los Angeles, San Francisco, Rochester, Houston, Dallas, Seattle, Indianapolis, Kansas City and Pittsburgh. On 9/16/68 a check for $2,000 was sent to Henry Shaw of the Cincinnati Orchestra Committee upon request and with the approval of the ICSOM Executive Board as a loan to help the orchestra members in their current lockout. A similar payment, since repaid, was made to the San Francisco Symphony in January, 1968.

Orchestras are requested to refrain from sending in 1968 dues until the vote is tabulated on the proposed dues increase and orchestras are notified of its acceptance or rejection.

Gino Raffaelli

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CINCINNATI OUT 4 WEEKS

by HENRY SHAW

The four week work stoppage of the Cincinnati Symphony Orchestra is a thing of the past. On Sunday, September 29 the members of the orchestra approved a two year package. There is an option for a third year which the management has indicated it intends to pick up barring unforeseen financial difficulties. This was the first work stoppage in Cincinnati in sixty-one years.

Management: “No Contract, No Work”

The management, obviously not in a hurry to book work in August, announced park concerts and in-school concerts to begin on September 3, then made such inadequate proposals up to that date that the musicians’ negotiating committee simply would not recommend them to the members of the orchestra. An offer to return to work on that date while continuing to negotiate — gains to be retroactive — was made by the musicians’ committee. This was met by a response from the management of “no contract — no work”, an attitude that gave the musicians no recourse.

Musicians: “No Contract, No Work”

The subscription series was to begin the week of September 23 and in an attempt to get the orchestra to work, a majority of the negotiating committee voted to propose a three year contract of 48, 50 and 52 weeks at $190, $200 and $210 basic pay, with a clause that would permit the management the option of terminating the second and third year of the contract — such option to be picked up by June 1 of 1969. This was in essence a one year contract plus promises. The management agreed to this proposal. At a meeting called to ratify, the proposal met a sound defeat, 48 to 16. It was obvious that after being denied work on September 3 the orchestra members were not going to buy a “pig in a poke”.

The vote, plus a subsequent survey to pinpoint membership opinion, helped give direction to our negotiating committee. After another week of negotiating and the approach of an “Nth hour” when irretrievable weeks and cancelled soloists faced all concerned, both sides agreed to a firm two year contract of 48 and 50 weeks at $190 and $200, and a third year of 52 weeks at $210, optional to management with a January 1, 1970 decision date. Paid vacation was set at three weeks for the first two years, and four weeks the third year. There were gains in other areas. The musicians ratified three to one.

Some Disappointed

Disappointing to many was the $10 per week salary increase which hardly covered the increase in the cost of living, and while some progress was achieved in adding the AFM-EPW pension program to an existing private plan, coverage is far from adequate at this time. Management would not make a solid commitment to cooperate in staging a pension concert. It was felt that their problems relating to the Ford Foundation matching grant and the considerable cost of remodeling our concert hall made it imperative for them to use all money-raising devices for those purposes.

Like the San Francisco orchestra, our orchestra faced a dilemma that some day had to be solved. Work had to be found for those musicians who were not employed for the five week Summer Opera season. Last year 50 C.S.O. members worked 48 weeks; the remainder only 43 weeks. In a sense 50 members have sacrificed substantial gain the first year of the new contract to solve our largest problem. The spirit with which our members met this challenge can only help make for a more unified orchestra.

This entire labor dispute had a low pitch to it. There was no picketing and newspapers generally handled developments as objectively as possible. There were several sympathetic articles, the result of interviews with our orchestra committee chairman, Dick Topper. The local bought space to present the musicians’ position. An ICSOM article supporting the musicians’ position didn’t appear in either paper. It would seem that perhaps the Cincinnati papers did not approve of “outside influence” into a local situation.

Praise ICSOM, Local, Committee

Full employment for members of our orchestra is virtually a reality now. Guaranteed wage will rise from $7,910 last year to $9,120 and $10,000 next year with $10,920 projected for the 1970-71 season. Our orchestra personnel was moved by ICSOM’s quick response to its financial situation. The loan from the Emergency Relief Fund was deeply appreciated.

Enough cannot be said for the untiring efforts of our orchestra committee plus the president and vice-president of our Local, all of whom sat through better than thirty meetings to help consummate the new contract.

BOSTON TO NEW HIGH, $14,000, MANY GAINS

A new 3-year agreement was announced five days before the expiration of the current contract. Among the features of the new agreement, reached after nearly 18 months of negotiation, is an annual recording guarantee of $1,000 per player. Total guarantee for 68-69 is $14,000, for 69-70 is $15,000 and for 70-71, subject to possible recognition by either side, is $15,500. Per diem was increased from $22 to $25. Six weeks of paid vacation, but tour conditions were as yet unsigned. Blue Cross and major medical insurance will be carried by the management.

More New Features

The agreement contains several features new to the Boston Orchestra, including fifteen 5-day weeks in each of the contract’s three years, eight of which will have two consecutive days off in the first year, increasing to ten 5-day weeks in the 2nd and 3rd years. Another new feature is an advisory committee to be formed of five orchestra members. It will act in a consultative role, advising the management on musical matters and other musical aspects of the Orchestra.

George Zazofsky, member of the orchestra and ICSOM Chairman, says “We are extremely proud of the strong promotion innovation. No single factor can deteriorate morale as surely and as quickly as a colleague feeling he has been dealt with unfairly in competition for promotion. I am sure all symphony musicians have either experienced this frustration or witnessed it. I sincerely believe this procedure as outlined in our new contract to be the best yet devised.”

String Seating Procedure

The Music Director will determine seating on the first stands, filling vacancies by means of preliminary (behind screens) and final (by name, in the open) auditions.

Service on an auditioning (or advisory) committee is compulsory, but the management makes some monies available for recompense. All new string players, other than those hired for the first stands, come in at the end of the sections. Promotions within the orchestra are by screened auditions and the decision is by plurality vote. An automatic move-up procedure is used in some cases.

FROM THE AFM CONVENTION

“The symphony orchestras wherever located in our country are doing a great job and we feel that it is important for the Federation to give due and proper consideration to Article 32, Section 3, of the Bylaws and it is our suggestion that at this convention, some thought be given to advancing the total interests of the Symphony Members, to the end that a clarification of all views be fully consummated, and the pending application for recognition be reached.”

—Committee on President’s Report, Shreveport 1968
ICSOM SELCTS LABOR LAWYER

Probably best known to Senza Sordino readers because of his whirlwind windup of the latest New York Philharmonic contract, I. Philip Sipser was retained on a month to month basis by the 1968 ICSOM conference by a unanimous vote of the delegates. The prominent labor lawyer, who was admitted to the New York State Bar in 1941, earned the right to appear before the U.S. Supreme Court in 1955. He brings a large and dedicated staff of attorneys to ICSOM’s problems, and an impressive list of labor organizations which he now represents. Included among them are the National Conference of Brewery and Soft Drink Workers of the Teamsters, Local 259 United Auto Workers, Local 1199 Drug and Hospital Employees Union AFL-CIO, Local 102 United Piano Workers (AFL-CIO), Local Union 8-138 Oil, Chemical & Atomic Workers International Union, Senior Social Service Administrators Association and many others.

VIGOROUS RESPONSE TO QUESTIONS

His direct and forceful response to the questions of the ICSOM delegates was most impressive. Many problems were touched upon, including the relationship of ICSOM to the AFM, the future of ICSOM and how it can service the member orchestras, legal aspects of the conductor questionnaire, and more specific (local) problems. Mr. Sipser indicated the various legal services he could provide to ICSOM, including acting as a repository and collator for arbitration cases and working out contract ideas in legal terms.

He is a member of the New York County Lawyers Association, the Federal Bar Association of New York, New Jersey and Connecticut, the American Jewish Congress (and Past President of the Westchester Chapter) the National Lawyers’ Guild and the Panel of Arbitrators of the American Arbitration Association. Senza Sordino says, “welcome, Phil Sipser!”

LETTERS TO THE EDITOR

On Nonviolence

The most dangerous false doctrine of the world is that real progress is made only when irresponsible hotheads grab the mantle of leadership and initiate programs of psychological, or even physical, violence. Symphony musicians can do their part in helping to bring more sanity into the world by simply pointing to specific examples of progress achieved through strictly nonviolent methods. A little study and thought will bring to light many fine examples. Allow me to suggest two:

1. The Ford Foundation grants which came about as a result of negotiations between the Foundation and symphony trustees. The presentation of facts in a courteous manner accomplished the desired end; any form of violence would have killed this great benefit.

2. The success of arts, humanities, and education legislation. All of this legislation could have been defeated if its promoters had resorted to silliness, illegal and undignified acts in public, or any other activity calculated to “shock” or otherwise commit psychological or physical violence upon taxpayers. Symphony musicians can be proud of the fact that they participated in a gigantic grassroots campaign of letter writing which included many individuals and organizations to insure the success of all of this legislation. The letters were courteous and factual. They insulted nobody. They threatened no violence, no burning, no looting, no illegal or immoral acts. It should be remembered that the ICSOM Arts Legislation Committee sought and obtained invaluable encouragement assistance, information, and guidance for its letter-writing campaigns from AFM President Herman Kenin, the late AFM Washington Consultant, Hal Leyshon, and from Eugene V. Frey, President of Local No. 1.

Victor Rice

On Collecting Dues

Dear Colleague,

I just mailed the dues to the ICSOM Treasurer, Gino Raffaelli, and also told him how simple and painless it was to collect the money. With the consent of the Orchestra members and the cooperation of the Personnel Manager, we simply withheld the runout money. It certainly saved me a great deal of time — I thought I’d pass this on for whatever it is worth.

Sincerely,

Fred A. Ressel, Treasurer, Buffalo Philharmonic

BY-LAW AMENDMENTS

These By-Law Amendments, together with those published in the Summer Supplement of Senza Sordino should be considered by the member orchestras and the tabulated vote returned to ICSOM Secretary Bob Maisel by November 2, 1968.

Article II, Section 1a, b, c be amended so that the dues structure would be $6.00, $8.00, and $10.00 instead of $3.00, $4.00, and $5.00.

Article IV, Section 4 of the by-laws be amended to read as follows: Any member of an orchestra belonging to the ICSOM may be elected to office provided that he may serve only so long as he shall voluntarily remain a member of a constituent orchestra and does not assume any managerial or supervisory functions. Not more than one member from any one orchestra may serve as an officer at the same time.

Article VIII, Section 3d be amended as follows: The society shall, if requested, pay that amount of the traveling expenses of one delegate from each member orchestra that exceeds the median traveling expenses of all the delegates of the attending member orchestras.

CONGRESS OK'S $6 MILLION FOR ARTS

The U.S. Congress has authorized monies for the National Endowment of the Arts and Humanities for 1969 and 1970 for the Arts section at $6 million in 1969 and $6.9 million for 1970. It is interesting to note that in projections of the needs for the Arts current estimates made by the Endowment were in the neighborhood of yearly fund levels of $140 million for the Arts.

It would be easily possible for the Endowment to spend all of its total (for all the Arts) on symphonies alone. In projections submitted to Congress during the hearings which resulted in the reauthorization of the National Foundation and the setting of the $6 million limit, the question of what could be done if Congress were to allocate $22 million yearly, $5 million for music was broached. The response was that it would be easy to spend the entire allocation on symphonies alone. The estimate, in fact, is for a $14 million need immediately for symphonies. It is expected that about $1.04 million of the $6 million will be allocated to music, on the basis of the projection made above (i.e., $5 million to $22 million), perhaps $800,000 for performing groups of all kinds. Better write those congressmen some more!
ST. LOUIS TO PLAY FOUR WEEKS

The members of the St. Louis Symphony agreed on September 17, 1968, to a four-week period during which the orchestra will open the season as scheduled and work without a contract. Terms of the old contract will be the basis for wages and working conditions during the four weeks. Negotiations will continue with the understanding that any agreement reached will be retroactive to the beginning of the season.

Bob Maisel, Committee Chairman, writes that "we have decided on a strategy which is relatively new in the orchestra world. This approach was suggested by our lawyer and heartily endorsed by our PR man (incidentally, this man is very bright and helpful and I can see the day coming in which every orchestra will have, as they now have lawyers, a good PR man). I'm not suggesting that every orchestra go to work without a contract, because every situation is different; for us, however, this approach seems much wiser than striking.

"For one thing, the community was not deprived of the services of the orchestra and thus, it is incumbent upon the community to demonstrate to us that it sincerely appreciates our willingness to be of service; this means, of course, a much better wage offer than has been proposed. Already we are getting information which leads us to believe that this approach to the community is bringing dividends.

Gil Rogers Works With Committee, Union

"Gil Rogers participated in some of the sessions; he was invited at first because the Society was not convinced that the local had the complete backing of the Federation on its position concerning imports; his physical presence made a believer of them. We have an intelligent, hard-working committee; we also have the complete rapport of the local officers and Rogers worked side by side with us; he has ideas, he listens and can absorb information quickly, he has a head for strategy and timing; at no time did he do or say anything without consultation and approval from the committee."

THE RAY STILL CASE

By Sam Denov

Chicago — Oboist Ray Still, who was summarily dismissed from the Chicago Symphony Orchestra on May 5, 1967, was reinstated to his first chair position on December 18, 1968 with full seniority rights but without back pay.

Reinstatement came as the result of an arbitration award. Still's "dismissal for cause" was converted by the arbitrator to a "disciplinary suspension."

The award, while returning Still to his employment, meted out the harshest discipline short of immediate dismissal ever sustained by a musician in a major American orchestra.

The disciplinary action taken against Still was founded on alleged misconduct and insubordination. The management's action, however, must be viewed against its labor relations history with respect to Still and other members of the orchestra.

The Chicago Symphony had never had an orchestra committee until 1959 when Still and others helped form one. This resulted in the subsequent adoption of a dismissal review procedure involving an elected review committee composed of five principal players with at least five years service. The powers of the review committee were only advisory and therefore virtually meaningless.

However, it was Still, as a member of that first dismissal review committee, who in 1960 ferreted the information from Music Director Fritz Reiner that five musicians were being dismissed at the behest of the management for union activity. Still divulged this information to the orchestra committee. The five were reinstated, but only after they threatened to file unfair labor practice charges with the National Labor Relations Board.

Still has always remained active in union affairs. He successfully ran for union office with the slate that ousted Petrolio from Chicago's Local 10. He later resigned.

Still was represented at the hearings by Local 10-208's attorney. He was also allowed to have his own personal attorney. The union did not suggest that the company might be pursuing Still's dismissal with such zeal and vigor in order to punish him for past union activity.

Management Must Warn Player

Still was reinstated because the arbitrator found that the management had not informed him in advance that he would be dismissed in the event there were any further so-called incidents of alleged misconduct. It is interesting to note that there is no case in recent history of labor arbitration where a dismissal has been sustained in the absence of a prior specific warning.

The Still case serves as a prime example of the injustices being given legal sanction through the use of arbitration and reiterates the need for a thorough examination of arbitration procedures as a means of resolving important disputes.

THE BOB DANIELSON CASE

By Robert Maisel

In the spring of 1963, I learned from a fellow musician that Bob Danielson had been fired from the San Antonio Symphony Orchestra after seventeen years because of his committees activities. He had been spokesman for the committee and in January of 1963, while the orchestra was on tour, had requested the manager to restrain the making of a recording of a concert by someone in the audience. A few days later, he asked the conductor if better transportation might be arranged for the musicians from the hotel to the concert.

On January 30, Danielson was notified by management that his contract would not be renewed for the coming season. The orchestra manager specifically stated that he was not being discharged because of musical incompetence. (he was Assistant Principal of the second violin section) however, he refused to comment further.

Local No Help

Danielson requested help from his Local and was told that nothing could be done for him. (The contract simply stated that "It shall be the privilege of the employer to dispense of the further services of any musician by giving such musician written notice to such fact, not less than four (4) weeks prior to the closing of the current season.") Later, Danielson requested assistance or written reason for non-assistance from the president of his Local. He was told that he was simply "out of a gig" and that the president was tired of hearing about the matter. Finally he was informed by the Local that he should take his case to the National.

At the time, I was secretary of the St. Louis Symphony Orchestra Committee and, having had first-hand experience of attempted reprisal because of my Committee activities, I was naturally quite interested in this case. I contacted Danielson and replied rather vehemently to his wishful comment that perhaps nothing could be done and that some day he might again work in a symphony orchestra. I suggested the approved legal remedy for such cases; as a consequence Danielson filed charges of violation of Article 2 of the AF of M constitution and Article 9, section 6 (2); Article 12, section 6 (which is now section 8) and Article 22, section 4, of the By-Laws, as well as Article 9, sections 1, 2, and 6 of the By-Laws of Local 23.

These charges were filed in June of 1963; in January 1964, the International Executive Board dismissed Danielson's charges against (continued on page 6)
Danielson Fights For Job (Continued from page 5)

his Local. In the meantime, he filed charges with the Local against the conductor, Victor Alessandro: violation of Article 24, sections 3 and 8, of the AFoM By-Laws. These charges grew out of a reviewing of "The Golden Cockerel." The Local officials refused to accept these mailed charges; in fact, they didn't even open the letter!

He then filed these charges with the Federation, but no action was taken on this matter. Also, other charges were filed with the Local against the personnel manager and the Symphony Society with negative results.

In March of 1964 Danielson tried to get the IEB to re-open his case against the Local on the basis of prejudicial error, but the Secretary of the AFoM, Stanley Ballard, ruled that there was no new evidence or prejudicial error and therefore Danielson's request for re-opening the case was denied.

During this time Danielson was supporting his family by operating a small contracting business and by playing engagements. ICSOM was only two years old; I remember discussing the Danielson case with other delegates in Rochester, New York, at the Spring Symposium in 1963.

ICSOM Continues to Test Remedies

The 1963 ICSOM Conference was in St. Louis, and Danielson was present: his case was discussed during the general discussion on non-renewal clauses. We were still testing our remedies within the Federation. Danielson had had a very discouraging experience with a lawyer in San Antonio and was having trouble finding new competent legal counsel.

In 1964 three San Antonio musicians, including Danielson, were fined a total of $1050 by the Local. Don Smith, a bass player, was charged with "obstructing the working administration" of the Local; Danielson and another musician were charged with "aiding and abetting." No trial was ever held, however, the charges members were threatened with erasure from membership if the fines were not paid within ten days. The fines and the charges were subsequently dropped by the Local, presumably at the insistence of the Federation.

The next year, 1965, was calm; Danielson was still supporting his family as a wall-covering technician (paperhanger), playing a few jobs, staying in practice, and even giving a recital. We were still trying to figure out how to get him back into his orchestra.

In 1966 I attended the ICSOM Conference in Hollywood as the St. Louis delegate and was elected ICSOM Secretary. The Danielson case was discussed, as was the general situation in San Antonio. Largely as a result of this discussion, ICSOM decided to hold the next Conference in Houston because of its proximity to San Antonio.

Danielson was a guest of the Houston Conference. He presented a resume of his difficulties to the delegates; they were so impressed that they authorized the ICSOM Board to try to obtain a review by the IEB of the Danielson case. Marty Emerson and Alan Wood of the IEB also promised us that they would assist in helping Danielson. Immediately after the Conference, the ICSOM instructed Herrett and me to go to San Antonio to meet with members of that orchestra.

Following the Conference, we met in November with Kenin, Ballard, and Rogers. Again, we discussed the Danielson case; various approaches were examined (See Senza, January 1968). Four days later, Mike Werner, an International Representative, was sent by Mr. Kenin to San Antonio. Shortly after, Kenin sent Gil Rogers, his assistant on symphony affairs, to help negotiate the new contract. One condition was that Danielson return to the orchestra.

AFM, ICSOM Hail Victory

As a result of our combined efforts, Bob Danielson finally won. Epilogue: Bob Danielson will be again a member of the San Antonio Symphony Orchestra, playing, with his consent, fourth stand outside, second violin section. No punitive damages will be claimed because according to our legal counsel, there is no further compensation under law. Mr. Danielson, the AFoM, and ICSOM are quite happy at having won a long fight for justice for one of our colleagues, and from the experience we have gained in this fight, we will be even better equipped to continue.