

WHITE-WHEELER BILL REPRINTS

A number of requests for additional reprints of the White-Wheeler FCC Bill have been made of NAB headquarters and we have ordered another printing. If you wish additional copies of this bill please address Willard Egolf at NAB headquarters.

11TH DISTRICT RESOLUTION

Broadcasters of the 11th district, NAB, at their meeting August 4 in Minneapolis, presided over by Director Ed Hayek, passed the following resolution:

"Resolved that we view with alarm the jeopardy in which the American system of broadcasting is placed by the interpretation of the powers of the Federal Communications Commission as handed down by the Supreme Court, and we urge that Congress give immediate consideration to a new radio law, and that the United States Senate at once take the initial steps by passing the White-Wheeler bill."

FCC LOOSENS UP ON SMALL STATION PERMITS

Power of some 100 watt stations would be increased to 250 watts and new 100 watt or 250 watt local stations would be authorized in certain localities under an FCC ruling of August 10. FCC believes it would be in the public interest to grant such applications when the use of idle equipment is involved.

The applicant for a new station must show that:

1. All required materials, except vacuum tubes, may be obtained without priority assistance.
 2. Such applications involve no inconsistencies with the Commission's Rules and Regulations.
 3. Such applications tend toward a fair, efficient and equitable distribution of radio service, are consistent with sound allocation principles, offer substantial improvement in standard broadcast service, and
 4. Such applications are otherwise in the public interest.
- If building construction is involved WPB clearance also is mandatory.

Thirty days are allowed for reinstatement of applications for new local stations or modification of existing local stations which previously were dismissed without prejudice.

NEW TRANSMITTER TUBES WILL BE SCARCER

Indications are now prevalent that new transmitting tubes, especially those used by the higher powered stations, will become increasingly difficult to obtain. This is expected to be true during the balance of 1943, and the coming year.

During almost 21 months of wartime operation the

availability of transmitting tubes has been generally satisfactory.

This fact, however, should not lull the industry into a false sense of security. Broadcasters are urged to maintain a full inventory of tubes consistent with WPB regulations. Broadcasters can do much to improve their individual positions and the industry by minimizing new tube requirements and by making fullest possible use of tube repairing facilities.

Any lengthening of operational hours is to be avoided. Tube life is measured in hours of operation and any extension of the operating schedule will automatically deteriorate the tube situation.

WMC MANPOWER LIST MAY CRAMP BROADCASTING INDUSTRY

Within a few days the War Manpower Commission will issue its long awaited revision of manpower policy. Included in the new regulations will be a new list of critical occupations.

This list is expected to include only a few of the occupations previously listed in the series of occupational bulletins now in the hands of local draft boards. In all probability the broadcast industry, along with other industries, will suffer many deletions.

It is not expected that the new regulations will specifically rescind the occupational bulletins (No. 29 as applicable to broadcasting). However, the issuance of the new super-critical list will probably cause draft boards to give less consideration to the jobs listed in the occupational bulletins.

These new regulations together with the announced intention to draft fathers indicate that stations should intensify efforts to obtain and train replacements.

'BUSINESS AT WAR'

NAB, through cooperation of NBC, has on hand master recordings made of the broadcast "Business At War," which featured Donald Nelson, Elmer Davis, Judge Fred M. Vinson, Marvin Jones and Chester LaRoche in an appeal to advertising to support the war. Radio is lauded.

Pressings are available of the complete 45-minute program at a total cost of only \$3.00, express collect.

A complete set includes one double-face record and one single-face record, 16", 33 1/3 r.p.m. The records may be used before civic clubs, private auditions in your studios, etc., but must not be broadcast. Order your set today from NAB headquarters!

Neville Miller, *President* C. E. Arney, Jr., *Secretary-Treasurer*

Lewis H. Avery, *Director of Broadcast Advertising*; Walter L. Dennis, *Chief, News Bureau*; Willard D. Egolf, *Assistant to the President*; Howard S. Frazier, *Director of Engineering*; Joseph L. Miller, *Director of Labor Relations*; Paul F. Peter, *Director of Research*; Arthur C. Stringer, *Director of Promotion*.

ANALYSIS—JUNE 1943 WAR EFFORT BROADCAST REPORT

Here is an analysis of programs and announcements, of local origination, tabulated from station War Effort Broadcast Reports for June, 1943.

A sharp rise in the number of topics broadcast by stations becomes quickly apparent by reference to the last published analysis on page 677 of NAB REPORTS, Dec. 4, 1942.

The figures herein are minimum, not maximum. From a long time inspection of reporting forms, it is apparent that many stations do not report all war effort broadcasts.

	Type & Length	Number
Get Ready for Winter	1-Min. ET	4,640
Fats and Greases	1-Min. ET	11,340
Nutrition	1-Min. ET	5,850
Fuel Oil Ration (33 States)	1-Min. ET	3,090
Student Nurses	1-Min. ET	10,240
Women Engineers Training	1-Min. ET	7,770
Legal Prices	1-Min. ET	5,630
Ration Book III	1-Min. ET	4,600
Merchant Marine	1-Min. ET	11,300
Stop Unnecessary Travel	1-Min. ET	12,500
Social Security Cards	18-Seconds	8,680
War Bonds	1-Min. ET	46,720
War Bonds	1-Min. ET	9,730
		142,090
Performance on above items but not itemized		38,760
		180,850
Uncle Sam Programs	15-Min. ET	15,850
This Is Our Enemy	30-Min. ET	1,620
Coordinator of Inter-American Affairs	15-Min. Live	430
<i>Treasury Department:</i>		
Song Parade	3-Min. ET	25,710
Star Parade	15-Min. ET	10,840
U. S. Army (Voice of the Army)	15-Min. ET	2,770
U. S. Army: Other than above	Live Spots	3,910
	5-Min. Live	60
	7-Min. Live	50
	10-Min. Live	10
	15-Min. Live	740
	30-Min. Live	210
	30-Min. ET	10
U. S. Army & Navy: (Includes Air)	Live Spots	330
	5-Min. Live	20
	10-Min. Live	10
	15-Min. Live	150
	25-Min. Live	10
	30-Min. Live	130
	15-Min. ET	120

	Type & Length	Number
U. S. Navy & Coast Guard:	Live Spots	4,500
	5-Min. Live	160
	7-Min. Live	20
	15-Min. Live	550
U. S. Marines:	Live Spots	1,870
	5-Min. Live	10
	10-Min. Live	10
	15-Min. Live	110
	25-Min. Live	10
	30-Min. Live	40
	15-Min. ET	40
U. S. Maritime Service:	Live Spots	4,580
	15-Min. Live	10
	30-Min. Live	10
Agriculture:	Live Spots	1,730
	2-Min. Live	70
	4-Min. Live	400
	10-Min. Live	220
	15-Min. Live	2,150
	30-Min. Live	60
	5-Min. ET	180
	15-Min. ET	350
Child Care:	Live Spots	190
Civic & Fraternal:	Live Spots	1,300
	5-Min. Live	10
	15-Min. Live	170
	30-Min. Live	60
Civilian Defense:	Live Spots	3,700
	5-Min. Live	330
	15-Min. Live	210
	25-Min. Live	30
	30-Min. Live	70
	ET Spots	360
	15-Min. ET	520
Disaster:	Live Spots	320
Education:	Live Spots	740
	15-Min. Live	60
Flag Celebration:	Live Spots	1,230
	5-Min. Live	10
	15-Min. Live	20
	30-Min. Live	10
Forest Service:	Live Spots	470
Health:	Live Spots	80
	15-Min. Live	50
Housing:	Live Spots	390
Insurance:	Live Spots	850
Morale:	Live Spots	11,510
	5-Min. Live	420
	10-Min. Live	10
	15-Min. Live	480
	25-Min. Live	40
	30-Min. Live	400
	50-Min. Live	120
	90-Min. Live	10
	15-Min. ET	810
	30-Min. ET	10
OPA:	Live Spots	15,540
	4-Min. Live	230
	5-Min. Live	40
	7-Min. Live	50
	10-Min. Live	10
	15-Min. Live	120
	65-Min. Live	280
Post-Office:	Live Spots	2,900
	3-Min. ET	50
Post-War Programs:	5-Min. Live	10
	7-Min. Live	10
	15-Min. Live	10
	15-Min. ET	70

Type & Length Number

<i>Programs of Foreign Countries:</i>	Live Spots	20
	2-Min. Live	720
	5-Min. Live	290
	7-Min. Live	20
	15-Min. Live	370
	25-Min. Live	10
	30-Min. Live	50
	5-Min. ET	110
	15-Min. ET	440
<i>Quinine Pool:</i>	ET Spots	120
<i>Red Cross:</i>	Live Spots	11,290
	5-Min. Live	60
	7-Min. Live	40
	10-Min. Live	40
	15-Min. Live	480
	20-Min. Live	40
	30-Min. Live	40
	15-Min. ET	20
<i>Religion:</i>	Live Spots	100
	7-Min. Live	10
	15-Min. Live	40
	30-Min. Live	40
<i>Rubber Conservation:</i>	Live Spots	500
<i>Safety:</i>	Live Spots	1,860
	5-Min. Live	40
	10-Min. Live	40
	15-Min. Live	90
	ET Spots	550
	15-Min. ET	30
<i>Secret Service:</i>	Live Spots	170
	15-Min. Live	90
	15-Min. ET	20
<i>Social Security:</i>	Live Spots	260
<i>South American:</i>	15-Min. Live	70
	15-Min. ET	250
<i>Taxes:</i>	Live Spots	4,630
	15-Min. Live	10
	15-Min. ET	10
<i>Transportation:</i>	Live Spots	1,920
<i>United Nations:</i>	Live Spots	20
	15-Min. Live	20
	25-Min. Live	10
	15-Min. ET	180
	5-Min. ET	40
<i>USO & Service for Soldiers:</i>	Live Spots	5,720
	5-Min. Live	80
	15-Min. Live	160
	25-Min. Live	20
	30-Min. Live	70
	ET Spots	20
<i>War Bonds:</i>	Live Spots	12,450
	5-Min. Live	90
	15-Min. Live	560
	25-Min. Live	10
	30-Min. Live	80
	60-Min. Live	10
<i>War Dept.:</i>	Live Spots	150
<i>War Manpower—Civil Service</i> <i>—U. S. Employment—Dept.</i> <i>of Labor:</i>	Live Spots	10,630
	4-Min. Live	40
	5-Min. Live	290
	7-Min. Live	10
	10-Min. Live	60
	15-Min. Live	600
	25-Min. Live	10
	30-Min. Live	10
	ET Spots	390
	15-Min. ET	10
<i>WPB:</i>	Live Spots	1,380
<i>Women in Wartime:</i>	15-Min. Live	230
	30-Min. Live	10

RESUME OF PROGRAMS AND SPOTS, JUNE, 1943

Type & Length	Number
Live Spots	116,970
2-Min. Live	790
4-Min. Live	670
5-Min. Live	1,920
7-Min. Live	210
10-Min. Live	410
15-Min. Live	7,980
20-Min. Live	40
25-Min. Live	150
30-Min. Live	1,290
50-Min. Live	120
60-Min. Live	10
65-Min. Live	280
90-Min. Live	10
18-Seconds	8,680
ET Spots	163,880
3-Min. ET	25,760
5-Min. ET	330
15-Min. ET	32,330
30-Min. ET	1,640

NAB Research Department

August 12, 1943

'HASTEN THE DAY' IS TIMELY NEW OCD SHOW

The United States Office of Civilian Defense, beginning the week of August 15, is releasing to broadcast stations a new and totally different type of government wartime radio show. The new transcription series, "HASTEN THE DAY," will be a weekly fifteen-minute dramatic comedy of the "Aldrich Family" type.

Advance billing is that "it can hold its own with the best commercial shows." Stations wishing to carry the series may obtain the platters through OWI, Washington, or the radio section, Office of Civilian Defense, Washington, D. C.

"HASTEN THE DAY" is a series of episodes about the Tucker family, each show complete in itself, with a one-minute spot at the end of the show where local speakers may be scheduled if desired by the station and/or the local civilian defense organization. OWI has cleared the shows.

Leaning heavily on entertainment qualities to build a popular audience, "HASTEN THE DAY," is a sparkling, well-produced show with good music and an excellent professional cast. It is done without guns, tanks, planes and flag-waving speeches. The "message" is put across with expert showmanship and constant consideration of the importance of entertainment values.

FEDERAL COMMUNICATIONS COMMISSION

FCC RULE AMENDED

In view of the present shortage of electrical indicating instruments and the need for uninterrupted production of marine radio equipment for war uses, the FCC has amended Subsection 8.142 of its Rules, effective immediately, deleting the requirement for additional meters for a main transmitter completed by the manufacturer after January 1, 1944.

The amended Subsection 8.142 now reads:

"Subsection 8.142(d). A main transmitter shall be equipped with suitable indicating instruments of approved

accuracy to measure (1) the current in the antenna circuit, (2) the potential of the heating current applied to the cathode or cathode heater of each electron tube or a potential directly proportional thereto, and (3) the anode current of the radio frequency oscillator or amplifier which supplies power to the antenna circuit, or in lieu thereof, the anode current of such oscillator or amplifier plus the anode current of any other radio or audio frequency oscillator(s) or amplifier(s) normally employed as part of the transmitter."

912 STATIONS

During the month of July, one construction permit was granted by the FCC. A comparative table of the number of stations by months, follows:

	1942					1943				
	Aug. 1	Sept. 1	Oct. 1	Nov. 1	Dec. 1	Jan. 1	Feb. 1	Mar. 1	Apr. 1	May 1
Operating	905	906	908	910	909	910	910	910	911	911
Construction	16	14	11	9	9	7	6	5	2	2
	921	920	919	919	918	917	916	915	913	912

FEDERAL COMMUNICATIONS COMMISSION DOCKET

HEARING

The following broadcast hearing is scheduled to be heard before the Commission during the week beginning Monday, August 16th. It is subject to change.

Monday, August 16

Further Hearing in Washington, D. C.

KRBA—Ben T. Wilson, R. A. Corbett and Thomas W. Baker, Co-partners d/b as Red Lands Broadcasting Association, Lufkin, Texas—Renewal of license, **1340 kc.**, 250 watts, unlimited.

KRBA—Ben T. Wilson, R. A. Corbett and Thomas W. Baker, Co-partners, d/b as Red Lands Broadcasting Association (Assignor)—Voluntary assignment of license, **1340 kc.**, 250 watts, unlimited.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WSLS—Roanoke Broadcasting Corp., Roanoke, Va.—Granted modification of license to change frequency from **1490 kc.** to **1240 kc.** (B2-ML-1164)

WABY—Adirondack Broadcasting Co., Inc., Albany, N. Y.—Granted construction permit to authorize the installation of a new 250 watts transmitter, subject to decision on pending application for renewal of license. (B1-P-3530)

Mutual Broadcasting System, Inc., Chicago, Ill.—Granted extension of authority to transmit programs to Station CKLW, Windsor, Ontario, Canada, to stations owned and operated by the Canadian Broadcasting Corp., and to stations licensed by the Canadian Minister of Transport. (B4-FP-112)

KWKW—Marshall S. Neal, Individually and as Trustee of all other stockholders (transferor), and L. W. Peters (transferee), Southern California Broadcasting Co., Pasadena, Calif.—Granted motion to dismiss without prejudice application for consent to transfer control of Southern California

Broadcasting Co. (KWKW), Pasadena, Calif., from Marshall S. Neal, Individually and as Trustee of all other stockholders, to L. W. Peters. (Docket No. 6523)

LICENSE RENEWALS

Granted renewal of licenses of the following stations:
KPLT, Paris, Tex.; KGKL, San Angelo, Tex.; KBST, Big Spring, Tex.; KCMC, Texarkana, Tex.; KRBC, Abilene, Tex.

DOCKET CASE

The Commission has adopted Proposed Findings of Fact and Conclusions (B-183) denying the application of the Bremer Broadcasting Corporation, licensee of Station WAAT, Jersey City, N. J., for a construction permit to increase power from one to five kilowatts, install a new transmitter and effect changes in its directional antenna system for night use. WAAT is presently licensed to operate on **970 kc.**, 1 kilowatt, unlimited time, with a directional antenna at night.

At the same time, the Commission adopted Proposed Findings of Fact and Conclusions (B-184) denying the application of The Tribune Company, licensee of WFLA, Tampa, Florida, for a construction permit to increase its power from one to five kilowatts during nighttime operation and to make corresponding changes in its directional antenna. WFLA now operates on **970 kc.** with power of 5 kilowatts day and 1 kilowatt night, with directional antenna, unlimited time.

The Commission's action on both these applications followed its policy, announced in the Memorandum Opinion of April 27, 1942, with respect to the use of critical materials during the war period.

In another action, the Commission adopted a Decision and Order modifying a construction permit granted December 9, 1941, to the Miami Broadcasting Co., licensee of Station WQAM, Miami, Florida, so as to permit utilization of its present transmitter site and antenna, with 5 kilowatts power, subject to certain specified conditions. WQAM is now operating on **550 kc.**, 1 kilowatt day and night, unlimited time.

MISCELLANEOUS

KCMO—KCMO Broadcasting Co., Kansas City, Mo.—Granted petition for postponement of hearing to October 4 in re application for modification of license to increase power to 5 KW.

WHDH—Matheson Radio Co., Inc., Boston, Mass.—Granted authority to determine operating power by direct measurement of antenna power. (B1-Z-1536)

WCAU—WCAU Broadcasting Co., Philadelphia, Pa.—Granted authority to determine operating power by direct measurement of antenna power. (B2-Z-1537)

WSYB—Philip Weiss, tr/as Philip Weiss Music Co., Rutland, Vt.—Granted authority to determine operating power by direct measurement of antenna power. (B1-Z-1535)

WOKO—WOKO, Inc., Albany, N. Y.—Adopted an Order granting petition for a continuance of the further hearing now set for August 10, on the application for renewal of license of Station WOKO; hearing continued until September 20, 1943. (Docket No. 6486)

The Commission adopted an Order modifying its Order of July 29, 1943 (which denied the application of Newark Broadcasting Corporation for a construction permit for a new broadcast station at Newark, N. J.), to include at the end of the last paragraph the words, "without prejudice". (B-175; Docket No. 6190)

KWSC—State College of Washington, Pullman, Wash.—Adopted an order denying petitions to modify Commission freeze policy of September 22, 1942, and to strike issues 6 and 7 and to amend notice of hearing in re application for modification of license. (Docket 6499)

APPLICATIONS FILED AT FCC

620 Kilocycles

WLBZ—Maine Broadcasting Co., Inc., Bangor, Maine—Modification of construction permit (B1-P-2868) as modified, which authorized increase in power, installation of new equipment and directional antenna) for extension of completion date from 8-11-43 to 9-11-43.

KEVR—Evergreen Broadcasting Corp., Seattle, Wash.—Special service authorization to install new transmitter and operate with power of 1 KW for the period ending 4-1-44. Amended to request authority to broadcast point to point messages.

MISCELLANEOUS APPLICATIONS

WRUS—NEW—World Wide Broadcasting Corp., Scituate (Boston), Mass.—License to cover construction permit (B1-PIB-46) which authorized construction of a new international broadcast station.

WRUA—NEW—World Wide Broadcasting Corp., Scituate (Boston), Mass.—License to cover construction permit (B1-PIB-27) which authorized construction of a new international broadcast station.

FEDERAL TRADE COMMISSION DOCKET

COMPLAINT

The Federal Trade Commission has alleged unfair competition against the following firm. The respondent will be given an opportunity to show cause why cease and desist orders should not be issued against it.

American Business Survey, Inc., 160 Fifth Ave., New York, and its president, Milton Strauss, are charged in a complaint with misrepresentation in connection with the sale of a so-called "magazine" having the title "American Business Survey" and purporting to be a "recording of the achievements of commerce and industry." (5021)

STIPULATIONS

During the past week the Commission has announced the following stipulations:

Ballard & Ballard Co., 912 E. Broadway, Louisville, Ky., selling a dog food designated "Ballard's Insurance Dog Food," has stipulated to cease representing that the product contains meat or that it will insure the health of dogs. (03124)

Bio-Mineral Products Company, 2708 Myrtle St., Detroit, selling and distributing a mineralized water called "Bio-Mineral," has stipulated that it will cease and desist from representing that use of the product would constitute an adequate or dependable remedy, treatment or relief for a number of ailments or conditions which include tuberculosis, cancer, heart disease, goiter, infantile paralysis, arthritis and sciatica; that the product contains a therapeutically scientific or effective amount of any mineral which is recommended by medical science as a preventative of or as a treatment for any of the ailments enumerated by it, or that the product is drugless and that its use will assure health. (3693)

Infilco, Incorporated, 325 W. 25th Place, Chicago, selling and distributing an apparatus for chemically treating ordinary city or well water, has stipulated that in the dissemination of any advertising of its product it will cease and desist from the use of the word "distilled" as descriptive of any water or fluid treated by the process, or from the use of any word or words that represent, directly or impliedly, that any water or fluid treated by said process is distilled. (03125)

CEASE AND DESIST ORDER

The Commission issued the following cease and desist order last week:

Electrovita Sales Company of Ohio, Norwalk, Ohio, selling and distributing an artificial mineral water designated "Elsaco

Mineralized Water," has been ordered to cease and desist from misrepresentation of its product. The Commission finds the water is processed at the respondent's place of business at Norwalk, where it is subjected to a secret process involving an electrolytic treatment which the respondent claims in its various descriptive advertising alters the chemical or mineral composition of the water. (4858)

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The National Association of Broadcasters

1760 N STREET, N. W. * * * * * WASHINGTON 6, D. C.

August 13, 1943

SPECIAL A. F. of M. BULLETIN

No. 20

Late Developments in the Petrillo Fight

1. The War Labor Board has appointed a panel to hear and report on the merits of the controversy between the transcription companies and the A. F. of M. This panel consists of the following:

Representative of Labor

Max Zaritsky, President of United Hatters Cap and
Millinery Workers

Representative of Employer

Henry S. Woodbridge, Assistant to the President of
American Optical Co.

Representative of the Public

Arthur Meyer, Chairman of the New York Mediation
Board

Public hearings have tentatively been set to begin in New York City the first week in September. The function of the panel is to report to the War Labor Board what action, if any, should be taken. The War Labor Board denied "at this time" the plea of the transcription companies that the union be ordered to terminate its strike at once, but the form of the order leaves it open for such action to be taken in the future at the recommendation of the panel.

2. Station WSAW in Rochester, which was cut off the Mutual Network as a result of a threat by Petrillo to deprive the entire Mutual Network of all of the services of musicians, has commenced an action for an injunction against James C. Petrillo, individually and as President of the American Federation of Musicians, and Leonard Campbell, individually and as President of Rochester Musicians Protective Association, Local #66, American Federation of Musicians.

The theory of the action is that it constitutes an unlawful labor objective for the union to demand that the station hire five musicians whose services the station does not need and that it constitutes an unlawful method for

the union to conspire to put pressure on Mutual to deprive the station of network musicals programs unless the station does the union's bidding. The case is brought in the Supreme Court of the State of New York and will be heard in Rochester. The motion for an injunction is scheduled to be heard on Thursday, August 12th.

Diamond Calls Meeting

3. On August 5th Mr. Milton Diamond, counsel for Decca Records, Inc. and for the World Broadcasting System, Inc. which was recently purchased by Decca, called a meeting in New York City to which R. C. A. Victor,

Columbia Recording, NBC, Blue Network Company, CBS and the NAB were invited. At this meeting Mr. Diamond reported, without recommendation, the result of several months discussions with Mr. Petrillo and his Board which Mr. Diamond had carried on solely on behalf of Decca and not on behalf of any other interests.

Mr. Diamond reported that Mr. Petrillo and his Board would be willing to return the musicians to work in the phonograph record field in consideration of a payment of eighteen million dollars net over the next five years. Such payment would be made to musicians employed by the recording companies, with the understanding that the union would tax the money away from these men and put it in its own coffers. The eighteen million dollars was to be paid by "public users" of records which, after negotiations, boiled down to the broadcasting industry since it was admitted that there was no prospect of receiving any part of the contribution from juke boxes unless and until a new copyright law was passed.

Transcriptions were not specifically mentioned in this connection, but it was Mr. Diamond's understanding that the men would also return to work in the making of transcriptions.

It was part of Mr. Petrillo's proposal, however, that all industries should cooperate in the passage of a new law which would require broadcasters and other users of records to make payment for the use of records, and for the benefit of the union, for all times in the future and at such rate as might be fixed in the future. It was no part of the proposal that any part of the money be paid by the motion picture industry.

Price Goes Up

Discussion brought out the fact that while Mr. Petrillo said that what he wanted for his union was eighteen million dollars net, the discussions were predicated on the fact that there also would be moneys for the recording companies and for the artists who actually made the records. It was suggested that the record companies might receive, in addition to the moneys paid to Petrillo, another eighteen million dollars, which would raise the amount involved to thirty-six million dollars. It was also pointed out that some money would be needed for the collection and administration of funds and that this would amount, perhaps, to another four million dollars. The total amount involved for the first five-year period, therefore, would be from eighteen to forty million dollars, with no limitation placed on what it might be in future periods.

What was involved in the proposal, therefore, was an agreement by the broadcasting industry to pay from eighteen to forty million dollars over the period of five years, and at the same time to agitate for the passage of a new law which would permit the collection of similar or greater amounts in the future.

Broadcasters Not Interested

The NAB was asked its opinion as to whether the broadcasting industry was interested in discussing such a plan. The NAB made it clear that the broadcasting industry would not be. It was pointed out that such plan involved the acceptance of a totally false principle, the imposing of unjustified and crushing charges, and the adoption of a technique of lobbying for new legislation by means of a strike, which was actually a strike against the American people and the Congress, until new legislation was passed.

4. James C. Petrillo announced to the press that the union, as a means of encouraging symphonic music, had appropriated \$500,000 for the giving of 570 free concerts by the leading symphony orchestras in smaller communities. The following statement was issued by Neville Miller, President of the NAB, and was widely printed:

Petrillo Symphonic Music Gesture Exposed as Hypocrisy by NAB

"James Caesar Petrillo's announcement that his union intends to give 570 symphonic concerts in small towns is unequalled for hypocrisy. Mr. Petrillo has done more to prevent symphonic music in the United States than any other man in the history of our country.

"Before Mr. Petrillo prevented the making of all recordings of symphonic music last August, the great orchestras could reach all of our people in all parts of the country through the phonograph record. The recordings so made were available for the home, schools, broadcasting stations and for all of our citizens wherever situated and whenever they wanted to hear symphonic music, not merely once each in 570 communities hand-picked by the union. The very orchestras which Mr. Petrillo now wants to bring to the people, are those which, for one full year, have been prevented from making phonograph records. If Mr. Petrillo were sincerely interested in the welfare of symphonic music, he could, by lifting his ban, permit the equivalent, not of 570, but of hundreds of thousands of times 570 concerts.

"All of the symphony organizations are non-profit institutions. A substantial part of their revenue, in some cases as much as one-third, was derived from royalties on phonograph records, 98 per cent of which, according to Mr. Petrillo's own testimony before the United States Senate, went into the American home and formed a permanent contribution to musical education. Moreover, the musician in the symphony orchestras has been deprived by Mr. Petrillo of the substantial revenue which he previously received from his recording activity. The musicians in symphony orchestras received, in addition to the royalty obtained by the orchestra itself, a minimum fee of \$28 per man for no more than 80 minutes playing time.

"Mr. Petrillo has, therefore, stifled the major source of income for the symphonic orchestras, deprived the symphonic musicians of normal compensation and withdrawn from the American people the benefits of recorded symphonic music.

"It should be noted that in making this transparent gesture, Mr. Petrillo drops the last vestige of justification for his ban on recordings. He has contended that records commercially used in the smaller cities deprived local musicians of employment opportunities. Yet, when the union sets aside \$500,000 to bring some music to the American people it does not employ local

musicians, but instead spends it on bringing into the communities the performances of the fully employed musicians who had always made recordings.

"The good faith of Mr. Petrillo's proposal may be attacked not only on these grounds, but on the basis of his own figures. His announcement says that the men in the orchestras will be paid for their services, and he sets the normal personnel of a symphony orchestra at 90 men, although in travelling, the services of baggage men, librarians, etc. are also required. At his own figures, Mr. Petrillo is allotting less than \$10 a man per concert to cover salary, railroad fares, hotels, meals, baggage car for instruments, cartage of instruments and music stands to place of performance, and incidental expenses. When a non-profit symphony society wishes to give a concert out of town today, it must pay, in addition to the high union scale, \$7.50 a man per day for mere maintenance, and the lowest union scale of symphony concert tours is \$100 a week a man, exclusive of the obligation of the orchestra to furnish first-class transportation, including sleepers. It is obvious, therefore, that Mr. Petrillo proposes to pay the men no compensation or only nominal compensation.

"The essence of Mr. Petrillo's gesture, therefore, is that he is going to compel some of his members to render free services and the orchestral societies to lend their names and reputations to his enterprise so that he may take unto himself the credit for their services."

The accuracy of Mr. Miller's figures was later proved when Mr. Petrillo, in a later statement, announced that \$250,000 was to be used in order to give 115 concerts, thereby cutting, in more than half the number of concerts, within a week after the first announcement.

On August 7th, Marshall Field, president of the board of directors of the Philharmonic Symphony Society, asked Mr. Petrillo to lift "immediately" his ban on the recording of symphonic music. Mr. Field's appeal has been approved by eleven symphony orchestras, including: the Los Angeles Philharmonic, Rochester Philharmonic, Indianapolis Symphony, Cleveland Orchestra, National Symphony and the Minneapolis Symphony.

Also an estimated 700 members of N. Y. Local 802 signed petitions demanding that Mr. Petrillo execute his project by giving work to totally or partially unemployed musicians rather than to symphony instrumentalists who already were earning high wages.

Details of Marshall Field's appeals and the protest of the 700 members of N. Y. Local 802, A. F. of M., are given in articles from the *New York Times* reprinted below. Also we are printing an editorial from the *New York Times* of August 10:

(N. Y. Times, Aug. 10)

Field Asks Petrillo to Lift Ban On Recordings by Philharmonic

James C. Petrillo, president of the American Federation of Musicians, has been asked by Marshall Field, president of the board of

directors of the Philharmonic-Symphony Society, to lift "immediately" his ban on the recording of symphonic music, it was disclosed yesterday.

The society "desires, in fact requires" royalties from its recordings in order that the Philharmonic may continue, and other major symphony orchestras are "similarly situated," Mr. Field told Mr. Petrillo in a letter dated Aug. 6, which sets forth the conditions under which the society will permit the use of its name in the series of free concerts that the union proposes to give in the smaller cities with the union musicians of leading symphonic organizations.

After outlining the conditions—that the society shall approve the cities played, the programs given and the conductors who conduct the orchestra, and that the performances shall neither involve the society in any expense nor be broadcast or recorded—Mr. Field's letter continues:

"I have spoken informally to a number of members of our board and I believe that if these conditions are complied with, you will receive the society's cooperation to your project. They have expressed the hope, in which I join, that if the society cooperates, you will see the importance, for the same ends to which your proposed performances are aimed, to lift the ban which you have placed on recordings by our orchestra."

Acknowledging Mr. Petrillo's professed desire to bring "symphonic music to persons who might not otherwise have the opportunity to hear it," Mr. Field informed the union leader that "the recording of the great symphonic orchestras of this country under their famous conductors is also a means of bringing that symphonic music to persons who might not otherwise hear it."

Mr. Field was "frank to admit," he said, "that the society desires, in fact requires, the royalties from its recordings in order to insure the continuance of the orchestra which you are proposing to borrow. The other great symphonic orchestras of this country are similarly situated. Their very existence is threatened by the loss of recording royalties."

Accordingly, the letter continued, "my plea to you, and I am sure it will be the plea of the management of every symphonic orchestra in America, is that you will immediately lift your ban on the recording of symphonic music and by doing so contribute to the availability of symphonic music throughout this country in a manner that not even your proposed concerts can accomplish. In addition, we have the word of Army and Navy officers, as well as civilian officials in Washington, that the continuance of recording is necessary for the maintenance of military and civilian morale, one of the primary purposes stated by you for your own concerts."

A statement from the Philharmonic-Symphony Society office said that copies of the letter had been sent to other major symphonic organizations, and that by the time the letter was mailed to Mr. Petrillo telegrams "approving Mr. Field's position" had been received from the Philadelphia Orchestra Association, the Chicago Symphony, the Boston Symphony, the Cleveland Orchestra, the National Symphony of Washington, D. C., and the Cincinnati, San Francisco and Minneapolis Symphonies.

Mr. Petrillo announced his free concert plan on July 27, at which time he said that the union had authorized an expenditure up to \$500,000 for an estimated total of 570 concerts. The plan was first suggested to him, he declared, by President Roosevelt. The day after its announcement, the proposal was assailed by Neville Miller, president of the National Association of Broadcasters, as "unequaled for hypocrisy." Through his ban on the making of records, Mr. Miller charged, Mr. Petrillo had "done more to prevent symphonic music in the United States than any other man in the history of our country."

Mr. Petrillo was not available yesterday for comment.

(Continued on page 4)

Musicians Oppose Petrillo Concerts

Against Leader's Proposal to Give Free Performances by Symphony Orchestras

WORK FOR JOBLESS SOUGHT

Petitions Point to Fact That Those Affected by Project Already Earn High Pay

Opposition to the plan of James C. Petrillo, president of the American Federation of Musicians, to have the major symphony orchestras give free concerts in smaller cities developed yesterday within Mr. Petrillo's own union.

An estimated 700 members of Local 802 of the federation, covering the metropolitan area, signed petitions demanding that Mr. Petrillo execute his project by giving work to totally or partially unemployed musicians rather than to symphony instrumentalists who already were earning high wages.

The petitions were delivered late yesterday afternoon to Mr. Petrillo's office at 570 Lexington Avenue, where they were accepted by Harry Steeper, assistant to the union leader. Mr. Petrillo was said to be in Chicago.

Circulation of the petitions was done by the faction within Local 802 known as the "Unity Group." The group in recent months has offered increasing strong opposition to the present local administration, headed by Jacob Rosenberg, president, and William Feinberg, secretary.

Mr. Rosenberg declined to comment on the petitions.

Not Fighting Recording Ban

While the petitions represented the first intra-union opposition to Mr. Petrillo since he started his fight against "canned music," Billy Vann of the "Unity Group" emphasized that the signers were not fighting the federation's ban on recordings.

In a letter accompanying their petitions, however, a committee of the "Unity Group" noted that Mr. Petrillo had declared repeatedly that the purpose of the recording ban was to aid needy musicians.

"Last week, in an apparent desire to gain the public good will, the federation announced that it would spend \$500,000 on a program designed to bring good music to small communities," the letter continued. "Are the musicians who are to be so used unemployed? No! Famous symphony orchestras have been designated to do this work."

The letter added that the plan as announced by Mr. Petrillo had the effect of "proclaiming that we have no competent unemployed musicians on whom the funds of the organization should be expended."

Suggestion From Committee

The committee suggested that, if the federation were to subsidize music, "new orchestral units be formed using those musicians who are not already fully employed at high wages."

Mr. Vann said that twenty members of the New York Philharmonic-Symphony had signed the petitions but he declined to make public their names.

He reported that some members of the symphony were opposed to working for \$10 a concert, the fee proposed by Mr. Petrillo, Committee members said that the commercial scale was \$16.

The committee members signing the letter were Nicholas F. Vitalo, recording secretary of the group; Alfred Manuti, Calmen Fleisig, Maurice Benavente, Jack Cohen, Raymond Parker, Frank Morse, Charles Sanchik, Benjamin Berkowitz, Hyman Grossman, Benjamin Margulis and Albert Stanley.

The Philharmonic-Symphony Society of New York meanwhile announced that a total of eleven symphony orchestras in the country had voiced approval of the position of Marshall Field, the society's president, in asking for lifting of the ban on records. The latest adherents were the Los Angeles and Rochester Philharmonic Orchestras.

(N. Y. Times, Aug. 10)

BEGGING MR. PETRILLO

Marshall Field, as president of the board of directors of the Philharmonic-Symphony Society, has asked James C. Petrillo, president of the American Federation of Musicians, to lift immediately his ban on the recording of symphonic music.

Mr. Field is "frank to admit," he declares, "that the Society desires, in fact requires, royalties from its recordings in order to insure the continuance of the orchestra which you are proposing to borrow. The other great symphonic orchestras of this country are similarly situated. Their very existence is threatened by the loss of recording royalties."

"Accordingly," Mr. Field continues, "my plea to you, and I am sure it will be the plea of the management of every symphonic orchestra in America, is that you will immediately lift your ban on recording of symphonic music and by doing so contribute to the availability of symphonic music throughout this country in a manner that not even your proposed concerts can accomplish."

This plea has the merits of understatement. Mr. Petrillo, through the use of irresponsible private power, is denying music to millions by his ban on recording, while he ostentatiously offers "free concerts" as a special favor to a few thousand. Why should the country be placed in the position of pleading with Mr. Petrillo to remove a ban that he ought never to have had the power to impose? Mr. Petrillo has this power only because Congress and the Administration have in effect delegated such power to him. If they will revise our ill-considered labor laws, which give Mr. Petrillo the power to impose ruinous boycotts against individual musicians as well as concert halls, theatres, restaurants, transcription companies and radio stations, nobody will have to appeal to Mr. Petrillo not to abuse his powers. They will no longer be his to abuse.