

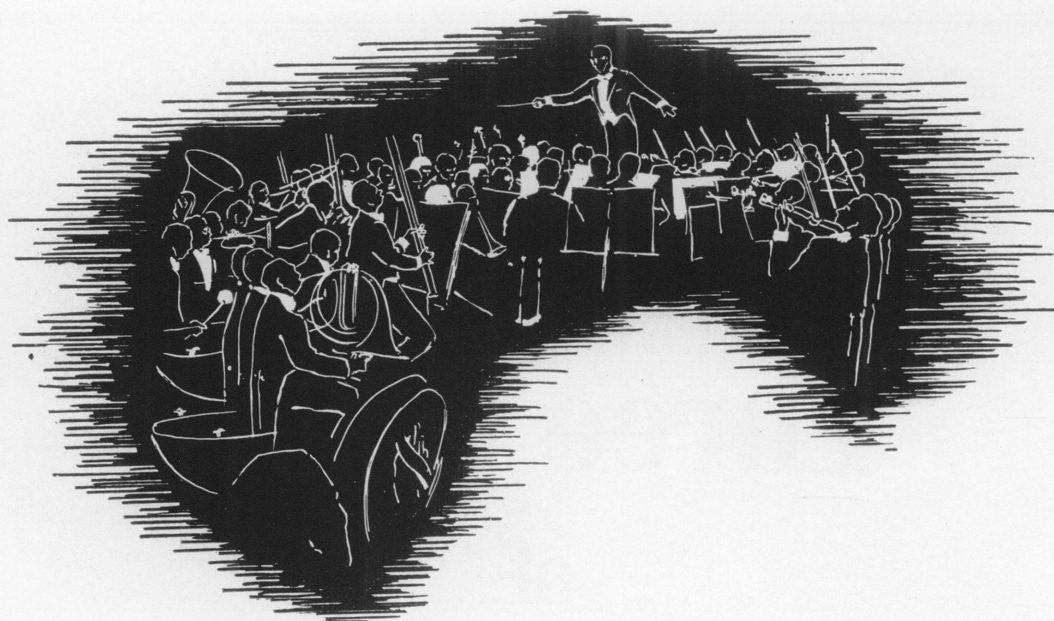
Three Years of Free Music :

*A record of the public service
financed by the Recording and Transcription Fund
of the American Federation of Musicians of the United States and Canada.*

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NEW YORK, NEW YORK



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THE MACHINE THREATENS MUSIC



WHEN the economic roof collapsed in the year of prosperity 1929, among those covered by the debris were the professional musicians. But the cause of their woe was not the cascading line of figures on the ticker tape, but the narrow margin alongside the celluloid of a movie film. This tiny strip could now convey to the screen the music that was once produced only by living men in the theater itself.

As fast as the talkie equipment could be installed, the orchestra pits were emptied. Almost overnight, 18,000 out of 22,000 musicians employed therein were fired. Twenty years later most of the balance are heard no more.

When the carriage makers deplored the destruction of their craft by the automobile, and when the iceman began his retreat to the mists of legend, the economists answered them from their tranquil studies: "It was inevitable; such is progress. Seek jobs elsewhere." But even the ivory tower dwellers detected a whiff of danger to the art of music. They hastily promised: "The new industry itself will take up the slack." They argued falsely; the place of the iceman was indeed taken by the mechanical refrigerator. But the iceman was not asked to concur in his own destruction, and in any event—despite the harm to the individual iceman—manufacturers of the displacing machine created new jobs somewhere for some one.

In the world of music the slack was not taken up. Certainly it was not taken up by Hollywood. Twenty years after the introduction of sound only 339 musicians were permanently employed on the movie lots, at a basic salary of \$6,916. An additional 4,000 casual musicians averaged something under \$400 for the year in movie pay. (There was incidental and minor employment elsewhere in the country, and in Canada.)

The loss of the pit bands was a body blow; other threats to their economic well-being were a constant, aching pain to the professional musicians. Radio, for instance, had been welcomed with open arms. In its infancy, unpaid appearances at the studios and remote pickups from the road-houses and hotels where the big bands played were free gifts to the stations, for the sake of good will and free advertising. After all, when the mewling child came of age, it would pay off, or so the musicians were assured.

Radio employment of live musicians was, in fact, public policy. As early as 1922, Herbert Hoover, then Secretary of Commerce, viewed with alarm the tendency of broadcasters to regale their audiences with nothing but phonograph records. Some announcers got crushes on favorite discs, which they played until the grooves wore smooth. As a result, Hoover placed a ban on records in radio. Subsequent government regulators of radio noted that the wave lengths belong to the people and that those who are licensed to exploit those frequencies have a responsibility to the people. One aspect of that responsibility is to *provide employment*.

The Federal Communications Commission, the courts and the broadcasters themselves have agreed from time to time that local, live talent should be employed. This was stated often and eloquently, but so little was done that in 1946 the FCC could note: "The average local station employed less than one-third of a full-time musician . . ."

More specifically, a survey by the American Federation of Musicians, covering the year 1947, showed that only 422 of the then more than 1,500 standard broadcasting stations in the United States employed staff musicians steadily. To be exact, they hired 2,675, and some of them for fewer than 30 weeks in the year. Canadian stations employed 21. An additional 5,431 (exclusive of leaders) were hired for single engagements by 370 sponsors and advertising agencies.

Nevertheless, the listener heard music. He heard it via recordings and transcriptions. In 1947, for instance, one station devoted 90 per cent of its air time to music—and that music was 100 per cent transcribed. Another station was monitored for three days in connection with its license renewal. (Its original license was granted after pledges to use live talent.) It was on the air for 36 hours. Of this total only 23 minutes were given over to programs other than records and commercial announcements. (P.S. Even so the license was renewed.)

The musicians had been led to expect big things from radio, in return for their help before the days of great advertising revenue. For 15 years radio has been in the big time. Yet, in 1945,

for each dollar paid staff musicians, the networks and stations earned seven before taxes. Even the intangible blessing of bringing music to a new market was cancelled out by the development of network broadcasting which made it possible for a handful of performers to serve that market.

While the musicians were re-forming their lines after the sound track disaster, a new threat to employment appeared. Like radio, it took the form of disappointing expectations. Along with the rest of the entertainment world, musicians hailed the repeal of Prohibition as a great boon for their profession. The opening of taverns, the emergence of the night club from secret cellars, and the return of the bar and the cocktail lounge to hotels promised substantial new employment.

But what happened? As fast as a tavern opened, it was visited by a salesman peddling a great new invention: the "multi-selective" automatic phonograph (since dubbed more conveniently the juke box). Based on recently introduced lines of cheap records — all made by Federation members — this ingenious replacement for live music supplied the proprietor with entertainment featuring a variety of styles (pre-tested for popularity) that not only cost him nothing but actually returned him a profit on his patrons' nickels. The combination was irresistible.

Statistics on the juke box industry are clouded by the reluctance of tax-shy manufacturers and distributors to talk for publication, but it is estimated that there are some half million machines operating in the United States alone, and consum-

ing 47,000,000 records a year. Receipts are estimated at higher than \$230,000,000 annually.

The musicians who made this possible received not one cent directly from juke owners or operators. About 80 per cent of all records sold are played only in the home, a destination musicians welcome. The competition with live talent comes from the 20 per cent which reaches the jukers and disc jockeys who make a vast income on modest investments. Because of out-moded copyright laws, the courts have ruled that neither performers nor manufacturers can control the use of a record once it is passed across the counter.

In 1946, the last year that record manufacture was uncomplicated by the musicians' efforts to cope with this distressing situation, the industry enjoyed gross retail sales of \$165,000,000. In that period the payroll for musicians (exclusive of leaders) was \$1,635,751 or less than one cent for each dollar of sales. Average scale earnings per musician for the year for each of the top three record companies were \$177, \$103, and \$213.75. This covered only 6,500 musicians. (In contrast, one velvet-tongued announcer of commercials grossed \$185,000 during 1947 as a disc jockey.)

Places that didn't care to collect the customers' nickels for juke box entertainment made use of a similar device — the electrical transcription, extra-large discs of superior quality. By 1930 the transcription had already begun its invasion of radio.

(By 1942, 76 per cent of broadcast time was music and 55 per cent of that recorded or transcribed.) In the early 30's the transcription moved into the restaurants and hotels.

Those who can recall the happy days before the first World War will remember that few respectable eating places failed to have at least a string quartet performing as an aid to the digestion. Alas, no more. Now an inconspicuous loud speaker brings dinner music to your table over a wire from a central turntable where one man spinning platters replaces a multitude of quartets and orchestras. Some 750 hotels and restaurants receive this wired music service. The transcription company that owns the largest of these services paid wages of only \$93,300 to musicians in 1946.

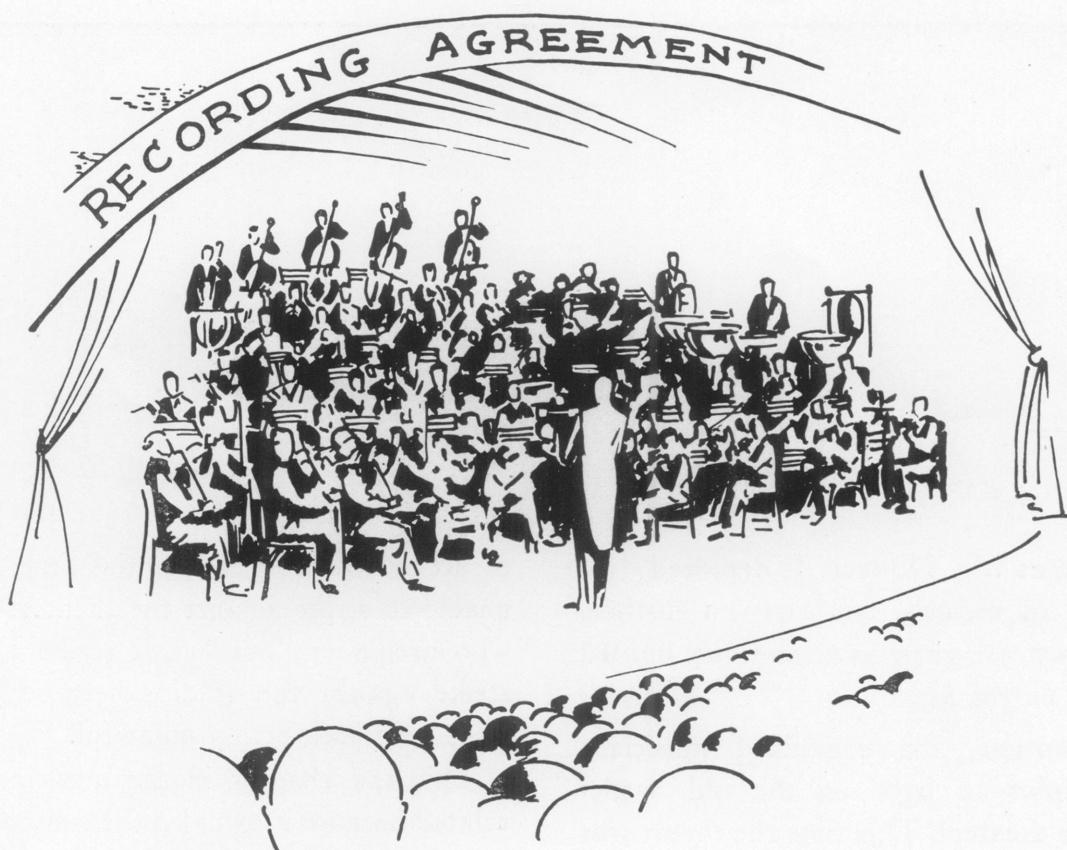
In the fields where the musician remains supreme over the machine he has still suffered from the inroads of mechanical competition. The highest cultural expression of his art is generally through the great symphonies. Few of them — if any — are self-supporting. Only five of the 32 classified by the American Federation of Musicians as "major" by reason of their maintenance of regular seasons receive municipal appropriations. The wealthy patrons of many of the others are disappearing, under the impact of taxes or old age. Each year finds another symphony of long tradition and fine reputation flirting with financial ruin and facing drastic curtailment or abandonment. For the individual the opportunity and incentive for perfection are vanishing.

If we are not concerned with the culture of America, we need not be alarmed. The musicians are concerned, and they believe that most of our citizens are. The question is not simply one of jobs for musicians; it is whether the performance of music itself will survive. We revere the top performers, the Toscaninis, Kreislers and Rubinstein. We must remember that the great body of fine music rests on the chance of the performer to develop his art. There must be a ladder of jobs and artistic competition to bring the good men to the top. Employment at all levels of competence forms the rungs of the ladder; but employment is shriveling before this hot blast of music from a can.

The iceman is disappearing from the face of the land; the blacksmith has almost gone with the horse; but their passing has left only a sentimental void. The machines we have described above that have made the musician the forgotten man do not fill his function. They do not *produce* music; they *reproduce* it.

That is why the struggle of the musicians through their union, the American Federation of Musicians, *deserves support as a matter of public policy.*

That is why those who seek to exploit the vast money-making possibilities of canned music without regard for the future are shortsighted. The musician is still essential to music. Picture your life today without a single note of music and you will have a view of the future without the musician.



THE STRUGGLE TO KEEP MUSIC ALIVE



HE musician is notoriously an individualist, but not so much so that he failed to fight back with organized vigor at the menace of mechanized music. With his art and livelihood at stake, he persisted in a dogged rear action that inspired his opponents to vast expenditure and effort against him.

There were wins and reverses along the way but today the musician believes he has at least some of the answer to the problem confronting him.

The path to this point has been full of turnings. It began the year the American Federation of Musicians was founded, 1896. By a pleasant coincidence 1896 also saw the transformation of the phonograph from a mechanical toy with cylinder, earphones and squeaks, into a genuine instrument, with loud-speaker, flat discs and a reasonable fidelity to original sounds.

Not that the talking machine provided competition then. Instead, it was warmly welcomed; it created customers for music by bringing it into the home. It competed with live musicians only in one field, the nickelodeons where phonographs and mechanical pianos accompanied the early flickers. On this first appearance cacophony was put to rout and by 1920 almost every theater hired at least a flesh-and-blood pianist or organist.

This victory was scarcely won, when radio was converted from dots and dashes to connected sounds. The crystal set moguls promptly conceived it their duty to fill the air with some kind of noise. Lacking program material, they eagerly played records all day and far into the night. This was the situation temporarily corrected by Commerce Secretary Hoover.

In 1927 jurisdiction over radio was transferred to the new Federal Radio Commission, a board

not as sensitive as Mr. Hoover. It deplored "unnecessary" use of records, but went no further. Actually, the next five years saw relatively limited use of records on the air.

In the meantime, the organized musicians girded their loins to fight on the old battlefield, the movie theaters. This time the threat was from a new version of mechanical reproduction of sounds, the Vitaphone. At its introduction in 1927 featuring Al Jolson as "The Jazz Singer," the musicians sniffed at Vitaphone as a new-fangled novelty. Their then president, Joseph N. Weber, hopefully assured them that "a general danger to employment will not develop."

The musicians must candidly concede that events moved too quickly for them at this stage. Another prediction followed: "It is the opinion of the Federation leadership, based upon exhaustive study, that mechanical music will fail eventually to give satisfaction in any theater as a substitute for the appearance of artists in person." The speedy loss of 18,000 out of 22,000 well-paying, steady jobs testified on the contrary that the public was quite satisfied.

In 1929 the Federation's annual convention authorized President Weber to spend a million dollars on a nation-wide advertising campaign pointing out that robots can't produce acceptable music. This Canute-type campaign proved most effective in winning handsome resolutions of support, but it did not result in the rehiring of a single musician. The union — backed up by the best professional opinion — had followed a course

of action that cost it essential time. It wound up unable to strike against the theaters because men who aren't employed can't strike and unable to strike against the studios because judicial decisions held such action unlawful.

This sad chapter in the musicians' history is related because it explains the subsequent determination of the A. F. of M., under the leadership of President Petrillo, to resume its policy of relying on its own economic strength in meeting new threats head on. By failure to act effectively in time, the musicians had lost their stake in the movie industry. They would not, should not, and could not have halted the development of the sound track; they might have cushioned its worst effects. Their best efforts since have merely assured sound terms for the handful employed in pictures and some important limitations on the destination of their work. Since 1944 a previously existing understanding that sound tracks will be used only with the pictures for which they were made has been embodied in film contracts.

In the meantime, the country was plunging into, and crawling out of, the Great Depression. Radio began to be big business and a vital element of that business was the fantastic exploitation of the recording and transcription. By 1932 records took up a major share of air time; by 1937 they were solidly entrenched, despite the opposition of the networks. In 1934 the two top nets began to eliminate all recordings from their programs — not out of sympathy with live talent, but because canned material relieved the affiliates from their reliance on network shows.

During this period far-sighted members of the union called on the musicians to establish some measure of control over recordings. In 1928 and in later years resolutions were presented to the A. F. of M. annual conventions urging that instrumentalists cease to serve an industry which was menacing their profession. In early 1937 the Chicago musicians' local, whose president was James C. Petrillo, stopped the making of recordings in its jurisdiction for eighteen months, and at the national convention in June the International Executive Board was granted similar power to halt all recording.

The Federation's officers decided at this point to take advantage of a recent court decision which indicated that record manufacturers could be licensed and required to include on record labels a prohibition against commercial use of the product. Unfortunately for the union, a later court ruling held that neither manufacturer nor performer could control the use of the record after its sale. In effect, the artist's interpretation was held to be an article of merchandise. The musicians were right back where they started.

In 1940 President Weber retired after 40 years of valiant service and was succeeded by Petrillo, who had already shown his willingness to act decisively in the face of the critical threat to music. His first acts were to clean up the edges of the controversy. He put a stop to the so-called "co-op" broadcast, a transcribed program with blank spaces for local advertising blurbs. Platters made under this formula could be sold to an in-

finite number of local stations, displacing live talent with every sale. He completed the organizing of all instrumental musicians by signing up the famous and hitherto union-shy Boston Symphony as well as individual conductors and virtuosi.

The 1941 convention unanimously instructed the International Executive Board to take action against mechanized music. In June, 1942, the Board informed all recording and transcription companies that, effective August 1st, musicians would cease to record.

The reaction was as expected. After all, radio fortunes were being made from record libraries and 25 per cent of all radio stations were newspaper-owned. The recording and broadcasting industry united and created a fund to publicize Petrillo as a "dictator" and to spread the awful truth that his middle name is Caesar. Editorial writers and columnists rose as one man against the union's frightful "blow to the war effort."

The union, however, scarcely expected some of the politicians in Washington to fall for this line. It was a shock to hear that the elimination of new records from the juke joints where soldiers and war workers went for relaxation would damage morale "in the critical months ahead — months which may well decide the fate of this country's war effort." The appeal to Flag, Home and Mother was made by the paid propagandists in the name of the people of the United States, the War Department, the Navy, the Marine Corps, the Coast Guard, the Treasury, the Office of Civilian Defense, the Office of War Information, and, presumably, all the ships at sea.

The gentlemen who assumed that they spoke for all these failed to realize that in fact the record ban had nothing to do with the war effort. The Federation permitted its members to make recordings for all of the armed forces, free of charge, and the supply of other records was stacked high; it was the recording of new music compositions or new performances only that was stopped. Even had the juke boxes and the disc jockeys come to a halt, this situation would have been in no way a threat to society that would have warranted the action the government was urged to take. What the industry desired was compulsory servitude; it wanted musicians to record regardless of their inclination — an insistence that was not recognized at the time, but is apparent today after the smokescreen of vilification has partly cleared.

The wailing and beating of breasts started the slow grinding of the governmental wheels. An anti-trust suit was filed against the musicians and promptly thrown out by the Supreme Court. Proceedings were then begun before the War Labor Board. Among the fruits of this action were meetings with War Mobilization Director Byrnes and Economic Stabilization Director Vinson. The latter quite properly refused to rule that the ban “unduly impeded or delayed” the war effort. In relaying this decision to the union, President Roosevelt took note of the extraordinary appeal by the two largest companies to have the government take them over and he urged the musicians to go back to work. When the facts were presented to the Chief Executive, he granted the

justice of the Federation’s case and pursued a hands-off policy. While the Washington merry-go-round was thus in full swing, certain events took place.

Early in 1943 Petrillo made an offer for settlement that introduced a principle in labor-management relations never before known in labor history. The union stated, in effect, that the exploiters of the machine have a social duty to the workers displaced and to the society that is disturbed by the machine’s effects. Its device for materializing this responsibility was a royalty fund based on the sales of records and transcriptions.

At first the industry reacted as one man in rejecting the proposal. The objections were not to the cost — the small fee has never increased the cost to the public of a single record — but were based on a sudden “concern” for the union’s membership and the American people. Specifically, they refused to contribute to a fund to be spent at “the union’s uncontrolled discretion,” and they rejected the “dangerous fallacy” that “a specific industry owes a special obligation to persons not employed by it.” (The fund survived three unfriendly Congressional investigations of the Federation and its President later, and its administrative procedures were adopted lock, stock and barrel by the impartial trustee now disbursing the successor fund. To its credit the industry has since accepted some measure of responsibility for those “not employed by it.”)

The case before the War Labor Board included the royalty idea. Before the WLB reached any conclusion the more forward-looking companies

accepted the A. F. of M. conditions, signed contracts and went to work. These agreements in the Fall of 1943 established a separate fund for the royalty payments, to be used by the union "only for purposes of fostering and propagating musical culture and the employment of live musicians, members of the Federation."

A three-man WLB sub-panel continued to deliberate the case still pressed by two major record manufacturers. Its labors produced a ruling calling for resumption of work at the conditions prevailing before the record ban. The royalty proposal was tossed out as not "customary," in the time-honored reaction of the short-sighted to new techniques in human affairs. The full board did not go along, but ordered a return to work and acceptance of the royalty principle with its exact terms to be arbitrated.

The union was not inclined to reopen an agreement that had been signed by 105 companies in the industry and rejected by only two. In the event that an award favored the hold-outs, all previous contracts would have to be changed to conform. When the WLB sought enforcement of its order, Economic Stabilization Director Vinson made the ruling that should have been made at the beginning: that the record ban did not unduly impede the war effort. Two days after the 1944 elections the last-ditch pair gave in, 27 months after the initial ban.

The record companies and their broadcasting allies, for all they had lost the battle, were to win a uniquely restrictive anti-labor law. In 1946 Congress passed the Lea Act, aimed at one

union, the musicians, and one man, its President. It went through Capitol Hill on the wings of the propaganda started at the time of the record ban, strengthened by distortion and misunderstanding of the Federation's post-war battles for its membership. The effect of the law was to tell the union that it could no longer continue the traditional practices painfully developed over the years to protect its members from exploitation in radio. Petrillo promptly tested the law in a Chicago court. On appeal to the Supreme Court, a minority held it unconstitutional; the majority failed to pass on its constitutionality, but sent the case back for retrial on the facts. Petrillo was then held guiltless of any violation.

Admittedly, even before the passage of this discriminatory legislation the Federation was unable to give complete protection, but it had maintained some measure of employment by the strategic use of its economic power, just as any union can rely on the right to strike. Now the Federation is unable, practically speaking, to take any steps to advance the security of musicians employed by radio stations. The spirit of the Lea Act is clearly un-American, but there has been no final decision by the courts.

The efforts of the organized musicians to insert some concept of responsibility into the devil-take-the-hindmost philosophy of reckless exploitation of the machine, no matter what the cost in people or culture, were further set back with the enactment of Taft-Hartley. This outrageous law goes beyond the Lea Act. It applies to all unions, but the musicians (and a few others) took a par-



BRITISH COLUMBIA
\$20,906

ALBERTA
\$5,719

SASKATCHEWAN
\$4,435

MANITOBA
\$12,679

WASHINGTON
\$89,472

MONTANA
\$15,522

NORTH DAKOTA
\$7,333

MINNESOTA
\$117,738

ONTARIO
\$108,624

QUEBEC
\$39,149

MAINE
\$10,794

NEW BRUNSWICK

\$3,592

NOVA SCOTIA

VT.
\$908

N.H.
\$15,344

NEW YORK
\$461,346

MASS.
\$201,460

CONN.
\$28,506

PENNSYLVANIA
\$490,497

N.J.
\$176,504

DE.
\$45,904

W.VA.
\$35,110

MD.
\$44,781

VA.
\$23,430

NORTH CAROLINA
\$12,891

SOUTH CAROLINA
\$4,353

GEORGIA
\$18,563

ALABAMA
\$15,717

FLORIDA
\$66,900

MISSISSIPPI
\$4,245

LOUISIANA
\$38,039

ARKANSAS
\$6,090

OKLAHOMA
\$26,080

TEXAS
\$79,747

NEW MEXICO
\$2,488

ARIZONA
\$16,436

UTAH
\$17,631

NEVADA
\$13,325

CALIFORNIA
\$472,396

WYOMING
\$10,895

IDAHO
\$5,727

YELLOWSTONE NATIONAL PARK

SOUTH DAKOTA
\$12,765

WISCONSIN
\$162,390

MICHIGAN
\$202,862

IOWA
\$72,012

MISSOURI
\$93,655

ILLINOIS
\$346,019

INDIANA
\$111,855

OHIO
\$261,871

KENTUCKY
\$24,668

T.H.
\$10,210

There was music all about us . . .
— Noyes

If we could have devised an arrangement for providing everybody with music, perfect in quality, unlimited in quantity, suited to every mood we should have considered the limit of human felicity already attained.

Edward Bellamy's Looking Backward

Expenditure of Music Allotment by States and Provinces

ticular beating. T-H reinforced the Lea Act restrictions on legitimate trade union activity and struck a heavy blow at the new concept of the royalty fund. The 80th Congress accepted the recommendation of the National Association of Broadcasters, so solicitous of their cousins, the recorders, and prohibited the payment of royalties "to unions for their unrestricted uses."

The agreements between the industry and the A. F. of M. remained in force until their expiration date, December 31, 1947; after that time, it seemed on the face of it, only the recording musicians could benefit from royalties (and those could not be union-administered). By limiting added employment to those who needed it least, Taft-Hartley tried to cut down the promising innovation embodied in the Recording and Transcription Fund, despite its record of achievement and in the absence of any evidence that it had been misused.

What the musicians had gained they had earned at the cost of slander for Petrillo and economic hardship for their membership. They were not disposed to give it up. The 1947 convention again unanimously authorized the Board and President to call a halt to the making of recordings if they judged the step necessary to safeguard the best interests of the musicians.

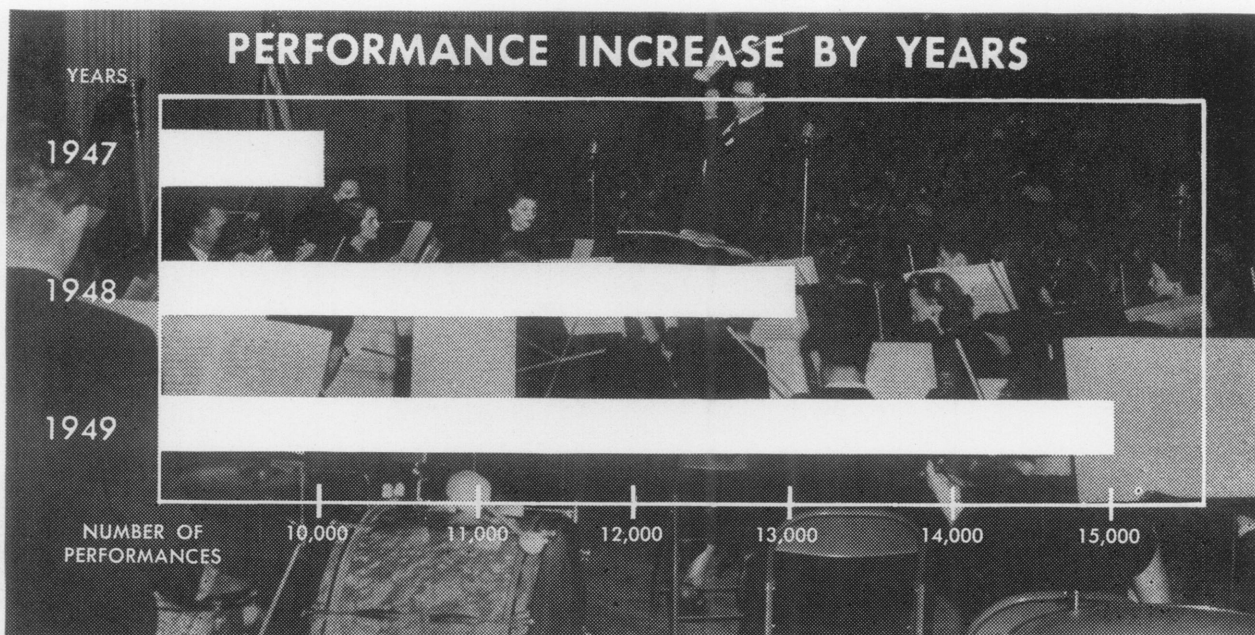
For a period of 11 months, union musicians once more refused to cut discs. But there was a startling difference. The organized campaign of misrepresentation was missing. Some press comment was reminiscent of the old days, but on the other hand Petrillo had the unheard-of privilege

of adding to the 280 cartoons that line his office walls one or two that close scrutiny revealed to be favorable. His characteristically enlivened personal testimony before a Congressional committee had done much to get the musicians' story before the public sympathetically and understandably.

Much of the difference also lay in a changed attitude by the industry. The companies approached the problem in the constructive spirit of seeking a solution rather than fighting the musicians. They were aware that Petrillo's word was golden and that the Federation has an unbroken record of fulfilling its contracts. The administration of the fund had clearly been honest and economical. Hence, the eleven months of the ban were largely devoted to the hard legal work of finding a formula to preserve the principle of the fund and its benefits within the law.

On December 13, 1948, a new agreement was signed at the insistence of the union. (The occasion was marked by a special recording of Petrillo and a million-dollar chorus of stars saluting President Truman with "We're Just Wild About Harry.") The essence of the agreement was the continuation of royalty payments.—but this time to an independent trustee, named by the industry, rather than to the union. The condition remains that all performances must be free to the public.

The new fund is called "The Music Performance Trust Fund." It is, at best, a part answer to what ails music. But the musicians are convinced that it points the way to permanent solution. They could wish that the principle had been applied in the early days of radio and the talkies.



A PATTERN FOR THE FUTURE



NE industry, we have seen, is performing on the A. F. of M. principle that those who profit by the machine must share the responsibility for the ravages of the machine.

It created a fund as the expression of this concept, and logically placed its control in the hands of the American Federation of Musicians. The record manufacturers are concentrated in New York and California; the displacement caused by their product occurs everywhere. The 700 locals of the union were the proper instruments to deal with the problem.

The Federation carried out its custody of the royalty fund, which it christened the "Recording and Transcription Fund," capably and with imagination. The files of the locals bulge with thanks and tributes from community leaders. Leaders and bandsmen have been touched by the scrawled and crayoned thanks from children's wards and by the serious expressions of appreciation from old people's homes.

The Federation as a whole has been honored by such statements as this, from General Carl R. Gray, Jr., Administrator of Veterans Affairs: "The cooperation of the American Federation of Musicians in bringing music into Veterans Administration hospitals *has done much to ease the monotony of hospital life, raising the spirit and brightening the outlook of hospitalized veterans.*"

The late Howard Braucher, president of the National Recreation Association, whose own work lives on in a multitude of playgrounds, was "deeply impressed" by the A. F. of M.'s free music program. He called it "*a valuable contribution to the recreation, leisure time and cultural life of the people.*"

The National Federation of Music Clubs placed the undertaking in a broad perspective. Through its president, Mrs. Royden J. Keith, it said that the "splendid" program of the musicians "can provide great pleasure and inspiration to millions of listeners and *aid in a better understanding between peoples through music.*"

In Canada, the Minister of Labour, Hon. Humphrey Mitchell, noted particularly "the very great effect these concerts had on those confined to hospitals and institutions," and that "the Federation gave special consideration to those smaller areas and rural districts so often neglected in the carrying out of such programs."

Both aspects of the Recording and Transcription Fund—its public service function and its financing by the royalty method—originated with the musicians' union. The A. F. of M. proposals for a royalty fund were made in early 1943 and established in the first contracts signed that Fall.

The plan called for fractional fees to be paid the Federation for each record and transcription made by union musicians (and no others were being made). The fund thus created was to be devoted to "the purposes of reducing unemployment which has been created in the main by the use of . . . mechanical devices, and for fostering and maintaining musical talent and culture and music appreciation, *and for furnishing free, live music to the public.*" Although the R and T program has not solved the unemployment situation, the union has never deviated from these purposes in its handling of the fund.

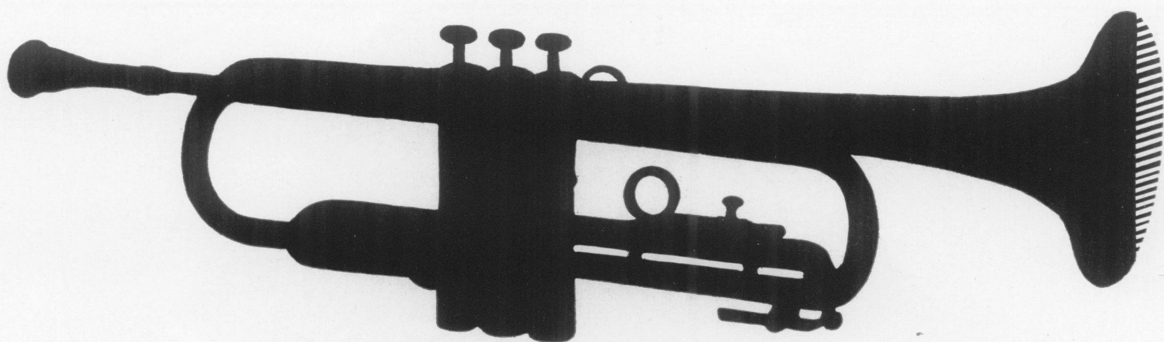
A contract to this effect was signed by Decca—third largest record manufacturer—in September, 1943. It provided for payments ranging from a quarter cent on a thirty-five-cent record to two-and-a-half percent of the sales price of records retailing for more than \$2.00. The electrical transcription rate was three per cent of

gross revenue from the sale, lease or license of transcriptions (those played but once by a radio station were exempted). Later contracts specified that the receipts should be kept in a separate fund.

The financial handling of the sums collected—\$4,500,000 from 1943 to the end of 1947—was simple. Its figures have been audited and published (as are all A. F. of M. transactions). Limited by its own terms to a ceiling of five per cent for administrative expenses, the union has in fact kept below one per cent. Three times the Federation's dealings have undergone the examination of expert Washington inquisitors. Not once has even the unfriendliest investigator been able to point an accusing finger.

To conduct the fund the Federation's convention set up first a committee and then an administrator. J. Wharton Gootee, of Chester, Pa., experienced in business as well as union administrative affairs, and who was appointed by President Petrillo with the concurrence of the International Executive Board, handled the R and T procedures under direct supervision of the President's office from the beginning. The basic policies were these:

1. *Local autonomy was preserved.* This has always governed the international's relations with its locals; in the case of the fund it insured that the work financed by the fund was tailored to the musical or charitable life of the community and to the talent available. There were no arbitrary insistences that certain types of music be played in certain institutions, nor were symphony orchestras required where only a brass band could be



ADMINISTRATIVE CHARGES LESS THAN 1%

found. Instead, a per capita allocation was made yearly to each local. Within the framework of the allocation, each local recommended projects for the administrator's approval.

2. *Projects had to render genuine public service.* Although the principle of local autonomy precluded rigid instructions as to selection of the beneficiaries of the music, the administrator did insist on adequate machinery in each local for screening the projects. He reserved the right to disapprove undertakings that did not comply with the general directives (that the fund be confined to educational, recreational, charitable, patriotic, etc., purposes), or that violated Federation regulations.

3. *No waste was permitted.* Payrolls, signed by the musicians who played, were submitted and checked before payment was made. Wages allowed were at the minimum appropriate scale for the local concerned. Unexpended money reverted to the fund. The records of every cent spent are still intact and available for inspection.

4. *All admissions were free.* Even a worthy cause could not benefit from the fund if it sought to charge an admission fee.

5. *Projects could not compete with existing employment.* Since an object of the fund was to expand employment opportunities, obviously it could not provide music where musicians had previously been hired or where they would normally be paid for their services.

6. *Good music was to be furnished.* Although the fund was to supplement musicians' employment, it did not offer jobs to incompetents. The music it bought was good. The state of the profession being what it is, there was no dearth of available talent.

The tables and charts presented here give in detail the facts and figures on the Federation's three-year expenditure of \$4,500,000. The pictures that follow show many of the individual projects, what they meant and how they were executed. It is clear that the three-year program of the Federation has made a place for itself in American life.

In the course of this achievement, nothing has pleased the union more than the cooperation of many persons and institutions outside its ranks, including those with no direct stake in the preservation of music. Chambers of commerce, business clubs, charities, veterans' groups, newspapers, music clubs, educators, municipal and county governments — all have shared in the work, by cash contribution or publicity or hard work or by offering needed facilities.

In particular, local governmental bodies have frequently recognized the value of the fund by making appropriations for music, sometimes by dollar-for-dollar matching of R and T allotments. These actions have great significance in the growing willingness to assume responsibility for our cultural life. In 1948 a union survey showed 203

locals in the United States reporting official subsidies for music amounting to \$1,456,365.97. In Canada 20 locals reported subsidies of \$63,577.23. All told, this exceeded the R and T expenditure for the year. *Thus, the A. F. of M. formula has produced much in excess of its own weight in free music.*

Even though the original fund fell victim to the Taft-Hartley law, the work will continue. The settlement of the second record ban on December 14, 1948, assured this. The Music Performance Trust Fund, with Col. Samuel R. Rosenbaum of Philadelphia as the industry-appointed trustee, is, in the words of the trustee, *an extension of the program of public service originated by the Federation*. Its terms are based on the administrative principles adopted by the union, with a bow to

legal necessity.

Rosenbaum has asked the help of the musicians. "In doing so," he said, "the Trustee is confident that the basic purposes of the Trust Fund will be assisted and carried out, because a careful study of the methods and practices of the R and T Fund reveals that *it has been, in fact, operated as a public service and not merely as a feed-bag.*"

Time and developments in other industries will determine whether this book you are reading is a requiem for a vanished ideal, or whether it is an introduction to a continuing vista of high public service. In either event, it is the honest record of an experiment that has already made a great contribution in labor-management relations and to our culture.



GROWTH OF A DEMOCRATIC UNION

THE first organized musicians were predominantly German, 19th Century refugees from the earlier oppression that enriched America by forcing the liberal-minded to emigrate. The wheel has come full circle; the descendants of the sturdy opponents of Prussian despotism now bar Nazis (and Communists) from membership in the American Federation of Musicians.

The original musicians' union was the Aschenbroedel (or "Cinderella") Club formed in New York in 1860. Although social at first, four years later its members incorporated the Musical Mutual Protective Union. The 24 incorporators would vehemently deny that theirs was a "trade union;" they were strictly "artists," not "laborers." By their action, if not by their words, they recognized the inseparability of art and the well-being of the artist. Their union was a genuine part of the labor movement.

Its stated purposes were "the cultivation of the art of music in all its branches, and the promotion of good feeling and friendly intercourse among the members of the profession, and the relief of such of their members as shall be unfortunate." This was promptly amended to include the standard trade union objective of a "uniform rate of prices to be charged by members." By laws were enacted to enforce the price list and to forbid members to work with non-members.

These early organized musicians were concerned as much with craftsmanship as with working conditions, with resist-



ance to shoddiness as with exploitation by profiteers. Today that concern expresses itself in the royalty funds.

In 1863 the Baltimore musicians formed an organization, and in 1864 the St. Louis instrumentalists followed New York's lead, forming their own Aschenbroedel Club. Musicians elsewhere organized, insisting that theirs were not "trade unions," but pursuing trade union objectives. In 1886 many of the clubs joined together as the National League of Musicians, which in ten years numbered 101 local societies.

The League's function was to handle problems common to all musicians; it exercised no control over local policies. As it grew, it was racked by the struggle between the word and the substance, whether musicians formed part of the "labor movement" or whether they were "artists" only. Dominated by the large Eastern societies, it declined offers to affiliate from both the Knights of Labor, that secretive mass union, and the American Federation of Labor.

In 1896, some 19 Western locals, which had been saying that an organization which acted like a trade union *was* a trade union, attended an AFL-sponsored convention at Indianapolis. Out of the convention came the American Federation of Musicians, affiliated with the AFL, ready to do battle with the old League. The first president was Owen Miller of St. Louis, who was succeeded by Joseph N. Weber in 1900. (Weber held the post, with the exception of 1915 when he was ill, until 1940.)

By 1902 the A. F. of M. boasted the allegiance

of 98 of the 101 League societies, plus 99 of its own. The following year the three holdouts, losing members and influence in their own bailiwicks, surrendered and joined the Federation. The League lingered briefly for bookkeeping purposes and expired unnoticed and unlamented.

Aside from its adherence to the notion that musicians were unlike all other wage earners the League had failed to function effectively because it had no power. It was clearly not enough to hold a yearly gabfest under the name of convention and to pass pious resolutions deploring the competition of foreign, non-union bands. The musicians needed ground rules governing the relations between locals and a central office with power to act between annual meetings.

The debates in early A. F. of M. conventions over filling these needs are strongly reminiscent of the discussions of the Founding Fathers of the United States. The National League of Musicians and the Articles of Confederation had both proved inadequate; a Federal government was needed. The result in both cases is a triumph of practical democracy.

The supreme legislative, judicial and electoral body for the musicians was determined to be the annual convention of representatives of all locals. Beyond that, the compromises between big and little locals are close analogies of those embodied in the American Constitution. Where Congress seats all equally in the Senate and recognizes population differences in the House, delegations to the musicians' convention are granted one vote per 100 members, up to ten votes. Since this gives

greater weight to the smaller locals, the larger units are granted a roll call vote by membership on demand of ten delegates or five locals. (In recent years, a roll call has never been necessary.)

The implicit "war powers" of the U. S. President are matched by the explicit emergency clause in the A. F. of M. bylaws. The union's president is empowered only as long as the convention grants it, to "annul or set aside" the Federation's laws, except those dealing with finances. Article 1, Section 1, which delegates this authority, is always hauled out by the labor baiters in an attempt to prove that the musicians are the victims of a ruthless dictatorship. Since "dictator" Petrillo assumed office, this clause has been used:

1. To cancel conventions in 1943 and 1945 at the request of the Office of Defense Transportation.

2. Three times to change the date of the convention from the required "second Monday in June" to the first Monday in order to secure hotel accommodations.

3. To set aside dues payments for members in the armed services.

4. To change a law in order to organize the Boston Symphony Orchestra.

Each of these "dictatorial" acts was ratified unanimously by the next convention. Since the convention is the supreme legislative authority, it retains the right to abrogate the emergency clause whenever it sees fit. As the employer member of the War Labor Board panel stated in ruling against the union in 1944, "Petrillo, while certainly in charge of his union, is certainly no

more so than the head of every well-run corporation is of his company."

Besides the president, the convention elects by secret ballot a vice president, secretary and treasurer, with the usual functions, and five executive officers (one of them representing Canada). Together they make up the International Executive Board. The Board acts for the convention between sessions and serves as an appellate court for appeals from local and official decisions. Its five members at large are individuals of standing in their communities and represent the interests of the membership.

The major principles that make the Federation an outstanding example of democratic unionism were established at the beginning, although there have been many amendments of details as the profession has changed. Those principles may be briefly summarized:

1. *The A. F. of M. is democratic.* As we have seen, except in two cases there has been a convention every year since 1896. Nobody bosses the delegates; they represent their own members and nobody else. For full appreciation of this one must see the convention in action. Nothing is railroaded through; nobody is gagged; there is complete freedom of discussion and action. The gavel in Petrillo's hands is never used hastily or imperiously.

2. *The A. F. of M. is open to all professional instrumentalists.* There are no phony barriers; if a man is competent enough to secure paid engagements, he is eligible for membership. No initiation fee larger than \$50 may be charged.

3. *The rights of members are strictly safeguarded.* No member may be disciplined or expelled without a trial. Punishments inflicted by a local may be appealed, first to the International Executive Board and then to the annual convention. Employers may also appeal decisions concerning traveling musicians and monetary claims.

4. *Finances are thoroughly reported to the membership.* The Federation's funds are primarily derived from payments by locals and members as voted by the annual convention. Salaries are fixed in the bylaws, also by convention action. Expenditures are authorized by the Executive Board and an audited treasurer's report is published to the convention and to the membership. Quarterly statements are also issued.

5. *Local autonomy is guaranteed.* Each local runs its own affairs without interference. Within its jurisdiction it sets its own wages and working conditions (with certain exceptions in nation-wide industries). Local conflicts are prevented by the bylaws.

The musicians' union has stood foursquare on these principles since its founding. The international has sometimes assumed jurisdiction in certain spheres in order to advance the welfare of the profession and the individual musician. It has relieved the locals of the burdens imposed by traveling bands, booking agencies, recording, motion picture work, television, etc.

A conflict may arise between the broad interests of music and the legitimate but narrower field of the local membership. Take, for example, traveling bands. It is a good thing to have a thriving

orchestra circuit across the country, but each engagement can be a threat to the employment of local musicians, who may be displaced without benefitting from the earnings of the travelers. Locals wanted their members protected from underbidding by outside bands; members of these bands wanted minimum wages in those places where the Federation was non-existent or standards were low.

The problems were settled with justice to all in a series of bylaws passed in convention and enforced by the international office. A price list (or minimum wage scale) was set for traveling bands, subject to a higher scale where the local scale was higher. This covered the underbidding and minimum wage problems. A ten per cent tax was levied on the payroll of engagements played by traveling orchestras, split between the Federation, the local whose territory the orchestra entered and the members playing the job. The tax insured hiring local talent where two bands were of equal caliber, it gave the local an incentive not to obstruct the traveling band industry, and it was a source of revenue that made it possible to keep dues to a reasonable figure.

The national officers have acted in the same spirit of reasonable striving for solution in national negotiations. Backed up by the fact that the union has never in its existence violated a contract, they have earned the respect of bargainers for some of America's greatest corporations. Recent contracts have brought stability to the broadcasting and movie industries (as far as employment of musicians goes).

Some weighty matters that have faced the Federation since the beginning have come from the outside. Two of them have been matters of competition: non-union foreign musicians, and non-union amateur musicians. Both have been substantially solved. Congress took care of the foreign musician by carefully distinguishing in the immigration laws between artists of real talent and the routine instrumentalists whose only purpose was to pick up cash by cutthroat touring.

After a number of unhappy controversies — generally involving some high school band playing a dance date at a club — the Federation and representatives of the music educators signed a "Music Code of Ethics" in Chicago in 1947. The Code carefully defined the respective spheres of influence of professionals and student amateurs. Since it was signed, relations have been remarkably cordial. Today many schools have profited by the free music of the Recording and Transcription Fund, and many fine orchestras in small towns are a pooling of the talent of union and amateur musicians.

The musicians have been traditionally generous in public causes — often to a point where that generosity has been exploited. Sometimes musicians find themselves on a charity program as the only item offered free to the sponsors. One local has dramatized its cash contributions by requiring payment at scale rates for charity performances, with the musicians promptly donating their pay to the worthy cause. The recipients are thus made aware of the cash value of the contribution.

In recent years the U. S. and Canadian governments have been major beneficiaries of the musicians' gratis services. During the war and the first record ban, the very best orchestras cut "V-Discs" without pay for the armed forces of the United States and Canada. U. S. Treasury Bond drives each year have utilized the freely offered music of union members in 13-week series of transcribed broadcasts heard over hundreds of radio stations, and the U. S. Veterans Administration from the beginning and continuing today has relied almost wholly on the free services of musicians to carry out its nation-wide radio information service.

These facts cover, if not all, the most significant details of the history of the organized musicians. Earliest of entertainment workers to unite, they have been consistent to the ideals of organizational democracy, the economic advancement of the artist, and the safeguarding of the profession. Virtually 100 per cent of eligible performers are members, an achievement that is outstanding in the labor movement. The loyalty of the membership to the Federation and to their leaders is unswerving, and always will be as long as the union's policies reflect the needs of the rank-and-file musician.

Who can predict what the future may bring? So far, the American Federation of Musicians has weathered every storm. The record of the past indicates that it will continue to bring to the problems of music a vigorous and imaginative search for honest answers.



FITTINGLY enough, a recording of tributes to the Recording and Transcription Fund has been distributed to the locals of the American Federation of Musicians. The record contains the following statements by these national leaders:

James C. Petrillo

President, American Federation of Musicians

So long as I live I shall cherish the memory that this project was planned and executed under my administration as president of the American Federation of Musicians.

Although our operation of the fund ended on January 31, 1950, under the impact of the Taft-Hartley Act, this service to the public is being continued under a legal trusteeship.

Our members will continue to bring this cheer and comfort to hundreds of thousands of people throughout the United States and Canada and thus—without cost to any listener—relieve the monotony of canned music with the art of live musicians.

William Green

President

American Federation of Labor

It is especially gratifying that this significant public service will be continued despite its negation in original form by the Taft-Hartley Act. To President Petrillo and his able staff who have administered it over the last three years at a cost of less than one per cent I speak the hearty congratulations of their brethren of the American Federation of Labor.

General George C. Marshall

President

American National Red Cross

Over the past three years the American National Red Cross has greatly benefitted from the public service project of the American Federation of Musicians. This generous and helpful cooperation at both national and community levels has been acknowledged by the award of the Red Cross Certificate for Distinguished Service to the Federation and to its leader, Mr. Petrillo. I am glad of this opportunity to second those citations with my personal thanks to the thousands of musicians who have participated in the support of the Red Cross.

Louis Johnson

Secretary of Defense

The musicians made possible the widespread V-Disc program—a free gift to the Army, Navy and Air Force of the best in instrumental music. The network of the Armed Forces Radio Services could not have existed without the cooperation of the Federation. The Recording and Transcription Fund has gone further. It has provided accompaniments to National Guard recruiting rallies; it has given the best for patriotic parades; it has cheered the lot of servicemen in station and general hospitals. We of the Department of Defense are cognizant of, and grateful for the contributions of the American Federation of Musicians and its many locals.

Henry Ford II

Chairman

Community Chests of America

To my personal knowledge as chairman of the Community Chests of America the success of our national network programs and local productions of all kinds has been musically underscored time after time by this union of talented men and women. And so in recognition of outstanding national service to the Community Chests of the country I would like to add my personal thanks to Mr. James C. Petrillo and to every member of the American Federation of Musicians for their ready cooperation in this united effort to meet human needs.

Dr. Everett R. Clinchy

President

National Conference of Christians and Jews

Our own program of world brotherhood and our observances of Brotherhood Week, have been enriched by the presence of orchestras sponsored by the Recording and Transcription Fund of the union. The National Conference of Christians and Jews enthusiastically applauds the three-year achievements of the organized musicians.

*Music by "Old Timers" Orchestra, Frieder Weissmann,
Conductor, organized under auspices of Local 802 in
conjunction with the R and T Fund.*