# AFM, T-H Act Tiff To Supreme Court

## Mulls NLRB Petition for Hearing On Featherbedding Controversy

WASHINGTON, Oct. 11.—The long-standing controversy over whether or not the musicians' union demand that a theater hire a local orchestra to play overtures, intermission and filing-out music whenever a name band is employed constitutes a violation of the Taft-Tartley Act's "featherbedding" provision, will be up before the Supreme Court when it meets Monday (13). The court faces the question of whether to review the case on petition from the National Labor Relations Board.

The Sixth Circuit Court of Cincinnati, in an earlier decision, ruled that the American Federation of Musicians' contention was in violation of the Labor-Management Relations Act.

"To force the theater to pay for services not needed, and of detriment to it was clearly an exaction," the lower court declared, in summing up the case.

The court concurred with Sen. Robert A. Taft (R., O.), co-author of the bill, that such services could not be considered stand-by practices required by an employer and of benefit to him, as were rest and lunch periods, relief duty in case of emergency need, or inactive periods during machinery repair.

Taft, who is currently stumping for Republican presidential candidate Dwight D. Eisenhower, has said of the act, a major issue of the campaign: "To make it unfair labor practice for a man to say you must have 10 musicians and if you insist that there is room for only 6 you must pay the other four anyway, that is in the nature of an exaction from the employer, for services which he does not want, does not need, and not even willing to accept."

The controversy began at the Palace Theater, in Akron, soon after the enactment of the Taft-Hartley Act. The union asked that it be allowed to provide musical accompaniments for vaudeville acts, overtures, intermission music and "chasers" (music played while the audience leaves the theater) at minimum union wages for a period equal to at least one-half of the time which the name band required for its show. When the management, Gamble Enterprises, refused, the union refused to consent to the appearance of any name band, and the management filed charges against the union with the NLRB.

The NLRB found that the union was within its rights, interpreting the Taft-Hartley Act to mean that "if the union was willing to do work and be paid for working, that is all the act required," according to an NLRB spokesman. Gamble Enterprises then carried the case to the Cincinnati court, which ruled that the union must not only do work, but that the type of work must be beneficial to the employer.

"The right of an enterprise to frame its own business or entertainment policy when no violation of law may be perceived is indisputable," the lower court concluded.

Passage of the Taft-Hartley Act brought about major changes in the field of theater entertainment. Prior to enactment of the act, theaters paid for the time of the musicians, but declined to accept its services when a name band was featured. After it became law, theaters repeatedly hired traveling bands without employing the local union. In these circumstances theaters insisted that they had no need for such services, did not desire them, and that they would be a detriment rather than an advantage.

# Meyer Davis To Ask Stay Of New Ruling

NEW YORK, Oct. 11. — Charging that a recent resolution of Local 802, American Federation of Musicians, barring musicians from employment in any show backed by a union member is aimed directly at him, Meyer Davis will ask James C. Petrillo, AFM prexy, to stay its enforcement as an unfair restriction of members' activities.

The band leader and contractor, who has "angeled" many Broadway productions, charged further that the union had passed the resolution on the insistence of several disgruntled contractors and that the whole matter came about as a "political expedient" to rally strength around 802 execs in the upcoming union election.

The disputed resolution reads, in part: "It shall be a violation . . . for a member . . . to obtain employment directly or indirectly as a musician, leader or contractor in any theatrical presentation in which a musician has invested, contributed, loaned money, or in which he has any other financial interest."

The union's position is that use of a contractor under such circumstances could lead to unfair competition.

Davis asserted that altho he has invested in 53 shows to date, some 17 of which employed musicians, in only two cases did he contract the music. Where he acted as contractor elsewhere he had had no financial interest in the productions, Davis claimed.

Meanwhile, Davis stated he will insist on a literal enforcement of the new ruling. This could mean that music would be pulled from the new Bette Davis revue, "Two Company," in which the ork leader has an investment but is not acting as contractor.

# Luth Named By Shawnee

NEW YORK, Oct. 11.—Murray Luth has been appointed general professional manager of Fred Waring's Shawnee Press. Under Luth, the firm will take a much more active part in the pop music business. Several months ago, Waring bought the Paul Pioneer catalog, and placed the copyrights in Shawnee Press.

Luth most recently was professional manager for Cosmic Music, Dinah Shore's firm, which was de-activated several weeks ago. Prior to that, Luth served as professional manager for Paramount Music.

# Danes Hail U. S. Artists

COPENHAGEN, Denmark, Oct. 11.—American concert artists are very much in evidence here this season. Yehudi Menuhin, violinist, drew a full house at Odd Fellows' Palace on Monday (29), as did singer Ellabelle Davis on Wednesday (1). Miss Davis will be heard as soloist with the Royal Chapel Orchestra, conducted by Nicolai Malko, at Odd Fellows' Palace on Wednesday (8).

Marian Anderson gave her third sell-out concert here in 10 days at Odd Fellows' Palace on Thursday (2). The Jubilee Singers appear at the same hall on Friday (10).

# GOP Adopts Official Ditty

NEW YORK, Oct. 11. — The Republican Party has recently accepted the tune, "Look Ahead Neighbor," as the official party song, and will use it thruout the remainder of the campaign. The tune was cleffed by the husband-wife team of Mann Holiner and Alberta Nichols, and is published by the Robbins Company, a new firm owned by J. J. Robbins. The Republicans also placed a sheet music order for 100,000 copies, which are now being distributed thruout the country.

Both political parties have now adopted new songs during the recent months. The Democrats' campaign song, "Don't Let Them Take It Away," was officially kicked off at the party's national convention last summer.

The writers of "Look Ahead Neighbor" have recently completed the book and lyrics for a new musical, entitled "Cross Your Fingers," based on the story of Cinderella. Jack Robbins will publish the score.

# SYD PARLEVOUZ WITH HOT-LIPS

PARIS, Oct. 11.—Sydney Nathan, King Records nabob, now in Paris on a business expedition, bumped into Hot-Lips Page on the Champs Elysees the other day. To celebrate the reunion, the two planked themselves down at Fouquet's Sidewalk Cafe for a bit of palaver over a few drinks. Between breaks in the conversation of the voluble Nathan, Page waxed enthusiastically over four sides he had cut on his trip to Paris a year ago.

Nathan, his defense broker, by Page's constant raves, evinced a desire to hear them. After a hectic ride in a Parisian taxi, they arrived at a studio hidden in the attic of an old house. Nathan, who speaks about three words of French, finally got across to the French studio owners that he wanted to hear the masters Hot-Lips had cut a year ago. He was flatly refused, as Page, thru an oversight, had overlooked paying the studio costs, and the tapes were being held in lieu of payment.

Sign language and the three words of French finally made the owners understand that if Nathan were permitted to hear the sides, he would pay the unpaid studio costs. It was a deal. Nathan paid off, and four sides are to be released soon in the States by King Records.

# MGM's 'Double Feature' Disk

NEW YORK, Oct. 11.—Following the established movie trend, MGM Records has just released a "double-feature" album which packages for the first time the music from two MGM films. The new sound-track album includes background music from "Ivanhoe" and the still-to-be-released "Plymouth Adventure." The music for both of these was composed and conducted by Miklos Rozsa, who also composed the music for "Quo Vadis" and "Madame Bovary." The former was the first time that MGM turned out an album devoted solely to movie background music. The new album is available on LP and 45 r.p.m.

The "double-feature" album idea will be continued in the future with the next release set to include songs from two more forthcoming MGM films, "Everything I Have Is Yours" and "Lily." This package will be issued on all three speeds.

# Ray TV Shot On Benny Seg

HOLLYWOOD, Oct. 11.—Johnny Ray and Bernie Lang, who earlier this year kayoed any plans for future TV appearances by the lachrymose lilter, are making an exception to the rule when Ray works the next Jack Benny CBS TV-er. Benny, who has visited Ciro's four out of the first six nights of Ray's stint, has agreed that Ray will not do any warbling but will confine his stint to kidding with the Waukegan comic. Ray and Lang turned down other previous TV bids, pointing out that a visual act like Ray's loses future nitery and vaude patronage when seen on TV.

Ray turned down a $2,000 offer to do one song at the Eisenhower rally here Thursday (9) at Pan-Pacific Auditorium. He said that he feels an entertainer, like a clergyman, cannot actively participate in a political campaign.

## Alter Sues, Charging Song Infringement

NEW YORK, Oct. 11.—Songwriter Paul Alter has filed suit in Federal Court here charging infringement of the song "Busy Body." He named as defendants Sid Tepper, Ray Brodsky and the Alamo Music Company.

He claims they published a song with the same name with the full knowledge that he was the composer of the original. The suit asks for an injunction and damages.

# Democrats Prep Movie, Disking Campaign Bash

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ble talk answers to questions asked about campaign issues; 'Used Car Lot," a 55-second animated cartoon featuring a salesman trying to sell a 1952 GOP car to a man driving the Stevenson special (the GOP car in the film turns out to be merely a 1929 model" with the same old oil in it but with a new polish job," and when it is tapped on the hood it splits in two); "The Stevenson Story," a 15-minute documentary narrated by Robert Ryan (available in 16-inch LP disks and 13⅓-inch LP disks); "Three Strangers," a 15-minute drama, radio version of film of same title.

Another Democratic film-transcription is titled "Rip Van Winkle, '52," described by the Democratic National Committee as "an amusing 15-minute program about a man found in a daze by the Boy Scouts." "He has been asleep for 20 years, lying on a pile of old newspapers, and he is interviewed by a radio station and reunited with his wife." This one is available in 16-inch or 13⅓-inch LP disks at $3.50 a record. The committee says that the transcriptions and films are available from "Hollywood for Stevenson and Sparkman" in Beverly Hills, Calif. In addition, a number of films and disks of Stevenson's speeches are being sold by Joseph Katz Company, New York, which is handling the Democratic Nation Committee's account. These include Stevenson's acceptance speech, his nationally broadcast speeches, a televised documentary called "Campaigning With Stevenson" and several others.

# Federal Disk Tax Tumbles For 3d Month

WASHINGTON, Oct. 11.—Receipts from the federal tax on phonograph disks totaled $457,215 in August, a $61,486 drop from the previous August, according to latest Internal Revenue Bureau figures. This is the third successive month in which declines have been registered in the yield from this tax.

The federal tax on musical instruments yielded $797,180, a $104,533 gain above the previous August, Internal Revenue reported. Returns from the tax on phonographs, radio and television sets totaled $8,152,144, compared with $5,165,030 the previous August, the sharpest gain of all the amusement taxes for the month. Tax on admissions to theaters and concerts yielded $28,309,376, a $6,039,759 drop from the previous August. Revenue from the tax on admissions to cabarets and roof gardens totaled $4,057,712, a $227,820 drop from the previous August. Total tobacco taxes yielded $149,133,120, a gain of nearly $12,000,000 over the previous August. Total alcohol taxes yielded $205,188,712, a gain of over $4,500,000 over the previous August.

# Anthony Pulls 2,200 at UT

HOLLYWOOD, Oct. 11.—The University of Texas has decided to continue its policy of school-sponsored dances in its student union, following the success of a Ray Anthony date on the Austin campus October 3. Anthony drew 2,200 dancers at $1.50, including tax, to the terp affair, which differs from other collegiate dates, which are proms and bankrolled by student committees and groups. C. C. Nolen, director of the union, said the school is dickering for Billy May in November and Ralph Flanagan early next spring for future events.

Phil Brown of GAC's Dallas office also is working an innovation with the Anthony ork, playing the band on concert dates on the early week dates. Anthony is getting $1,500 against a percentage, which is in contrast to money offered any band for the Monday-thru-Wednesday dates. Up to now, these dates have usually been the lowest salary-wise on a band's itinerary. Brown set Anthony on concerts at Odessa and Midland, Tex., September 29-30; Texas A&M, College Station, October 6, and Chanute, Kan., 13. College date is being played in the school auditorium, while others are being played in public auditoriums.

# Victor Names Haber to Post

NEW YORK, Oct. 11.—Julius Haber has been upped to the position of director of public relations for RCA Victor, effective November 1. Mr. Haber succeeds James M. Toney, who last week was appointed director of consumer products distribution.

Haber has served in various public relations, publicity and advertising capacities for RCA since he joined the company in 1922 as an office boy while attending night school. During this time he handled publicity functions for both RCA and the Victor Talking Machine Company. Most recently Haber has been serving as director of advertising and sales promotion for RCA technical products.

# SESAC Sets Up 25 Firms

NEW YORK, Oct. 11.—SESAC, Inc., has set affiliation pacts with more than 25 additional publishers during the past year. The new SESAC firms are Amsco Music Publishing, Volpe Music, Pro Art Publications, Century Music, Aztec Music, Norman J. Clayton, and Gospel Songs, all of New York.

Other firms elsewhere are Robert H. Coleman, Nashville; Edition Darom, Tel Aviv, Israel; Europa Music, Hollywood, Nazarene Publishing House, Kansas City, Mo.; Ramola Music, Dallas; Singspiration Associates and Alfred B. Smith, Wheaton, Ill.; Triangle Music Company, Clinton, Tenn.; Lillenas Publishing, Kansas City, Mo.; Gregorian Institue of America, Toledo; Thomson Music Company, Lake Charles, La., and Sing Time Publishing and H. T. FitzSimons, of Chicago.

# Discovery Gets US Rights to Europe Waxings

NEW YORK, Oct. 11.—Discovery Records, a newly activated indie jazz label, has acquired the American rights to a dozen European jazz waxings, and will start issuing them soon on their International Jazz Series label. The disks acquired by the firm, according to diskery head, Saul Bolton, feature poll-winning musicians as picked by various European jazz magazines—the Melody Maker in Britain, Estrad in Sweden, and Podium in Germany. Artists include Hans Koller, a cool German tenor man; pianist Jutta Hipp; trumpet man Rolf Erieson and his ork from Sweden, and British artists Ronnie Ball and Vic Lewis.

The initial releases will be two German, two Swedish and two English sides. Discovery now has about 75 jazz platters on the market, and more than a dozen LP's.

# Biharis Fold R&B, Hype Modern, RPM

HOLLYWOOD, Oct. 11.—The Bihari brothers have folded the tent on their short-lived Rhythm and Blues label and are seeking new talent to concentrate on their other two labels, Modern and RPM. Joe Bihari left this week for a two-month swing cross-country to visit distributors and scout new talent. He will huddle in Clarksville, Miss., with Ike Turner, who has joined the firm as talent rep in the South. Gene Forrest, formerly with Recorded in Hollywood, and Cliff Bivins, Los Angeles vocalist, have been added in the drive.

The Biharis have joined the trend on the part of local indies to press from one central plant here and air ship all disks to distributors.

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