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A Study of Unionism in the Broadcasting and Television Industries

Noel Martin Daniel

Unionism in the Broadcasting and Television Industries — Martin

A STUDY OF UNIONISM IN THE BROADCASTING AND TELEVISION INDUSTRIES

A Thesis

Presented to

the Faculty of the Department of Economics

University of New Mexico

In Partial Fulfillment

of the Requirements for the Degree

Master of Arts

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This thesis, directed and approved by the candidate's committee, has been accepted by the Graduate Committee of the University of New Mexico in partial fulfillment of the requirements for the degree of

MASTER OF ARTS

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TABLE OF CONTENTS

PAGE OF CONTENTS

CHAPTER

CHAPTER I

INTRODUCTION

For many years the problem of unionism in the radio broadcasting and television fields has been complicated by two major factors: (1) jurisdictional disputes among the various craft and performer unions in the fields, (2) the unions' resistance to technological improvements in the industries as a means to diminish unemployment among union members. In this study of unionism in the broadcasting industry a cross-section of the field is presented as it involves labor-management relations.

It is the purpose of the thesis on the basis of the evidence presented to demonstrate that technological development in the television industry resolves both the jurisdictional and unemployment problems. Rather than resorting to immediate objectives in their collective bargaining agreements with employers the unions should promote long-term programs consistent with technological change. In their historical patterns of collective bargaining the unions have not demonstrated this broad point of view. On the other hand management in the broadcasting-telecasting industry shares with labor this responsibility in meeting the problems of technological change. Too often management has been concerned with limiting the activities of unions without regard of the contributions of unions.

This study presents first a background to radio broadcasting in this country as an entertainment medium. The history of broadcasting, its development as big business, and broadcasting's responsibilities to the public interest are considered. Next presented are the structure,

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INTRODUCTION

For many years the problem of unionism in the radio broadcasting and television fields has been complicated by two major factors: (1) jurisdictional disputes among the various craft-and performer unions in the fields, (2) the unions' resistance to technological improvements in the industries as a means to diminish unemployment among union members. In this study of unionism in the broadcasting industry a cross-section of the field is presented as it involves labor-management relations.

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This study presents first a background to radio broadcasting in this country as an entertainment medium. The history of broadcasting, its development as big business, and broadcasting's responsibilities to the public interest are considered. Next presented are the structure,

government, policies, and institutionalism of radio unions. In the treatment of union institutionalism, programs for health and welfare benefits, labor education, and political activity are outlined. The effects of legislation on the collective bargaining patterns of the unions are then considered. In particular how such legislation as the Lea Act, the Labor Management Relations Act of 1947, and the National Labor Relations Act of 1935 affects collective bargaining is outlined. On the management side of the picture is a review of the activities and attitudes of the National Association of Broadcasters. The problems of jurisdiction, with various examples of jurisdictional disputes, is first developed with reference to radio broadcasting and then with television. The television field background is first presented with its relationship with radio broadcasting. Television is one form of technological development that has accentuated the problems of radio unions; television as a mass entertainment medium also offers a possibility of resolution of these problems.

A correlation between union membership and employment in the radio-television industry is almost impossible to obtain. The statistics available on employment in the industry do not distinguish between full-time and part-time employees. On the other hand a performer may be counted as a union member but remain unemployed.

Memberships in the unions have increased greatly the past few years creating problems of finding new avenues of employment for the entertainers and expanding the avenues already open. In 1948, for example, a survey concluded that AFRA had increased its membership rolls

government, policies, and institutionalizing of radio unions. In the treatment of union institutionalizing, programs for health and welfare benefits, labor education, and political activity are outlined. The effects of legislation on the collective bargaining patterns of the unions are then considered. In particular the such legislation as the Taft-Hartley Act, the Labor Management Relations Act of 1947, and the National Labor Relations Act of 1935 affects collective bargaining in unions. On the management side of the picture is a review of the activities and attitudes of the National Association of Broadcasters. The problems of jurisdiction, with various examples of jurisdictional disputes, is first developed with reference to radio broadcasting and then with television. The television field background is first presented with its relationship with radio broadcasting. Jurisdiction is the form of technological development that has accompanied the problems of radio unions. Television as a case subcategory indicates the possibility of resolution of these problems.

A correlation between union membership and employment in the radio-television industry is almost impossible to obtain. The statistics available on employment in the industry do not distinguish between full-time and part-time employees. On the other hand a performer may be counted as a union member but remain unemployed.

Subscribing in the unions have increased greatly the past ten years creating problems of finding new sources of employment for our entertainers and expanding the sources already open. In 1948, for example, a survey concluded that 90% had incomes from membership fees

133 percent over a seven year period.[1] The same survey revealed that AFM had increased membership 60 percent, AGVA 200 percent, AGMA 100 percent, Actors' Equity 54 percent, etc. An interpretation of such figures would have to take into account that many union members were inactive and not in the labor market. A large amount of this increase, however, resulted from the organizing of unorganized entertainers within the various fields. Any interpretation would also have to consider that each year newcomers are entering the entertainment fields, especially television, by the thousands. Unemployment among the musicians is difficult to determine because most card holders are employed on a part-time basis.

The following table illustrates in brief the increase in talent union membership from 1941 to 1948:[2]

	Membership Figures	
Union	1941	1948
American Federation of Radio Artists (AFRA)	12,000	28,000
Actors' Equity (AE)	3,731	5,889
American Federation of Musicians (AFM)	137,000	237,000
American Guild of Variety Artists (AGVA)	16,438	48,165
Screen Actors' Guild (SAG)	8,000	8,000
American Guild of Musical Artists (AGMA)	900	1,800
Chorus Equity (CE)	5,000	5,200

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[1] Billboard, Jan. 1, 1948, p. 3.

[2] Billboard, Jan. 1, 1948, p. 4.

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The following table illustrates in brief the increase in paid union membership from 1941 to 1948:[2]

Union	Membership Figures 1941	1948
American Federation of Radio Artists (AFRA)	12,000	36,000
Actors' Equity (AE)	3,731	5,659
American Federation of Musicians (AFM)	131,000	231,000
American Guild of Variety Artists (AGVA)	18,128	18,165
Screen Actors' Guild (SAG)	6,800	8,000
American Guild of Musical Artists (AGMA)	500	1,600
Chorus Equity (CE)	3,000	3,120

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[1] Billboard, Jan. 1, 1948, p. 3.

[2] Billboard, Jan. 1, 1948, p. 4.

Union	Membership Figures 1941	1948
International Alliance of Theatrical Stage Employees (IATSE)	20,000	60,000
Scenic Artists' Union (SAU)	500	525
Dramatists' Guild (DG)	2,441	3,202
Radio Writers' Guild (RWG)	300	1,800
Radio and Television Directors Guild (RTDG)	25*	290

*1947 last year figures available.

Technological change is the key concept in tracing the pattern of trade unionism in the entertainment industry. Technology has had its influence in both the craft and talent union organization. Obviously "live" musicians are not needed to supply background music in motion picture theaters, although this "make-work" or "feather-bedding" labor practice has been promoted by the American Federation of Musicians. In fact the activities of the musicians' union have been shaped and influenced by technological change more than those of any other entertainment union. Furthermore the American Federation of Musicians is the one entertainment union that is active in all phases of the entertainment world. For this reason this study will place special emphasis on the musicians' union in the fields of radio and television.

In outlining the musicians' conflict with mechanized music it must be first pointed out that the quarrel is not with the production of mechanized music as such. The musicians feel that their unit of output--that of a single musical performance--is sold over and over again on the market to no benefit to the individual producer and with

Membership figures

Union	1961	1 96
International Alliance of Theatrical Stage Employees (IATSE)	77,000	80,000
Screen Artists' Union (SAU)	500	[illegible]
Dramatists' Guild (DG)	2,400	3,202
Radio Writers' Guild (RWG)	300	1,300
Radio and Television Directors Guild (RTDG)	250*	290

*1957 last year figures available.

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enormous profits to the broadcasters who own the mechanized reproducers. Mechanized reproduction or "canned music" may take the form of records, transcriptions, sound tracks of motion pictures, or television sound tracks. In 1929 nearly every theatre employed live musicians. When sound pictures or "talkies" were introduced about 18,000 full-time musicians were discharged.[1]

The lot of the musician since the sound motion picture has not improved. During the fiscal year ended June 30, 1945, the eight major Hollywood studios employed on a part-time basis 5,158 union members. Average salary paid was $1,009.85. Only 239 union members received full-time employment as instrumentalists.[2] Considering the importance of music to motion pictures it does indeed seem strange that the major studios in Hollywood employing the most musicians spent nine tenths of one percent of total expenditures on musicians.[3]

Any consideration of the problems of musicians in broadcasting must take into account the recording industry. Records make up the majority of musical broadcasts. The American Federation of Musicians claims that not one musician is permanently employed in the recording field on a full-time basis. To explain their claims the recording industry the musicians point to the incomes of the "big-three" record companies: RCA-Victor, Columbia, and Decca. Income for the lowest of

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1 American Federation of Musicians, The Record on Records, 1948, p. 7.

2 American Federation of Musicians, op. cit., p. 7.

3 Ibid.

enormous profits to the producers who saw the mechanical reproduction, mechanical reproduction of "canned music" may take the form of records, transcriptions, sound tracks of motion pictures, or television sound tracks. In 1927 nearly every theater employed live musicians. When sound pictures or "talkies" were introduced about 22,000 full-time musicians were displaced.[1]

The lot of the musician since the sound motion picture has not improved. During the fiscal year ended June 30, 1946, the studios for Hollywood studios employed only part-time musicians 5,125 union members. Average salary paid was $1,000.00. Only 750 union members received full-time employment as instrumentalists.[2] Considering the importance of music to motion pictures it does indeed seem strange that the major studios in Hollywood employing the most musicians spend time testing of one percent of total expenditures on musicians.[3]

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the three, Decca, in 1946 was $3,224,538 before taxes.[1] The American Federation of Musicians submits that the recording industry could not exist except for musicians producing records. Inequalities appear to exist when it is shown that RCA used 2,844 musicians whose average union scale earnings per man for the year 1946 amounted to $177. Columbia employed 1,924 musicians; each musician received average scale earnings of $213.75 for the year. Decca's 1,642 musicians received average scale earnings of $103 per man per year. The rank and file instrumentalist received less than one cent per record sold.[2]

The union argument continues that recording artists are the cream of the profession. They are hired casually for three or six hour sessions, incidental employment in a multi-million dollar industry which could not exist without them. Moreover these artists must rely on other engagements for their living--engagements directly threatened by the records they themselves produce.

An allied industry to the recording business is that of electrical transcription. This industry supplies recorded performances of union members to radio stations for packaged shows, commercial jingles and musical backgrounds. Many statistics are not available on the incomes of transcription companies. But Frederick W. Ziv, Inc., as an example,

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2 American Federation of Musicians, op. cit., p. 11.

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Columbia employed 1,272 musicians; each musician received average scale earnings of $213.75 for the year. Decca's 1,042 musicians received average scale earnings of $207 per man per year. The rank and file instrumentalist receives less than one week's regular work.[2]

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1 Ibid.

2 American Federation of Musicians, op. cit., p. [illegible].

had estimated gross sales of $10,000,000 for 1947.[1] In 1946 this company paid only $39,239 in union wage scales to musicians and orchestra leaders.[2]

Radio is under a distinct obligation recognized by the Federal Communications Commission and the courts to employ live talent. Musicians, actors and other have noted that this obligation has meant nothing more than periodic studies showing that the vast majority of stations do not use live talent. In the FCC's report of March 7, 1946 it was revealed that the average radio station employs less than one third of one musician. The field of television has proved another thorn in the side of the musician. Although many union contracts prohibited the use of motion picture sound tracks on television in the infancy of this medium, this problem has been circumvented by the television industry. Even records are being used by television disc jockeys and there is the innovation of the television record--the kinescope--to be considered.

Observers of the effects of technology upon the musicians' profession may conclude that this situation offers no features to distinguish it from other apparently similar situations. Howver sympathetic they may be with the immediate victims of technological displacement, they may suggest that although technology causes temporary

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displacement and unemployment, forces skilled workers into unskilled jobs at lower wages, and spells the end of opportunity for the older workers, the machine opens new areas of employment which more than compensate for temporary maladjustments. They point out that the perfection of sound movies, phonograph records, radio and television make it obvious that fewer musicians are needed today; that the public is getting more, better, and cheaper music than it did twenty years ago; "and that fifty years from now, through greater development of recording and communication devices, only five hundred musicians will be needed to give the world all the music it wants, that will merely be another manifestation of technology's unalterable process."[1]

Television as the newest and most successful entertainment medium is about to add more radio workers to the ranks of the unemployed. Television today is in about the same stage of development as was radio in the 1920's. Radio actors may see the day when their end product is recorded and reproduced over and over again without a corresponding increase in income. On the other hand television may provide the means of union organization of the whole entertainment industry. These problems will be explored in the concluding chapters of this thesis.

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1 International Musician, March, 1948, p. 36.

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[1] International Musician, March, 1948, p. 24.

CHAPTER II

BACKGROUND OF UNIONISM IN RADIO BROADCASTING

The actual history of commercial radio broadcasting in the United States covers approximately the last thirty years. The pioneer station in the field was KDKA in Pittsburgh.

Pittsburgh's KDKA went on the air November 2, 1920 in time to broadcast the Harding-Cox election returns. By late 1922 there were 200 radio stations in the United States and over 3,000,000 radio sets. Even at this primitive stage of development a large proportion of radio entertainment was "canned music" from phonograph records. Entertainers were amazed when Westinghouse announced in 1922 that the company intended to spend $5,000,000 for radio talent.[1] Up until this time musicians and actors were willing to perform on the air for publicity instead of wages. However, the musicians' union initiated wage scales for radio work on a local basis. It soon became a common practice to substitute recordings for live musicians in the hope of misleading the public. These actions brought a protest from the American Federation of Musicians in 1930 to the Federal Radio Commission.[2] This brought about a round of test cases. The Supreme Court of Pennsylvania upheld the musicians on the grounds that they had a right to prevent unauthorized use of their recordings.[3] But the circuit court

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1 Abel Green and Joe Laurie, Jr., Show Biz (New York: Henry Holt and Company, 1951), p. 233.

2 Robert D. Leiter, The Musicians and Petrillo (New York: Bookman Associates, Inc., 1953), p. 67.

3 Waring v. WDAS Broadcasting Station, Inc., 194 Alt. 631, Oct. 8, 1937

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of appeals ruled in 1940 that the musicians' rights ended with the sale of the records.[1] Thus radio stations could not be restrained in the use of records.

In December 1936, the Chicago Federation of Musicians prohibited the making of recordings without the permission of the local executive board. This move was made in the face of immediate unemployment to counteract the use of records in broadcasting. However, the ban was never put into effect. In 1937 the AFM negotiated with the three major networks, and the networks agreed to spend an additional $2,000,000 yearly for staff musicians.[2] Throught the National Committee of Independent Broadcasters the unaffiliated stations agreed to expend for staff musicians an amount equal to five and a half percent of 1937 time sales over $15,000. Later the Department of Justice advised the union and the broadcasters that the agreements were not legal. When they expired in 1940 they were not renewed.[3] In 1938 the union began a system of licensing the record and transcription companies. These licenses were contracts whereby the companies agreed to hire only union musicians and musicians were allowed to work only for the licensed companies.[4]

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[1] RCA Mfg. Co., Inc. v. Whiteman, 114 F 2d 86, CCA 2, July 25, 1940; affirmed by U. S. Supreme Court, 311 U. S. 712, Dec. 16, 1940.

[2] Leiter, op. cit., p. 69.

[3] Ibid, p. 70.

[4] Ibid.

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1 BMI Mfg. Co., Inc. v. Williams, 111 F 2d 88, 6th Cir 2, 1940; 45, 1940; affirmed by U. S. Supreme Court, 311 U. S. 732, Dec. 16, 1940.

2 Leiter, op. cit., p. 69.

3 Ibid. p. 70.

4 Ibid.

Radio was an $800,000,000-a-year business in 1925.[1] But talented entertainers were still finding it difficult to make a living. In Chicago the Radio Broadcasting Artists Association was formed in answer to this problem. This organization later became the American Federation of Radio Artists. National sponsors were already making radio profitable for the broadcasters. WHN received $750 a week for two half-hour shows.[1]

"Radio," said Will Rogers in 1926, "is too big a thing to be out of."[2] 1926 was the year when the National Broadcasting Company was formed. Its key stations were WEAF and WJZ in New York. The formation of the network brought radio advertising into the big business brackets. With its network affiliation WJZ advanced the idea that radio needed sustaining as well as commercial shows and that it was the function of the radio station to pay for talent on sustaining programs. Ninety percent of radio broadcasting in 1926 was music. Paul Whiteman received $5,000 for an hour broadcast as an orchestra leader.[3] However, many musicians were willing to appear on NBC's other affiliate for the publicity. While Sears Roebuck's WLS in Chicago was paying $5 for guest appearances, NBC was paying Eddie Cantor $1,500.[4] Amos 'n' Andy rose

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1 Green and Laurie, op. cit., p. 237.

2 Green and Laurie, op. cit., p. 239.

3 Ibid.

4 Ibid, page 241.

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1 Green and Laurie, op. cit., p. 297.

2 Green and Laurie, op. cit., p. 297.

3 Ibid.

4 Ibid, page 298.

from a salary of $250 per week to $2,000.[1]

During the depression radio common stocks, which had soared spectacularly from 1927 through 1929, fell far below pre-1927 quotations. Of course big name entertainers were among the first to feel the effects of the depression. Transcriptions or recordings became more popular as an economy measure. In spite of the depression radio advertisers spent heavily in order to keep their inventories moving. Prices for top radio time ranged between $10,500 and $11,380 an hour.

The present American Federation of Radio Artists was organized in 1936. The organization's chief concern in its early months was the protection of script writers. The union wanted to do something about "factory scripting methods" which sometimes paid the individual writer $25 a week for several soap opera scripts. Another unfavorable practice was the sponsor's paying radio acting talent in merchandise instead of cash. The Federal Theatre Project during the days of the New Deal was a direct help to Equity members but did little to help unemployment among radio actors.

A Columbia Broadcasting System survey in 1933 counted 60,000,000 radio listeners and over 16,000,000 sets in operation.[2] In 1939, radio stations reported a net profit of $19,000,000. The following year radio was paying $490,000 a week in talent costs. In 1938 the former

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[1] Ibid.

[2] Green and Laurie, op. cit., p. 410

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[1] Ibid.

[2] Green and Laurie, op. cit., p. 410

mayor of New York, Jimmy Walker, became president of the National Association of Performing Artists. This latter group was organized by Fred Waring in an effort to collect performance fees from radio disc jockeys. Under the Copyright Act of 1909 this organization, like the American Federation of Musicians, found itself without redress.[1]

The contribution of radio in 1937 was the emergence of the "disc jockey" as a distinct phenomenon. This term was originated by Variety to describe announcers who played records usually from midnight till dawn. This particular device brings musical performances into millions of homes under the sponsorship of local and national advertisers. Millions of dollars are paid annually to the radio stations, large and small, for the sale of time during which the playing of records, interspersed with advertising, is the principal fare. Variety in its 1947 yearbook reported that "stations whose revenue from "disc jockey" sessions represent anywhere from 40% to 75% of their gross income are anything but rare".[2] The popularity of "disc jockey" programs grows with each succeeding year. This popularity has caused the American Federation of Musicians to ask, "What of the musician whose presence at the radio station might have been required were it not for the 'disc jockey' broadcast of phonograph records?"[3]

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1 Ibid., p. 417

2 Variety, Jan. 7, 1948, p. 92

3 "The Why of Standby", (Editorial), International Musician, Jan., 1948, page 6.

mayor of New York, Jimmy Walker, became president of the National Association of Performing Artists. This latter group was organized by Fred Waring in an effort to collect performance fees from radio disc jockeys. Under the Copyright Act of 1909 this organization, like the American Federation of Musicians, found itself without remedy.[1]

The contribution of radio in 1937 was the emergence of the "disc jockey" as a distinct phenomenon. This term was originated by Variety to describe announcers who played records usually from midnight till dawn. This particular device brings musical performances into millions of homes under the sponsorship of local and national advertisers. Millions of dollars are paid annually to the radio stations. Prices are small, for the sale of time during which the playing of records, interspersed with advertising, is the principal fare. Variety in its 1947 yearbook reported that "stations above revenue from "disc jockey" sessions represent anywhere from 10% to 75% of their gross income are anything but rare".[2] The popularity of "disc jockey" programs grows with each succeeding year. This popularity has caused the American Federation of Musicians to ask, "Most of the musician work presence at the radio station might have been required were it not for the 'disc jockey' broadcast of phonograph records".[3]

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1 Ibid., p. 117

2 Variety, Jan. 7, 1948, p. 52

3 "The Why of Standby", (Editorial), International Musician, Jan., 1948, page 6.

Although only a few topflight musicians are eligible for employment in the recording industry, and only the most proficient ever engage in recording activities, the wages paid to musicians appear small indeed to the receipts paid to the record companies. Those who use records for commercial purposes, such as "disc jockeys" and juke box operators, do not pay one penny to musicians whose talents and labors they exploit for millions of dollars annually.

The great majority of all radio broadcasts either features musical entertainment or uses musical background. Yet live musicians are employed by only a small fraction of broadcasters while recorded, transcribed and network music forms the overwhelming basis of musical offerings. The desirability of employment of live talent by broadcasters has been given lip service by the Federal Communications Commission, by the courts, and by radio broadcasters themselves on repeated occasions. Thus, the Commission has stated:

> "There is no doubt that the listener's interest is enhanced by the knowledge that the artists is performing simultaneously with the receiption in the home. Likewise, it is most important to guarantee the continuance of such appearances both from the standpoint of continuing the gainful employment of the artists who have contributed so much to the art of broadcasting and from the standpoint of the public. Indeed, radio broadcasting would lose much of its appeal to the public if the rendition of live talent programs is in any way curbed."[1]

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1 International Musician, Jan. 1948, page 10

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> "There is no doubt that the listening interest is enhanced by the knowledge that an artist is performing simultaneously with the presentation in the home. Likewise, it is most important to guarantee the continuance of such experience which is the standpoint of combining the rights and employment of the artists who have contributed so much to the art of broadcasting and form the standpoint of the public. Indeed, radio broadcasting media lose much of its appeal to the public if the production of live talent programs is in any way curbed."[1]

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1 International Bulletin, Dec. 1946, page 10

Chief Justice Vinson, when a member of the Court of Appeals for the District of Columbia, expressed the Court's approval of the Commission's finding that "under the direct provisions of the statute the rights of citizens to enjoy local broadcasting privileges were being denied" through the obliteration of local talent.[1]

Despite these salutes to public interest, convenience, and necessity, the use of recorded and transcribed network programs increases with the years and with such development, inevitably, the employment opportunities of musicians diminish. The Federal Communications found in January, 1945, only 19.7% of all radio daytime broadcasts and 15.5% of all programs between 6 P.M. to 11 P.M. were given to broadcasts of local live talent by 703 radio stations.[2] In December, 1947, representatives of a local Chicago station testified before a United States District Court that 90% of its broadcast time was devoted to music, and 100% of those musical offerings were in the form of recordings and transcriptions.

This practice typifies the activities of the great majority of local broadcasters whose violation of their duty to operate in the public interest impelled the Federal Communications Commission on March 7, 1946 to issue its report entitled "Public Service Responsibility of Broadcast Licensees," commonly referred to as the "Blue Book."

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1 Ibid., page 10

2 Public Service Responsibility of Broadcast Licensees, Federal Communications Commission, 1946, p. 37.

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Despite these salutes to public interest, convenience, and necessity, the use of recorded and transcribed talent programs increases with the years and with such development, inevitably, the employment opportunities of musicians diminish. The Federal Communications found in January, 1941, only 37.7% of all radio station broadcasts and 15.55% of all programs between 8 P.M. to 11 P.M. were given to broadcasts of local live talent by 723 radio stations.[2] In December, 1944, representatives of a local Chicago station testified before a United States District Court that 90% of the programs that was devoted to music, and 100% of those musical programs were recorded in the form of recordings and transcriptions.

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1 Ibid., page 10

2 Public Service Responsibility of Broadcast Licensees, Federal Communications Commission, 1946, p. 31.

A careful examination of the contents of that report is recommended to the American public whose "interest, convenience or necessity" reportedly is ever uppermost in the hearts and minds of the radio broadcasters. "The combined casuistry of the legal and economic staffs of the networks and of the National Association of Broadcasters cannot obscure the cold facts to be gleaned from the 'Blue Book'."[1]

When radio was in its infancy, station operators solicited the aid of musicians in building up an industry that was only beginning to feed at the trough of advertising revenues. Musicians responded generously in contributing their services ...in many instances without pay. Practices such as remote broadcasts from hotels, casinos, and similar locations which radio stations utilize without making any payment to musicians, persist from customs established in these past years. Radio vowed that these contributions were deeply appreciated and promised that as the industry developed, musicians would share in the feast. For the past several years the table has been laid but the musicians have had to fight for scraps.[2]

The public's appreciation of radio, the recognition of its contributions to entertainment, and the acknowledgement of its services to the cause of education are shared by the entertainment unions. The unions appreciate the advantages implicit in the network broadcasts

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1 International Musician, March, 1948, p.34.

2 International Musician, March, 1948, p. 35.

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1 International Musician, March, 1948, p.[illegible].

2 International Musician, March, 1948, p. [illegible].

which bring outstanding performers to all sections of the nation. They understand the benefits derived from the use of electrical transcriptions which contribute to the perfection of programs, loosen the bonds which time belts impose on coast-to-coast broadcasts, and afford to local advertisers superlative programs at low cost. By and large the unions share with the public the growing anticipation of the developing field of television.

As technology progresses it would be well for all concerned to consider the end product of the musician or the performer. No new end product can be substituted for musical or dramatic performances. Musicians must be available if phonograph records are to be made and radio broadcasts are to continue. Motion picture and television producers will continue to require the services of actors and musicians if new films are to be released. All will continue to depend upon original performances for perpetuation of their multi-million dollar industry.[1]

Obviously, no profession can persist solely on the achievements of its most skilled practitioners. Only a few members of other professions achieve eminence and leadership, although the rank and file occupy respected positions on the American Scene. Achievement in the professional field, as well as other fields, depends on the participation of many practitioners. The unions support the idea that the

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1 International Musician, March, 1948, p. 37.

which bring outstanding performers to all sections of the nation. They understand the benefits derived from the use of electronical transmissions which contribute to the perfection of programs, locate the bands which this helps insure on coast-to-coast broadcasts, and afford to local advertisers appreciable savings at low cost. By and large the unions share with the public the growing pains of the developing field of television.

As technology progresses it would be well for all concerned to consider the end product of the machine or the medium. No new end product can be substituted indefinitely or arbitrarily. Substitutes must be available if changes in methods are to be accepted. Radio broadcasts are to continue. Motion pictures and television producers will continue to require the services of actors and musicians if new films are to be released. All will continue to demand upon original performances for perpetuation of their multi-million dollar industry.[1]

Obviously, no profession can operate solely on the achievements of its most skilled practitioners. Only a few members of other professions alone achieve eminence and leadership, although the rank and file occupy respected positions on the American scene. Advancement in the professional field, as well as other fields, depends on the participation of many practitioners. The unions support the idea that the

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[1] International Musician, June, 1960, p. 27.

profession each particular union represents should merit the same consideration. The unions believe that it is good business for the moving picture producer, the record and transcription manufacturer, the radio broadcaster, and the telecaster to assure a continuing availability of the tools of their trades, "just as does the timberland operator, who in place of every tree felled, takes precaution that another will brow. Good business practice applauds reforestration."[1]

Unionism in the radio broadcasting field is represented by the following unions: American Federation of Radio Artists with 28,000 members; The American Federation of Musicians with 237,000 members and only a minority working in radio; The American Radio Association with 1600 members; the International Brotherhood of Electrical Workers; the National Association of Broadcast Engineers and Technicians with 2,400 members; the American Guild of Musical Artists; the Radio and Television Directors Guild with 500 members; the Radio Writers Guild with 1500 members, and the United Radio and Machine Workers. The United Electrical Radio and Machine Workers and the American Radio Association are affiliated with the Congress of Industrial Organization (CIO) and the other unions are affiliated with the American Federation of Labor (AFL). The American Federation of Radio Artists and the American Guild of Musical Artists are branches of a parent organization,

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1 International Musician, Feb., 1948, p. 42.

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Unions in the radio broadcasting field is represented by the following unions: American Federation of Radio Artists with 26,000 members; The American Federation of Musicians with 237,000 members and only a minority working in radio; the American Radio Association with 1500 members; the International Brotherhood of Electrical Workers; the National Association of Broadcast Engineers and Technicians with 2,500 members; the American Guild of Musical Artists; the Radio and Television Directors Guild with 300 members; the Radio Writers Guild with 1500 members, and the United Radio and Recorded Workers. The United Electrical Radio and Machine Workers and the American Radio Association are affiliated with the Congress of Industrial Organization (CIO) and the other unions are affiliated with the American Federation of Labor (AFL). The American Federation of Radio Artists and the American Guild of Musical Artists are members of a parent organization,

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1 International Musician, Feb., 1946, p. 12.

the Associated Actors and Artistes of America. The jurisdictional problems and inter-relationships of these unions will be covered in another chapter.

The unions have always had difficulties in organizing the radio industry because of the concerted resistance by employers. For instance in 1947 The American Federation of Radio Artists (AFRA) executed a total of twenty-six contracts with radio stations never before recognizing the union. This particular union lost elections in no less than fifteen stations. In addition in six other stations where the union had previously signed substantial majorities, AFRA was "knocked out of the picture" even before it reached the point of holding an election.[1] The latter situation might well be applied to the Albuquerque radio industry. To date AFRA has not been successful in organizing any one of Albuquerque's five radio stations.

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[1] Billboard, Sept. 4, 1948, p. 22.

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1 Billboard, Sept. 4, 1943, p. 22.

CHAPTER III

STRUCTURE, GOVERNMENT, AND POLICIES OF RADIO BROADCASTING UNIONS

In the history of unionism in the United States it is apparent that the local is the structural unit of organization while the international has become the economic unit. There has been a tendency in this country for the international to take more and more power and to exercise more and more control over its affiliated locals.[1] It has been said that the American Federation of Musicians exercises complete control over the professional musicians in this country. The musicians union to some extent has been organized along the lines of the medieval guilds. Anyone wishing to deal with professional musicians comes in contact with the AFM. The national union permits its locals to go their own ways, but the national has the power to intervene in the affairs of the local when it deems necessary.[2] For many years the present president of the American Federation of Musicians, James Caesar Petrillo, has received unkind treatment of his activities in the American press. To his assistants this small, belicose man of 63, is known as "Chief," "Chiefie," "J.C.P." or "Junior." But in everyday newspaper reports Mr. Petrillo usually is not accorded the use of his middle initial. His middle name, Caesar, is underscored.

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[1] Harry A. Millis and Royal E. Montgomery, Organized Labor (New York: McGraw-Hill Book Company, 1945), p. 253.

[2] Leiter, op. cit., p. 93.

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[1] Harry A. Millis and Royal E. Montgomery, Organized Labor (New York: McGraw-Hill Book Company, 1945), p. 223.

[2] Leiter, op. cit., p. 93.

In 1942 an excerpt from a hearing before the Senate Interstate Commerce Committee subcommittee was transcribed as follows:

> Senator Clark of Idaho . . . But would you not say pretty generally that Mr. Petrillo dominates the convention of the Federation of Musicians?
>
> Mr. Padway . . . I would say exactly the opposite; he does not.
>
> Senator Clark of Idaho . . . I am glad to have your expression on that."[1]

Mr. Padway at the time was an attorney for the AFM. His answer liberally interpreted would mean that all of Mr. Petrillo's acts as president of the union were performed within the framework of the constitution and regulations of the union. Moreover an examination of the AFM constitution would reveal that the union's power is chiefly vested in one man -- Mr. James C. Petrillo. His devotion to duty has won the respect and support of the members of the union. Another Congressional committee hearing in 1948 brought out the fact that Mr. Petrillo denies that he exercises absolute power over the musicians:

> Mr. Hoffman . . . You know very well, and everyone in this room knows you are the absolute dictator as to what these locals shall or shall not do.
>
> Mr. Petrillo . . . I object to that question. That is not a fair question.
>
> Mr. Hoffman . . . That is a matter of opinion.
>
> Mr. Petrillo . . . I am not a dictator and I don't dictate to the locals.[2]

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[1] Use of Mechanical Reproduction of Music, Hearings before a Subcommittee of the Committee on Interstate Commerce, United States Senate, 1942 (77th Congress, 2nd Session) page 110

[2] Restrictive Union Practices of the American Federation of Musicians, Hearings before the Committee on Education and Labor, House of Representatives, 1948 (80th Congress, 2nd Session), P. 371.

In 1942 an excerpt from a hearing before the Senate Interstate Commerce Committee subcommittee was transcribed as follows:

> Senator Clark of Idaho . . . But would you not say broadly generally that Mr. Petrillo dominates the convention of the Federation of Musicians?
>
> Mr. Fadwey . . . I would say exactly the opposite; he does not.
>
> Senator Clark of Idaho . . . I am glad to have your expression on that.[4]

Mr. Fadwey at the time was an attorney for the AFM. Our answer liberally interpreted would mean that all of Mr. Petrillo's acts as president of the union were performed within the framework of the constitution and regulations of the union. However an examination of the convention would reveal that the union's power is actually vested in the hands of Mr. James C. Petrillo. His devotion to duty has won him respect and support of the members of the union. Another congressional committee hearing in 1948 brought out the fact that Mr. Petrillo denies that he exercises absolute power over the membership:

> Mr. Hoffman . . . You know very well, and everyone in this room knows you are the absolute dictator as to what local locals shall or shall not do.
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[4] Use of Monopolistic Representation of Music, hearing before a Subcommittee of the Committee on Interstate Commerce, United States Senate, 1942 (77th Congress, 2nd Session), page 120.

[5] Restrictive Union Practices on the Amusement Industry, hearings before the Committee on Education and Labor, House of Representatives, 1948 (80th Congress, 2d Session), . . . 371.

Though each of the structural units of the AFM has its functions, the powers of the president are such that strong central control is established. The president's authority stems from Article I, Section I, of the bylaws of the American Federation of Musicians which states:

> Duties of President . . . It shall be his duty and prerogative to exercise supervision over the affairs of the Federation; to make decisions in cases where, in his opinion, an emergency exists; and to give effect to such decisions he is authorized and empowered to promulgate and issue executive orders, which shall be conclusive and binding upon all members and/or Locals; any such order may by its terms (a) enforce the Constitution, By-Laws, Standing Resolutions, or other laws, resolutions or rules of the Federation, or (b) may annul or set aside same or any portion thereof, except such which treat with the finances of the organization and substitute therefor other and different provisions of his own making...[1]

The constitution and bylaws of the American Guild of Musical Artists places central control of its activities in the hands of a Board of Governors:

> Board of Governors . . . The general management, Direction and control of the affairs, funds and properties of the Guild, and the determination of the relations and obligations of members to the Guild, and of the Guild to its members, and of members, and of members as such to one another, and of the basic relations between members and managers, employers, contractors, agents, impresarios and others whose activities affect the members, except as they are expressly limited and/or controlled by the Constitution and By-Laws, shall be vested in the Board of Governors.[2]

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[1] American Federation of Musicians, Constitution, By-Laws, and Standing Resolutions, 1947, p. 20.

[2] American Guild of Musical Artists, Agreement, Constitution and By-Laws, 1949, p. 20.

Though each of the structural units of the AFT has its functions, the powers of the president are most strongly capital control is established. The president's authority stems from Article I, Section 1, of the bylaws of the American Federation of Teachers which states:

> Duties of President . . . It shall be his duty and prerogative to exercise supervision over the affairs of the Federation; to take decisions in cases where, in his opinion, an emergency exists; and to give effect to such decisions he is authorized and empowered to promulgate and issue executive orders, which shall be conclusive and binding upon all members and/or locals; any such order may, inter alia, be taken to enforce the Constitution, By-Laws, standing Resolutions, or other laws, resolutions or rules of the Federation, or to meet unusual or exigent cases or any portion thereof, even if such action is with the finances of the organization and accordingly other and different provisions of binding action...[1]

The constitution and bylaws of the Teachers Guild of Medical Centers place central control of the activities in the hands of a Board of Governors:

> Board of Governors . . . The general management, direction and control of the affairs, funds and properties of the Guild, and the determination of the relations and obligations of members to the Guild, and of the Guild to its members, and of members, and of members as such to one another, and of the basic relations between members and managers, employers, contractors, owners, independent and others whose activities affect the members, except as they are expressly limited and/or modified by the Constitution and By-Laws, shall be vested in the Board of Governors.[2]

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[1] American Federation of Teachers, Constitution, By-Laws, and Standing Resolutions, 1967, p. 2.

[2] American Guild of Medical Centers, Governing, Constitution and By-Laws, 1969, p. 23.

The powers of the president of the Guild seem small indeed when contrasted with the president of the AFM:

> Article III, Section 2: President... The President shall be the first executive officer of the Guild. He shall preside at meetings of the Guild and of the Board of Governors, and shall perform such duties as from time to time the Board of Governors may determine.[1]

The president of the Associated Actors and Artistes of America of which the American Federation of Radio Artists is a branch seemingly would have a difficult time in exercising the powers of a Petrillo:

> The President shall never insist upon his personal views being entertained while in the Chair; he must surrender his position as Chairman at any meeting to make a motion or discuss the subject which is before the Board, and he shall not resume his position as Chairman until the question under discussion is disposed of.[2]

There are various means by which the nationals guide the various locals. For instance the AFM has published a trade magazine, the International Musician, since July, 1901. The magazine is largely educational in nature; however, it publishes a defaulters list of employers who have not fulfilled their contracts and an unfair list of employers who refuse to deal with the union or have violated union rules. The same devices are used by the American Guild of Musical Artists in its Agmazine. And the other radio unions use similar tactics in their trade papers. In the AFM there are eight traveling representatives who provide liaison between the locals and the national.

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[1] American Guild of Musical Artists, op. cit., p. 21

[2] Associated Actors and Artistes of America, Constitution as Amended June 1, 1935, p. 5

The powers of the president of the Guild seem small if they were contrasted with the president of the AFM:

> Article III, Section 2: "President... The President shall be the first executive officer of the Guild. He shall preside at meetings of the Guild and of the Board of Governors, and shall perform such duties as from time to time the Board of Governors may determine."[1]

The president of the Associated Actors and Artistes of America (the American Federation of Radio Artists is a branch presumably would have a difficult time in exercising the powers of a dictator:

> The President shall never vote except in the case of equal votes being cast in the Chair; in such case he shall surrender his position as Chairman or any meeting or make a motion or discuss the subject with in meeting the Board, and he shall not assume his position as Chairman until the question under discussion is disposed of."[2]

There are various means by which the unionists guide the various locals. For instance the AFM has published a trade magazine, the International Musician, since 1897. The magazine is largely educational in nature; however, it publishes a delinquent list of employers who have not fulfilled their contracts and an unfair list of employers who refuse to deal with the union or have violated union rules. The same devices are used by the American Guild of Variety Artists in the Amusement, and the other radio unions use similar tactics in their trade papers. In the AFL there are eight travelling representatives who provide liaison between the locals and the national.

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[1] American Guild of Variety Artists, op. cit., p. 121

[2] Associated Actors and Artistes of America, Constitution as Amended June 1, 1939, p. 5

Normally union members in this country hold their membership in the locals. In the musicians union the constitution provides that musicians are members not only of the local they join, but of the national as well. The same provision exists for members of the American Federation of Radio Artists and the American Guild of Musical Artists as branches of the Associated Actors and Artistes of America. Officers of the national have the power to prevent any local from violating laws of the national union. For example on the local level Article VII, Section 2 of the constitution and by-laws of the Musicians Association of Albuquerque, Local No. 618 AFM, has this provision:

> The Constitution and By-Laws of this Local shall be subject and subordinate to the Constitution, By-Laws and amendments thereto of the American Federation of Musicians and wherever conflict or discrepancy appears between the Constitution and By-Laws of this Local and the Constitution, By-Laws and amendments thereto of the American Federation of Musicians, the latter shall prevail.[1]

Local contracts with employers are negotiated on the local level, but all contracts specify that they are subject to present and future rules and actions of the national. This provision has enabled the national to pull the locals out on strike even though the local had a contract.

The nationals have instituted an annual convention system, and it might appear that the convention has final authority on all matters concerning the unions. In the AFM the locals are permitted one vote

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[1] Musicians Association of Albuquerque, Local No. 618 AFM, Constitution and By-Laws Revised March 4, 1953, p. 22.

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> The Constitution and By-laws of this local shall be subject and subordinate to the Constitution, by-laws and mandatory binding of the American Federation of Musicians and whenever conflict or discrepancy appears between the Constitution and by-laws of this local and the Constitution, by-laws and mandates thereto of the American Federation of Musicians, the latter shall prevail.[1]

Local contracts with employers are negotiated on the local level, but all contracts specify that they are subject to present and future rules and actions of the national. This provision has enabled the national to pull the locals out on strike even though the local had a contract.

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[1] Musicians Association of Albuquerque, Local No. 618 AFM, Constitution and By-Laws Revised March 6, 1952, p. 22.

for each hundred members, but no more than ten votes, in all elections. On matters affecting changes in the laws of the national, each local may, upon roll call, cast as many votes as it has members. But all laws which have been so passed are referred to a convention committee consisting of the executive board of the AFM and the chairmen of all committees appointed at the convention. This group may sanction or veto the law and its action is final.[1] It is interesting to note that roll call votes have never been used in the history of the AFM. In December, 1952, the Board of Governors of the AGMA ruled that the guild would hold a convention every two years. AGVA has divided the country into geographic areas mainly consisting of the large cities and each geographic area is entitled to one delegate for every twenty-five members.[2]

The trade press of the radio broadcasting unions usually carries extensive reports on the conventions of the American Federation of Labor. In 1937 John L. Lewis, who at that time headed the CIO, invited the American Musicians Union in Chicago to join the CIO. The Chicago Federation of Musicians (AFM) immediately waived the $100 initiation fee for new members and absorbed most of the 2,500 members of the American Musicians Union.[3] Subsequent attempts by the CIO to

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[1] American Federation of Musicians, Constitution, By-Laws, and Standing Resolutions, p. 8.

[2] Agmazine, May, 1953, p. 2

[3]

for each hundred members, but no more than ten votes, in all elections. On matters affecting changes in the laws of the national, each local may, upon roll call, cast as many votes as it has members. All laws which have been so passed are referred to a constitution committee consisting of the executive board of the AFM and the chairman of all committees appointed at the convention. This committee sanctions or veto the law and its action is final.[1] It is interesting to note that roll call votes have never been used in the history of the AFM. In December, 1952, the board of governors of the AFM ruled that the guild would hold a convention every two years. The AFM has divided the country into geographic areas which, each, elect one of the large delegates and each geographic area is entitled to one delegate for every twenty-five members.[2]

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[1] American Federation of Musicians, Constitution, By-Laws, and Standing Resolutions, p. 6.

[2] Ibid., May, 1953, p. 2

[3]

organize musicians were failures. In 1941 the American Federation of Musicians asked the AFL to revoke the charter of the Associated Actors and Artists of America, the parent organization of AGMA. Settlement of this dispute was reached in February 1942 and will be covered later in a discussion of jurisdictional disputes.

If the charge can be made that the entertainment unions are undemocratic in their organization and methods, they certainly cannot be accused of absolute secrecy in their executive board meetings. Each union member receives monthly the trade magazine of the union giving the detailed minutes of executive board meetings. From the following published reports in the International Musician come these detailed minutes:[1]

570 Lexington Ave.
New York, New York
September 7, 1953

Special Meeting of the International Executive Board of the A. F. of M. The meeting is called to order by President Petrillo at 2:00 P. M. Present: Bagley, Cluesmann, Steeper, Kenin, Clancy, Ballard, Harris. Excused: Murdoch.

President Petrillo explains that the main purpose of the meeting is to discuss conditions in connection with the renewal of the recording and transcription contracts which will expire shortly, and he also suggests certain changes.

There is a general discussion of the affairs of the Federation.

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1 International Musician, Nov., 1953, p. 29

organize musicians were failures. In 1944 the American Federation of Musicians asked the AFL to revoke the charter of the Associated Actors and Artists of America, the parent organization of AGVA. Settlement of this dispute was reached in February 1961 and will be covered later in a discussion of jurisdictional disputes.

If the charges can be made that the entertainment unions are undemocratic in their organization and methods, they certainly cannot be accused of absolute secrecy in their operation and activities. Each union member receives monthly the union magazine of his union giving the detailed minutes of executive board meetings, from the following published report in the International Musician are these detailed minutes:[1]

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1 International Musician, New., 1960, p. 29

President Petrillo describes his trip to Europe which was for the purpose of attending a meeting of the International Confederation of Free Trade Unions in Stockholm, Sweden, on which he will report further in the International Musician.

President Petrillo informs the Board of a situation wherein a certain local is confronted with non-union conditions which it seems unable to combat. There is a general discussion regarding similar conditions in other locals.

The president is authorized to use the services of traveling representatives and to draw on the funds of the Federation for the purpose of remedying such conditions.

The Secretary advises the Board that he had been notified by a local that certain members of another local while in its jurisdiction had been convicted on narcotic charges.

The Secretary is instructed to notify these members to show cause why their membership should not be cancelled.

The subject of a special price for transcriptions to be used in regional broadcasting is discussed.

The session adjourns at 7:15 P.M. [1]

Admission to Membership: Union Finance

Reference has been made to a number of matters which nationals or internationals have tended to standardize and to control. These controls have not in the main been extended to the membership, dues, and initiation fees of the locals. The constitution of each international states its jurisdictional claims. For instance here are the

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[1] International Musician, Nov., 1953, p. 29

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The Secretary advises the Board that he had been notified by a local that certain members of another local while in its jurisdiction had been convicted on narcotic charges.

The Secretary is instructed to notify these members to show cause why their authority should not be cancelled.

The subject of a special price for transcriptions to be used in regular broadcasting is discussed.

The session adjourns at 7:45 P.M.

Admission to Membership: Union Labels

Reference has been made to a number of matters which municipalities or internationals have tended to centralize and to control. These controls have not in the main been extended to the membership, where and initiation fees of the locals. The constitutions of each international states its jurisdictional claims. For instance, in the

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1 International Musician, Nov., 1953, p. 22

claims of the Associated Actors and Artistes of America as set forth by its constitution:

> This Association has, and claims to have through itself and its branches right of jurisdiction over all actors and actresses either legitimate, musical comedy, lyceum, circus, cabaret, vaudeville, chautauqua, operatic, radio, burlesque, motion pictures, stage managers, directors, assistant directors or stage managers, or any other entertainers of the public, irrespective of religion, race or nationality, who are now or have been working and performing or entertaining or lecturing within the United States, its dependencies, and possessions, and Canada, in all of their professional business relations with each other, with managers, agents, railroad companies, authors, song writers, traders, bureaus, etc.[1]

The AGMA further breaks down the jurisdiction as a branch of the AAAA as follows:

> ...all those concerned with the fields of music, concert, recital, dance, oratorio and opera, and the performance thereof in any mode, form or medium of expression either now in use or hereafter devised or perfected and the mechanical and visual reproduction and transmission thereof; and particularly including, but not limited to, those persons who are concert and operatic singers including both solists and chorus, instrumental soloists, dancers, and stage directors, stage managers and promptors of opera performers, and other performers in the fields of music, concert, recital, dance, oratorio, and in opera.[2]

On the local level as another example the constitution of the Musicians Association of Albuquerque has the following membership provision:

> All efficient and capable professional instrumental performers shall be eligible for membership in this Association. All members of this Association must

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1 Associated Actors and Artistes of America, Constitution, p. 1

2 Associated Actors and Artistes of America, Constitution, p. 1

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of the AAAA as follows:

> ...all those concerned with the fields of music, cabaret, radio, dance, dramatic and opera, and the performance thereof in any mode, form or technique of expression either now in use or hereafter devised or perfected and the mechanical and visual reproduction and transmission thereof; and particularly including, but not limited to, those persons who are concert and operatic singers including both soloists and chorus, instrumental soloists, dancers, and stage directors; stage managers and promoters of opera performers, and other performers in the fields of music, concert, song, dance, oratorio, and in opera.[2]

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1 Associated Actors and Artists of America, Constitution, p. 1

2 Associated Actors and Artists of America, Constitution, p. 1

> be citizens of the United States of America, or have declared their intention of becoming such. Naturalized citizens must present their papers.[1]

The musicians practically enjoy a closed shop on all fronts and particularly in the larger music centers such as New York, Chicago, and Los Angeles. Since there is no apprenticeship system, the union admits members on relatively easy terms. The examination committee which passes on the qualifications of applicants acts in a purely perfunctory manner. However, in the case of AGMA qualifications for membership are somewhat more complicated. Twenty-five performances within the jurisdiction of the Guild are required for active membership. Persons not fulfilling these requirements are given associate memberships.

The maximum initiation fee in the AFM has been fixed by the national at $50. Dues charged varies greatly from local to local. For example a member of New York local 802 pays $24 a year dues; in Albuquerque a member of local 618 pays $12. A progressive system of initiation fees and dues has been instituted by the AGMA. Members are assessed according to the following income classifications:[2]

Professional Annual income from the activities under the jurisdiction of the AGMA	Initiation Fee	Annual Dues
$ 0 - $ 1,000	$ 25	$ 20
1,000 - 2,000	50	24
2,000 - 3,500	50	36
3,500 - 5,000	50	40

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[1] Musicians Association of Albuquerque, Constitution, p. 4.

[2] American Guild of Musical Artists, Constitution, p. 25

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The maximum initiation fee in the AFM has been fixed by the national at $50. Dues charged varies greatly from local to local. For example a member of New York Local 802 pays $21 a year dues, in Albuquerque a member of local 618 pays $12. A progressive system of initiation fees and dues has been instituted by the AFM. Members are assessed according to the following income classifications:[2]

Professional Annual Income from the activities under the jurisdiction of the AFM	Initiation Fee	Annual Dues
$ 0 - $ 1,000	$5	$ 20
1,000 - 2,000	$10	$25
2,000 - 3,500	$20	$30
3,500 - 5,000	$50	$40

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1 Musicians Association of Albuquerque, Constitution, p. .

2 American Guild of Musical Artists, Constitution, p. 23

$5,000	- $ 7,500	$100	$ 52
7,500	- 10,000	100	64
10,000	- 15,000	100	76
15,000	- 20,000	100	90
20,000	- 25,000	100	110
Over $25,000		100	150

Initiation and dues fees are the most common receipts of the unions. Another common source of revenue is the job tax. In New York a member of the AFM pays a one percent tax on the scale price of all his engagements. This tax as collected in Albuquerque amounts to $1.00 an engagement. Steady engagements raise the tax for $3.00 per week for orchestra leaders and $1.50 per week for soloists.

In a local the size of 802 in New York thousands of dollars are collected annually as fines, initiation fees, and reinstatement fees. Investments yield the local dividends and each local has other income such as advertising revenues from their trade paper. Detailed financial statements are always published in the national union press. For example a financial statement of the AGMA for the fiscal period October 1, 1951 to September 30, 1952 gives the following breakdown on receipts for that period: Initiation fees, $15,204.45; Dues, $56,791.52; Working permits, $4,101.03. Total disbursements were $67,567.93 leaving a balance of $8,529.07. This income can of course be invested for the union.

There is also the problem of union members working within another local's jurisdiction. Traveling orchestras which broadcast remotes often deal with this problem. Union rules provide that all members must deposit transfer cards if they work more than a week within the jurisdiction of another local union. A local must admit any out-of-town

$5,000	-	$ 1,500	$[illegible]	$ 92
1,500	-	10,000	100	81
10,000	-	15,000	200	76
15,000	-	20,000	300	90
20,000	-	25,000	400	112
Over $25,000			500	150

Initiation and dues fees are the most common receipts of the union.

Another common source of revenue is the job tax. In New York, [illegible] of the AFM pays a one percent tax on the scale price of all his engagements. This tax as collected is always rounded up to $1.00 on engagement. Steady engagements raise the tax for $2.00 per week for orchestra leaders and $1.50 per week for soloists.

In a local the size of one in New York, the dues are [illegible] collected annually as fines, initiation fees, and [illegible]. Investments yield the local dividends and our local has other income such as advertising revenues from their trade paper. [illegible] statements are always published in the national union [illegible]. For example a financial statement of the AFM for the fiscal period October 1, 1951 to September 30, 1952 gives the following breakdown of receipts for that period: Initiation fees, $[illegible] dues, $[illegible] work permits, $[illegible]. Total disbursements were $[illegible] leaving a balance of $[illegible]. This income does of course be invested for the union.

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member who presents such a card. He is only admitted to full membership, however, after a six months' residence and payment of the regular initiation fee. In the meantime he pays dues to both his old local and the one to which he has transferred. Traveling members pay special taxes to the international.[1]

The main source of revenue for the national AFM is the ten percent tax levied on traveling orchestras. Three percent is held by the national and it amounts to over three-quarters of a million dollars annually. The radio tax, a charge of 15 percent, is paid by traveling orchestras or guest conductors who play a commercial radio engagement over a radio network in another local's jurisdiction. A fifth of the amount collected is the share which goes to the local. Traveling orchestras, however, may not play any radio engagement which is purely local in character, without the permission of the local which has the jurisdiction.

Another problem of membership has been the admission of Negro members to full status membership. In most Northern locals Negro members were accepted with a status of equality. However, the Southern locals often chartered subordinate locals for Negroes. The AAAA's, of course, have never followed a policy of discrimination. The racial problem has often become a political football among the factions controlling the locals and the national. For instance at the national convention of the AFM held in San Francisco in 1949 there was discussed

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[1] Millis and Montgomery, op. cit., p. 261.

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The main source of revenue for the national AFM is the ten percent tax levied on traveling orchestras. These payments are held by the national and it amounts to over three-quarters of a million dollars annually. The radio tax, a charge of 15 percent, is paid by traveling orchestras or guest conductors who play a commercial radio engagement over a radio network in another local's jurisdiction. A fifth of the amount collected is the share which goes to the local. Traveling orchestras, however, may not play any radio engagement which is purely local in character, without the permission of the local which has the jurisdiction.

Another problem of membership has been the admission of auxiliary members to full status membership. In most northern locals auxiliary members were accepted with a status of equality. However, the southern locals often enforced segregated locals for negroes. The AAM's, of course, have never followed a policy of discrimination. The racial problem has often become a political football among the factions controlling the locals and the national. For instance at the national convention of the AFM held in San Francisco in 1949 there was discussion

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[1] Mills and Montgomery, op. cit., p. 161.

a program for the amalgamation of the Negro unions. In local 802 of New York the Unity minority favored eliminating Jim Crow locals while this proposal was not supported by the Blue majority. Today the American Federation of Musicians has 50 colored locals. The colored local in Chicago has over a thousand members. The Unity and Blue parties mentioned above are indicative of political parties on the local level of the union. In this instance the majority of local 802's members belonged to the Blue party and the Unity party provided the opposition.

Institutionalism in Radio Broadcasting Unions

By trade-union institutionalism is meant the broad welfare, recreational, and educational activities of trade unions, the variety of benefit features provided for profit or other purposes. These activities exclude the collective bargaining or political efforts of the unions. However political activity is so closely linked with the welfare programs of the radio broadcasting unions that political activities will be considered in this chapter. Among the many functions of the unions that might be confused with political activities is the public relations programs of the various unions. As is well known the first labor unions in this country in the early nineteenth century were largely social organizations for mutual aid. Members did not engage in activities which were considered conspiracies in restraint of trade, but rather they concentrated upon sick, death, and unemployment benefits. Today unions function for the more immediate benefits gained from collective bargaining such as higher wages, shorter hours, and better working conditions.

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As outlined before the radio broadcasting unions carry on an extensive program of political and economic education through their respective magazines and newspapers. Radio itself has been used by the various entertainment unions as a means of providing information. Since 1926 the Chicago Federation of Labor has sponsored WCFL, while "the militant voice of labor"--WEVD--was established in New York the following year.[1] In 1949 WCFM in Washington completed a "network" deal with labor-owned stations, WFDR, New York; WDET, Detroit; and WCUO, Cleveland.[2]

Also in 1949 the idea of the American Federation of Musicians operating its own radio station was advanced by one of the locals.[3] The reason for such a station was advanced as a yardstick by which the AFM could obtain reliable information on station operation which would aid in its negotiations with the networks and outlets. The idea was turned down at the San Francisco convention of the musicians. A committee formed to investigate the situation found that construction and operation of a 1 kw station over a year's period would be $71,320 with minimum operations. The committee added that the AFM could only operate an "above average" station and could not resort to the use of "canned music."

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1 Millis and Montgomery, op. cit., p. 331.

2 Billboard, July 30, 1949, p. 19.

3 The New York Times, Sept. 18, 1940, p. 25.

As outlined before the radio broadcasting unions carry on an extensive program of political and economic education through their respective magazines and newspapers. Radio itself has been used by the various entertainment unions as a means of providing information. Since 1926 the Chicago Federation of Labor has sponsored WCFL, which "the militant voice of labor"--AFL--was established in New York the following year.[1] In 1929 WCFL in Washington completed a "network" deal with labor-owned stations, WJIM, New York; KSFC, Portland; and WCOC, Cleveland.[2]

Also in 1929 the idea of the American Federation of Musicians operating its own radio station was strongly urged at the convention. The reason for such a station was stated as a verdict by which the AFM could obtain reliable information on station operation which would aid in its negotiations with the broadcasters and unions. The idea was turned down at the San Francisco convention of the musicians. A committee formed to investigate the situation found that construction and operation of a 1 kw station over a year's period would be $71,120 with a minimum operations. The committee added that the AFM would only operate an "above average" station and could not resort to the use of "canned music."

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1 Millis and Montgomery, op. cit., p. 338.

2 Billboard, July 20, 1929, p. 32.

3 The New York Times, Sep. 15, 1929, p. 25.

Medical and Death Benefits.

As early as 1940 Local 802 of the AFM signed a contract with the Manhattan General Hospital in New York to guarantee complete hospital care for 8,000 persons. At that time this arrangement was characterized as "an unprecedented social welfare activity in the history of trade unionism."[1] As first proposed the hospital plan was limited to the unemployed and indigent members of the local and their families. At that time plans were to eventually extend the protection to all members of the local and their families. This provision was later tried and abandoned. As the plan stands now the local pays $20,000 to this same hospital and relief members receive without any charge district doctor service, hospitalization, specialist care, X-rays, medicines, and vaccinations whenever necessary. Similar plans are in effect with other locals.

There is a death benefit plan in effect on the local level of the AFM in Albuquerque. This benefit is in the amount of $400 for members in good standing prior to January 1, 1952.[2] A member of Local 618 after six months of membership receives insurance in the form of a death benefit of $50.00. At the end of each year of membership the amount is increased until the maximum is reached. In New York all members are protected with a thousand dollar life insurance policy paid from their dues. Members in the New York local are also protected

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1 The New York Times, Sept. 18, 1940, p. 25

2 Musicians Association of Albuquerque, Constitution, p. 24

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There is a death benefit plan in effect in the local level of the AFM in Albuquerque. This benefit is in the amount of $500 for members in good standing prior to August 1, 1952.[2] A member of local 618 after six months of membership receives insurance in the form of a death benefit of $500.00. At the end of each year of membership this amount is increased until the maximum is reached. In New York all members are protected with a thousand dollar life insurance policy paid from their dues. Members in the San Jose local are also provided

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1 The New York Times, Sept. 16, 1940, p. 20

2 Musicians Association of Albuquerque, Death Benefit, p.

with relief funds paid from radio remote control taxes. These payments in relief are small and usually the member receiving such aid is asked to do odd clerical jobs and in some cases picketing. As many as 2,000 members have been on relief at one time in New York and in 1947 the figure appeared somewhat stabilized at 800.

In September 1948 the American Federation of Radio Artists faced the economic facts of life and established a health insurance benefit plan which might be a model for other entertainment unions. The members sold their own radio show to a national advertiser, the Sealtest Company.[1] The contract guaranteed the union $2,250 weekly for a period of forty-four weeks. Dorothy Lamour, mistress of ceremonies, received $1,000 a week as did the guest artists. Rank and file AFRA announcers, actors, and singers appeared by donating their services. The radio show originated in Hollywood. Health insurance demands were to be considered in future AFRA contracts, but much credit is due AFRA for helping the radio artists help themselves.

In May 1951 President Petrillo of the AFM established for disabled musicians the Lester Petrillo memorial fund in memory of his son. From time to time AFM members are invited to contribute to this fund. A counterpart of this fund is the Lloyd Chavez memorial fund in Albuquerque.

In the field of cooperative housing the radio unions have followed the national pattern and there has been little accomplishment

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[1] Billboard, September 4, 1948, p. 8

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In the field of cooperative housing the radio unions have followed the national pattern and there has been little accomplishment

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[1] Billboard, September 5, 1942, p. 8

or benefits to members. However, in 1953 in Chicago Local 208 purchased an apartment building for $125,000.00 for housing musicians and their families.[1]

Union Political Activity

Political activity of the entertainment unions has been closely allied with the rest of labor and mainly concerned with political education in the labor press. Members are asked by the nationals to support such measures as repeal of the Taft-Hartley law, repeal of the twenty percent admission tax, and support of the Howell Bill for a federal arts program. At the time of its introduction in 1953 HR 5397, otherwise known as the Howell Bill for federal assistance to the arts, was supported by the radio unions. After its introduction the bill was referred to the House Committee on Education and Labor of which Congressman Samuel K. McConnell, Jr. was chairman. In a letter written June 18, 1953 to Congreseman McConnell the national executive secretary of the AGMA, Mr. Faine said:

> On behalf of the American Guild of Musical Artists, whose membership covers the field of opera, ballet, dance and the concert in the United States, we urge that prompt hearings be held on HR 5397. AGMA believes that these proposals should receive careful and favorable consideration by your committee so that the U. S. Government may be in a position to give the utmost support to the cultural and musical development of our country.[2]

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1 International Musician, May 1953, p. 27

2 Agmazine, July 1953, p. 3

or benefits to members. However, in 1953 in Oakland Local 238 purchased an apartment building for $125,000.00 for member workings and their families.[1]

Union Political Activity

Political activity of the entertainment unions has been closely allied with the rest of labor and is intimately concerned with political education in the labor ranks. Members are asked by the unions to support such measures as repeal of the Taft-Hartley law, repeal of the twenty percent withholding tax, and support of the Kennedy Bill for a federal arts program. At the time of its introduction in 1953 H. R. 5327, otherwise known as the Kennedy bill for federal assistance to the arts, was supported by the radio unions. After its introduction the bill was referred to the House Committee on Education and Labor of which Congressman Samuel K. McConnell, Jr. was chairman. In a letter written June 16, 1953 to Congressman McConnell the national executive secretary of the AGMA, Mr. Paine said:

> On behalf of the American Guild of Musical Artists, whose membership covers the field of opera, ballet, dance and the concert in the United States, we urge that prompt hearings be held on HR 5327. AGMA believes that these proposals should receive careful and favorable consideration by your committee so that the Government may be in a position to give the strongest support to the cultural and musical development of our country.[2]

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1 International Musician, May 1953, p. 27

2 Amsmuse, July 1953, p. 3

President Petrillo of the AFM urged the membership to write or wire their congressman in support of the measure introduced by Representative Charles R. Howell. In brief the bill provided for assistance to federal, state, county and local authorities, colleges and universities, and other cultural organizations in the development and maintenance of programs in the fine arts. Eventual establishment of a Department of Education and Fine Arts with cabinet rank was hoped for.

Congressman Howell felt that financial support of the arts by the government, although a relatively new idea for America, must begin with acceptance of the idea as a matter of national policy.

> Congress has done little in developing a national policy on fine arts in our country mainly because the leaders in the cultural field have themselves made little or no effort to formulate sound and constructive proposals at the national level for consideration by the Congress.
>
> In this connection it is important to recognize that business, farmers, doctors, labor and other major segments of our people have strong national organizations with representatives hard at work hammering out national policies in regard to their problems. The Congress is most successful at legislating when there is substantial agreement among all our people on any particular problem. Unfortunately the fine arts have never had such national leadership. Such leadership as has developed in this field has operated at the municipal and county levels.[1]

Howard Taubman in the New York Times of April 5, 1953 praised the Howell Bill and suggested that the entertainment unions which were set up on a country-wide basis might spearhead the movement. The

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1 Agmazine, July 1953, P. 3

President Portillo of the AFL urged the membership to write or wire their congressmen in support of the measure introduced by Representative Charles A. Howell. In brief the bill provided for assistance to federal, state, county and local authorities, colleges and universities, and other cultural organizations in the development and maintenance of programs in the fine arts. Eventual establishment of a Department of Education and Fine Arts with cabinet rank was coped for.

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Howard Taubman in the New York Times of April 21, 1957 analyzed the Howell Bill and suggested that the enforcement unions which were set up on a country-wide basis might organized the movement. The

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1 Congress, July 1957, p. 5.

effect of the Labor vote in this country has often been overestimated. Here again even though the entertainers were urged to become politically conscious their effect was negligible.

The efforts of the musicians unions in the field of musical education have not always been so admirable. However, the unions on the local level have provided free concerts for workers, cultural programs in public libraries, and musical clinics for students. In 1953 the AFM subscribed to the general findings of the International Labor Organization in Switzerland. The Conference found that in order to develop musicians of a high order, the assistance of a wide body of full-time artists was absolutely necessary, but that "prevailing conditions in artistic professions, are not always favorable to their encouragement. In many countries run-of-the-mill artists are unable to make a living and have to take up secondary employment. The result is that the quality of art tends to go down. Furthermore, the existing conditions deter young people who might otherwise become great artists from taking up art as a career." The national secretary of the AFM, Mr. Cluesmann, in reporting on the Conference said:

> This is exactly the argument that has been advanced for several years by President Petrillo, in which he points out that in order to develop first-class artists it is necessary to have a large number of musicians to draw from. If the employment opportunities are too far curtailed, prospective students will have no incentive to enter the musical field as a career.[1]

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[1] International Musician, June 1953, p. 29

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The efforts of the musicians unions in the field of musical education have not always been commendable. However, the unions on the local level have provided free concerts for workers, cultural programs in public libraries, and medical clinics for students. In 1953 the AFM subscribed to the general findings of the International Labor Organization in Switzerland. The conference found that in order to develop musicians of a high order, the existence of a viable body of full-time artists was absolutely necessary, but the prevailing conditions in artistic professions, are not always favorable to their encouragement. In many countries rank-and-file artists are unable to make a living and have to take up secondary employment. The result is that the quality of art tends to go down. Furthermore, the existing conditions deter young people who might otherwise become great artists from taking up art as a career.[1] The national secretary of the AFM, Mr. Glassman, in reporting on the Conference said:

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[1] International Musician, June 1953, p. 23

The Interlochen Dispute

One of the most unfortunate chapters in the history of the American Federation of Musicians was the dispute with the Interlochen Music Camp sponsored by the University of Michigan. It not only caused a considerable amount of unfavorable public opinion against the musicians union, but it directly lead to the passage of a bill in Congress unfavorable to labor, the Lea Act. The Lea Act is discussed in more detail in the next chapter of this thesis. Interlochen was placed on the unfair list by James C. Petrillo, president of the AFM, in 1942 when he banned further broadcasts of the camp's orchestra which had been carried by NBC for twelve consecutive years. As stated before the musicians union enjoyed a closed shop on all radio networks. Competition from amateurs had never been a great threat to the employment of musicians; nevertheless no amateur could appear on a network broadcast without the permission of the AFM and the payment of a stand-by fee to the union. Because of the infrequency of performances of amateurs on the air these demands for stand-by were the exception rather than the rule. However, during the years Major Bowes and his amateurs were enjoying popularity these stand-by fees were collected from this particular program. The Interlochen orchestra, of course, was made up of school children from all over the country many of whom were not old enough to join the union. Dr. Joseph E. Maddy, president of the Interlochen Music Camp, was himself a member of the union and the dispute could have been settled through administrative union channels. However, when faced with opposition to the music schools broadcasts, he appealed to members of

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Congress. This appeal had a great deal to do with the passage of the Lea Act which forbade union interference in cultural and educational broadcasts. The networks were in no position to ignore the AFM's unfair listing because of the threat of a musicians' strike.

In the summer of 1948 Dr. Maddy announced to the press that regular broadcasts of the Youth Symphony, a feature of Interlochen, had been assured by the Mutual Broadcasting System beginning July 5, 1948.[1] Dr. Maddy simultaneously disclosed that an hour before he assertedly concluded arrangements with Mutual, he had received a letter from NBC refusing to carry the Youth Symphony because the AFM had declared the camp unfair. "I'm glad there's one network that has the courage to give more importance to the law than to a union leader's edict," Dr. Maddy was quoted as saying.[2] After Mutual had tentatively agreed to carry the broadcasts it cancelled the arrangements. A wire was sent to Dr. Maddy by Phillips Carlin, MBS vice-president in charge of programs. Its text:

> Mutual's conversations with you were for the sole purpose of arranging for the broadcast of music from your camp. Instead we find you have issued statements to the press without consultation with us in which you involve our network as an instrument to further your controversies and intimating that in scheduling such broadcasts we are in support of your differences with unions and other networks.

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1 Broadcasting, May 31, 1948, p. 26

2 Broadcasting, May 31, 1948, p. 26

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1 Broadcasting, May 31, 1948, p. 26

2 Broadcasting, May 31, 1948, p. 26

> That was not our object, and we feel that you have taken undue advantage of Mutual. In view of this we are withdrawing our offer of time which was made available at your request.[1]

On the whole public opinion has never supported the banning of school children from radio broadcasts as a method of alleviating unemployment for union members. The Interlochen affair was regretable on both sides, but the union suffered in maintaining a minor principle at the cost of tremendous public disapproval.

Benefit Performances

From the loudspeakers of radio sets it is not uncommon to hear the words "through the courtesy of the American Federation of Musicians, James C. Petrillo, president." This credit is usually appended to public service broadcasts such as naval recruiting, veterans administration, or the cancer or heart funds. It is not unfair to say that the musicians and their locals have been most generous in contributing their time and talent to benefit programs. Under the local by-laws, however, no musician will appear in public without pay without the permission of his local. Various broadcasting unions have their own methods of providing benefit performances. For instance the members of AFRA are limited to one benefit performance a month.[2] AFRA comes under the jurisdiction of a benefit committee which passes on the merits of the benefit. Members of the committee are chosen from the Screen

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2 Billboard, December 25, 1948 p. 12

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Actors Guild, Actors Equity, Chorus Equity, American Guild of Variety Artists, and the American Federation of Radio Artists. Of course much free musical entertainment was made available to the public under the royalty fund system inaugurated by the American Federation of Musicians.

CHAPTER IV

THE EFFECTS OF LEGISLATION UPON COLLECTIVE BARGAINING

Collective Bargaining

C. Lawrence Christenson, a professor of economics at Indiana University, has said that collective bargaining by the musicians' unions has taken two forms.[1] First, it has negotiated the usual agreements with various employers. Second, it has proceeded more simply and directly by unilateral legislative and administration action. Professor Christenson cites the musicians' union as an example of how closely a "trade union" may resemble a "trade association." Professor Christenson's observation seemingly has validity because only part of the terms governing the employment of unionized musicians can be found in trade agreements made by the AFM. The working rules or "union law" of the union can be used without consulting the employers. In such cases the bargaining may appear extremely one-sided. According to Christenson the limits on the enforcement of union rules under these circumstances are the same as those governing any other monopoly, namely, "what the traffic will bear."[2] On the other hand where locals have feared that objections would be raised on contracts specifying a minimum number of men to be employed, they have worked out sliding scales to induce employers to hire more musicians. This is because musicians are hired to work as a unit. The income received from the labor hired by the employer is

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[1] C. Lawrence Christenson, "Chicago Service Trades," How Collective Bargaining Works, ed. by H. A. Millis, Twentieth Century Fund, 1942, pp. 851-52

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independent of the number of musicians in the unit. It is significant that though the AFM has always favored the closed shop, it never has tried to dictate to employers the specific musicians to be hired and it never has attempted to protect the jobs of particular instrumentalists. Employers can hire and fire on the basis of merit alone.

In practice the local does not deal directly with all employers who wish to hire musicians. Instead the wage scale is fixed in advance, and the employer must meet this scale or go without musicians. However the union does negotiate directly with organized employers such as broadcasting companies, and the recording and transcription companies. The licensing system which the musicians had instituted as early as 1938 has already been discussed. Recording and transcription companies were parties to these contracts or licenses and they hired only AFM members. These contracts lead indirectly in 1942 to the most powerful weapon the AFM has used against mechanical music--the record ban.

The Record Ban

The first of two memorable instances when the union invoked the record ban was in August 1942. Members of the AFM were prohibited from making records and transcriptions and any other type of mechanical reproduction of music. This famous record ban resulted in a Congressional investigation of the American Federation of Musicians in January 1943. The Justice Department in the meantime sought an injunction against the union; the grounds were restraint of trade and violation of the Sherman Antitrust Act. The courts, however, held that a labor dispute was involved and no injunction was put into effect. The United

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States Supreme Court upheld the lower court in this matter.[1] Since the country was in the midst of World War II Mr. Petrillo agreed that the ban would not be used against the production of records for the armed forces if President Roosevelt so requested. The National Association of Broadcasters provided the most opposition to the record ban. The record companies, of course, brought about organized opposition. The majority of records in this country are manufactured by six companies: Columbia Recording Corporation (CBS), RCA Victor (NBC), Decca Records, Capitol Records, Mercury Record Corporation, and MGM Records. In addition electrical transcriptions for radio stations are made by Langworth, Sesac, Thesaurus (NBC), Associated, Standard, and World.

In February 1943 the AFM proposed a recording-transcription fund whereby the recording companies would contribute a set fee for each recording and transcription made by union members. The fees were to be put into a welfare fund to pay for concerts by unemployed musicians. The companies turned down the proposal on the grounds that they would not pay to benefit musicians they had not hired. Bootleg music, vocal renditions with no instrumental accompaniment, and foreign records in the meantime were becoming popular on the air and on juke boxes. A backlog of master discs were used to cut new records. All in all the recording companies were not in too great a hurry to end the ban by meeting Petrillo's demands.

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[1] United States v. American Federation of Musicians, 318 U. S. 741, Feb. 15, 1943, affirming 47 F. Supp. 304, October 14, 1942.

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The National War Labor Board began hearings on the situation in July 1943. Decca Records in the meantime had accepted the musicians' terms and signed a contract with the AFM. Gradually some of the other companies followed suit. In June 1944 the NWLB handed down its decision. The musicians were to return to work, and the amount of payments to the welfare fund were to be determined at a later date. Columbia, RCA Victor, and the NBC transcription service had refused to sign contracts with the union. The union rejected the NWLB ruling.

Even an appeal by Roosevelt to Petrillo in October 1944 to comply with the NWLB directive was unheeded. The President failed to act in the matter because he did not consider the music industry as essential to the war effort. Finally Columbia and RCA Victor decided to act because they were fearful of losing their best artists to other companies. These two companies had held out because they anticipated other demands against their parent radio networks. In November 1944 the welfare fund was a reality. For every record produced the companies agreed to pay a quarter of a cent for a thirty-five cent record to five cents for records costing two dollars or more. No fee was to be paid for commercial electrical transcriptions manufactured for a single broadcast but library transcriptions were assessed a sum amounting to three percent of the gross revenues received from their use. The union was given the right to inspect the books of the transcription and record companies. Studio broadcasts could not be recorded without union permission. If transcriptions were to be re-broadcast, scale wages were to be paid to the recording musicians. These contracts

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were to terminate on December 31, 1947. These were the first contracts in the history of labor relations where employers paid money directly to a union. They also marked the beginning of the welfare fund in labor relations.

During the period the recording contracts were in force the wage scales were to be allowed but one revision. In October 1946 the wage scales were increased 37½% for recordings and 50% for transcriptions. New minimums were $41.25 for three hours of regular recording or $38.50 for two hours of symphonic recording. Musicians making transcriptions received $27 for fifteen minutes.

The Second Record Ban

When the recording contracts expired in 1947 the AFM was faced with the problem of extension under the Taft-Hartley law. The ramifications of the Labor Management Relations Act (Taft-Hartley) will be discussed later on. At this point it is necessary, however, to examine some of its provisions. Under the act union welfare funds were subject to federal regulation, control of such funds were invested in both labor and management, and the funds were to be used solely for the employees of the employers making the contributions. Obviously the musicians' union was reluctant to have the record companies tell the union how to spend the money. If the fund was to be used only for the benefit of the recording musicians, it would defeat its purpose. The United States Supreme Court removed this latter objection in defining the term, "employee." Traditional and technical definitions were not only to be used but economic and statutory concepts as well.[1]

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Although it was established that the musicians could benefit from such a proposed fund, the agreement as finally signed provided that the funds were to be used for the general public and thus the specific provision of the Taft-Hartley law does not apply. The fund could thus be controlled by the union and its chief function would be to provide more employment for musicians through public concerts. When the contracts expired President Petrillo made known that AFM musicians would never again angage in recording activities. Critics of Petrillo and his musicians and the broadcasters apparently did not regard this record ban as permanent. They had learned from experience presumably that technology was on their side.

As the ban went into its fourth month both sides seemed to be stalemated. Major recording companies were continuing to issue new releases pressed before the ban went into effect. Major recording companies were understood to have accumulated enough masters to provide new releases for at least a year.[1] Therefore they were not particularly eager to negotiate until the stockpile was considerably diminished. Meanwhile NBC's recording division drastically curtailed operations. The move, which resulted in severe reduction of the NBC radio recording staff, was said to have been an economy measure taken at least in part because of the musicians' ban against recording.

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[1] Broadcasting, April 5, 1948, p. 26

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As the ban went into its fourth month, tempers seemed to be exacerbated. Major recording companies were contemplating releases prepared before the ban went into effect. Major recording companies were understood to have accumulated enough material to provide new releases for at least a year.[1] Therefore they were not particularly eager to negotiate until the strategic war considerably stabilized. Meanwhile ARCA recording division drastically curtailed operations. The move, which resulted in severe restrictions of the Victorville recording staff, was said to have been an economy measure taken at least in part because of the musicians' ban against recording.

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[1] Broadcasting, April 3, 1948, p. 20

chairman of the board of the Radio Corporation of America. Sarnoff was instrumental in early dealings with Petrillo during the first record ban some five hsars before.[1] He had given prominent assistance in labor relations disputes in New York for many years. In the meantime the recording companies were busy on the technical problem of "how best to approach Petrillo."

By October negotiations between the musicians and the record companies were reported to be progressing at an accelerated pace.[2] Lack of agreement, however, was apparent in many areas. Record companies proposed a concurrent labor and trustee agreement whereby royalty payments to a trustee would cease in the event the AFM for any reason decided to withhold the use of musicians prior to the expiration date of the proposed pact. Petrillo, it was reported, regarded this as a strike-breaking tactic. Another point of disagreement was the AFM's proposal that royalties be paid on all records sold since the beginning of the year. Another AFM request was that royalty payments also be made on the sale of foreign made records.

Influence of Foreign Records

As the direct result of the record ban reciprocal trade deals were made by British and American record manufacturers which is still enjoyed. Electric Musical Industries, an English firm, had five subsidiary recording companies which did business with American firms.[3]

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1 Billboard, April 24, 1948, p. 12

2 Broadcasting, April 5, 1948, p. 26

3 Billboard, May 8, 1948, p. 21

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1 Billboard, April 26, 1946, p. 18

2 Broadcasting, April 5, 1946, p. 18

3 Billboard, May 8, 1946, p. 23

Gramophone Company Ltd. cooperated with RCA Victor in exchanging master records; Columbia Gramophone Company had a similar exchange with Columbia Records; the English MGM Company recorded in England and made its masters available to MGM Records; and Parlophone Record Company had an exchange deal with Decca. The English companies maintained that no direct evasion of the AFM ban was intended. However, there was no doubt that American companies were counting on overseas cooperation in combating the ban.

A Capella and Bootleg Records.

The record bootleggers were waxing bolder all over the country and particularly in New York, Chicago, and Los Angeles at this time. Air checks of radio broadcasts were recorded by the bootleggers and sold at regular prices. The bootleggers position was somewhat secure because the courts in this country have held that a rendition cannot be copyrighted but only a composision.[1] A cappella recordings without the use of instrumentalists were again becoming popular. To counteract this device word was passed down to the locals of the AFM that cardholders who engaged in these vocal recordings would jeopardize their membership.

Musical Performance Trust Fund

Finally an agreement was reached on December 14, 1948 whereby a music performance trust fund was set up to provide employment for musicians.[2] Recording resumed immediately. The record companies were

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1 Down Beat, June 16, 1948, p. 2

2 Billboard, Dec. 25, 1948, p. 2

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to pay one percent of the retail price of records under a dollar to two and a half percent of the records retailed over two dollars. Transcription companies were to pay three per cent of the gross income derived from leasing transcriptions. Payments of the record companies were to be made semi-annually. Ninety percent of the funds were to be expended each half-year, and semi-annual reports were to be given by the trustee to the recording companies and to the AFM. Samuel R. Rosenbaum was designated as the first trustee. Successors were to be appointed by the Secretary of Labor. The AFM reserved the right to review the actions of the trustee, but had no right to control the fund. The trustee was to make no distinction between union and non-union musicians. This provision was necessary in order to get the plan approved under the Taft-Hartley Act. There was some conjecture as to whether this provision were merely academic, in view of the fact that 237,000 musicians were members of the AFM. The pact covered all devices used to record music including wire and tape. Wage scales remained the same as under the October 1946 agreements.

Strikes. From the foregoing discussion it appears that the record bans as promulgated by the musicians have been weapons against the long-run effects of technology. A more potent weapon to secure immediate demands in the short run has been the strike or the threatening of strikes. In the long history of labor relations the "yellow-dog contract", injunction, blacklist, and lockouts have been used by employers against labor unions. The unions' answer to these practices has been the use or the threatened use of the strike. However, in the

to pay one percent of the retail price of records under a dollar to two and a half percent of the records retailed over two dollars. Transcription companies were to pay this percent of the gross income derived from leasing transcriptions. Royalties of the record companies were to be made semi-annually. Ninety percent of the funds were to be expended each half-year, and semi-annual reports were to be given by the trustee to the recording companies and to the AFM. Samuel C. Rosenbaum was designated as the first trustee. Successors were to be appointed by the Secretary of Labor. The AFM reserved the right to review the actions of the trustee, but had no right to control the fund. The trustee was to make no distinction between union and non-union musicians. This provision was necessary in order to get the plan approved under the Taft-Hartley Act. There was some conjecture as to whether this provision was really complied, in view of the fact that 237,000 musicians were members of the AFM. The fund covered all devices used to record audio impulses, wire and tape. Wage scales remained the same as under the October 1948 agreements.

Strikes. From the foregoing discussion it appears that the record bans as promulgated by the musicians have been weapons against the long-run effects of technology. A pure protest weapon to secure immediate demands in the short run has been the strike or the threatening of strikes. In the long history of labor relations the "yellow-dog contract", injunction, blacklist, and lockouts have been used by employers against labor unions. The unions' answer to these practices has been the use or the threatened use of the strike. However, in the

use of the strike labor has often had to deal with a third force perhaps stronger than the position of management--the public interest. Immediate gains by the unions often won at the high cost of loss in wages are sometimes offset by unfavorable public opinion. In radio broadcasting the networks have sought to avoid a strike of performers at all costs because of the heavy loss of revenue involved. Strikes against the networks therefore have been extremely rare. In 1935 the Columbia Broadcasting System cancelled the Prudential Hour when the AFM barred Al Goodman and his orchestra from the program. The same year the musicians barred Artie Shaw's orchestra from the National Broadcasting Company's Fitch Bandwagon.

On the local level one of the most famous strikes against a radio station was that the AFM waged against KSTP in St. Paul, Minnesota. In 1944 the AFM made demands concerning the number of musicians to be employed by the station. When the demands were not met, a strike ensued. The decisions of the National War Labor Board were not heeded by the union even though at the time labor unions in general were pledged not to strike in wartime. Petrillo was ordered arrested by a Minneapolis court, but he stayed out of the court's jurisdiction. After eleven months the union won its demands. But it also won the resentment of many Congressmen and the public.

Another strike on the local level occured in the spring of 1950 when the AFM Local 802 struck against WINS in New York. The independent stations had previously agreed to pay three percent of the wages paid to its musicians to a union hospitalization fund limited to New York City.

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Another strike on the local level occurred in the spring of 1950 when the AFM Local 802 struck against WCBS in New York. The [illegible] stations had previously agreed to pay three percent of the wages paid to the musicians to a union welfare fund. Under [illegible] New York [illegible]

WINS refused to pay this fee and subsequently dropped eight musicians from its payroll. Again the union demands won out when an agreement was signed in April 1951.[1]

Virtually every writer on every major radio show belongs to the Radio Writers' Guild (RWG). The RWG along with the Screen Writers Guild and the Dramatists Guild is an adjunct of the parent organization, the Author's League. A strike by the RWG against the advertising agencies and networks was planned by the Guild for the fall of 1948.[2] The proposed strike had the support of the SWG and DG, who were pledged to financial assistance if necessary.

The problems relating to the strike revolved around the free-lance script writers who worked for the agencies. The technicality was one which disputed whether or not the free-lance writers were employees of the agencies. Originally the RWG wanted the National Labor Relations Board to certify the membership of these writers. The agencies' solution to the problem was to list all writers they considered employees. Then the RWG would be allowed to advise whether it felt any omissions had been made, with arbitration to follow where disagreement still persisted. The RWG already had agreements with the major radio networks. It wanted the agencies to sign similar agreements. The agencies countered by demonstrating their needs were different than those of the networks.[3]

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[1] Allegro, October 1950, p. 5.

[2] Billboard, April 10, 1948, p. 7

[3] Billboard, Oct. 16, 1948 p. 17

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The problems relating to the radio industry around the free-lance script writers who worked for the agencies, the technicians who called attention to the unemployment of the agencies. Originally the RWG wanted the National Labor Relations Board to certify the membership of these writers. The practical solution to the problem was to list all writers they represented on a form. Then the RWG would be allowed to advise whether it felt any violations had been made, with arbitration to follow where disagreement still prevailed. The RWG already had agreements with the major radio networks. It wanted the agencies to sign similar agreements. The agencies countered by demonstrating their needs were different than those of the networks.[3]

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1 Allegro, October 1950, p. 3.

2 Billboard, April 28, 1950, p. 7

3 Billboard, ibid. 10, 1950, p. 17

The threatened strike against the agencies occurred in November 1948. Picketing of the agencies was delayed at the request of J. R. Mandelbaum, of the Federal Mediation Service.[1] The strike itself was a partial one on the part of the RWG. The Guild had already signed agreements with over one hundred top flight radio programs. Among the struck shows were virtually all of the soap operas sponsored by Procter and Gamble, one of the key advertisers whose agencies did not come to terms with the Guild. Among the big-time shows remaining on the Guild's unfair list were Lux Radio Theater, The Great Gildersleeve, Fibber McGee and Molly, Cavalcade of America, and the Al Jolson and Red Skelton programs. Another jurisdictional problem was caused by the writers' strike. If the radio actors observed the proposed picket lines they would jeopardize their relations with the agencies; if they did not observe the picketing they would be considered unsympathetic not only by the writers but by the directors, who were members of the RWG's sister union, the Dramatists Guild. Again as in the case of the musicians who made records the writers had already contributed a month's supply of scripts for the agencies' use. The struck shows could remain on the air for at least a month. By the end of November considerable headway had been made in negotiations and the strike was settled with new script minimums and an area of agreement over the free-lance writers.[2]

This initial strike by the Radio Writers Guild against the agencies

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[1] Billboard, Oct. 16, 1948 p. 6.

[2] Billboard, Nov. 27, 1948, p. 2.

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This initial strike by the radio talent-union against the agencies

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1 Billboard, Oct. 30, 1948 p. 6.

2 Billboard, Nov. 27, 1948, p. 3.

was an indication of things to come with regard to the broadcasters. In May 1949 the news writers of the National Broadcasting Company in Chicago made new demands upon the expiration of their contract. The newsmen received a wage scale from $330 to $452.50 per month. They asked for a new scale ranging from $375 to $516 monthly.[1] The Guild was also interested in obtaining a five-day week, eight-hour day schedule. Although they only worked forty hours a week, the newsmen worked from four to seven days a week in putting in the forty hours. The Guild also asked for name credits for the writers of news broadcasts. Most of these demands were met without resorting to a strike.

The Radio Writers Guild did threaten a strike against the Columbia Broadcasting System in Hollywood in January 1950. They had been negotiating a new contract while the old one had expires April 30, 1949.[2] Guild demands were (1) salary readjustment bringing local pay scales on par with CBS in New York; (2) limitation of working hours with the Guild claiming a CBS-writer contract permitting a 60-hour week with no overtime pay provision, and (3) retention of radio-television rights to all material penned during the writer's own time. The union also wanted severance pay provisions and increased vacations. At the time of negotiations the staff salary in Hollywood for a CBS writer was $83.50 a week. New York staff writers for CBS received a base pay of $101.50. The network finally offered a base salary of $94.

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1 Billboard, May 14, 1949, p. 10

2 Billboard, Jan. 21, 1950 p. 3

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In May 1945 the news writers of the National Broadcasting Company in Chicago made their demands upon the operating company for a new contract. The newsmen received a wage scale from $[illegible] to $[illegible].50 per week. They asked for a new scale ranging from $[illegible] to $[illegible] weekly.[1] The Guild was also interested in obtaining a five-day week, eight-hour day schedule. Although they only worked forty hours a week, the newsmen worked from four to seven days a week in getting in the forty hours. The Guild also asked for some credits for the writing of news broadcasts. Most of these demands were met without resorting to a strike.

The Radio Artists Guild had to resort to a strike against the National Broadcasting System in February or March 1950. They had been negotiating a new contract with NBC since the last expiration April 30, 1949. Guild demands were (1) minimum rates covering local programs on par with CBS in the local, (2) limitation of working hours with the Guild claiming a CBS-writer contract permitting a 40-hour week with no overtime pay provision, and (3) retention of radio-television rights to all material penned during the writer's own time. The union also wanted severance pay provisions and improved vacations. At the time of negotiations the staff salary for Hollywood for a 40 writer was $83.50 a week. New York staff writers for CBS received a base pay of $107.50. The network finally offered a base salary of $[illegible].

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1 Billboard, May 20, 1950, p. [illegible]

2 Billboard, ibid., [illegible]

The first major postwar clash between management and labor in New England radio broadcasting occurred in May 1949 when more than eighty engineers in six New England stations of the Yankee Network walked out on strike. The engineers, members of the International Brotherhood of Electrical Workers (AFL), struck in protest of a twenty percent wage cut for engineers in outlying stations and against a rearrangement of working hours in Boston which would require a six-day week.[1] The network's problems were intensified when announcers, members of the American Federation of Radio Artists, and newsmen, members of the Boston Editorial Association (AFL) voted not to cross picket lines. At various times radio stations belonging to the network were off the air from seventeen minutes to more than three hours. Settlement was finally reached by arbitration.[2]

An interesting sidelight to picketing during broadcasting strikes occurred in Philadelphia in May 1948. At that time engineers of the American Communications Association (CIO) were in their fourth week of a strike against WFIL. In addition to picketing the station, the union picketed several Tape-Recording sponsors who were WFIL advertisers.[3]

The musicians have not been alone in their fight against technology in broadcasting. At its 1949 convention in San Francisco the

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1 Billboard, May 14, 1949, p. 9

2 Ibid.

3 Broadcasting, May 31, 1948, p. 13

The first major postwar clash between management and labor in New England radio broadcasting occurred in July 1946 when more than eighty engineers in six New England stations of the Yankee Network walked out on strike. The engineers, members of the International Brotherhood of Electrical Workers (IBEW), struck in protest of a twenty percent wage cut for engineers in outlying stations and against rearrangement of working hours with shifts which would remain a six-day week.[1] The network's problems were intensified when announcers, members of the American Federation of Radio Artists, and editors, members of the Boston Editorial Association (BEA) voted not to cross picket lines. At various times radio stations belonging to the network were off the air from seventeen minutes to more than three hours. Settlement was finally reached by arbitration.[2]

An interesting aluelik to pioneering strike broadcasting activity occurred in Philadelphia in May 1950. At that time engineers of the American Communications Association (ACA) were in their twelfth week of a strike against WCAU. In addition to picketing the station, the union picketed several Lego-Coordinate companies who were WCAU advertisers.[3]

The musicians have not been alone in their fight against technology in broadcasting. At the IBEW convention in San Francisco in

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1 Philbrook, May 14, 1946, p. 3

2 Ibid.

3 Broadcasting, May 31, 1950, p. 13

American Federation of Radio Artists made a bid for recording artists to join their union. The AFM's record ban was still in effect at that time. The question of transcribing and sustaining rates was brought before the convention. The problem of tape recording was discussed in its relation to the rate question. At the time of the convention tape recording had become standard radio procedure. AFRA contended that tape recording was a form of transcription subject to a higher wage rate.[1] There was also the problem of rehearsal time for programs recorded on tape. Many programs of this type are forty-five minutes to an hour in length on the original record, but when the program finally goes on the air the length has been edited to a half-hour. This raises the question of whether performers get paid for the full time recorded, and if so, how much. These questions had resulted in a minor dispute between AFRA and NBC. Another question was with regard to fees for transcribed sustaining shows. The issue was whether transcriptions of sustaining shows should be paid for at the sustaining rate or at the higher transcription rate. The network contended that sustaining shows were not commercial and should be transcribed at the sustaining rate. However, the union contended that recording such shows placed them in the transcription category and that the transcription rate should apply.[2]

A seasonal problem peculiar to radio broadcasting is the summer replacement. Summer radio time is considered by advertisers to be

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[1] Billboard, Aug. 27, 1949, p. 2

[2] Broadcasting, April 18, 1949, p. 14

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A seasonal problem peculiar to radio broadcasting is the summer replacement. Summer radio time is considered by advertisers to be

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1 Billboard, Aug. 27, 1949, p. 2

2 Broadcasting, April 18, 1949, p. 11

inferior to the Class A time of winter schedules and therefore is paid for a lower rate. Although it is generally admitted that the number of listeners to radio programs drops off in summer, the networks usually attempt to counteract this lack of listener interest by keeping as many big-name entertainers on the air as possible. One way to keep up the station's revenues and Hooper ratings is to repeat successful winter programs by transcription. In 1948 both major networks, NBC and CBS, ran into opposition by AFRA and AFM for participation in such a summer program. At first AFRA vetoed the proposal completely. Later the union told representatives of the two networks that it would grant permission for re-broadcasts if its members were paid their original rates. The networks assured AFRA that such repeat broadcasts would not affect actor employment. Nevertheless opposition remained severely strong from the unions.[1] The situation was somewhat different a year later. By that time television had made serious inroads on radio employment and listeners. When confronted with opposition by AFRA, CBS in the spring of 1949 submitted petitions from such entertainers as Eddie Cantor, Dinah Shore, Ed Gardner, and Jack Benny supporting the network's position.[2] Jack Benny later withdrew his support. However, cooperation from both sides in the face of seasonal and technological unemployment could make for acceptable transcription rates.

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[1] Billboard, July 30, 1949, p. 12

[2] Billboard, April 9, 1949, p. 10

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1 Billboard, July 30, 1949, p. 32

2 Billboard, April 9, 1949, p. 32

In its relations with the motion picture producers the AFM had always prohibited the technique of "dubbing" that is the superimposing of previously recorded music onto a film sound track. As the science of sound recording advanced the AFM was once again faced with this problem. In the summer of 1950 the AFM prohibited the use of "dubbing" and pre-recording techniques by record companies.[1] The most common practice prohibited was the recording of an instrumental background and the subsequent "dubbing" of a vocal performance. The ostensible purpose of the ban was to create more work for musicians. When a complete vocal record is cut at one session, there are frequently more mistakes by vocalists, who are not paid by the hour, than by musicians, who get an hourly scale. Thus, where possibly only two usable record sides might be recorded by a vocalist in one session, it is usually possible to get four usable instrumental sides in a session. By cutting instrumental backgrounds first and "dubbing" in vocals later, record companies are able to make a saving on what they otherwise would have to pay musicians.

Basis for the ban according to the AFM was a clause in the agreement signed by the companies after the last major record ban. This clause forbids "dubbing." The record companies were of the opinion that this clause was not intended to cover pre-recording techniques but was aimed at "dubbing" for such devices as soundtracks and transcriptions.

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[1] Down Beat, June 30, 1950, p. 1

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[1] Down Beat, June 30, 1950, p. 1.

Welfare Funds

As has been examined in the study of AFM's record bans the union was successful in initiating two welfare funds for the employment of musicians. The Record and Transcription Fund was in force from 1943 to 1947. Royalties collected in this manner were outlawed by the Taft-Hartley Act in 1949. The Music Performance Trust Fund was set up under the terms of the new contracts with the recording companies in 1948. The legalities of the funds already have been considered. In 1947, the first year of expenditures from the Record and Transcription Fund, the fund supported a total of 10,495 free performances, paid for at the prevailing local union rates. Disbursements were $1,444,700 out of the total of $3,773,503.50 collected.[1] Thus the fund brought music to veterans hospitals, colleges and universities, civic institutions, juvenile delinquency projects, city park projects, A few of these concerts were allowed to be broadcast. During the first allocation of funds each local was to receive $10.43 for each member except the three largest locals. The largest locals were allowed the standard fee for their first 5,000 members and $2.00 for each additional member. During the life of the fund almost 19,000 free performances were given. Almost $4,500,000 was contributed to the fund in royalties and all most all of it was spent before 1950.[2]

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[1] American Federation of Musicians, The Record on Records, 1948, p. 14

[2] Leiter, op. cit., p. 148

Welfare Funds

As has been examined in the study of Fields Council Band 126 union was successful in initiating the welfare funds for the employees of musicians. The record and financial plan came in force from 1947 to 1967. Royalties collected in this manner are collected by the Performing Right Act in 1925. The Music Performance Trust Fund was set up under the terms of the new contract with the recording companies in 1948. The legalities of the Fields dispute have been considered. In 1948 the first year of expenditures from the general and Trust Fund, the fund supported a total of 13,305 free performances, paid for on the prevailing local union rates. Disbursements were $1,144,000 out of the total of $1,272,505.50 collected.[1] Thus the fund brought music to veterans hospitals, colleges and universities, civic institutions, juvenile delinquency projects, city parks, etc. A few of these concerts were allowed to be broadcast. During the first allocation of funds each local was to receive $10.00 for each member except the three largest locals. The largest locals were allowed the standard fee for their first 5,000 members and $7.50 for each additional member. During the life of the fund almost 10,000 free performances were given. Almost $4,500,000 was contributed to the fund in royalties and all but all of it was spent before 1950.[2]

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1 American Federation of Musicians, The Report to Members, 1949, p. 12

2 Lester, op. cit., p. 116

Relative stability brought to the recording industry in 1948 has remained through the continuance of the Music Performance Trust Fund. Even Paul Hume, who won fame as a music critic in the nation's capital during the Truman administration, has been enthusiastic about the cultural programs sponsored by the fund.[1] Between $12,000 and $15,000 was alloted Local 161 in Washington for a free concert series at the National and Phillips Galleries. Estimates on the receipt of the fund range about two million dollars a year. The money received is alloted on a percentage basis throughout the country. For example out of each $300,000 collected New York receives $51,000; Chicago, $40,000; Los Angeles, $39,500; and Philadelphia, $28,500. The lowest amounts received by any geographic area are less than $100 per year. For example thirteen counties in Texas receive less than $81.[2]

One of the important functions of the Music Performance Trust Fund in recent years has been the revival of the municipal band concert. In most cases municipal authorities were persuaded by the locals to match funds from the national trust fund. Thus many of the smaller cities of the country have benefited directly.[3] The fund underwrites three band concerts each summer in Racine, Wisconsin; in Binghamton, New York; in Toledo, Ohio; in Greenville, Ohio; in Mitchell, South Dakota; in Lafayette, Indiana. The list can be extended indefinitely.

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1 International Musician, May 1953, p. 8

2 Billboard, Dec. 25, 1948, p. 9

3 International Musician, Nov. 1953, p. 11

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1 International Musician, May 1953, p. 8.

2 Billboard, Jan. 23, 1954, p. 9

3 International Musician, Nov. 1953, p. 11

Obviously the success of the Music Performance Trust Fund has not gone unchallenged by those record producers who are paying the bill. In 1948 Samuel R. Rosenbaum, the administrator of the fund for both sides, made a bid for the support of other segments of the entertainment industry. Mr. Rosenbaum made his plea as follows:

> For a long time, while I was still in the radio industry, I have believed and said that, in the long view, it is in the best interest of the mechanical musical industries to do something to counteract technological unemployment caused by their processes. To do so is not a private WPA, but it helps encourage a future supply of live talent without which our methods of record reproduction are helpless.
>
> In 1938 the radio industry adopted a voluntary Plan of Settlement to help in this direction. Now the recording publishers are offering their contribution. No doubt other segments of the commercial musical industries eventually will join in a more equitable solution. It is obviously unfair for the recorders alone to carry the burden.[1]

At the annual convention of the AFM in 1949 Mr. Rosenbaum's views were discussed. According to Mr. Rosenbaum the fund could be greatly expanded if radio, movies and juke boxes were forced to pay more for the canned music they used. Mr. Petrillo as president of the AFM said that he agreed with the intent and purpose of the proposal but believed it was impractical. Mr. Petrillo said, "I could pull the musicians out of Hollywood studios today, if you say so, but the studios have so much canned music stored up that they wouldn't care if we ever went back. It would just mean the loss of another 600 jobs for musicians."[2]

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[2] Broadcasting, June 13, 1949, p. 27

Obviously the success of the music Producers first fund has not gone unchallenged by those record producers who are trying the bill. In 1948 Samuel R. Rosenbaum, the administrator of the fund for both sides, made a bid for the support of other segments of the entertainment industry. Mr. Rosenbaum made his plea as follows:

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At the annual convention of the A.F.M. in 1948 R. Rosenbaum's views were discussed. According to Mr. Petrillo the fund could be greatly expanded if radio, movies and jukeboxes agreed to pay more for the canned music they used. Mr. Petrillo as president of the AFM said that he agreed with the intent and purpose of the proposal but believed it was impractical. Mr. Petrillo said, "I could pick the musicians out of Hollywood studios today, if you say so, but the studios have so much canned music stored up that they wouldn't care if we ever went back. It would just mean the loss of another 800 jobs for musicians."[2]

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1 Billboard, Dec. 25, 1948, p. 5

2 Broadcasting, June 13, 1949, p. 27

The Lea Act

Under the New Deal in 1935 with the passage of the National Labor Relations Act the unions came to look to the government, particularly the Federal government, for protection of their institutions and for protective legislation. The Lea Act in 1946 marked the first departure from this hard-won status of trade unionism with its legislative curb imposed on the activities of labor unions. The legislation in question was introduced by Congressman Clarence F. Lea. It passes the House of Representatives overwhelmingly; and after passing the Senate President Harry S. Truman signed the measure in April 1946. Briefly the Lea Act made it unlawful for a union to threaten or compel a broadcaster to: (1) employ more persons that it needed; (2) pay money instead of hiring more persons than it needed; (3) pay more than once for services; (4) pay for services not performed; (5) refrain from broadcasting noncommercial education programs; (6) refrain from broadcasting radio communications originating outside the United States.[1] With regard to the recording companies the law prohibited (1) payment of exactions for producing or using recordings or transcriptions; (2) imposition of restrictions on production, sales, or use of records or transcription; (3) payment of exactions for rebroadcast of programs.[2]

Violations of the Lea Act were to be punished by one year's imprisonment, or a fine not to exceed $1,000, or both. Although the

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Lea Act was directed at Petrillo and the American Federation of Musicians, the American Federation of Radio Artists and the Radio Writers Guild were also covered. The latter unions engaged in many of the broadcasting practices of the AFM such as demanding original scales for programs rebroadcast to the Pacific coast area. Such stars as Bing Crosby, Bob Hope, and Frank Sinatra actively opposed the new legislation. A test case of the constitutionality of the Lea Act when the AFM was in a dispute with Radio Station WAAF in Chicago. When the union requested the station to hire three additional musicians, the station refused and a strike resulted. The Justice Department decided to prosecute the union on the grounds it was coercing the station to hire more employees than was necessary. In December 1946 Judge Walter J. La Buy of the United States District Court upheld the musicians and declared the law unconstitutional. In June 1947 the United States Supreme Court reversed the decision of the lower court. In a five to three decision the Supreme Court held the Lea Act to be constitutional. Petrillo bowed to the decision of the Supreme Court when he said: "This is my country and the Supreme Court makes the final rulings on its laws. No one will ever say that Jim Petrillo fought his country or the Supreme Court. I thought that I had the law on my side, and I made the best fight I knew how. The Supreme Court has spoken, and I bow to its dictates."[1]

Labor Management Relations Act of 1947

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[1] The New York Times, June 24, 1947, p. 5; 6; 7.

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The provisions of the Labor-Management Relations Act of 1947, or the Taft Hartley Act, and the opposition of labor unions to this

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legislation are well-known facts. However, some of the provisions had far-reaching effects on the activities of the radio broadcasting unions and should be examined in detail. In general the Taft-Hartley Act had five general effects on collective bargaining. (1) It restricted the area of collective bargaining. The parties could no longer, for example, agree on the closed shop, or certain kinds of checkoff, health and welfare funds, or royalty payments. (2) It entered the internal life of trade unions by providing for new types of elections, and for accounting for funds, among other matters. It was also directed at bringing officials who were Communists to the attention of the membership and the public. (3) The act limited the use of certain techniques through which the unions built up power. It prohibited the secondary boycott, restricted participation in politics, and banned certain types of health and welfare funds. (4) It provided for greater government intervention in disputes affection the national welfare by providing for injunctions, cooling-off periods, and the fact-finding panels without power to make recommendations. It prohibited jurisdictional disputes and provided for court enforecement of contract. (5) It restricted the degree of security which the unions could obtain as reflected in the closed shop and welfare fund provisions.

"Featherbedding" or the Standby Provision

One of the most frequent charges made against the American Federation of Musicians is that it pioneered in the make-work policy of "featherbedding" by the use of the stand-by in radio broadcasting. A standby may be defined as a musician who is required to be present

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"Featherbedding" or the Standby Problem

One of the most frequent charges made against the American Federation of Musicians is that it is involved in the make-work policy of "featherbedding" by the use of the stand-by in radio broadcasting. A standby may be defined as a musician who is required to be present

and paid on certain occasions even though he performs no services. This device was particularly used in broadcasting when non-union musicians or amateurs were engaged by the broadcasters. Often standby fees were paid to the union and no musicians were required to be on the scene. Standbys were prohibited from radio broadcasting by the Lea Act. The Taft-Hartley Act included the same prohibition.

The Record Ban and Taft-Hartley

As previously reviewed, the settlement of the record ban of 1948 hinged on acceptance of the welfare fund under the Taft-Hartley law. Settlement of the dispute between the musicians and record companies was almost completed at the time the new labor legislation was being drafted. By and large the outlawing of welfare funds was known to be part of the proposed legislation. Both sides in the record ban dispute watched closely as the best legal minds in the country tried to find ways that the contract calling for a royalty payment fund would be compatible with the new law. Many substitutions for the Taft-Hartley proposal were proposed by various congressmen. One of the substitutions was the Wood Bill, which failed to pass by the slim margin of three votes. In an attack against the various provisions of the Wood Bill, Representative Roy Weir (D., Minn.) declared that, under the Wood measure, "restrictions against welfare funds, which have brought relief to unemployed and injured workers and have come to the rescue of many families of other workers killed on the job are kept as tight and cruel as before."[1] Representative Charles Howell (R., N. H.) told the House:

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[1] Billboard, May 14, 1949, p. 3

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[1] Billboard, May 15, 1948, p. 3

"The substitute contains the same provisions as the Taft-Hartley Act, making it a criminal offense for an employer to contribute or an employee representative to accept money for health and welfare funds unless they are for particular purposes and administered in a specific manner."[1] As stated before, the matter was finally settled with regard to the recording industry by circumventing the law so that the royalty payments were paid to a trust fund for the benefit of the public.

The Secondary Boycott

The Taft-Hartley Act is specific in prohibiting secondary boycotts. During the record ban the transcription companies filed charges against the American Federation of Musicians with the NLRB. The charges claimed that because of the record ban the transcription companies were no longer able to do business with radio stations. According to the transcription companies this situation constituted a secondary boycott. In December 1948 the regional director of the NLRB in New York ruled that the record ban did not violate the Taft-Hartley law and he refused to issue any complaints in the matter.[2] At this time it was the opinion of the NLRB regional director that the record ban in itself was not the reason that the transcription companies could not do business with the broadcasting stations. The situation of the transcription companies was due to circumstances and not from any direct action of the AFM.

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2 Official Proceedings of the Annual Convention of the American Federation of Musicians, 1949, pp. 103-4

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2 Official Proceedings of the Annual Convention of the American Federation of Musicians, 1949, pp. 137-8.

A decision of far-reaching implication regarding the secondary boycott was issued by the NLRB in the upper New York state area in May 1949. It ruled that the American Federation of Radio Artists were not guilty of violation of the Taft-Hartley law by persuading an advertising sponsor to discontinue its advertising with a radio station which was under a strike edict of AFRA.[1] The interpretation was a result of a complaint by Gordon Brown, owner of radio station WSAY, Rochester, New York.

Non-Communist Affidavit

In its provisions for union registration the Taft-Hartley law requires, among other things, an affidavit to be filed with the NLRB by each officer of the union stating that he is not a Communist. The implications of this provision are political rather than economic and not within the scope of this study. In passing it must be mentioned in all fairness that the unions in the radio broadcasting field have been subject to a form of "black-listing" by two publications, Red Channels and Counterattack. The first publication issued in June 1950 lists the names of 151 writers, actors, singers, dancers, producers, and network executives along with their alleged Communist affiliations. In July 1949 several radio unions moved to make a complete investigation of charges that there was a blacklist operating in the radio-television field. The move started when William Sweets resigned as director of two radio shows, Gangbusters and Counterspy. Sweets had refused to sign a non-Communist affidavit when he was "pressured"

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1 Billboard, April 2, 1949, p. 5

A decision of far-reaching implication involving the secondary broadcast was issued by the FCC in the Super New York Radio case in May 1950. It ruled that the American Federation of Radio Artists was not guilty of violation of the Taft-Hartley Act by requesting an advertising sponsor to discontinue its advertising after the station which was under a strike edict of AFRA.[1] The interpretation was a result of a complaint by Gordon Brown, owner of radio station WSAI, Cincinnati, New York.

Non-Communist Affidavit

In its provisions for union representation the Taft-Hartley Act requires, among other things, an affidavit to be filed with the NLRB by each officer of the union stating that he is not a Communist. The implications of this provision are politically far-reaching and not within the scope of this study. It should be mentioned in all fairness that the unions in the radio broadcasting field have been subject to a form of blacklisting by the publications, Red Channels and Counterattack. The first publication issued in June 1950 lists the names of 151 writers, actors, artists, directors, producers, and network executives along with their alleged Communist affiliations. In July 1951 new blacklists unions moved to make a complete investigation of charges that there was a blacklist operating in the radio-television field. The move started when William Lewis resigned as director of two radio shows, Beulah and Counterattack. Lewis had refused to sign a non-Communist affidavit. He a in war "propaganda"

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into doing so. A fact-finding committee was appointed by the RTDC to investigate the case.

The radio unions with the cooperation of advertising agencies and the networks sought ways and means of counteracting communist infiltration. In July 1952 the National Board of AFRA submitted to a referendum vote a constitutional amendment which had been discussed with considerable vehemence for more than a year. It provided that:

> No person shall remain a member of AFRA, or retain employment in AFRA, who has been proven to have maintained membership in, or to have joined the Communist Party, since December 31, 1945, in state or federal court action;
>
> Or who has been named as, or identified as, A Communist by the State Department, Justice Department, or by the F.B.I.;
>
> Or, who after the adoption of this amendment renders aid and assistance by knowingly lending his name or talents to, or by actively promoting the interests of, or by making financial contributions to, any organization listed by the Attorney General's office, or by any other duly constituted government agency, as subversive.
>
> The National Board may, in its discretion, require a written statement in affidavit form, from any officer, member, or employee of the association, or any local, to the effect that such officer, member or employee is not, and has not since the adoption of this Section been in violation of any of the provisions of Section 4 (Above) of this article.[1]

So far as the non-Communist affidavit requirement of the Taft-Hartley Law is concerned little opposition has been shown to it by the radio unions. In other labor organizations known anti-Communists have

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been known to refuse to sign. Such resolutions and constitutional amendments as introduced by AFRA may or may not have an effect. The significance of the date, December 31, 1945, in AFRA's constitutional amendment may be cause for debate.

Opposition to Taft-Hartley

The development of government control as expressed in the Labor-Management Relations Act of 1947 along with the spread of unionism raises the question whether unions can only be fully free when unimportant. The price of expansion may be the loss of freedom.[1] Nevertheless the radio unions joined the concerted efforts of organized labor for repeal of the Taft-Hartley Act immediately after its passage. At the annual convention of the American Federation of Radio Artists in Boston in 1948 the national executive secretary, George Heller, said in the keynote address, "We must face it. We are at war." Heller, referring to the Taft-Hartley law and additional restrictive legislation on a state-wide level, stated that a "very cold and calculating campaign is being waged, the effects of which will not be felt by labor for some years to come. But of this there can be no doubt: If the present restrictive laws continue to exist, AFRA will eventually be slowed to a standstill."[2]

At the same convention Frank Reel, AFRA's national assistant secretary, called for courage and boldness, stating pointedly: "It's time

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[1] E. Wright Bakke and Clark Kerr, Unions, Management and the Public (New York: 1948), p. 865

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we realized that we are a union, not a club, not a society, not a guild. If we don't know we're a union, let me assure you that the employers and their labor-busting agency, the National Association of Broadcasters fight us as a union." [1] Reel outlined a five-point program designed to strengthen AFRA's position and hold its gains during a critical period. Reel's five-point program embraced: (1) organization; (2) merger; (3) publicity; (4) proposed tests of the unfair stations clause, and (5) use of political resources to combat Taft-Hartley. Merger was believed inextricably tied up with the fight against the Taft-Hartley law. Merger was also proposed as a desirable preliminary to the organization of the telvision field.

The Akron Case

Although the Taft-Hartley law has never been repealed some concessions have been won in the courts by the unions. A landmark decision was handed down by the Supreme Court of the United States on March 9, 1953 concerning "featherbedding" as prohibited by the Labor-Management Relations Act in the case of the National Labor Relations Board v. Gamble Enterprises, Inc. Although the case concerns the hiring of orchestras in theaters according to the demands of the American Federation of Musicians, its effects may extend to the radio-television field. For this reason it is included and reviewed.

The union had contended that when a traveling orchestra appeared on the stage of the theater where it had a contract, its musicians

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should appear on the same program to play overtures and incidental music. These demands were in accordance with the union's contract. The Gamble Enterprises Inc., the theater management, contended that the regular house orchestra was not needed and that the union's demands constituted "feather-bedding." In part the text of the decision is as follows:

> The question here is whether a labor organization engages in an unfair labor practice, within the meaning of *8 (b) (6) of the National Labor Relations Act, as amended by the Labor-Management Relations Act, 1947, when it insists that the management of one of an interstate chain of theaters shall employ a local orchestra to play in connection with certain programs, although that management does not need or want to employ that orchestra. For the reasons hereafter stated, we hold that it does not.[1]

Aside from the decision itself, the most encouraging aspect of the majority opinion for the musicians was the recognition of the unemployment problem confronting the professional performer. The Court said:

> For generations professional musicians have faced a shortage in the local employment needed to yield them a livelihood. They have been confronted with the competition of military bands, traveling bands, foreign musicians on tour, local amateur organizations and more recently, technological developments in reproduction, and broadcasting. To help them conserve local sources of employment, they developed local protective societies. Since 1896, they also have organized and maintained on a national scale the American Federation of Musicians, affiliated with the American Federation of Labor. By 1943, practically all professional instrumental performers and conductors in the United States had joined the Federation, establishing a membership of over 200,000, with 10,000 more in Canada.

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> The Federation uses its nationwide control of professional talent to help individual members and local unions.[1]

The crux of the Supreme Court's reasoning is set forth in the two final paragraphs of the opinion. The Court emphasizes the fact that the local "requested and consistently negotiated for actual employment in connection with traveling band and vaudeville appearances," and the local's proposal was made "in good faith, contemplating the performance of actual services."[2] The Court then holds that such a union demand is not unlawful and when received by the employer, must be handled by "free and fair negotiation."[3] In short, the Court held that demands for work (like demands for wages, hours, etc.) are still subject to the historic process of collective bargaining and not to the unilateral desire, or need or whim of the employer.

It is important to note the Court's corroboration of the AFM's repeated advice to its members that they must, to be within the law, genuinely seek and perform actual work. In addition to the language on that point already quoted, the Court said, "We are not dealing here with offers of mere 'token' or nominal services. The proposals before us were appropriately treated by the Board as offers in good faith of substantial performances by competent musicians. There is no reason

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to think that sham can be substituted for substance..."[1] Under the Taft-Hartley law the difficult situation is an instance where the local has, in good faith, obtained a contract requiring the actual employment of musicians for, say, dramatic presentations and finds that the employer insists that the musicians receive pay without actually performing. Technically, since this is volunteered by the employer, there is no violation of law. But a local that accepts such a practice as a regular routine is inviting trouble. When the contract expires and the local seeks a new one the employer can then effectively claim that the local's demand for work is merely a sham and hence in violation of law. Thus in recent years the musicians have followed a wiser approach to the problem of "feather-bedding". In most cases they have demanded literal compliance with the language of their contracts, that is to demand actual performances. If employers resist, the locals consider the resistance a breach of contract and take appropriate measures.

Radio Stations in Interstate Commerce

Much of the wage and hour legislation beneficial to radio unions is dependent upon whether or not radio stations can be considered engaged in interstate commerce. The determination of this problem has been considered time and time again by the National Labor Relations Board. One of the more recent cases resolving this matter concerns station KHAS in Hastings, Nebraska. In a complaint before the NLRB

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[1] Supreme Court of the United States, op. cit.

the station had contended that it was a local station and not engaged in interstate commerce.[1] The NLRB, however, ruled that eight percent of the station's broadcasting revenue came from national advertising accounts and rejected the contention of KHAS.[2] In the summer of 1949 the station was ordered to hold a collective bargaining election for its engineers and technicians.

Wages and Hours

Early in 1950 occured the first revision in wage-hour rules by the Department of Labor since 1940. The revisions did not materially change the number of white-collar workers affected by the law. However, the regulations exempted from overtime pay all radio employees functioning as "masters of ceremonies; playing dramatic, comedy or straight parts in a program; interviewing; conducting farm, fashion and home economics programs; covering public events such as sports programs in which the announcers may be required to 'ad lib' and describe changing events; and acting as narrators and commentators.[3]

Furthermore the new revision required that an employee receive at least $75 a week before being eligible for classification as exempt, compared to the former $200 per month salary. In its report the Labor Department noted:

> The determination of the exempt or nonexempt status of radio announcers as professional employees has been

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1 Billboard, Aug. 27, 1949, p. 43

2 Ibid.

3 Broadcasting, March 4, 1950, p. 19

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relatively difficult because the radio broadcasting industry is comparatively new in the field of entertainment and because of the merging of the artistic aspects of the job with the commercial. The problem has been complicated also by the novel system of payment for work performed by the radio announcers. This is the "talent Fee" basis of pay under which sponsors of radio programs pay special fees for the services of announcers whose special announcing talents they particularly desire. . .

Work such as giving station identification and time signals, announcing the names of programs, and similar routine work is nonexempt work. In the field of radio entertainment as in other fields of artistic endeavor, the status of an employee as a bona fide professional under the regulations is in large part dependent upon whether his duties are original and creative in character, and whether they require invention, imagination or talent. . .

It is apparent that there is considerable variation in the type of work performed by various radio announcers, ranging from predominantly routine to predominantly exempt work. . .

The wide variation in earnings as between individual radio announcers, from the highly paid "name announcer" on a national network who is greatly in demand by sponsors to the staff announcers paid a comparatively small salary in a small station, indicates not only great differences in personality, voice and manner, but also, in some inherent special ability or talent which, while extremely difficult to define is nevertheless real. The determination of whether a particular announcer is exempt as a professional employee must be based upon his individual duties and the amount of exempt and nonexempt work performed as well as his special compensation.[1]

The Talent Fee

The "talent fee" system as mentioned in the above report is probably one of the greatest arguments for unionization of the radio field.

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[1] Broadcasting, March 4, 1950, p. 19

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The Talent Fee

The "talent fee" system as mentioned in the above report is probably one of the greatest arrangements for unionization of the radio field.

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[1] Broadcasting, March 1, 1939, p. 17

The "talent Fee" system is used both by union and non-union radio stations. When an advertising client requests the services of a particular announcer or performer a "talen fee" or additional compensation for the special services are written into the sponsor's contract. These fees are presumably paid to the announcer in addition to his salary as a member of the station staff. In practice, however, it has been known for stations to collect these fees and to retain them. Most radio employees are under forty-hour week legislation--any additional work comes under the heading of overtime. In the case of "talent fees" employers who already have collected the fees in contracts with sponsors sometimes offer the employees the privilege of "over-time" as payment. Whether or not these hours of over-time are actually worked is questionable. The case is not limited to announcers; a musician who is working on the station staff doing other work besides music may be offered "over-time privileges." If such a musician belongs to the union, he is automatically in trouble with the union if he accepts such overtime. In the case of announcers "talen fee" could very well be regulated by local union rules. The problem actually concerns the amount of commercial announcements an announcer is obligated to perform as a staff announcer during his forty-hour week. If the station collects special fees for a special announcer it would appear that in justice they would be required to pay these fees to the announcer requested. Where AFRA has jurisdiction this question is solved more fairly by union regulation.

The "talent fee" system is deep both by union and non-union radio stations. When an advertising client requests the services of a particular announcer or performer a "talent fee" or additional compensation for the special services are written into the commercial contract. These fees are presumably paid to the announcer in addition to his salary as a member of the station staff. In practice, however, it has been known for stations to collect these fees and to retain them. Most radio employees are under forty-hour week legislation--any additional work comes under the heading of overtime. In the case of "talent fee" employees who already have collected the fees in conjunction with commercials, somehow offer the employees the privilege of "over-time" as required. Whether or not these hours of over-time are actually worked is questionable. The case is not limited to announcers; a technical man working on the station staff doing other work besides technical may be offered "over-time privileges." If such a technical engineer is on the staff, he is automatically in trouble with the union if he accepts such overtime. In the case of announcers "talent fee" could very well be regulated by local union rules. The problem actually concerns the amount of commercial announcements an announcer is obligated to perform in a short announcer during his forty-hour week. If the station collects an additional fee for a special announcer it would do so only that in justice they would be required to pay these fees to the announcer themselves. Here AFRA has jurisdiction this question is solved more fully by union regulation.

Level of Salaries in Radio

From the Bureau of Labor Statistics report entitled "Employment and Earnings of Radio Artists: Report No. Three--Total Earnings--1947" the following significant statistics concerning employment in radio broadcasting: For 1947 the median earnings of radio actors were $4,000. Singers earned $4800. The report stated that radio actors were often unemployed despite the fact that 1947 was a year of high employment. One fifth of the actors counted in the report were unemployed during half or more of 1947. Median total earnings of this particular group were $1,300. The foregoing figures were based upon the following cities: Chicago, Los Angeles, New York, San Francisco, Boston, Detroit, Seattle, Cincinnati, Minneapolis, Pittsburgh, St. Louis, Portland (Oregon), Washington, Cleveland, and Kansas City. In the small centers of population over the country, staff announcers of radio stations had gross median earnings from all sources of $4,700. Free-lance announcers had a median salary of $9,600, and sound effects artists a median of $5,200. The American Federation of Radio Artists cooperated with the Labor Department's Bureau of Labor Statistics in the preparation of the report.[1]

Employment in the broadcasting industry totalled 39,572 full-time employees October 18, 1948, an approximate 17% increase over October, 1947. The Federal Communications Commission reported the figures of four national networks, three regional networks, and 1,613 AM

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[1] Broadcasting, July 18, 1949, p. 23

Level of Salaries in Radio

From the Bureau of Labor Statistics report entitled "Employment and Earnings of Radio Artists: Report No. Three--Total Earnings--1947" the following significant statistics concerning employment in radio broadcasting: For 1947 the median earnings of radio actors were $4,000. Singers earned $4,800. The report stated that radio actors were often unemployed despite the fact that 1947 was a year of high employment. One fifth of the actors counted in the report were unemployed during half or more of 1947. Median total earnings of this particular group were $1,300. The foregoing figures were based upon the following cities: Chicago, Los Angeles, New York, San Francisco, Boston, Detroit, Seattle, Cincinnati, Minneapolis, Pittsburgh, St. Louis, Portland (Oregon), Washington, Cleveland, and Kansas City. In the small centers of population over the country, staff announcers of radio stations had gross median earnings from all sources of $4,700. Free-lance announcers had a median salary of $2,600, and sound effects artists a median of $5,700. The American Federation of Radio Artists cooperated with the Labor Department's Bureau of Labor Statistics in the preparation of the report.[1]

Employment in the broadcasting industry totalled 32,572 full-time employees October 15, 1948, an approximate 17% increase over October, 1947. The Federal Communications Commission reported the figures of four national networks, three regional networks, and 1,013 AM

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[1] Broadcasting, July 15, 1949, p. 23

stations. Aggregate weekly payrolls rose about 20% during the year, rising from $2,508,000 in October 1947 to $3,003,111 in October, 1948. Average weekly pay in the network and key stations was $92.44 compared to a $64.81 average in the 1,602 other unaffiliated stations. In addition total part-time employees numbered 8,777 during the sample week, with a total compensation of $442,486. About half of the reporting stations had fifteen or more employees, accounting for $2,546,725 of the total weekly payroll. The remaining 809 stations with fewer than fifteen employees had a weekly payroll of $456,385. Total employees in stations with less than fifteen workers was 7,956 including part-time employees; total employment in the 804 outlets with more than fifteen employees was 38,676 including part-time employees.[1]

Staff radio station script writers drew the lowest salaries during a sample week in October, 1947 as reported by the Federal Communications Commission. Average salary for a staff writer for the four major networks, three regional networks, and 716 independent stations was approximately $53 for the week ended October 11, 1947. Production workers headed the list with an average salary of $97. Musicians were a close second with an average wage of $96. Sound effects men drew an average of $83 with news personnel averaging $77 and announcers $68.[2]

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1 Broadcasting, July 18, 1949, p. 24

2 Billboard, Nov. 6, 1948, p. 5

stations. Aggregate weekly payrolls rose above 24 during the year, rising from $2,508,000 in October 1947 to $3,[illegible],113 in November, 1948. Average weekly pay in the network and key stations was $[illegible] compared to a $[illegible].81 average in the 1,[illegible] other unaffiliated stations. In addition total part-time employees numbered 3,[illegible]77 during the average week, with a total compensation of $[illegible]. Most all of the reporting stations had fifteen or more employees, accounting for $[illegible] of the total weekly payroll. The remaining [illegible] stations with fewer than fifteen employees had a weekly payroll of $[illegible]. Total employees in stations with less than fifteen listeners was 7,[illegible] including part-time employees; total employment in the [illegible] stations with fifteen employees was 36,[illegible] including [illegible] part-time [illegible].[1]

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1 Broadcasting, July 19, 1948, p. [illegible]

2 Billboard, Nov. [illegible], 1948, p. 5

A year later the Federal Communications Commission made another survey of radio salaries and in this report staff musicians made the best salaries and staff writers were still receiving the least renumeration. The survey covered salaries paid full-time employees of 804 stations and four networks for a sample week in October, 1948. During that week musicians earned an average of $106; staff announcers averaged $74; staff singers, $70; staff sound effects men, $90; staff newsmen, $85, and staff writers, $52.[1]

The rank and file of the radio broadcasting industry by and large do not share in the fabulous income brackets reported by the press when income tax time rolls around. "There is neither justice nor wisdom in permitting lucky insiders to make from $50,000 up per year, while 80% of the American Federation of Radio Artists' members earn less than $2,000", Oliver B. Capelle, sales promotion manager of Miles Laboratories, once told the Chicago Radio Management Club. Mr. Capelle deplored the casting of favored artists on more than one show while equally-talented actors are deprived of a livelihood by "closed corporation methods of selection." According to Mr. Capelle, "This not only contributes to the high cost of radio but causes unfavorable listener reaction." This gentleman hoped for a lowering of talent costs by spreading the work instead of paying premium fees to a few radio actors.[2]

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1 Billboard, July 23, 1949, p. 11

2 Broadcasting, May 24, 1948, p. 8

A year later the Federal Communications Commission made another survey of radio salaries and in this report staff musicians made the best salaries and staff writers were still receiving the least remuneration. The survey covered salaries paid full-time employees of 834 stations and four networks for a sample week in October, 1948. During that week musicians earned an average of $106; staff announcers averaged $74; staff singers, $70; staff sound effects men, $90; staff newsmen, $85, and staff writers, $52.[1]

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2 Broadcasting, May 24, 1948, p. 8

Early Television Salaries

If the general level of salaries in radio broadcasting were somewhat low, the salaries of television performers proved to be even lower in the early days of the industry.

In 1949 performers on television, except those sponsored by large companies, were being paid fees which barely met the minimum wage standards of the government. While the talent unions were trying to settle their jurisdictional problems the need for protection of the individual performer was becoming increasingly apparent. It was reported that many actors and vaudeville acts on the DuMont network and on WPIX were working for $4, $5, $8, or $10 a show or any scale the stations were willing to offer.[1] Many actors felt that if they could break into the medium they would have a later advantage over their competitors. In some cases actors worked twenty to forty hours, most of which was rehearsal time, for $20 to $40.[2] At the Columbia Broadcasting System stations wage rates were higher. When "The Goldbergs" was being auditioned the fee for the half-hour program for most of the actors was $40, which included eighteen hours of rehearsal time. The wage rates paid for the kinescoping of "Suspense" were similar.

On sponsored shows actors were receiving higher wages. "Ford Theater" and the Philco show paid the best wages. Both shows offered about $250 for leading parts and as low as $75 for walk-ons.[3] Even

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1 Billboard, Feb. 12, 1949, p. 10

2 Ibid.

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1 Billboard, Feb. 12, 1949, p. 10

2 Ibid.

3 Ibid.

though it appeared that the actors on these shows were well paid, when rehearsal time was considered, the salaries were not so high. It was claimed that one "Ford Theater" program had 140 hours of rehearsal.[1] Most dramatic shows averaged between 20 to 40 hours of rehearsal time. There was also an added 20 hours of studying parts before rehearsals started. The requirements of rehearsal time in television excluded the possibility of an actor working at any other job.

The pay for commercial television spot announcements was an area of concern for announcers. Fees for one and two-minute spots in the lower paid brackets ranged around ten dollars. These spots on the average required about an hour to produce, and they were expected to be televised indefinitely. Another complaint of radio announcers was that they were asked by networks to double on television without extra pay.[2]

The actors were not in position to bargain with regard to filmed repeat telecasts. On the management side a pact one actor made with CBS stated, "we shall have the right without any additional compensation to you to make recordings and/or motion picture film by any method of the programs broadcast. Without additional compensation to you, we may broadcast and license to be broadcast and/or exhibit in the media the recordings and/or film."[3] The agreement further provided that the

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[2] Ibid.

[3] Ibid.

though it appeared that the actors on these shows were well paid, much rehearsal time was considered, the salaries were not a problem. It was claimed that one "Ford Theater" program had 180 hours of rehearsal.[1] Most dramatic shows averaged between 40 to 60 hours of rehearsal time. There was also an added 40 hours of shooting parts before rehearsals started. The requirements of rehearsal time in television excluded the possibility of an actor working at any other job.

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CHAPTER V

RADIO UNIONS AND THE NATIONAL ASSOCIATION OF BROADCASTERS

As with every controversial question discussed in a free, democratic society there are two sides to the problem of unionism in radio broadcasting. The National Association of Broadcasters is a trade association which counts most of the radio stations in this country in its membership. On issues of major policy it is largely dominated by the big networks. At first glance it appears that the NAB is the exact counterpart of unions in the industry. For example the NAB led the fight against Petrillo and AFM's record ban. Many of the criticisms leveled against the labor organizations of the radio industry might well be applied to the employers' association, The National Association of Broadcasters. However, the NAB has largely limited its influence in matters of policy to that of an advisory organization for the industry much like the National Association of Manufacturers or the United States Chamber of Commerce. At any rate to examine the broadcasting labor problem it is profitable to examine the point of view of management as expressed by the National Association of Broadcasters.

The charge that the American Federation of Musicians is undemocratic has been repeated over and over again. As an interesting sidelight James C. Petrillo was once invited to the annual dinner of the Radio Pioneers' Club in New York. The Radio Pioneers' Club is an affiliate of the NAB. During the course of the dinner Mr. Petrillo gave a long-remembered ad lib speech. Commenting on the election of

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The charge that the employing federation of radio is anti-unionistic has been repeated over and over again. In interviewing midnight James C. Petrillo was once invited to the annual dinner of the Radio Pioneers' Club in New York. The Radio Pioneers' Club is an affiliate of the NAB. During the course of the dinner Mr. Petrillo gave a long-remembered ad lib speech. Commenting on the election of

Edgar Kobak, Mutual Broadcasting System president, as the new Pioneers president, Petrillo declared, "I've been investigated for more years than anybody in the U. S., but if I pulled an election like that, I'd be investigated for twenty years." Mr. Kobak had been "elected" president of the employers' organization by way of a voice vote without any call for contrary votes.[1]

At the annual convention of the NAB there is usually a round-table or a seminar to discuss the labor problem in the industry. Very often representatives of the various labor organizations are invited to express their views. At the 1948 convention following the truce of the recording agreements with the AFM a round table panel of the NAB discussed the problem, "Unscrambling the Labor Jig-Saw Puzzle." Three points were stressed:

1. Labor relations can be good public relations.
2. The "talent fee" system was condemned as "pay within pay."
3. Support for joint negotiation of union contracts was recommended.[2]

Participants were also urged to take advantage of principles established in the negotiations between the networks and the American Federation of Musicians. Richard P. Doherty, director of the NAB Employee-Employer Relations Department, conducted the panel. In a speech Mr. Doherty said, "The broadcasting industry has reached the point where it is imperative

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1 Billboard, April 10, 1950, p. 8

2 Broadcasting, May 24, 1948, p. 20

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1 Billboard, April 10, 1948, p. 6

2 Broadcasting, May 24, 1948, p. 20

that station management devote its primary attention to labor costs and to raising the volume of local radio advertising."[1]

At the discussion Arthur F. Harre, general manager of WJJD, Chicago, thought that payment of talent fees was a "vicious principle which adds immensely to overhead."[2] Mr. Doherty, moderator of the panel discussion, outlined a proposed growth of the "talent fee" systems." He regarded the payment of talent fees a threat to the television industry and said that it must be fought "to the last ditch".[3] On the other hand Mr. Doherty gave a more positive approach to reducing the labor cost ratio through increased revenues. Mr. Doherty said high advertising rates are feasible in "not a few cases" if, "(1) the station is doing a good job of programming; (b) the station is selling programs to the sponsors who are able to use radio to the best advantage; (3) the station has an aggressive and successful sales campaign.[4] Mr. Doherty also suggested a comparison of costs and cost ratios with averages for the industry as compiled by the FCC. He recommended that employment standards be made selective according to job requirements and the overlapping of jobs and "make-work" positions be eliminated. Mr. Haree contributed the idea of having all broadcasters in a given community negotiate jointly on union contracts. Mr. Harre's method of dealing with unions would tend to keep stations in a certain area on the "same labor status quo."

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[1] Broadcasting, May 24, 1948, p. 20

[2] Ibid.

[3] Ibid.

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At the discussion arrived F. Harry, general manager of WGN, Chicago, thought that payment of talent fees was a "vicious principle which adds immensely to overhead."[2] Mr. Doherty, moderator of the panel discussion, outlined a proposed growth of the "talent fee" system." He referred the payment of talent fees a threat to the television industry and said that it must be fought "to the last ditch". On the other hand Mr. Doherty gave a more positive approach to reducing the labor cost: "Give more to those covered. Mr. Doherty said high advertising rates are justified if "(1) the station is doing a good job of programming; (2) the station is selling programs to the customers who are able to use radio to the best advantage; (3) the station has an aggressive and successful sales campaign."[3] Mr. Doherty also suggested a comparison of costs and contracting with overseas for the industry as conducted by the AFM. He recommended that employment standards be made selective according to job requirements and the certification of jobs and "make-work" positions be eliminated. Mr. Evans contributed the idea of having all broadcasters in a given community negotiate jointly on union contracts. Mr. Harris's notion of dealing with unions would lead to the establishment in a certain area on the same labor scales.[4]

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1 Broadcasting, May 20, 1950, p. 23

2 Ibid.

3 Ibid.

4 Ibid.

From the foregoing reports on the attitude of the NAB towards labor it would appear that labor relations is good public relations if the NAB benefits. Or to paraphrase a current popular slogan, "what's good for the NAB is good for the unions." Credit must be given to the organization for wanting to meet labor costs by increasing revenues instead of cutting the labor supply. The support for joint negotiation of union contracts would appear to be strengthening the bargaining power of employers. Perhaps the preoccupation with labor costs had little to do with the ability of the broadcasters to meet these costs. According to a report released by the National Association of Broadcasters three-fourths of NAB member stations showed a profit during 1948.[1] Ratio of operating expenses to station revenue was 82% in 1948, rising from 79% in 1947 and 73.5% in 1946. In the report Richard P. Doherty, NAB Employee-employer relations director, who analyzed the figures, said that station profits on sale of time, before taxes, dwindled from 26.5% of station revenue in 1946 to 21% in 1947 and 18% in 1948. Since federal excess profit taxes run 38% in the case of high-income stations, the foregoing figures do not represent actual profit to station operators. According to this NAB study the largest single cost item in all classes of stations consisted of wages and salaries. About half (47.36%) of the average outlet's income dollar was paid out to staff and administrative personnel among all types of stations, adding up to 58% of total operating expenses.[2]

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[1] Broadcasting, Aug. 17, 1949, p.2

[2] Ibid.

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[1] Broadcasting, Aug. 17, 1949, p.2

[2] Ibid.

The year 1948 was indeed "not a bad year" for radio broadcasting. When the Columbia Broadcasting System filed its annual report with the Securities Exchange Commission, it was revealed that Arthur Godfrey, commedian, was the top wage earner of the network.[1] Lowell Thomas, news commentator, was the top "independent contractor" in CBS. On the regular network payroll, Mr. Godfrey received $258,450.00 for his services during 1948. This sum did not include payments to Arthur Godfrey Productions which received $124,623.93 for "program services". The CBS subsidiary, Columbia Records paid Arthur Godfrey Productions $58,440.72 for sale of records. Lowell Thomas received $402,300 for "program services." Frank Stanton, president of CBS, received $109,798.80, a sum which included a $39,702.50 bonus.[2]

William S. Paley, chairman of the CBS board, was listed as the only person owning more than ten percent of the CBS stock. At the time of the report he owned 223,500 shares of 29.45% of Class B, $2.50 par value stock. Also in his portfolio was 9.23% of the Class A, $2.50 par value stock. Payments made to him were not indicated in the report.[3]

Thirteen directors of CBS, of which Mr. Paley is one, received $372,980.46 during the year plus $46,835.24 in pension payments and $931.59 in group life insurance payments. Included in the directors payments was Mr. Stanton's remuneration. Twenty officers, who were not

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directors, received $561,516.41. Pension plans for them accounted for $61,058.34 while group life insurance payments totaled $2,823.01. Fifty-six employees received more than $20,000 during the year. The total for this group was $2,293,904.75. Pension payments for them were $37,152.44 while group life insurance payments were $3,786.60. Executives, however, were not the main beneficiaries. The majority of the fifty-six employees who divided up the $2,293,904.75 were radio artists, the report said.[1]

According to the Securities Exchange Commission report, the Columbia Broadcasting System's methods of depreciation and amortization included writing off television equipment over an eight-year period; and its long wave equipment over a ten year span. The subject of talent contracts, program rights, scripts, etc. was also mentioned in the report. Amortization was on the basis of their useful lives at rates of ten to twenty percent per annum.[2]

Because of the inroads of television the employment picture in radio broadcasting began to change in 1949. In the early part of May, 1949, some sixty employees of NBC were caught in a lay-off. This reduction was in line with the network's plan to cut operating overhead by one million dollars.[2] Before the discharges, NBC had 2,667 on its payroll. Geographical distribution of these employees was as follows:

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1 Broadcasting, May 9, 1949.

2 Ibid.

New York (including foreign service) 1,678; Washington, 143; Cleveland, 122; Chicago, 332; Denver, 64; San Francisco, 145; and Hollywood, 283. The heaviest blow of the aforementioned employment cut fell in Chicago where approximately ten percent of the staff was discharged. Other staff discharges occurred in Washington, Cleveland, and San Francisco. A majority of the employees relieved were apparently in the lower grades--clerks, typist, receiptionists, etc. In Chicago employees in higher levels of employment were involved. Cost of television was one of the reasons given for the cuts in Chicago.

The NBC economy drive resulted from statements made by Brig. General David Sarnoff, chairman of the board for RCA, to stockholders. General Sarnoff indicated that he expected 1949 to be a difficult year for the radio industry. Revenue for NBC in 1948 was $70,949,218.00, a $5,259,217. increase over 1947.[1] Booz, Allen and Hamilton, management consultant firm who advised the one million dollar economy cut, was paid $147,651.38 during 1948 by RCA. NBC is a wholly-owned subsidiary of RCA.

The fact that radio networks were faced with losses in revenue by 1949 is not without foundation. In the spring of 1949 the U. S. Bureau of Labor Statistics recognized this problem in a report to the Veterans Administration on the future of employment in radio. The report said in part:

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1 Broadcasting, May 9, 1949

New York (including foreign service) 1,670; Washington, 189; Cleveland, 172; Chicago, 132; Denver, 34; San Francisco, 115; and Hollywood, 293. The heaviest blow of the aforementioned employees but fell in Chicago where approximately 40 percent of the staff was discharged. Other staff discharges occurred in Washington, Cleveland, and San Francisco. A majority of the employees retained were currently in the lower grades--clerks, typists, receptionists, etc. In Chicago employees in higher levels of employment were involved. One of television was one of the reasons given for the cuts in Chicago.

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[1] Broadcasting, May 2, 1949

> The development of television has not yet gone far enough to indicate how severe its impact on AM and FM broadcasting will be, but the likelihood is that there will be a long-run downward trend both in staff employment and in the amount of work for freelance artists at AM and FM stations.
>
> Taking all occupations together, the total number of people employed in telecasting is extremely small to date. The number of workers needed will increase as more stations reach the air. But not for many years, if ever, is employment at TV stations likely to reach the present employment level at sound broadcasting stations.[1]

The report from which the above is taken is from an occupational study by the Bureau of Labor Statistics. Apparently many broadcasters felt that the study was a biased picture of talent employment in the industry. The BLS study gave radio a dismal employment aspect due to the fact that many singers and actors were unemployed. No differentiation was made between staff and free-lance talent. Some critics pointed out that the results of the report seemed to assume that all AFRA members were qualified to work in radio; however, prior experience was not required for union membership in AFRA.

According to the report at the time it was written the broadcasting industry had 40,000 to 45,000 fulltime employees with one-third in the program departments. Announcers comprised the largest group of program employees, then followed writers, musicians, and news personnel. Technical staffs ranked next to program in size, mostly comprised of transmitter and studio engineers. Clerical workers were third. Other large and important occupational groups were station managers and "time" salesmen.

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[1] Broadcasting, March 21, 1949, p.3

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[1] Broadcasting, March 17, 1958, p.3

Because the majority of applications for television stations came from companies already operating AM and FM radio stations, the study contended that much of the work in television would be handled by the same people already employed in radio.

According to the BLS survey, the number of staff singers and actors reported by the survey was negligible. The survey results were based upon 3,742 questionaire replies. AFRA's total membership in 1949 was claimed by the union to be 25,000. Total number of persons in programming (nonsupervisory) throughout the industry as of October 11, 1947 at seven networks and 1,260 stations was 12,663 according to Federal Communications Commission records. Thus AFRA membership exceeded total industrial employment though many stations were not organized. Of the 12,633 employees, 10,900 were fulltime and 1,763 were part-time according to the FCC.

Broadcasters were quick to point out that there was a vast difference between staff and free-lance employment. Free-lance work involves such factors as individual talent of each artist, along with reputation and current popularity of special types of performances. Since artists who want to be employed in radio need AFRA cards in organized cities, the union's ranks include students, persons lacking in professional skills, those who hope to augment their incomes, and others who work the night club, vaudeville, dance hall and other circuits. Unemployment in such cities as Los Angeles, New York and Chicago is because hundreds of young people without professional reputations crowd these centers. Though holding AFRA cards, many do not depend on radio as a prime source of employment.

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According to the BIS survey, the number of staff writers and actors reported by the survey was negligible. The survey results were based upon 3,142 questionnaire replies. BBC's total expenditure in 1949 was claimed by the union to be £9,000. Total number of persons in programming (nonsupervisory) throughout the country as of October 11, 1947 at seven networks and 1,130 stations was 9,000 according to Federal Communications Commission reports. From 1944 to 1947 total industrial employment through many stations was not overwhelming. Of the 12,000 employees, 10,500 were stations and 1,100 were film-makers according to the NBC.

Broadcasters were quick to point out that there is a vast difference between a skill and live-in employment. Pre-James work involves such factors as individual talent or combination, along with reputation and current popularity of special type of performances. Since artists who want to be employed in radio need AFM cards to organized cities, the union's rules include singers, persons leading in professional skills, those who have to present their income, and others who work the night club, vaudeville, dance hall and other circuits.

Unemployment in such cities as Los Angeles, New York and Chicago is because hundreds of young people without professional reputations crowd these centers. Though talent agents exist, they do not depend on radio as a prime source of employment.

Two representatives from both labor and management took part in a panel discussion of labor-management relations at the 1950 convention of the National Association of Broadcasters.[1] Thomas outlined the following points which were considered paramount from a management standpoint:

> 1. Unions must realize that radio is engaged in a "titanic struggle for existence" and that stations still facing rising costs, must be free of pressures for unreasonable additional cost increases.
>
> 2. Heavy investments are being required of broadcasters to replace out-worn equipment, much of it pre-war material and to expand into allied fields.
>
> 3. Employee efficiency should be increased through job-training programs, and make-work positions should be eliminated.
>
> 4. Negotiations must be realistic, and national unions must be in a position to reason with unreasonable locals--"and that works both ways."
>
> 5. Sound labor-management relations are based on an awareness that employees and employers have a mutual interest, a recognition of the "other fellow's problems" and an approach showing "good faith on both sides."[2]

Management's side on the panel cautioned that unions should not try to superimpose nationwide or even area-wide patterns upon individual stations. Management also furthered the belief that employees not only have a right to bargain collectively, but also have a right not to do so, according to their wishes. According to the management's argument, few industries match radio's average wage scales. Even in non-union stations, it was felt good wage scales generally existed.

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[1] Broadcasting, April 24, 1950, p. 4

[2] Ibid.

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1 Broadcasting, April 26, 1948, p. 8

2 Ibid.

On labor's side of the ledger were listed the following problems: wages, elimination or curtailment of split shifts; vacations; holiday work; five-day week; employment security (not featherbedding); recognition of union shops; stability of operations, seniority rights, arbitration; unfair dismissals, and contracts.

Although the employment picture looked dark in 1950, revenues for the networks were increasing. For the first quarter of 1950, CBS reported a net profit of $1,626,750 for its stockholders. William S. Paley, CBS chairman of the board, said the profit represented 95 cents a share, compared with 50 cents a share in the first quarter of the previous year. In 1949 the net profit was $885,764. CBS gross income for the first quarter of 1950 was $30,809,064 compared with $27,018,288 in the first quarter of 1949. Operating expenses and costs of goods sold were up in the first quarter of 1950--$13,926,026 compared with $12,414,577 in the same period the previous year. Provision for federal income taxes was $1,329,000.[1]

As television developed in the early 1950's an additional problem that plagued the radio industry was the "fragmentation" of the radio audience. Revenues were being divided by competing AM, FM and TV stations. Thus all costs, including labor costs, were constantly increasing while intertrade revenue was decreasing. One of the answers to this problem was in the method of "time-selling." the NAB was in favor of the "all-radio presentation" whereby an advertiser would not only buy television time but would buy a simultaneous AM broadcast as well.

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[1] Broadcasting, April 24, 1950, p. 11

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Although the employment picture looked dark in 1929, revenues for the networks were increasing. For the first quarter of 1929, CBS reported a net profit of $1,656,720 for its stockholders. William S. Paley, CBS chairman of the board, said the profit represented 95 cents a share, compared with 30 cents a share in the first quarter of the previous year. In 1929 the net profit was $885,761. CBS gross income for the first quarter of 1929 was $20,629,008 compared with $17,018,268 in the first quarter of 1928. Operating expenses and cost of goods sold were up in the first quarter of 1929--$13,929,028 compared with $12,414,577 in the same period the previous year. Provision for federal income taxes was $1,329,000.[1]

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[1] Broadcasting, April 29, 1930, p. 11

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CHAPTER VI

JURISDICTIONAL DISPUTES

Jurisdictional Disputes

As complex an art as radio broadcasting of course brings together a variety of artisans. Until television came upon the entertainment scene it would have been thought impossible to organize radio artists on an industrial basis. However the history of radio broadcasting unionism is unique in that jurisdictional disputes among the unions have been relatively few. Williams Green once said that the musicians had little in common with the rest of labor because they were different from other unionists who work with their hands.[1]

On a national scale the first major jurisdictional dispute among the musicians was with the Metal Polishers Union (AFL) in 1912-13. The metal polishers demanded that the musicians buy only those musical instruments bearing the label of their union. The AFM countered this proposal by claiming a musician should have the freedom of choice to buy the most suitable instrument for his art. The AFL supported the AFM's side of the matter. The musicians won the case when they decided to help the metal polishers organize the plants of musical instrument manufacturers.

The "platter turning" controversy proved to be one not so easily negotiated. The American Federation of Musicians had represented the Broadcast engineers (those who run the phonograph turn tables for radio stations) in Chicago at the National Broadcasting Company and for the

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[1] International Musician, June 1927, p. 1

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[1] International Musician, June 1937, p. 1

Columbia Broadcasting System both in Chicago and St. Louis. On the other hand the National Association of Broadcast Engineers and Technicians (an independent union) represented the platter turners outside of Chicago for the National Broadcasting Company and the American Broadcasting Company. In 1942 the NABET attempted to organize the platter turners in Chicago. The AFM of course claimed jurisdiction and its contracts were renewed in 1944. In addition the AFM asked broadcasters to hire musicians as platter turners throughout the country.

The broadcast engineers initiated proceedings before the NLRB and also threatened to strike. After hearings the Board decided that the musicians had jurisdiction at NBC and ABC in Chicago, but the NABET had jurisdiction elsewhere. The AFM then threatened NBC and ABC with strikes if they recognized the award to NABET. In 1945 the NLRB found that the companies had violated the Wagner Act by refusing to bargain with NABET and ordered them to bargain upon request.[1]

The NLRB petitioned the United States Circuit Court of Appeals for enforcement of its order. The court upheld the order even though the companies were threatened with strikes from the AFM. The Norris-LaGuardia Act of 1932 had barred the federal courts from issuing an injunction or restraining order in cases arising out of a labor dispute. The court was ready to proceed against a union whose object was to negate a decision of the NLRB, even though a labor dispute was involved. The NLRA had granted neither the NLRB or the courts any specific power

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[1] National Broadcasting Company, Inc., 59 NLRB 478, Nov. 24, 1944, and 61 NLRB 161, March 31, 1945

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1 National Broadcasting Company, Inc., 33 NLRB 619, Nov. 24, 1943, and 51 NLRB 1041, March 31, 1943.

to act against unions. The AFM accepted the courts decision. Under the Labor Management Relations Act of 1947 the union may now be restrained.

One of the most famous jurisdictional disputes in all of labor history possibly because of the celebrated names involved was that between the American Federation of Musicians and the American Guild of Musical Artists. When the AFM received its charter from the AFL it received jurisdiction over all professional musicians in the country. Up until 1940, however, the union had been unsuccessful with the organization of concert artists, their accompanists, and symphony conductors. Up until this time the union of the masses (AFM) felt that it had little to gain by including the famous name soloists within its ranks. The AGMA had been born on a New Jersey golf course as the brain-child of Lawrence Tibbett, Frank Chapman and Gladys Swarthout. These people felt a need on the part of musical artists to join together to protect their common interests, and to find a common solution to their problems. The AGMA with Lawrence Tibbett, the famous baritone as president, had negotiated its first union agreement in 1937, its first basic agreement signed with the Metropolitan Opera Association in 1938, and that same year the ground work was laid for a basic contract with Columbia Concerts Corporation, a subsidiary of the Columbia Broadcasting System.

The AFM had always claimed jurisdiction over the soloists, but there is little evidence of protest on the part of the AFM when the AGMA began to organize them. In August 1940 Petrillo ordered all

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instrumental soloists to join AFM by Labor Day or members of the musicians union would not be permitted to play at any function at which they appeared. Notice of the AFM's position was sent to radio networks, opera companies, symphony orchestras, and others affected. Petrillo's basic assumption was expressed in his words, "Since when is there any difference between Heifetz playing a fiddle and the fiddler in a tavern? They're both musicians."[1] Mr. Tibbett's case was presented in the press on a much higher plane and doubtless public opinion was on his side. From the musical point of view the AGMA's case was as follows:

> Domination of great artists by a man who is practically a musical illiterate is intolerable.
>
> To limit the places an artist can play in is palpably against the best musical interests of the country.
>
> To keep the country's leading orchestra off the air, to end its brilliant series of recordings, to prevent it from using many of the world's greatest artists as soloists is again opposed to the best interests of musical America.[2]
>
> To classify Heifetz with a tavern fiddler, as Mr. Petrillo has done, is absurd.
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> It is inconsistent for Mr. Petrillo to try to bag only the instrumentalists among the soloists and not include Lotte Lehmann, Flagstad and Mr. Tibbett himself.[3]

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1 New York Times, August 14, 1940, p. 21:8

2 The Boston Symphony Orchestra

3 PM's Weekly, Sept. 8, 1940, p. 42

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1 New York Times, August 1, 1942, p. 21;

2 The Boston Symphony Orchestra

3 FM's Weekly, Sept. 8, 1942, p. 12

By 1940 Tibbett's AGMA had 1,800 members and he was not prepared to lose them without a court case. The proper tribunal for adjusting the dispute was the American Federation of Labor. But AFL's record in settling its own jurisdictional disputes was not too admirable. Past experience had shown that the more powerful labor union usually won its case before the AFL. At the insistance of the AGMA, Justice Ferdinand Pecora of the New York Supreme Court granted a restraining order which barred the AFM from taking any action until a regular session of the court could hear the case. In November Judge Aron Steuer of the New York Supreme Court rendered a decision which set aside the temporary stay of action previously granted. The AGMA announced its intention to appeal. The Appellate Division of the Supreme Court affirmed the decision of the lower court in refusing to grant the Guild an injunction. It even went so far as to dismiss the case against the musicians. Most of the concert artists at that time got on the band wagon and joined the AFM.

In 1942 an agreement between the unions was reached. The agreement said in part:

> AFM recognizes AGMA's position and authority as the exclusive collective bargaining agency for all solo instrumentalists for the purpose of their activities in the concert field.
>
> AGMA does not object to the right of AFM to enroll solo instrumentalists as members of AFM, and AFM does not object to the right of AGMA to enroll the solo concert artists, as above described, as members of AGMA. The parties agree to notify CCC, NBC, WGN and the other concert managers of the above.[1]

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[1] Agmazine, Dec., 1952, p. 3

By 1940 Tibbett's ADMA had 1,500 members and he was prepared to lose them without a court case. The proper tribunal for adjudicating the dispute was the American Federation of Labor. But AFL's record in settling its own jurisdictional disputes was not too admirable. Past experience had shown that the more powerful labor union usually won its case before the AFL. At the insistence of the ADMA, Justice Ferdinand Pecora of the New York Supreme Court granted a restraining order which barred the AFM from taking any action until a regular session of the court could hear the case. In November there arose Staver of the New York Supreme Court rendered a decision which set aside the temporary stay of action previously granted. The ADMA announced its intention to appeal. The appellate division of the Supreme Court affirmed the decision of the lower court in refusing to grant the Guild an injunction. It even went so far as to dismiss the case against the musicians. Most of the concert artists at that time met on the band wagon and joined the AFM.

In 1942 an agreement between the unions was reached. The agreement said in part:

> AFM recognizes ADMA's position and authority as the exclusive collective bargaining agency for all solo instrumentalists for the purpose of their activities in the concert field.
>
> ADMA does not object to the right of AFM to enroll solo instrumentalists as members of AFM, and AFM does not object to the right of ADMA to enroll the solo concert artists, as above described, as members of ADMA. The parties agree to notify CBS, NBC, WOR and the other concert agencies of the above.

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[1] Amusing, Dec., 1952, p. 3

Thus Petrillo had won a great victory. The important solo instrumentalists in the country were members of his union. Petrillo was now in position to strengthen his hand against the recording companies.

The resolution of AFM vs. AGMA of course did not make for jurisdictional peace on all fronts of the radio broadcasting industry. In the spring of 1948 Philadelphia's WFIL was deadlocked in a jurisdictional strike. Forty-three engineers of the station were involved. The American Communications Association (CIO) and the International Alliance of Theatrical Stage Employees and Moving Picture Operators (AFL) both claimed to represent the engineers. ACA argued that there could be no bona fide claim by IATSE to representation and that, in fact, ACA had represented the engineers since 1936. ACA also charged that WFIL had used the jurisdictional controversy as an excuse for not making a wage offer and that failure to make such a wage offer on expiration of the contract caused the strike.[1]

Relations with unions outside of the entertainment world have sometimes been promulgated by the radio broadcasting unions. Usually the radio unions have supported the cause of unionism in general by contributing to the monetary funds of striking unions. For instance the musicians helped the striking streetcar workers in Philadelphia in 1910. In 1913 the AFM signed a national agreement with the International Alliance of Theatrical and Stage Employees (AFL). The latter union largely consisted of stage hands and motion picture operators.

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1 Broadcasting, March 24, 1948

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1 Broadcasting, March 8th, 1948

Both unions supported the Equity strike in 1919. However the relationship was terminated because the discharge of union musicians from sound theatres made the contract a burdensome liability to IATSE. When the electricians, members of the Electrical Workers Union, Local 3, struck against Rockefeller Center in 1938, the aid of the musicians was solicited. Rockefeller Center was the home of the NBC studios. The musicians were asked in particular not to pass the picket lines of the electricians.

Thus in such special situations jurisdiction problems have arisen when a radio performer was a member of more than one musicians' union, an engineer was asked to join the musicians' union, an actor played a musical instrument or performed singing lines. But these problems appear small indeed and are mere indications of things to come when we consider the field of television.

Jurisdictional Problems Among Technicians in Television

One of the first jurisdictional disputes and agreements among television technicians occured in April 1948 when the American Tobacco Company proposed to sponsor a telecast of the play, "Mister Roberts," from the Alvin Theater in New York.[1] It developed that the International Alliance of Theatrical Stage Employees and Moving Picture Machine Operators (IATSE) had jurisdiction in the legitimate theater whereas the International Brotherhood of Electrical Workers (IBEW) had a contract with CBS covering the network cameramen. The conflict was resolved when the heads of both unions allowed their members to work

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[1] Billboard, April 10, 1948, p. 12

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[1] Billboard, April 17, 1948, p. 12

side by side on the CBS telecast. This easy settlement was by no means indicative of future relations between the technical unions.

One of the most pressing problems facing the IATSE was the employment of projectionists who were members of the union. The union had a sixty-year history in the theater as the bargaining agent of stage hands. When motion pictures forced the closing of the legitimate theaters because of technological replacement the union was successful in extending its jurisdiction to the projectionists. Now television was closing many motion picture houses and moving picture machine operators were finding themselves without jobs. The logical answer from the IATSE was to enter the television field where projectionists were employed.

The IBEW, on the other hand, claimed jurisdiction for projectionists employed in television stations. The votes of the IBEW projectionists were lumped with the broadcast engineers and technicians. Therefore they were able to win most NLRB elections. The IATSE were successful before the NLRB in obtaining separate voting units for their stage employees which included carpenters, electricians and propertymen. When most petitions by the IATSE for inclusion of projectionists as voting units were denied by the NLRB, the IATSE attempted to organize television stations as a whole including electronic engineers. This organization was an attempt to keep the IATSE projectionists from being outvoted in NLRB elections. Although the IBEW seemed firmly entrenched through their broadcasting connections, the IATSE was successful in

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that part of the television industry which produces films for television. The employment position for IATSE members became brighter when motion pictures began to enjoy a revival with the introduction of three-dimensional projection, Cinerama, Cinema Scope, and other devices. In some cases the union made concessions to exhibitors in the operation of these innovations, but on the whole, their scales were upheld.

The jurisdictional picture in television stations remained somewhat complicated in 1948. In addition to the IBEW claiming jurisdiction in the television field from a broadcasting standpoint there was also the claim of the National Association of Broadcast Engineers and Technicians. In November 1948 seven different bargaining unit categories were voting at WPIX in New York for a choice among three unions, the IATSE, IBEW, And the NABET. Hearings had been held by the NLRB five days before agreement on an election was reached. The categories voting included television engineers, film projectionists, film cameramen, film editors, film laboratory technicians, film sound engineers, and stage employees. Again because the majority of television engineers were already members of the IBEW the weight of their numbers gave that union jurisdiction over all categories.[1]

In March 1949 the IATSE was still trying to drive NABET members from the television fields according to a statement by the NABET issued in New York.[2] According to NABET its members from training and experience

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[1] Billboard, Nov. 20, 1948, p. 10

[2] Broadcasting, March 14, 1949, p. 14

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The jurisdictional picture in television stations remained somewhat complicated in 1958. In addition to the IBEW claims jurisdiction in the television field from a processing standpoint there was also the claim of the National Association of Broadcast Engineers and Technicians. In November 1958 seven different bargaining unit categories were voting at WCBS in New York for a choice among three unions, the IATSE, IBEW, and the NABET. Elections had been held by the NLRB five days before agreement on an election was reached. The categories voting included television cameramen, film projectionists, film cameramen, film editors, film laboratory technicians, film sound engineers, and stage employees. Again because the majority of television employees were already members of the IBEW the majority of their members gave that union jurisdiction over all categories.[1]

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1 Billboard, Nov. 29, 1958, p. 10

2 Broadcasting, March 16, 1959, p. 38

were better able to perform the functions required in television. NABET further asserted that IATSE was attempting to force its way into telecasting, "a field that had been NABET's for years without dispute." Forty percent of IATSE members were unemployed at the time. NABET's contracts with NBC and ABC were to terminate April 30, 1949. The exchange of press statements were forerunners to both unions attempting to negotiate contracts with the networks.

In Chicago at WBKB stagehands, cameramen, and projectionists were members of IATSE while twenty-seven engineers remained within the jurisdiction of IBEW. In this particular instance, IBEW engineers had worked at the station for a number of years but their first contract was signed in July 1949.[1] The contract when signed gave engineers a salary range of $65 to $125 weekly and a clause stating that negotiations for new salary arrangements would be reppened at the end of one year.[2]

In the summer of 1950 television labor pains began to be of grave concern to the telecasters. As pointed out in the few years of rapid development of the television industry most unions had been content to withhold demands for contracts comparable to those they held with more mature enterprises. Editorially the National Association of Broadcasters commented on the problem:

> Doubtlessly the talent and technicians unions have read with interest recent statements by some tele-

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[1] Billboard, July 30, 1949, p. 9

[2] Ibid.

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> casters who have announced they were in or approaching the black. It was inevitable that labor's policy of moderation would end with such reports.
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> It would be well at this moment if there were clarification of what telecasters meant when proclaiming they had attained profitable operation. We doubt that any one of them who has made such announcements means that he is so deep in the black that an increase of costs could be absorbed without a re-immersion in the red. We doubt indeed that any telecaster can afford at this point to write a labor contract guaranteeing minimum wages and conditions on anything like the levels that are or are about to be sought.[1]

At any rate the strike of the IBEW against CBS in the summer of 1950 indicated that a period of comparative peace in television labor relations was at an end. The strike lasted for only three days and included 335 IBEW members in New York and 90 in Hollywood. The strike resulted from an impasse in negotiations of a contract renewal. The negotiations pertained only to the New York local 1212, but the Hollywood members walked out in sympathy.[2] The strike was called despite the fact that basic agreement on wage increases had been reached. CBS had offered wage scales of $135 a week for five-year men, an increase of $6.50 over rates in the former contract, it was said.[3]

The core of the dispute was working conditions. Among the provisions sought by the union but not granted by CBS were additional vacation time, specific periods for meals, and rearranged schedules

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[1] Broadcasting, June 19, 1950, p. 2

[2] Broadcasting, June 19, 1950, p. 15

[3] Ibid.

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1 Broadcasting, June 19, 1950, p. 2

2 Broadcasting, June 19, 1950, p. 25

3 Ibid.

of days off per week.[1] The strike caused cancellation of nine CBS television shows, five of them commercial. Other television programs and all regularly scheduled radio shows were broadcast with CBS executive and supervisory personnel acting as technicians. Under the strike-ending agreement, CBS guaranteed to re-employ all IBEW members on its rolls before the strike, and the IBEW agreed to return to work.

The Actors and Television

The largest jurisdictional dispute in the ranks of the television industry was the battle waged by the American Federation of Radio Artists against its sister unions in the field. It will be recalled that AFRA was one of the branches of the parent organization the Associated Actors and Artistes of America. The Four A's had chartered Actors Equity, long established in the legitimate theater; Chorus Equity; American Guild of Variety Artists, composed of vaudeville and night club performers, the Screen Actors Guild, firmly entrenched in the motion picture industry; the Screen Extras Guild; and the American Guild of Musical Artists, which included professional dancers within its jurisdiction. As television became a major segment of the entertainment field the jurisdiction of the various branches of the Four A's along with the independent unions became increasingly difficult to determine.

As previously pointed out AFRA at its annual convention in Boston in 1949 looked to merger of the various entertainment unions as the instrument to successful negotiations in the television industry.

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As previously pointed out AFRA at its annual convention in Boston in 1949 looked to merger of the various entertainment unions as the instrument to successful negotiations in the television industry.

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1 Broadcasting, June 19, 1950, p. 15

In its resolution for a merger AFRA hoped (1) to bring about enough rank and file sentiment in other performer unions to bring about merger--either whole or partial--within a reasonably short time, (2) even in the event the resolution did not precipitate merger action within the Four A's, it would allow AFRA to proceed in the matter of clarifying the television jurisdiction.[1] "Our main objective," stated George Heller, national executive secretary for AFRA, "is to obtain what is best for those who work in television, without regard to whether they are members of AFRA, SAG, AE, or AGVA. Divided authority in television is weak authority, and the more delays we face now the greater will be the difficulty in finally obtaining decent and equitable standards."[2] The Four A's structure was considered inadequate with regard to Taft-Hartley and other restrictive labor legislation.

- As an alternate plan to merger it was envisioned a workable apportionment of television jurisdiction, with AFRA the policing agent in certain types of television production and the Screen Actors Guild controlling film production for television. AFRA proposed the following view: AFRA would be intrusted with jurisdiction over live programs and such film shows as would be produced by advertising agencies, networks, and stations. SAG would maintain jurisdiction over film shows produced by motion picture companies only. On the other hand it was well known that the Screen Actors Guild preferred complete film jurisdiction.

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[2] Ibid.

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2 Ibid.

At the time of the proposed plans by AFRA a committee of the Four A's was trying to negotiate television scales and conditions with the networks. Its success was somewhat limited. With respect to merger, AFRA believed that this was the prime solution not only as affecting the television industry but strengthening the position of performers under the Taft-Hartley law. Some groups within AFRA felt that the desire for autonomy on the part of the locals and sister unions would not allow for the acceptance of a merger. AFRA held that merger did not necessarily mean loss of local autonomy. Furthermore the radio actors union felt that it had more to offer and less to gain in any consideration of merger. "Certainly," stated one AFRA executive, "we have the best contracts and a strong treasury which becomes stronger as time goes by."[1]

The position of Actors Equity was somewhat in doubt as the various unions considered the plan for merger. Equity, which once held most of the major performer jurisdictions in show business, retained a legal claim in television through its original charter with the AAAA's. There was a precedent for AFRA's taking control of a jurisdiction which it considered was not being properly handled. Equity originally held radio jurisdiction. The Radio Division of Actors Equity had been unsuccessful in organizing the radio industry. However the Radio Division gained enough internal strength to take over the radio portion

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[1] Billboard, Sept. 6, 1948, p. 3

of Equity's charter. Thus AFRA was born.[1] Equity had once held the screen jurisdiction, but it lost this position just prior to the growth of the radio industry. There were other precedents in the Four A's for transferring charters from group to another in the interest of the performers.[2] The American Federation of Actors was reorganized into AGVA, currently hold jurisdiction over vaudeville and night club performers. Also, the Grand Opera Artists Association suffered revocation of its charter years ago on the grounds that it had not organized its field, and the charter was given to the American Guild of Musical Artists.

In September 1948 an Actors Equity spokesman labeled as "blackmail" the resolution claiming television jurisdiction passed by AFRA at its Boston convention.[3] Most observers recognized Equity's legal right to television jurisdiction. But the conflict appeared to resolve on the question of which was the stronger union. Again the strength of the labor leaders was involved. Heller was conceded to have little opposition in organizing the other branches of the Four A's against Equity. In that case the only recourse Equity would have would be public opinion and the prestige it carried as the oldest of performer unions. Paul Dullzell, former head of the AAAA's and executive secretary for Equity, was regarded as the outstanding labor leader in show business. When Mr. Dullzell retired, Mr. Heller was said to have taken his place.

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1 Billboard, Sept. 11, 1948, p. 13

2 Billboard, Sept. 11, 1948, p. 13

3 Billboard, Sept. 11, 1948, p. 46

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1 Billboard, Sept. 11, 1948, p. 13

2 Billboard, Sept. 11, 1948, p. 13

3 Billboard, Sept. 11, 1948, p. 40

Another reason for Equity's resistance to merger was the $600,000 it had in its treasury.[1] This amount of money was greater than any possessed by its sister unions, and it would have to be surrendered in any amalgamation.

By November 1948 Equity was willing to consider merger and a draft for an over-all television union was drawn up.[2] No name for the new vertical union could be decided upon; however, United Artists Equity Association or National Artists Equity Association were suggested. At the time the merger plans called for consolidation of AFRA, Equity, Chorus Equity, and AGMA. The American Guild of Variety Artists was to be brought in later. Each branch was to control its own affairs in negotiations, contracts, etc. in its field subject to national board approval. Television jurisdiction was to be pooled by those unions already claiming it, and one union card would enable a performer to work in all fields except films. A SAG card would be required for film work.

As plans for merger progressed the American Guild of Variety Artists made jurisdictional claims on the television field. This union was involved in suits against KTLA and KLAC-TV on the West Coast.[3] AFRA's reply to the AGVA's claims was that when the merger was discussed

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1 Billboard, Sept. 11, 1948, p. 46

2 Billboard, Nov. 20, 1948, p. 22

3 Billboard, Dec. 25, 1948, p. 13

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1 Billboard, Sept. 11, 1948, p. 16

2 Billboard, Nov. 27, 1948, p. 22

3 Billboard, Dec. 25, 1948, p. 3

originally, AVGA was under the control of the Four A's; furthermore, it did not have its autonomy and was in no position to act with authority, An invitation to join the merger was still open.

Actor's Equity brought an end to merger talks in December of 1948. Equity's counterproposal provided that (1) an entirely new union be formed with the Screen Actors Guild, Equity, and the American Federation of Radio Artists having jurisdiction over the television problems of their own memberships, thereby excluding all other entertainment unions from having a voice in the new organization's affairs; (2) the new union would be run by three boards, representing SAG, Equity, and AFRA, each retaining autonomous power.[1] At this time merger talks came to a complete standstill because most participants felt that the new organization would be pulling in three directions simultaneously.

In February 1949 the Screen Actors Guild announced that unless the entertainment unions adopted a joint plan in administering jurisdiction over the television field in the immediate future, the SAG would lose no time in evolving its own method of protecting members participating in the production of films for television.[2] In the meantime the Four A's were resuming talks, but no progress was being made. One idea advanced to break the deadlock was for Secretary of

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[1] Billboard, Feb. 12, 1949, p. 3

[2] Billboard, Feb. 19, 1949, p. 13

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1 Billboard, Feb. 12, 1949, p. 3

2 Billboard, Feb. 19, 1949, p. 13

of Labor Maurice Tobin to appoint arbitrators to settle the question of jurisdiction.[1] This plan was offered with the thought that it would only be practical as a last-ditch solution.

In the spring of 1949 it became apparent that the merger of all talent unions into a television authority was dependent upon the assent of Actor's Equity. Finally Equity, the official trade journal of Actor's Equity, gave the Associated Actors and Artistes of America its blessing. The Four A's at the time was reconsidering plans for merger. The editorial in Equity said in part:

> For those who believe that ultimate merger of all branches into one big union is still the goal which should be sought, this essay into a joint trusteeship is a first and long step.
>
> If we can work together fairly and amicably and reasonably for the organization and administration of television, it will be a shorter and easier step to expand that cooperation to other matters.
>
> But first of all that committee has to meet and solve those problems on the level of television.[2]

The committee for the Four A's were making plans for a TVA (television authority). This authority would bargain for television performers and make contracts for them. Members of the Four A's branches would not pay dues to the new organization; however, the individual branches would support the new TVA.[3] There was but one more step remaining to

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1 Billboard, Feb. 19, 1949, p. 13

2 Broadcasting, April 25, 1949, p. 10

3 Ibid., May 9, 1949, p. 8

of Labor Maurice Tobin to support arbitrators to settle the question of jurisdiction.[1] This plan was offered with the thought that it would only be practical as a last-ditch solution.

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> If we can work together fairly and amicably and reasonably for the organization and admission of Television, it will be a shorter and easier step to merge, with a common union on other matters.
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> But first of all, that organization has to meet and solve those problems on the level of television.[2]

The committee for the Four A's were making plans for a TVA (Television authority). This authority would bargain for television performers and make contracts for them. Members of the Four A's unions would not pay dues to the new organization; however, the individual unions would support the new TVA.[3] There was but one more step remaining to

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1 Billboard, Feb. 19, 1949, p. 3

2 Broadcasting, April 25, 1949, p. 19

3 Ibid., May 9, 1949, p.

give the TVA actuality and that was the approval of the board of the Four A's. The question of proportional representation on the board of TVA remained open. Some of the union branches favored proportional representation while others favored equal representation.

The necessity for an over-all union in the television field was pointed out by Bill Thompson, character actor and AFRA board member. Mr. Thompson said that he was required to belong to several unions. Because he sometimes does a bag-pipe routine before the television camera, he carried a card in the American Federation of Musicians. "I pay dues to all these unions. It would seem to be to the advantage of all entertainers if these various entertainment unions could come to an agreement whereby membership in one carried privileges in all," said Mr. Thompson.[1]

In August 1949 the Eastern talent unions of the Four A's voted to by-pass the Screen Actor's Guild in the organization of the television industry.[2] At the same time the Four A's gave their television jurisdiction collectively to TVA. The SAG had previously refused to participate in TVA. The chief stumbling block in reaching an agreement with the Screen Actors Guild was the problem of kinescopes. The SAG was willing to allow TVA to have jurisdiction over some films, but it also thought the technique of film making should determine within whose jurisdiction it belonged.[3]

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[1] Broadcasting, Aug. 27, 1949, p. 11

[2] Billboard, Aug. 27, 1949, p 5

[3] Ibid.

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1 Broadcasting, Aug. 27, 1949, p. 22

2 Billboard, Aug. 27, 1949

3 Ibid.

In spite of the difficulties involved Television Authority, projected as the one big talent union for television, was born in November 1949. It was in spite of negative ballots by the two film unions--the Screen Actors Guild and the Screen Extras Guild--that the international board of the AAAA's voted TVA into existence at a board meeting in New York. But when born, TVA took a position alongside the two film guilds as a branch of the AAAA's. Among the branches voting for TVA were: American Federation of Radio Artists, American Guild of Variety Artists, American Guild of Musical Artists, Chorus Equity, and Actors Equity Association. It was most disappointing for all concerned that the new union was born with the threat that there would be more than one talent union in television. It was the intention of the AAAA's to solve the problem by mediation.

According to Paul Dullzell, who had come out of retirement to become national president of the Four A's, TVA was voted into existence under the following limitations: "With the express understanding that Television Authority shall agree to mediate all matters that may be in dispute with the Screen Actors Guild and the Screen Extras Guild."[1] Mr. Dullzell further stated:

> The offer of mediation points the way to a peaceable and just settlement, fulfills the need of the television performers to organize and will preserve harmony among all actors no matter where they work.

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[1] Broadcasting, Nov. 21, 1949, p. 49

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[1] Broadcasting, Nov. 21, 1949, p. 19

> It is inconceivable that actors should be involved in any controversy when a way to avoid it could so easily be accepted. It is sincerely hoped that the actors of America will compose their differences through the peaceable and traditional procedure of mediation. I earnestly urge them to do so since the need for organization is pressing and cannot be long delayed.[1]

The SAG immediately countered the statement by Mr. Dullzell with the following communication:

> The statement issued by the 4 A's regarding Wednesday's action by the 4 A's board, in creating a new actors union, omits a most important fact, namely, that the resolution voted by the board specifically withholds action on the issue of jurisdiction, that is, the 4 A's board has not attempted at this time to invest in TVA authority to represent performers in motion pictures made for television.
>
> In accordance with the previously announced position of Screen Actors Guild and Screen Extras Guild, these film guilds would resist any such move. The guilds await word from the eastern talent unions regarding a proposal for an equal partnership in the field of television which is being explored by the various talent unions. The guild's offer of mediation, where necessary, still remains.[2]

The reference to an offer by the SAG to mediate is different from the mediation proposal of the TVA proponents. The latter wanted to mediate the entire film jurisdiction question. SAG wanted to mediate only a "so-called gray area or shadowland" comprising film spot commercial announcements and film inserts, retaining jurisdiction of the rest of the film television field.

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[1] Broadcasting, November 21, 1949, p. 49

[2] Ibid.

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1 Broadcasting, November 21, 1949, p. 69

2 Ibid.

On December 31, 1949 the executive committee of the board of directors of the Screen Actors Guild sent a telegram to TVA (Television Authority) stating that they would be glad to seek a solution to the television jurisdictional tangle. An added stipulation was that the meeting would have to be held in Hollywood. Furthermore the SAG indicated that its willingness to reopen negotiations was not to be taken as a weakness in its stand for equal status between the film and "live" unions in the television field.[1]

In 1950 developments within the organization of the Associated Actors and Artistes of America indicated that an industry-wide union in the television field was nearer realization than before. Paid executives and counsel of talent unions were being asked to return to committee planning meetings. Formerly, when no progress was being made, they were excluded from meetings of the committee, composed of presidents and members of each of the key unions concerned.[2]

The disappointing aspect of the television jurisdictional disputes is that they have never been entirely settled. Perhaps the key to failure was the limiting of Television Authority at the time of its conception to the status of a branch in the AAAA's. This, of course, does not mean that TVA has not been successful. On the contrary it has been highly successful in its negotiations with the networks. Its

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2 Broadcasting, April 25, 1950, p. 11

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CHAPTER VII

THE UNIONS AND TELEVISION

Background

Although television as a mass entertainment and commercial advertising medium has been in existence only since 1941, a motion picture was televised as early as 1925.[1] In 1926 Variety carried a banner headline proclaiming General Electric's announcement that "Radio Artists May Be Seen and Heard."[2] As early as 1928, RCA began its experiments in television. That same year General Electric's WGY carried the notification ceremonies of Alfred E. Smith as the Democratic presidential candidate from the steps of the state capitol in Albany. By 1931 Chicago had a thousand television sets in operation and two or three hours entertainment daily.[3] The costs of early telecasting were staggering to such station operators because the FCC at that time had banned commercial advertising. In the depths of the depression there were about 30,000 television viewers in this country and twelve stations. By 1939 New York had less than five hundred sets in operation at a cost of $600 apiece.[4] On June 7, 1939 the Max Baer-Lou Nova fight was telecast from Yankee Stadium. The first

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1 Green and Laurie, op. cit., p. 240

2 Ibid.

3 Ibid., p. 363

4 Ibid.

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THE DIRECT AND TELEVISION

Background

Although television as a mass advertising and commercial advertising medium has been in existence only since 1941, a motion picture was televised as early as 1925. In 1926 Variety carried a banner headline proclaiming General Lapitre's announcement that "Radio Artists May Be Seen and Heard."[2] As early as 1928, GE began its experiments in television. Just one year later, Electric's WGY carried the notification announcing a filmed [illegible] Democratic presidential candidate from the steps of the state capitol in Albany. By 1931 Chicago had a television station with [illegible] and two or three hours [illegible]. The major [illegible] television were struggling to gain [illegible] before the FCC at that time had issued commercial authorization. In the depths of the depression there were about 30,000 television viewers in this country and twelve stations. By 1939 New York had less than five hundred sets in operation at a cost of [illegible] apiece. On June 7, 1939 the Max Baer-Lou Nova fight was televised from Yankee Stadium. The first

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1 Green and Laurie, op. cit., p. 21.

2 Ibid.

3 Ibid., p. 203

4 Ibid.

actual commercial telecast originated from the New York World's Fair in April 1939. David Sarnoff of RCA opened this history-making event by simply stating, "Now, at last, we add sight to sound."[1]

By July 1949 there were 75 television stations operating commercially and 42 under construction. In addition the Federal Communications Commission had "frozen" 331 new applications for stations.[2] Since 1942 there had been increasing advertising expenditures to a peak of 4.3 billion dollars in 1947.[3] The ways and means that organized labor was to share in this new industry began to take form as the field developed. In most instances the radio unions already well established sought to extend their jurisdictions to the new medium. Unions in most cases sought to cooperate with the telecasters in keeping costs down and keeping their "fingers in the pie." Because of the technicalities involved in telecasting almost overnight there appeared a "cold war" not unlike the political one currently waged between East and West. The American Federation of Radio Artists on the East Coast was in conflict with the Screen Actors Guild on the West Coast. AFRA maintained what it thought was its natural rights in the broadcasting field; the SAG claimed jurisdiction for all films made for television. The fight was extended between the moving picture machine operators allied with the film industry and the broadcast engineers

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[1] Green and Laurie, p. 424

[2] U. S. Department of Commerce, Television as an Advertising Medium, 1950 p. 1

[3] Ibid.

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By July 1949 there were 72 television stations operating, commercially and 32 under construction. In addition the Federal Communications Commission had "freezer" 325 new applications for stations.[2] Since 1948 there had been increasing advertising expenditures to a rate of 4.3 billion dollars in 1949.[3] The way and means that organized labor was to share in this new industry began to take form as the field developed. In most instances the radio unions already well established sought to extend their jurisdictions in the new medium. Unions in most cases sought to cooperate with the telecasters in keeping costs down and keeping the "fun" in the job. Because of the technicalities involved in television, many overzealous users engendered a "cold war" not unlike the political cold war currently going between East and West. The unfriendliness of Hollywood towards the East Coast was in conflict with the Screen Actors Guild on the West Coast. AFRA maintained that its domain was the natural origins in the broadcasting field; the SAG claimed jurisdiction for all films made for television. The right was extended between the moving picture machine operators allied with the film industry and the broadcast engineers

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1 Green and Laurie, p. 522.

2 U. S. Department of Commerce, Television as an Advertising Medium, 1950 p. 1

3 Ibid.

affiliated for years with the broadcasting industry. A third force, not altogether neutral, was the continuing battle of the musicians with technology.

The Musicians and Television

The American Federation of Musicians was outstanding in its cooperation with television producers when the new industry was started back in 1943. Musicians were allowed to perform on telecasts at a standard rate of $18 per hour. However, in February 1945, musicians were suddenly prohibited from appearing on telecasts of any description. And in 1946 films containing music were banned from television stations. The peaceful co-existence was at an end because of the musicians' fear of the kinescope. The kinescope was a device for recording telecasts and not unlike the phonograph record in its implications. The musicians felt that they lost control of the end-product of their work after kinescoping. An association of telecasters would be able in a few years to have enough kinescopes on hand to put musicians out of work or to gain a better bargaining position in the event of a strike. The ban on film sound tracks had a precedent in its agreement with motion picture producers the union had long prohibited the "dubbing" or exchanging of sound tracks from one film to another. The real fear entertained by the musicians was the loss of $23,000,000 per year in wages paid by the radio industry.[1] Obviously the kinescope was a necessity in the early days of the networks. Micro-wave and coaxial

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[1] Leiter, op, cit., p. 173

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The Musicians and Television

The American Federation of Musicians was outstanding in its cooperation with television producers when the new industry was started back in 1943. Musicians were allowed to perform on telecasts at a standard rate of $10 per hour. However, in February 1946, musicians were suddenly prohibited from appearing on telecasts of any description. And in 1946 films containing music were banned from television stations. The peaceful co-existence was at an end because of the musicians' fear of the kinescope. The kinescope was a device for recording telecasts and not unlike the phonograph record in its implications. The musicians felt that they lost control of the end-product of their work after kinescoping. An association of telecasters would be able in a few years to have enough kinescopes on hand to put musicians out of work or to gain a better bargaining position in the event of a strike. The ban on film sound tracks had a precedent in its agreement with motion picture producers the union had long prohibited the "dubbing" or exchanging of sound tracks from one film to another. The real fear entertained by the musicians was the loss of $25,000,000 per year in wages paid by the radio industry.[1] Curiously the kinescope was a necessity in the early days of the networks. Micro-wave and coaxial

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[1] Lester, op. cit., p. 173

cable transmissions were not as yet practical. For a network to sell more than local coverage to advertisers the kinescope was the only technique possible. Undoubtedly the action of the musicians retarded somewhat the development of the industry during these early years.

In the negotiations for an end to AFM's television ban one of the prime considerations was the length of time any possible contract should run. Initial scales of wages in the industry were low, and it was possible that the musicians would accept a low rate of pay. However, they did not want to be committed to a long-run contract calling for scales below what they had enjoyed in radio broadcasting. In March 1948 Petrillo announced, "We (the AFM) will give them (the networks) thirty days in which to sell 13 weeks."[1] In other words the AFM was holding out for short-run contracts. At the end of each thirteen-week period, the contract would presumably be renegotiated in order to give the musicians fairer treatment in keeping the wage scales in proper proportion to increased video circulation.

There was some speculation in the advertising circles during the spring of 1948 that the scale for musicians would be comparatively high. The McCann-Erickson Agency attempted to get a price from the AFM covering the use of fourteen musicians on the Lanny Ross program over NBC. The McCann-Erickson producer was willing to pay as high as $600 for the musicians--but it apparently was not enough.[2] The producer

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1 Billboard, April 10, 1948, p. 13

2 Ibid.

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There was some speculation in the newspapers, although during the spring of 1940 that the peak for musicians would be comparatively high. The Roxanne-Erickson agency attempted to get a price from the AFM covering the use of fourteen musicians on the Lucky Boys program over NBC. The Roxanne-Erickson producer was willing to pay as high as $600 for the musicians--but it apparently was not enough.[2] The producer

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1 Billboard, "April 20, 1940", p. 12.

2 Ibid.

pointed out that the rate offered was approximately one-half the regular radio rate and fairly high in view of the limited television circulation. "It's not a question of what is fair," he added, "but what is possible."[1]

In March 1948 the American Federation of Musicians finally signed a contract agreement with the television networks. The scale arrangement called for seventy-five percent of the broadcast scale and no increase in wages and employment for three years. The locals were to make scale provisions for independent television stations. This agreement hailed as progressive did not work out too well in practice. A portion of the musical comedy, "High Button Shoes", was to be televised over WCBS-TV on the telecast, "Tonight on Broadway". Before curtain-time a committee of musicians from the stage show orchestra appeared at the office of Local 802 to protest the television scale. The local referred the matter to the AFM national office, which in turn told the musicians they did not have to work for seventy-five percent of the broadcast scale if they did not want to. The men finally did work, but obtained full broadcast scale for the half-hour telecast, and almost two-thirds of the broadcast scale for a two-hour rehearsal.[2]

On April 1, 1949 a new contract for one year was signed by the AFM and the television networks. The basic scale for networks programs

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1 Billboard, April 10, 1948, p. 13

2 Billboard, May 1, 1948, p. 12

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On April 1, 1949 a new contract for one year was signed by the AFM and the television networks. The best scale for network programs

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[1] Billboard, April 10, 1948, p. 43

[2] Billboard, May 1, 1948, p. 42

previously three-quarters of the standard broadcast scale, was raised to 90% of the broadcast scale. On local telecasts, the minimum, previously two-thirds of the broadcast scale, was upped to 80% of that scale. Translated to dollars the scales were approximately as follows: on network programs the rate was raised from $13.50 to $16.20 for a half-hour or less; on programs more than 30 minutes, but not more than one hour, the former scale of $17.25 was raised to $20.70. The local program scale for thirty minutes or less was $12 and was raised to $14. On programs more than thirty minutes, but less than one hour, the former scale of $15.33 was raised to $18.40.[1] This particular pact did not cover scales for musicians on film. Agreement in the film field were still to be worked out.

One of the reasons for the delay in the film field was that the AFM extended its pact with the motion picture producers in the fall of 1948. The contract covered some five hundred musicians who worked at the rate of $13.30 an hour, with a minimum of three hours on any call. Companies covered in the agreement were MGM, Paramount, 20th Century-Fox, RKO, Republic, Warner Brothers, Universal, and Columbia. Reason for the accord on the status quo terms was given in a joint statement on both sides. Economic difficulties were apparent in the motion picture business. Petrillo told the producers the union was taking cognizance temporarily of existing economic conditions. The union reserved the right to reopen negotiations at a more appropriate Time.[2]

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[1] Billboard, April 9, 1949, p. 5

[2] Ibid., Sept. 4, 1948, p. 3

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[1] Billboard, April 9, 1949, p. 5

[2] Ibid., Sept. 4, 1948, p. 3

In 1951 an agreement extending for three years was reached between the AFM and the networks. A strike had been threatened in New York and the matter was turned over to the national for settlement. Briefly the gains of the AFM were as follows: general increase of wage scales to fifteen percent; two-weeks vacations; wage rates equalized between television and radio; and simulcasting permitted at higher rates. On the debit side of the ledger the amount of recorded music was not to be reduced and more musicians were not to be employed. Kinescopes were allowed to be shown in any city not receiving the original telecast. Approximately at the same time accord was forthcoming on the use of films. Any films leased by the networks for television would require a five percent contribution to the Musical Performance Trust Fund. The same year the AFM signed the first agreements with motion picture companies for producing television films. Republic and Monogram signed on the management side. Music scores were not to be replayed, and five percent of the leases were to be paid to the Musical Performance Trust Fund.

The Radio and Television Directors' Guild

The classical and academic question of whether foremen should be union members had its counterpart in the Radio and Television Directors Guild's struggle for recognition. The problem had been settled in the American Federation of Musicians where symphony conductors were union members even though there was some dispute with the American Guild of Musical Artists over this question. As early as November 1948, strike action had been contemplated against WJZ-TV by

In 1951 an agreement covering for three years was reached between the AFM and the networks. A strike had been threatened in New York and the matter was turned over to the Department for settlement. Briefly the plan of the AFM was as follows: general increase of wage scales to fifteen percent; two-week vacations; wage rates equalized between television and radio; and standards permitted at higher rates. On the debit side of the ledger the amount of recorded music was not to be reduced and more musicians were not to be employed. Kinescopes were allowed to be made in any city not receiving the original telecast. Approximately at the same time agreement was reached on the use of films. Any films issued by the networks for television would require a free percent contribution to the Musical Performance Trust Fund. The same year the AFM signed the first agreement with motion picture companies for producing television films. Republic and Monogram signed on the dotted line. Union scales were not to be violated, and five percent of the gross was to be paid to the Musical Performance Trust Fund.

The Radio and Television Directors' Guild

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the RTDG. Negotiations had been deadlocked concerning a pact for director, associate directors and floor managers.[1] Nothing was accomplished at a hearing before the State Mediation Board of New York. ABC, the network affiliation of WJZ-TV, restated its original position at the hearing. This position was for the union to get itself certified by the NLRB before it would seriously consider such a contract. The network considered the directors as supervisory personnel and not subject to union jurisdiction. ABC extended its view to all of its outlets. The directors reply to the network's attitude was that it was "determined to get a contract in all categories."[2]

Certification by the NLRB was realized by the RTDG, and contracts for one year were signed with ABC, CBS, and NBC. When these contracts expired December 31, 1949 new demands were made by the Guild. Among them were abolition of kickbacks on commercial or talent fees; demand for commercial fees for local as well as network television shows; minimum daily call-in pay of five hours for television directors.[3] The kickback, a method whereby a director pays or returns part of his fee in order to get a particular assignment, has been long opposed by both management and labor. The system has been notoriously ignored and unofficially subscribed to by musicians. Most unions have clauses in their contracts prohibiting such practices.

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1 Billboard, Nov. 27, 1948, p. 5

2 Ibid.

3 Billboard, Feb. 12, 1949, p. 15

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1 Billboard, Dec. 27, 1952, p.

2 Ibid.

3 Billboard, Jan. 12, 1953, p. 35

Television Writers

Script-writing in radio broadcasting has long been one of the lower paid jobs in the industry. The salaries involved are likely to resemble the "piece-rate" wages paid in manufacturing industries. In other words the writer is paid by the length of script and not by an hourly rate. The Author's League reported early in 1949 that fees for commercial television scripts were leveling off at scales about equal to those of radio broadcasting.[1] Sustaining scripts were paid for at a lower rate. According to the report prices paid ranged from $25 to $100 for scripts less than fifteen minutes, $100 to $250 for fifteen minute scripts, and $200 to $750 for half-hour shows.[2] The lowest rate for television script writing was paid by WRGB, Schenectady, N. Y., which paid a dollar per minute and owned all the rights to the script.[3] Television writers were paid about forty percent less in the Middle West than in the East.[4]

The Author's League was acting as a clearing house union until the Television Writers' Guild was organized. Here again was a grave jurisdictional problem. The Author's League was attempting to coordinate the activities of the Screen Writers Guild, the Dramatists' Guild, the

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1 Billboard, Feb. 12, 1949, p. 15

2 Ibid.

3 Billboard, July 30, 1949, p. 9

4 Ibid.

Television Writers

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1 Billboard, Feb. 19, 1949, p. 12.

2 Ibid.

3 Billboard, July 23, 1949, [illegible].

4 Ibid.

Radio Writers' Guild, and Associated Film Writers, and the proposed Television Writers' Guild. In July 1949 a National Television Committee was set up as a depository for television jurisdiction. The National Television Committee was composed of twenty-six members, thirteen members representing the East Coast writing unions and the same number representing the West Coast. Some disagreement was anticipated between the Eatern unions and the Screen Writers Guild over the question of the authors retaining all rights other than original telecasts. The Screen Writers Guild contracts with the motion picture industry do not give writers control over residual rights. Temporarily the Screen Writers Guild accepted the proposals of the NTC and the Author's League in this direction. With the formation of the Television "riter's Guild under the jurisdiction of the NTC collective bargaining was to be instituted for the television script writers.

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CHAPTER VIII

CONCLUSION

It is difficult to draw general conclusions from the study of labor-management relations in the radio broadcasting and television fields. The various ways and means used by the several unions involved to gain recognition and power make general conclusions dangerous. Some of the more established unions, such as the musicians union, have a long history of collective bargaining with broadcasters. They have shown a high degree of stability in following their objectives, but they have also engaged in strikes and questionable labor practices. The jurisdictional disputes have contributed little to industrial peace in the broadcasting-television industry. Rivalry among unions for power through increased memberships and dues revenues often exhibits more competition than that displayed by the broadcasters themselves. Often the jurisdictional disputes have been more intense than any disagreement between performers and employers. Technological change has caused a great amount of intra-union strife. Some unions become possessive over jobs which technology later allocates to another union. There is a tendency for the unions to attempt to retain certain job classifications within their jurisdictions as well as their members.

One criticism of the work herewith presented might be the constant emphasis on the musicians' unions. This emphasis is by no means unintentional. In addition to having the longest history

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One criticism of the work herewith presented might be the constant emphasis on the musicians' unions. This emphasis is by no means unintentional. In addition to having the longest history

in the field of broadcasting-telecasting the musicians are the most representative of the radio unions with regard to resistance against technology. Technology is a problem faced by all entertainment unions especially as the field of television grows. The fact that television has been an unknown quantity in the entertainment field has caused many performer unions to take hasty and unwise precautions. Here again the blame is not altogether on the shoulders of the unions. Television has been feared by those who developed it, the broadcasting stations, and the motion picture producers.

An examination of the gains made by the musicians against technological unemployment at this time seems to be in order. One of the first prohibitions used by the American Federation of Musicians was against the use of previously recorded music in the motion picture industry. This prohibition was later used against the television industry when it began to fill its schedules with motion picture telecasting. The reason for this prohibition as well as the record ban directed against the radio stations was to increase employment among musicians. In prohibiting the use of previously recorded sound tracks the union rendered useless millions of dollars worth of music stored in studio libraries. In this action the union blindly subscribed to the "lump of labor" theory. This theory proposes that there is a given amount of work to be performed regardless of price. A curtailment of the productivity of some musicians would furnish employment

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In this action the union officials subscribed to the "Iron of Labor" theory. This theory produces that there is a given amount of work to be performed regardless of price. A curtailment of the productivity of some musicians would increase employment

to others. In the motion picture industry as it worked out in practice employment decreased rather than increased. The studios did not hire more musicians; they simply reduced the size of studio orchestras and music budgets. In the radio industry more musicians were not hired; substitutes for them were found in foreign and non-union musicians. AFRA and Equity enjoyed the same gains because an actor cannot work professionally without a union card. Through strong leadership the musicians were able to deal with jurisdictional disputes effectively. The actors and technicians in the broadcasting and television fields have not been able to display this leadership or settlement of jurisdictional differences. Written contracts with film companies and recording companies were successfully negotiated on all fronts by the musicians. Other unions have bargained successfully in their fields, but industry-wide contracts have been the exception rather than the rule.

The American Federation of Musicians has been accorded the distinction of being the subject of Congressional investigation. These investigations, unpleasant though they may have been, caused the abandonment of many abuses. However legislation caused by the investigations such as the Lea Act has not solved the unions technological problems. The direct result of the Lea Act was that networks and independent stations reduced the number of live musicians employed or eliminated them entirely.

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The one great contribution of the musicians in their fight against technological unemployment has been the welfare funds created from royalty payments. This idea was successfully projected into the film and television industries. No other entertainment union has been successful in obtaining a welfare fund from its employers. The musicians have been unsuccessful in extending the requirement of royalty payments to radio stations and juke box operators. The answer to the whole proglem appears to be in the present copyright law. In Britain the law requires a royalty payment to a musician each time his record is used commercially. In the United States composers are protected and exact payment from radio stations for performance of songs. Musicians are paid well for recording but they are never paid a royalty for a repeat performance of the record. Royalty payments (to the Musical Performance Trust Fund) are required by the union from the sale of records. An alternative to new copyright legislation would be to limit the sale of records to home use. This would prevent independent radio stations from gaining their revenues solely from the end-products of recording musicians who are not paid for their use.

So far as the musicians are concerned their battle with mechanical music will be won or lost on the field of public opinion. The Musical Performance Trust Fund has been good public relations for the union, but some of the free concerts have been definitely inferior to what the audience can hear at home at the

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turn of a radio or television dial. With an unemployment problem as large as the musicians claim to have it is evident that there are too many professional musicians. Here again the standards for admission to the union are not adequate, and the union should recognize that fact. In the introduction to this thesis it was speculated that perhaps in the future five hundred good musicians with excellent electronic equipment could supply the world's needs in music. This idea is similar to that advanced by proponents of push-button warfare. Armchair tacticians claim that no matter how big the bomb used in atomic warfare, foot-soldiers will still be needed. The same is true of recorded music. No matter how advanced the science of mechanical music becomes, nothing takes the place of live musicians. Education has often been advanced as an answer to most problems. In a limited way education may be part of the answer to the musicians' dilemma. Education to a degree could eliminate the cultural lag which causes the public to prefer mechanical musical entertainment. What has been said about the music of musicians can apply to the dramatic performances of actors. The theater may be dying, cut its frequent revivals lead one to believe that rigor mortis has not as yet set in.

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that "technology, in fact, can be thought of as the primary resource; without it all other resources would be economically nonexistent."[1] Television is the one entertainment medium wherein all the craft and talent unions of the theatre, motion pictures, and radio broadcasting are brought together. Legitimate actors lost their jobs with the introduction of motion pictures--they are finding them again in television. Stage hands belonging to IATSE were displaced by motion pictures. They found jobs in the motion picture industry as projectionists only to find that they had been replaced in television by broadcast engineers. Instead of completely fighting the change, the stage hands should ratrain themselves as stage hands. Employment possibilities in television appear greater than ever before. The radio unions on the whole have made the transition to television without too much difficulty. In the case of directors and actors the radio unions have been successful in retaining their status in television often at the cost of a loss in artistic accomplishment. More often than not they lacked the technical know-how of Hollywood directors and actors who had years of experience in motion pictures. Although threatened with loss of employment Hollywood artists found out that television was able to supply more job opportunities.

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industry. This so-called neglect has caused a loss of morale among the technicians and they often feel that they have little in common with the talent unions. The National Labor Relations Act has activated many groups toward unionism that might have not necessarily needed it. Writers and directors may very well fall into this classification. The labor legislation of the thirties encouraged unionism, but failed to demand union responsibility as the price of union strength. The Taft-Hartley law has changed the situation with regard to union responsibility. In spite of the unions' efforts for repeal of the Taft-Hartley Act the legislation has contributed a degree of control that is not likely to be removed. Management was successful in keeping wage scales low when radio and television were infant industries. In most cases the unions cooperated with management often at great cost to individual performers. Now that television has become more mature there is a tendency on the part of the unions to neglect the price-cost relationship in their dealings with management.

Now that television has become of age the answer to the unions' technological problems and to management's requirements of stability in labor relations appears to be organization of telecasting on an industry-wide basis. The early efforts of the American Federation of Radio Artists toward merger of the talent unions were not without merit. Jurisdictional differences among the talent and craft unions in the television have been such that

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a program for merger should be welcomed by both labor and management. Today we are watching the forces of both industry and labor as they tend to combine for greater stability. Even the long history of differences between the American Federation of Labor and the Congress of Industrial Organization appear to be ended in combination. Anyone well informed on events in current business cannot help but be cognizant of the mergers taking place among the large banking institutions of the country. On the side of labor as automation and technological innovations come into being programs for the guaranteed annual wage are promoted with greater possibilities for success. If these new concepts of labor demands are recognized leisure time for recreation and cultural pursuits will be enjoyed by more people than ever before. More leisure time means greater allocation of wage payments to entertainment. If television follows the pattern already established employment in the field will have to increase and so will the power of entertainment unions. Along with the factor of more leisure time it is important to consider the increasing population of the country. As the center of population moves westward it is unlikely that entertainment centers will be limited to New York, Chicago, and Los Angeles. Port cities such as Houston and New Orleans are already serious competitors with New York in the field of foreign trade. As population increases in other cities there is no reason why they cannot successfully compete in the entertainment field.

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When the Associated Actors and Artistes of America formed Television Authority (TVA) they made a great mistake in limiting the authority of the new union to a branch of the parent organization. With the proper charter this organization could have provided what its promoters had originally intended---the nucleus of an over-all television union. Because the need for some sort of union organization was urgent, the machinery for merger could not be put into effective use at that time. Thus the eastern radio unions more or less retained the jurisdiction they already had as did the western motion picture unions. The heart of the matter resolves in that there is no need for a performer to carry as many as five union cards in order to earn a living in television. This, of course, is an extreme case. It has been pointed out that the American Federation of Musicians have been relatively successful in their dealings with the television networks. How much more successful they would be by surrendering their autonomy to a television authority is problematical. However, as the situation stands there is always danger of a jurisdictional dispute with the American Guild of Musical Artists who remain active in television as a branch of the AAAA's. The same is true of the craft and technical unions. Traditionally they have had little in common with the talent unions. However jurisdictional problems would be considerably diminished if they were included on an industry-wide basis.

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Both management and the public are concerned with the aims and goals of the entertainment unions. At the cost of over-simplification let us consider an answer to the question, "What do the performer unions want?" To use a word of Samuel Gompers some unionists would answer, "More." Others in the words of Actors Equity would answer, "Equality." Still the larger group of performers would answer, "Union."

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BIBLIOGRAPHY

BIBLIOGRAPHY

A. Books

Bakke, E. Wight and Clark Kerr. Unions, Management and the Public, New York, 1948

Green, Abel and Joe Laurie, Jr. Show Biz: from Vaude to Video. New York, 1951

Leiter, Robert D. The Musicians and Petrillo, New York, 1953

Miller, Merle. The Judges and the Judged, Garden City, N. Y., 1952

Millis, Harry A. and Royal E. Montgomery, Organized Labor, New York, 1945

Millis, Harry A. (ed), Twentieth Century Fund, How Collective Bargaining Works, New York, 1942

B. Periodicals, Trade Publications, and Newspapers

Agmazine

Allegro

Billboard

Broadcasting

Down Beat

International Musician

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Variety

BIBLIOGRAPHY

A. Books

Bakke, E. Wight and Clark Kerr. *Unions, management and the public*, New York, 1948

Green, Abel and Joe Laurie, Jr. *Show Biz: From Vaude to Video*. New York, 1951

Leiter, Robert D. *The Musicians and Petrillo*, New York, 1953

Miller, Merle. *The Judges and the Judged*, Garden City, N. Y., 1952

Millis, Harry A. and Royal E. Montgomery, *Organized Labor*, New York, 1945

Millis, Harry A. (ed.) *Twentieth Century Fund, Collective Bargaining Works*, New York, 1942

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Billboard

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PM's Weekly

Time

Variety

C. Government Publications and Documents

Electrical Transcription Mfrs. 10 War Lab. Rep. 157, July 20, 1945

Employment and Earnings of Radio Artists. Report No. 3, Bureau of Labor Statistics, Washington, 1947

Employment and Outlook in Radio and Television Broadcasting. Bureau of Labor Statistics in cooperation with the Veterans Administration. Washington, 1949

National Broadcasting Company, Inc. 59 NLRB 478, Nov. 24, 1944 and 61 NLRB 161, March 31, 1945

National Labor Relations Board v. E. C. Atkins & Co. 331 U. S. 398, 403, May 19, 1947

National Labor Relations Board v. Gamble Enterprises, Inc. U. S. Supreme Court, No. 238, March 9, 1953

Prohibiting Certain Coercive Practices Affecting Radio Broadcasting, House of Representatives, Report No. 1508, 79 Congress, 2 Session, January 29, 1946, Part 2 (minority views), February 8, 1946

Public Service Responsibility of Broadcast Licensees. Federal Communications Commission, Washington, 1946

RCA Mfg. Co., Inc. v. Whiteman. 114 F 2d 86, CCA 2, July 25, 1940; affirmed by U. S. Supreme Court, 311 U. S. 712, Dec. 16, 1940

Restrictive Union Practices of the American Federation of Musicians. Hearings before the Committee of Education and Labor, House of Representatives, 80 Congress, 2 Session, January 13, 14, 15, 16, 19, 21, 22, 1948

Television as an Advertising Medium. U. S. Department of Commerce, Washington, 1950

United States v. American Federation of Musicians, 318 U. S. 741, Feb. 15, 1943, affirming 47 F. Supp. 304, October 14, 1942

Waring v. WDAS Broadcasting Station, Inc. 194 Atl. 631, Oct. 8, 1937

C. Government Publications and Documents

Electrical Transcription Wire. 10 Stat. Lab. 523, 527, July 20, 1942

Employment and Earnings in Radio Broadcasting. Report 50. 2. Bureau of Labor Statistics, Washington, 1947

Employment and Outlook in Radio and Television Broadcasting. Bureau of Labor Statistics in cooperation with the Veterans Administration. Washington, 1952

National Broadcasting Company, Inc. 35 NLRB 69, Nos. 22, 1944 and 61 NLRB 101, March 11, 1945

National Labor Relations Board v. J. H. Rutter-Rex Mfg. Co. 131 U. S. 398, 403, May 13, 1946

National Labor Relations Board v. Jones & Laughlin Steel Corp. U. S. Supreme Court, No. 419, March 3, 1937

Prohibiting Certain Coercive Practices Affecting Radio Broadcasting. House of Representatives, Report 1430, 79 Congress, 2 Session, January 23, 1946, Part 2 (minority views), February 6, 1946

Public Service Responsibility of Broadcasting Licensees. Federal Communications Commission, Washington, 1946

RCA Mfg. Co., Inc. v. Whiteman. 114 F 2d 86, 90, 2d, July 2, 1940; affirmed by U. S. Supreme Court, 313 U. S. 77, Dec. 16, 1940

Restrictive Union Practices of the American Federation of Musicians. Hearings before the Committee on Education and Labor, House of Representatives, 80 Congress, 2 Session, January 13, 14, 15, 16, 19, 20, 1948

Television as an Advertising Medium. U. S. Department of Commerce, Washington, 1950

United States v. American Federation of Musicians, 318 U. S. 741, Feb. 12, 1943, affirming 47 F. Supp. 304, October 14, 1942

Waring v. WMAS Broadcasting Station, Inc. 194 Atl. 631, Md. 6, 1937

D. Union Publications

Associated Actors and Artistes of America, Constitution, as amended June 1, 1935

American Federation of Musicians, Constitution, By-Laws and Standing Resolutions, 1947

American Federation of Musicians, Official Proceedings of the Annual Convention, 1949

American Federation of Musicians, The Record on Records, 1948

American Guild of Musical Artists, Agreement, Constitution and By-Laws, 1949

Musicians Association of Albuquerque, Local No. 618 AFM, Constitution and By-Laws, revised March 4, 1953

D. Union Publications

Associated Actors and Artistes of America, Constitution, as amended June 11, 1955

American Federation of Musicians, Constitution, By-Laws and Standing Resolutions, 1947

American Federation of Musicians, Official Proceedings of the Annual Convention, 1948

American Federation of Musicians, The Record on Records, 1948

American Guild of Musical Artists, Agreement, Constitution and By-Laws, 1948

Musicians Association of Albuquerque, Local No. 618 AFM, Constitution and By-Laws, revised March 6, 1953

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