

SCREEN

RADIO

BANDS

STAGE

VARIETY

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U. S. BILLIONS SPUR H'WOOD

Outside of the Hotels, G.O.P. a Red Elephant for Philly Show Business

Philadelphia, July 2. The Republican National Convention, that was expected to bring a \$1,000,000 bonanza to the Philly amusement industry, laid a huge egg as far as the theatre and night spots are concerned.

Whether the estimated 50,000 out-of-town visitors were nursing their nicks, or whether they were too busy with Convention activities to take in any of the gay spots, the happy tunes that were played on cash registers during the Democratic Convention of four years ago were not repeated last week.

In fact even business from their regular patrons dropped off, theatre men reported, because many Philadelphians went to Convention Hall to watch the sessions, and thousands watched the Mummies parade and the huge pageant on the Schuylkill River that were put on by the city to entertain the visitors. The two events were reported to have attracted crowds of 500,000 each.

To add to the woes of nitery men, the Convention was in session every night until late, with each meeting

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C. B. Cochran Regrets B'way and Piccadilly Asunder Due to War

Sunnydale, Surry, Eng. Editor, VARIETY:

It's useless to tell you anything about the war because long before this can reach you the radio and the newspapers will give you all the information. Nevertheless from letters I've seen from New York there's an exaggerated idea about the privations of civilians. It is true certain things are rationed but there's no perceptible difference in

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'Who, Me?' Greets Star Billing for \$15 in B'klyn

Vaudeville has sunk to such lows that run-of-the-mill acts are now being heralded as 'guest stars' in Loew's metropolitan New York nights playing stage shows only one night a week.

Last Wednesday night, a two-act (not named for obvious reasons) was designated such prominence at Loew's Premier, Brooklyn, unbeknownst to them. They were standing in the wings listening to the m.c. go into a terrific puff of the 'guest stars' and, when he finished, they looked around for the 'personality.' There was a considerable stage wait before they realized that they were it.

The billing was flattering, but not the salary—around \$15 for the team.

Cuffo Pix With Meals

Toledo, July 2.

Local sandwich shop (Tick-Tock Milk Bar), on the same block as the Pantheon theatre, is advertising summer bargains in meals which include a free ticket for the Pantheon.

For 58c the patron gets an evening dinner and the free ticket, and after 8 p.m., for 29c, the patron gets a sandwich and beverage and free ticket. The oaklies are good any time except Sunday.

N.Y. PIX EXECS RULE OUT ALL WAR THEMES

War pictures dealing directly with any phase of the present European war are definitely taboo with New York home offices. Executives believe audiences are surfeited with war films and producers on the Coast have been advised that the present streamlined warfare will nullify any specific angle incorporated in a production presently in work. Exception, of course, to this attitude are productions stressing American preparedness or need for military defense.

Attempts to deal with the present European conflict, while still in progress, have proved costly. Several studios presently have such productions in work and these have necessitated story and title shifts and other revamps, so that the finished vehicle will not be out of line with actual conditions abroad. Another thing which has persuaded executives to ditch war films is a growing belief in some quarters that the war may be over before many such productions can be released.

Suggested changes away from war themes have been made not only because so many subjects dealing

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PIX BECOME AD MEDIA AS WAR BUFFETS RADIO

London, July 2.

Films as media for commercial advertising are coming into their own. Foreign radio being no longer available for commercial exploitation, due to the war, this form of advertising is taking its place.

Formerly, picture circuits were not desirous of this form of advertising, claiming their patrons objected, but with business off, theatre owners are

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FILM STUDIOS' BIG PRODUCTION PUSH

After Winter-Spring Curtailments, Film Production Being Speeded Under Encouragement of Anti-Trust Settlement — Prospect of Giant Shipping and Industrial Program for Army, Navy and Air Force Gives B.O. Optimistic Note

SHOOTING SKEDS UPPED

Hollywood, July 2.

Reacting to two major happenings—the probability of a consent decree settlement of the U. S. Government anti-trust suit against the major film companies, and the flow of new billions, appropriated by Congress for the national defense

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'Daughter of Regiment,' Old Time Opera, Met's Revival for Lily Pons

The Metropolitan Opera Co. will revive Donizetti's comic two-act opera, 'Daughter of the Regiment,' for Lily Pons this fall. News of the revival has been kept a closely guarded secret, as the Met had hoped to spring the revival as a surprise.

The opera was written in 1840 and served as a starrer for such personalities as Jenny Lind and Adelina Patti in the 19th century.

'P.M.' SONG TICKLES RALPH INGERSOLL

Ralph Ingersoll, publisher of PM, the new N. Y. daily, was so pleased with the idea of a pop song, titled '6 P.M.', having been 'inspired' by his paper, that he is paying the songsmiths, Ted Mossman and Gladys Shelley, a supplementary royalty. Chappell publishes.

The PM song adds to the sundry titles like 'Life Goes to a Party,' 'College Humor' and others 'inspired' by periodicals. Even VARIETY has had a couple—'Variety Stomp' and 'Variety Is the Spice of Life' (both Robbins Music)—dedicated to it.

Grant's 150G to Red Cross

Hollywood, July 2.

Cary Grant is turning over to the Red Cross and British Relief around \$150,000 he receives from Metro for co-starring with Katharine Hepburn in 'Philadelphia Story.'

U. S. Treasury Department has okayed the charity arrangement.

Lunt-Fontanne to Make Democracy Plea on Air; Patriotic Shows to Tour

Islands' Musical 'Axis'

America's own island 'axis,' Cuba and Hawaii, today rate tops in nitery vogues. From the bacardi isle, the congarumba music is sweeping the land, and the Hawaiian music vogue, long standard, is increasingly popular.

Its general effect on music, cafe decor, nitery modes and manners are such that, if the rest of the world were reasonably normal, it would undoubtedly sweep beyond U. S. borders.

THINKS RADIO CLEANEST OF AMUSEMENTS

Schenectady, N. Y., July 2.

Atlantic District convention of the Missouri Lutheran Synod, meeting at Zion Church, Schenectady, after discussing radio, motion pictures, comic strips, magazines and other media, voted for appointment of a committee to make a thorough, analytical study of the problem. Its report will be submitted at triennial convention in 1942. During debate, 'Gang Busters' was criticized as one of air 'crime' programs which had a harmful effect. However, neither this nor any other broadcasting feature was mentioned in resolution.

A leading clerical delegate to convention, when questioned about resolution, stated radio has maintained 'a comparatively high level' and is the 'cleanest' of entertainments listed. He said, however, that level is being dragged down, particularly by 'borderline jokes' on comedy programs. 'This tendency toward suggestiveness has recently been rather noticeable,' minister added.

WARNS AGAINST NAZI GRIP ON S.A. FILMS

Hollywood, July 2.

Germany threatens to monopolize the South American picture market as soon as peace is declared, according to Dr. Manuel A. Fresco, governor of the Province of Buenos Aires, here on a visit to the studios.

Unless the U. S. makes reciprocal trade agreements with its southern neighbors, he asserted, there will be a general dumping of German goods on that continent.

Alfred Lunt and Lynn Fontanne, who broke a rule of long standing to make their radio debut about a month ago on a Red Cross benefit broadcast, are considering a number of commercial radio dates. Their purpose would be to obtain a national audience for Robert E. Sherwood's anti-Nazi drama, 'There Shall Be No Night,' from which they would broadcast adapted excerpts. They did a bit from the play on a recent Red Cross program and are currently appearing in the original stage production at the Alvin, N.Y.

With author Sherwood, the Lunts are anxious to spread the play's message to as wide an audience as possible and, for that reason, plan to take it on tour in the fall, regardless of how business holds up in New York. With the same idea, Sherwood has given them the right to do the drama on the air, and they have already contacted the networks and agencies. Several dates have been suggested and they are now mulling propositions.

Intention apparently is to do the Sherwood material on as many

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Film Prod. Crippled If Technicians Called For Military Training

Hollywood, July 2.

Film producers are jittery about the possibility of general summonses to Army and Navy reserves for extended training periods. Studios are full of technicians subject to call for military duty, particularly in the sound recording departments, where 85% of the personnel hold reserve commissions.

Orders for long service would cripple studio production.

Nazi-Allied Amusements Woo Bulgarian Favor

Sofia, July 2.

Because Bulgaria is a neutral nation, which both sides have sought to sign on the dotted line, it's been treated to a lot of amusement which appears on the propaganda budgets of the warring countries.

The Berlin Philharmonic Orchestra has given several concerts, while the French retaliated with a troupe from the Opera Comique. It is reported that the Bulgars were riled at being sent 'worn-out' French stars; so, the Nazis won that round.

Latest epidemic has been propaganda films, the Nazis scaring the little nation with a version of Polish atrocities while the Allies sought to reassure natives with films on the might of their forces.

Lots of Folks Say They Know Willkie, And the Chances Are They Really Do

Following the action of the Republican convention in nominating Wendell L. Willkie for president there has been a boom in the I-Told-You-So Club around New York City radio and advertising circles. Although the I-helped-him claims are phoney in some cases, it does happen that quite a few personages in broadcasting and its environs have been close to Willkie heretofore and have contributed to his amazing skyrocketing to eminence.

Willkie owes a good deal, it is conceded, to the NBC program, 'Town Hall of the Air.' That would include John Royal and George V. Denny. This was one of the first-sounding boards through which on several occasions the utilities exec came to national attention. It helped, too, for Willkie to appear on Canada Dry's 'Information, Please' program, an invitation he accepted while Tom Dewey and Senator Taft sidestepped similar bids out of fear of the possible recoil of making a poor impression on the public.

Jessica Tandy Left Eng. To Bring Her 5-Year-Old Daughter to U. S. Safety

Nazi invasion of Low Countries has just about finished London legit, according to Jessica Tandy, British actress, who arrived in New York Monday (1). She said only four legit productions were struggling along in the West End. Plans to compete with news broadcasts for dramatic power and audience pull.

'People can't tear themselves away from their radio to go to the theatre when events are happening which might change the course of their whole lives,' she said. 'Then, too, few people in England nowadays have money enough to afford the price of legit tickets, when they have no idea of what their economic future will be like.'

Miss Tandy left John Gielgud's 'King Lear' production to bring her five-year-old daughter to America safely. Company included Fay Compton, Cathleen Nesbitt, Lewis Casson, Nicolas Hannen, Stephen Haggard and Jack Hawkins, Miss Tandy's husband. Letter has left show to enlist in the army. Harley Granville-Barker came from Paris retirement to direct the production, which is still running at the Old Vic.

Show did exceedingly well until start of blitz, she said. 'It takes a tragedy like 'King Lear' to make people forget the real tragedy that's happening all around them. People like these the theatregoer needs something to sink his teeth into,' the actress declared. She's here to do a show in the fall, probably for Richard Madden.

2 Actors Volunteer To Pilot Ambulances

Ogunquit, Me., July 2. Richard Rauber and Boris de Vadetski, legit actors, have volunteered for ambulance drivers and are now awaiting passage from New York to England. Their plans were learned here last week when War Harwig, director of the Ogunquit playhouse, sought them for parts in his production, this week of 'The Guardsman.' Both replied they would be unable to accept the engagement, being subject to immediate sailing.

Both actors were members of the Ogunquit company during previous seasons.

Fanner for N. Y. Fair?

Sally Rand, who was the No. 1 midway attraction of Chicago fair and who ran a Nude Ranch at San Francisco last season, looms as a late entry for the N. Y. Fair despite opposition by Mayor H. LaGuardia. N. Y. chief executive has steadfastly refused to retreat from this stand,

Maybe a Cookie

Tony Tuttle, six-year-old son of Day Tuttle, co-operator with Richard Skinner of the Westchester playhouse, Mt. Kisco, N. Y., made his stage debut this week. 'Topaze.' But these are tough times even for the moppets, as the youngster learned over the weekend.

Facing pretty important the kid was discussing salary matters with Skinner. 'Some child actors are paid pretty high, I they?' he observed. 'I wonder how much I'll get for acting.' His twin-sister Molly, being a girl, was realistic. She answered, 'Your daddy runs the theatre, you aren't supposed to get anything.'

ROBBINS PUBLISHING 'ODE TO GERSHWIN'

Forthcoming 'Ode to Gershwin,' which Ted Mossman composed for Robbins Music publication, is a tone-poem depicting Gershwin's life span, without in any wise meddying any of the late composer's music. The family okayed the use of the Gershwin tag.

Because all the Gershwin brothers—there are three now, with Arthur, the youngest, also writing tunes—have been so closely associated with Max Dreyfus (Chappell), the latter was surprised at Mossman giving the 'Ode' to a competitive firm. Jack Robbins says, 'That's the nearest I'll ever get to anything by George Gershwin.'

Duke Ellington has recorded 'A Portrait of Bert Williams' and 'Bojangles' (honoring the contemporaneous Bill Robinson) as his musical salutes to two great colored showfolk.

Drops Niemoeller Film Due to Montgomery Exit

London, June 18. With the opening at the Carlton of 'Pastor Hall' comes the announcement that Robert Montgomery's next scheduled picture for Metro-British has been abandoned. Called 'I Had a Comrade' it was to be based, as was 'Pastor Hall,' on the career of Pastor Niemoeller.

Reason given for the shelving of the film is the joining up by Montgomery as an ambulance driver in France and his subsequent return to the U. S.

Colonna Does a 'Rochester'; Airport Bunch in N.Y. Curious About Comic

Just as 'Rochester' has stolen a loud clap of Benny's thunder, so has Jerry Colonna moved in on Bob Hope. It was demonstrated at the LaGuardia Airport (N. Y.) Thursday.

Greatest curiosity among the lads behind the counters as well as visiting celeb-chasers was about the Colonna moustache. A city detective, sleuthing on his own initiative, brought in a report that the massive brush is no synthetic phoney. Hope and Colonna and their wives were en route to Boston, where the act is booked for a week at the Metropolitan. Just before the party boarded their American plane some wag at a mike falsettoed 'Who's Yehudi?' and the query exploded out of the 64 loudspeakers all over the place.

Expose Reason David Selznick always travels TWA is that he prefers the mid-continent, speedy route, he'll say when asked. Real reason, according to flyers, is that he has never forgotten the way Leland Hayward, TWA director, and Jack Zimmerman, chief pilot of the line, raced somebody need serum from New York to the Coast when the producer was seriously ill a couple of years ago. It was past midnight when New York got the hurry call from the Selznick sickbed. Zimmerman got out of bed and grabbed the controls of the 21-passenger transport plane that had board only a tiny box of (Continued on page 31)



JIMMY HADREAS

Opening at the Roxy theatre, July 4th. Just finished thirty weeks George Black's 'Little Dog Laughed,' at the Palladium, London. 'Have starred two turns specially. . . One, the dancing of Jimmy Hadreas, which is as good as you can hope to find. Any step from any land is within his compass. . . magnificent,' says 'Punch.'

H'WOOD NAMES TO TOUR FOR RED CROSS

Hollywood, July 2. All departments of the motion picture industry, executives, producers, guilds and are working together in a nationwide campaign to raise \$500,000 for the Red Cross. 'At a get-together meeting it was decided to write all war relief activities under one committee, headed by Samuel Goldwyn.

Chief source of revenue, as outlined by Kenneth Thomson, executive secretary of the Screen Actors Guild, will consist of two or more Red Cross benefit roadshows composed of Hollywood's top performers. List is expected to include Charles Chaplin, Eddie Cantor, Joan Crawford, Edward G. Robinson, Adolphe Menjou, Joan Bennett and other names. 'Dozens of players have signed pledges to join the road units, with the understanding that nobody will collect anything more than transportation and living expenses.

The committee, appointed by (Continued on page 10)

Church Beef Shifts Canada's \$1,000,000 War Relief Benefit to Monday (15)

Gag Goes Serious

Miami, July 2. Practical joke which backfired will result in appearance of Irene Rich at gigantic Red Cross benefit here July 5. During recent airing Miss Rich offered to fly to any city and pick up in person donations of \$500 or more for Red Cross war fund. Local prankster dispatched wire to Miss Rich offering, \$5,000 in name of Alexander Orr, mayor of Miami. First knowledge of author was made public when Miss Rich contacted Orr by phone. Rather than welsh offer, mayor okayed an Irene Rich party and vaude show in Orange Bowl, entire proceeds going to Red Cross.

WB'S BILL MARSHALL DIVORCED IN MEMPHIS

Memphis, July 2. Bill Marshall, maestro, now playing feature part of a Fourth Horseman Warners 'Knute Rockne' flicker, was unhorsed in local divorce court recently by Beverly Bruce Marshall, local heiress and Little Theatre star. Gal, seen on stage here in 'Stage Door' and 'Arms and the Man,' was given back her maiden name with absolute decree on grounds of abandonment and non-support.

Marshall took over Frank Dailey 'Stop-and-Go' band and is now suing Dailey for \$80,000 in mixup over bookings at the Meadowbrook, Cedar Grove, N. J. Has about finished work in 'Knute Rockne' and assigned to 'Flowing Gold' and 'Money and the Woman' as next two Warner pix.

Mrs. Emlyn Williams And Two Children in Canada

Mrs. Emlyn Williams, wife of the London actor, and their two children, are on their way to Canada and are expected to make their home in the U. S. for the duration of the war.

No word has been received of their whereabouts for the last few days, but they're due to land at Montreal some time last week.

PAUL GREGORY'S FUTURE Met Opera Said to See Big One For Baritone-Turned-Tenor

Decca and Victor have been busy of late recording classic and semi-classic selections for fall release. Among the recordings made by Decca is an album of three records by Florence Gregory (Mrs. Everett Crosby), Paul Gregory, baritone, and Frank Forrest, tenor, of songs from 'The New Moon.' The album contains all the important solos and duets accompanied by Harry Soskin's orchestra.

Miss Gregory is studying voice with Florence Easton, former Met soprano, and besides a possible musical on Broadway in the fall, hopes to make the grade at the Met. Gregory, who has been singing as a baritone for five years in Italy has become a tenor, and Met officials are reported enthusiastic over his voice. He is endeavoring to acquire a repertoire, and may be the big surprise the Met management will toss at the public this fall.

Other recordings made by Victor are an album of concert songs by Gladys Swarthout, accompanied in most of them by her pianist, Lester Hodges, and duet from the 'Barber of Seville' and 'Rigoletto' by Lily Pons and Giuseppe De Luca.

'HOUSE AMERICAN WAY'

Carmen Miranda headed a group of show people sailing for various South American bookings. She'll be back on Broadway in the fall. Others sailing included Gaudsmith Bros., Stump and Stumpy, and De Angelo and Porter.

ARRIVALS

Jessica Tandy, Mrs. Alexander Kotka, Mr. and Mrs. Louis Verneuil, Lady Menel (Elsie de Wolfe),

Toronto, July 2. Uproar raised by the Lord's Day Alliance over the film industry's proposed plan to raise \$1,000,000 overnight for the Dominion's war effort caused a temporary halt to the splendid gesture of the industry, but the matter has been presumably ironed out to the satisfaction of blue-noses and patriots alike.

Plan was to run a benefit performance in every theatre across Canada on Sunday night, July 14, with the Hollywood producers, through their Canadian distributors, supplying feature films and pre-releases gratis. Hollywood stars making personal appearances at key theatres, and everyone in theatre personnel donating their services.

George G. Webber, general secretary of the Lord's Day Alliance, publicly charged that such a means of raising funds for any purpose was illegal in an intervention in the Lord's Day Act of Canada, with the exception of Quebec which is exempt from this Federal provision. Presence of Webber with his prepared statement met with a cold reception in city rooms and news services here. (Continued on page 36)

Lili Chatain Is House Guest-Convalescent Of Arthur Loew on Long Is.

Lili Chatain, well known to many U. S. film men in Paris, who was the victim of a peculiar plane accident some eight months ago, is still convalescing at Arthur Loew's Glen Cove (L. I.) home. This didn't come out until the recent influx of Parisians to N. Y., evacuated by the war, started inquiring about Chatain, whose firm, Avenir Publicity, was a prominent French ad-pub firm.

He is a pal of Loew's and Lady Lawrence, the Metro rep in France, among others. It was while flying west with Loew that an unusual altitude caused something to snarl in Chatain's system which created his physical debility. He was rushed to Santa Monica (Cal.) hospital and latterly has been Loew's house guest, under expert medical attention.

Feckularity of Chatain's accident is that he was himself an aviator of the World War, which presumably had weakened him to the extent that this commercial flying mishap created graver complications than would normally befall one.

Packaging 'Lochnivar' Pix

Hollywood, July 2. New package deal arranged by the Feldman-Blum agency offers a series of 'Tenth Avenue Lochnivar' stories starring Billy Halop. Leading boy character the yarns is Baggys O'Day, a big-city replica of Andy Hardy.

Charles R. Marion, author of the tales, goes along with the deal's screen writer.

N. Y. to L. A.

Pat Casey. Hoyt Haddock. George S. Kaufman. Patsy Kelly. Lowland Leigh. Ben Lerner. Irving Mansfield. Joseph Moskowitz. Jacqueline Susann.

L.A. to N.Y.

Al Alleborn. Norman Alley. Walter Batchelor. Edgar Bergen. Ralph Blum. Dorris Day. Monroe Greenhal. Lela Haywood. Ed Helwick. Morris Helprin. Alfred Hitchcock. Maury Holland. Eric Linden. Pare Lorentz. Dick Mack. Haven MacQuarrie. Carmel Myers. Otto Premlinger. M. J. Siegel. Anna Sten. John Swope. Peter Van Steeden. Harry Von Zell.

WB AGAIN ACTIVE IN LEGIT

Biz Office Kayoes Pittsburgh Critics Circle; Newsweek's O'Hara on Pix

Pittsburgh, July 2. Born: Pittsburgh-Movie Critics Circle on June 24. Died: June 26.

It was this way. At WB, Joe Feldman and Jimmy Totman, who think up ways to sell pictures for the Penn and the Stanley theatres, had a brilliant idea one afternoon about 10 days ago. They had coming to the two theatres, respectively, 'Our Town' and 'Susan and God,' both stage hits which had played Pittsburgh with the original Broadway casts and both considered class offerings.

So Feldman and Totman approached the town's five critics, Karl Krug and Bill Lewis, of the Sun-Tele; Kap Monahan and Dick Fortine, of the Press; and Harold W. Cohen, of the Post-Gazette, with a plan. After all, weren't the incidents in the better things in the entertainment industry and wouldn't they be willing to lend their names (Continued on page 19)

AINLEY IN MIDDLE OF MG-WB-SHUBERT TIFF

Suit involving the rights to the services of Richard Ainley, actor was filed Monday (1) in N. Y. supreme court by Select Theatres Corp. (Shuberts) against Ainley and Warner Bros. Picturers, Inc.; charging breach of contract. Action seeks damages of \$100,000 from the film company.

Shubert firm asserts it signed a contract with Ainley July 22, 1939, for one year from Oct. 1, 1939, to Sept. 30, 1940, with options for four years at \$300 weekly. The contract guaranteed Ainley 25 weeks employment yearly. On June 8, 1940, the option was picked up, after the actor had appeared in two plays, 'Foreigners' and 'Easy Virtue.' Shuberts then started negotiations with Metro for Ainley's employment, and set up a deal for the actor to receive \$1,000 weekly with a guarantee of 40 weeks employment for a year and options for three years at \$1,250 to \$2,500 weekly.

It is claimed that Warners, having full knowledge of the facts, stepped in and signed Ainley for a year at \$800 for the first 26 weeks and \$650 for the last 26. Ainley was due to begin his Warners contract June 1. An injunction to prevent WB from carrying out their deal, and \$100,000 damages are sought. The complaint declares that Metro notified it that unless the controversy is straightened out, it will be forced to cancel the proposed contract for Ainley's services.

Jessel Dialogist On 'Road Show' for Roach

Hollywood, July 2. George Jessel is writing dialog for the Hal Roach picture, 'Road Show,' and may remain on the lot as dialog director.

Roach personally handles the production.

Patsy Kelly West
Patsy Kelly, who has been east since last August on the radio, planes to the Coast tomorrow (Thurs.) to appear in 'Road Show' which Hal Roach is producing. The characterists from the 'Helzapoppin' show, who also are to appear in the picture, left yesterday (Tues.).

Rodgers, Hart Filmusical

Hollywood, July 2. Richard Rodgers and Lorenz Hart, Broadway tunesmiths, are due to report at RKO July 15 to write musical numbers for 'They Met in Argentina,' co-starring Maureen O'Hara and Alberto Vilar.

Rocke is producer, under supervision of Lee Marcus.

Gracie Drops Out

Hollywood, July 2. Gracie Allen has called off her president gag, leaving a clear field to Wilkie and McNary. 'I've had my fun,' said Gracie, 'so now I'll leave politics to the politicians.'

She has pledged to the Red Cross full proceeds from the sale of her book, 'How to Become President.'

Rogers Balks at Pickfair For Summer; His Band Continues 6 More Weeks

Memphis, July 2. Cancelling two-weeks' notice previously given members of his band, at behest of Mary Pickford, Buddy Rogers has elected to continue with his orchestra another six weeks. Actors' activities for Buddy, here on location at Peabody Hotel, was signal for issuing notice that band would break up at end of engagement, Miss Pickford being anxious to have husband-maestro return to Hollywood with her for summer. Reported she wishes to reopen Pickfair; he doesn't.

Any 'say' notice was withdrawn at end of local date and Rogers remains with band through Dallas engagement opening July 25. After that understood Johnny Morris, now featured, will take over and vamp 'til Buddy's return.

Pickford-Rogers combine attracted no end of favorable comment locally by wholehearted manner of pitching into Red Cross war relief drive. Gave one luncheon alone that netted \$1,000. Rogers passed had daily and Mary appeared at several benefit functions. Generally credited with directly boosting local take \$3,000, possibly twice that much more indirectly.

Wall St. Doesn't Fancy Films' Ribs on Brokers

Movement among New York brokerage houses to halt alleged disparaging remarks about Wall Street on the screen gained impetus last week when N. Y. Curb Exchange directors complained about a scene in 'Johnny Apollo.' Squawk directed to the Motion Picture Producers & Distributors Assn. was predicated on the contention that an undue slap was leveled at the financial district. However, after a group of Curb directors viewed the film at a private screening they agreed that there was little actually to complain about, contrary to advance reports on the picture.

Resentment against picture producers speaking about Wall Street in belittling or flippant terms has grown in the last two years, especially since volume of business had dropped off drastically. 'Johnny Apollo' was singled out because Curb people at first had been told that the production painted brokers in a bad light. Despite a more 'less' approbation attitude taken on the film after seeing it, exchange people may seek future aid from the Hays office.

Protest from the Street emphasizes that it hurts the legitimate business activity of banking houses, brokers, etc. Hays office rebuttals that care is exercised not to blast any particular group or profession.

Frisco Fair's Rodeo

San Francisco, July 2. World's Fair Rodeo will be held at the San Francisco exposition, Aug. 31 to Sept. 2.

Cowboy show will be sponsored by the San Mateo Sheriff's Posse.

ONLY FILM CO. LAST SEASON

Picture Producers Have Schedule Lined Up Already — Its Size Will Depend on Developments

EARLY START

Warner Bros., which was the only film company active in legit production last season, will again figure on Broadway starting early in the fall. Firm participated in or wholly backed half a dozen shows covering a wide range, including the hit musical 'Too Many Girls' and concluding in the spring with 'Romeo and Juliet,' starring Vivian Leigh and Laurence Olivier, one of the most costly Shakespearean productions. (Continued on page 46)

'JELLO - AGAIN' STAR A WOW IN WAIKIKI

Honolulu, July 2. With the Royal Hawaiian band playing 'Love in Bloom,' Jack Benny, accompanied by Mary Livingston Benny and Joan, and Myrt and Babe Blum (latter the sister of Mrs. Benny), arrived here June 26. Crowd estimated at 25,000 jammed the galleries and street levels of three-piers and adjacent blocks. Benny's reception topped Marie Dressler's record, previously the greatest here.

Benny made a personal appearance at the Waikiki theatre, consulting an audience that seldom gets a stage show.

With the comedian heading a gigantic July 4 parade for the Red Cross, thousands will flock to Honolulu from outside the islands for a glimpse of the star.

HITCHCOCK TO DIRECT TWO FILMS FOR RKO

Hollywood, July 2. Alfred Hitchcock closed a deal to direct two pictures for the 1940-41 program at RKO. First is 'Mr. and Mrs. Smith,' slated to roll in September. Second is 'Before the Fact.'

Deal was made by agreement with David O. Selznick, who has Hitchcock under contract.

NOT MINOR COIN

Court Okay's Jackie Cooper's \$800,000 Par Deal

Los Angeles, July 2. Jackie Cooper draws \$800,000 from Paramount in the next eight years, under a new minor's contract approved by Judge Emmett Wilson in superior court. Actor does not become a voter for three.

Contract calls for four pictures annually.

Al Pearce Suit Fades

Los Angeles, July 2. Six-year-old action by Fanchon & Marco to recover \$4,196 from Al Pearce was dismissed in superior court on the defendant's application. Suit filed in 1934 contended that F&M had advanced money to Pearce, but the case had been dormant since that time.

Lord & Thomas Agency Guards Its Talent's Film Prestige; Wants No 'B' Release Stigma

'Actress'

Regina, Sask., July 2. Ross Hamilton, Canada's leading female impersonator and the famed 'Marjorie' of the 'Dumbbells,' is in the army again. He signed up in Toronto the other day with the Canadian Army Medical Corps.

He gave his occupation as 'actress.'

N. Y. C. Admen Ask If Metro Pkge. Includes 'Hardy Family' Rights

William Morris agency is still making the rounds of the advertising trade with the new offer of a Metro studio show.

One agency, Lord & Thomas, has indicated that it would like to present the setup to client if 'The Hardy Family' were included. Metro at one time asked \$15,000 per program alone for an air version of the 'Hardy' series.

JED HARRIS LOOKING TO 'HEAVEN' ON B'WAY

Although he declared himself through with legit producing last year, Jed Harris is due back on Broadway next fall. Script which is reported luring him back is 'Wait For Heaven,' by Harry Segall. Author was represented on Broadway before with a drama called 'Lost Horizons' (not the book of similar title). It was produced by Laurence Rivers (Rowland Stebbins) in 1934, but proved a costly failure.

Harris went to the Coast last fall, but was not reported active around the studios. He closed his office in New York, saying that production costs were too high. That was after his presentation of Thornton Wilder's 'Our Town,' recently released in film form, which won the Pulitzer prize. Although no settings were used in 'Town,' its operating nut was high because of the number of people in the cast.

Dorothy Thompson Set For Fred Mayer Co-Op

Dorothy Thompson goes co-operative on the NBC-blue tube, fall. She will be on 7-36 to 7-45 Sunday nights, starting Sept. 29, for a group of regional productions.

Fred Mayer, who lined up a number of grocery distributers in various parts of the country last season for the underwriting of 'I Want a Divorce' is handling the Thompson co-operative. Stockton West-Burkhardt, of Cincinnati, will be the agency of record.

Mrs. Wm. Morris—Mgr.

Jerry Morris, wife of William Morris, Jr., is now manager of the theatre in the World of Fashion at the World's Fair House, which is a 299-seater, was formerly conducted by Alice Hughes, newspaper byliner. Mrs. Morris is staging a new type of fashion show, audience participation being a feature.

World of Fashion is one of the Fair's new buildings this season. Structure, which is near the Trylon, was built last year, but the interior was completely remodeled.

In making long term contracts with talent new to commercial network broadcasting, the Lord & Thomas agency insists on inserting a clause which gives the agency control over the artist's future work in pictures. The agency's reason for this action is that it wants to prevent the mike performer from doing anything that might hurt him in radio. As a result of this structure all film scripts must be submitted to the agency for approval.

One thing that Lord & Thomas wants to make sure of is that the artist's film work doesn't take him out of the picture, so to speak, that he has developed on the air. Also that the part and the general production value of the picture doesn't stigmatize him as of 'B' calibre, or worse.

SENATOR WHEELER CORRECTS WINCHELL

United States Senator Burton K. Wheeler of Montana speaking via transcription on the Radio Newsweek program over WJMC, New York, last Thursday (27) at 8:30 p.m., took a pointed poke at Walter Winchell. To quote the senator:

I have never collaborated with John L. Lewis with reference to a third party. I have no knowledge of what his views are. The statement was made by Walter Winchell over the radio to the effect that I and John Lewis had collaborated, or words to that effect, and that I was going to organize a third party.

Of course, Mr. Winchell has been advocating for some time that we in this country immediately join the Allies and help them not only in materials, but that we actually get into the war. That, to me, is clearly wrong, and a man who advocates it ought to be put off the air.

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CONFUSED '40-41 SELLING

'Consent' Powwows Dragging Along; Don't See Final Setup Until 1941-42

Although discussions between attorneys representing the Department of Justice and counsel for the eight leading film companies are continuing daily (with time out for summer week-ends) for the purpose of ending the Government's anti-trust suit by a consent decree, it is declared the notes definite has been reached as to the date such a decree, if and when approved by Judge Henry W. Goddard, in the Federal court (N. Y.) shall become effective. Best information is that some parts of the order, with respect to certain restraints, may be effective immediately upon the court's signature. On the other hand, the creation of an industry arbitration structure to administer over clearances, excess film buying and unfair trade practices will require some months to perfect.

Of the several divisions of the work, which has been distributed among sub-committees, the arbitration provisions are being more speedily drafted than some other sections of the proposed decree. This is because the legal principles of arbitration are established in a Federal statute and in every state, excepting Oklahoma and North Dakota. Also, the industry itself twice has had extensive experience with arbitration; first, as administered by the film boards, and more recently in 1934-35, under N.R.A. In both previous instances, the system was given the K.O. by the U. S. Supreme Court.

Nothing approaching an official statement as to the progress of the current conferences has been forthcoming except for an optimistic view of the confabs as projected by J. Stephen Doyle, special assistant attorney general, when he appeared before Judge Goddard on Monday (1) and requested further postponement of the trial for one week. He said:

"The Government, with the consent of the defendants, now seeks an additional week's adjournment. The parties are continuing the conversations in an attempt to work out a settlement. Sub-committees have met almost every day and considerable progress has been made. The members have submitted concrete proposals with respect to specific subjects to the main committees and something definite may be reported soon."

Judge Goddard said he believed it very desirable to continue the attempts to reach an accord, and granted the requested adjournment.

The proposed formula for arbitration of disputes arising between competitive theatres, and between them (Continued on page 20)

McCAREY WITH HUGHES ON 2-PICTURE DEAL

Hollywood, July 2. Leo McCarey is joining Howard Hughes' outfit as producer-director of two pictures.

Under the deal McCarey gets salary and percentage. Howard Hawks, recently aligned with Hughes, giving him two topflight directors.

Korda's Mex Pitch

Hollywood, July 2. Alexander Korda invades Mexico next autumn to shoot "The Conqueror," a tale of Mexico's invasion by Hernando Cortez.

Picture, to be filmed by Technicolor, will star Merle Oberon.

Saenger's New Issue

Saenger Theatres Corp. is planning a bond issue of \$2,450,000 of first 4 1/2% interest obligations although no definite date has been set for opening sale of the liens.

New issue of bonds would be handled by Nusloch, Baudean & Smith.

Up to Goddard

Reports the trade that any change in the national Administration, which would result in new alignments at the Department of Justice, might affect the Government policy in the anti-trust action already started against eight majors, and mercurious individual executives in the film industry, have been quickly squelched by attorneys.

Trial, which began on June 3, and since June 7 has been adjourned pending consent decree conferences, has lifted the jurisdiction as to policy and outcome from the Justice Department into the Federal courts.

It remains for Judge Goddard to decide the future course of the action, lawyers declare. The court, which has granted further adjournment until next Wednesday (10), is being kept intimately informed as to progress of decree conferences.

Universal's 3d Quarter Statement Due at End July; 8G Wkly. Writeoff

Universal's monthly meeting of directors, slated for tomorrow (Thursday), was held yesterday (Tuesday) afternoon because the regular session fell on July 4. Routine business and foreign market developments were handled at the meeting.

Third quarter statement is not due out until late this month, but earnings are reported holding up in face of heavy special amortization reserve writeoffs. Company continues to write off \$8,000 weekly as special amortization because of actual and anticipated losses in the foreign field.

Understood that U's assets now are running on a ratio of 6 to 1 as compared to current liabilities. Company showed \$1,173,000 for the first half of the present fiscal year after deducting \$208,000 for this special amortization reserve in the first 26 weeks of the fiscal 12-month period. Reorganization plan has been delayed by the war and the break in Wall Street stock prices.

'COSTS MUST COME DOWN', SAYS COWDIN

J. Cheever Cowdin, chairman of Universal's board, flatfootedly states that production costs can and are going to be reduced for the forthcoming season, although not at the expense of quality necessarily.

He does not think that the day of the \$1,000,000 or even \$2,000,000 production is gone forever but "I think it depends on the individual company as to whether \$1,000,000 or \$1,500,000 pictures should be made. Each company knows approximately what can be realized from a large production under present economic conditions, and can gauge budgets accordingly."

It too early to tell with any degree of certainty what the distribution situation will be in Europe, Cowdin stated. Headquarters for Universals currently are at Bordeaux. Prediction as to what restrictions or monetary control would be used in France or elsewhere, under German control, can't be made.

Par Locks Up 17

Hollywood, July 2. Paramount enters July in high gear, with 17 features ready for release, four before the lenses and five more on the starting line.

Five slated for July starts are "Touchdown," "Virginia," "The Shepherd of the Hills," "D.O.A.," and "Love Thy Neighbor."

DISTURBED ON WHAT IS WHAT

Consent Decree's Vagaries, Coupled With General Uncertainties, Stalemates New Season Selling—Distributors and Exhibits Don't Know What to Expect and How to Act Thereon

WAR BOOM'S CHANCES

Stressing the urgency for a quick consent decree under the Government suit against the majors, distributor and exhibitor sources fear that delay in this direction, coupled with greater uncertainties than the industry ever faces, may lead to the most confused selling-buying season in history. Last year, in merchandising the current (1939-40) product, deals were very slow in being concluded, but this season snow may be falling before the country sold for 1940-41.

While, on the one hand, selling is slow in getting started, on the other feelers would indicate that there is going to be an unprecedented amount of wrangling before contracts are finally in, signed and filed away. Distributors are going to be more determined than ever before to get better terms, and exhibitors with whom the matter has been discussed, promise that they will be equally as determined not to pay more. Instead, buyer sources say that in most cases, because last year's deals did not stack up so well, better deals are going to be demanded on the 1940-41 product.

With those companies which sold high, but delivered low, it is expected there will be plenty of wrangling over '39-40 adjustments with distributors, in the main, again probably unwilling to make the adjustments. Each year a certain number of adjustments agreements are made at the tail end of the season as a condition upon selling the account for the coming year. Very often a distributor, who has fallen down somewhat, or the account has had bad luck with the pictures, will permit the exhibitor to cancel old films he hasn't picked up that are being re-released toward the end of the season.

That, no doubt, will continue as a practice, but this year it is doubtful that the distributors will be as lenient as in the past. According to distributors or information, it is probable that term deals that are being re-released for 1940-41 will have to be rewritten or adjusted. This may be more pronounced this summer and fall with accounts having franchises. "That's always the trouble with term deals," one distributor spokesman stated.

No More Anticipating
The most likely reverse for the current sales season is the writing of any deals beyond the '40-41 product. A large number were closed last summer, some for three years, which means these will not expire until the '41-42 product has been played out under them.

Some distributors started selling accounts prior to sales conventions, in certain cases getting commitments on the '40-41 product before it was entirely set up, but at present in the face of increased war anxiety, new taxation, consent decree doubts, etc., very little buying activity is reported. Some exhibitors say they haven't even been approaching their salesmen as yet, while certain buyers are coming into New York or branch points to merely get the terms now.

The big chais are slower, considering deals opening negotiations than the smaller independents, although the latter are also seeming in no rush to sign up with any company. Distributors on the other hand, are not proceeding in blitzkrieg fashion, either, although in spite of the many uncertainties, of the moment, they point out they can't sit idly by and drop selling entirely to wait to see what happens.

Distributors, as anxious as exhibitors to know what the conclusions under (Continued on page 10)

Picture Biz Resigned to Fact That It Better Worry Chiefly About U.S., Canada and Forget Foreign Market

CRICKETS BINGO'D

'Brig Young' Catches Up With Pests and Pic Washes Up

Hollywood, July 2. "Brigham Young" troupe finally caught up with a swarm of crickets in Nevada and is back in the studio with prospects of finishing the picture this week, inside the 75-day shooting schedule. Search for the insect swarm, which plays a vital part in the story of the Mormons, had been holding up production.

Picture is slated for release late in August or early in September as a roadshow attraction.

30% Foreign Income Loss May Force Mono To Shift H.Q. to L.A.

After officially denying the report that a move to the Coast was contemplated, the financial men concerned with the future revenue of Monogram this week admitted that the executive offices may be moved to the Coast. This would install W. Ray Johnston, president, right on top of production, and leave only the foreign department and T. P. Loach, treasurer, in N. Y.

Monogram's foreign business has suffered because of the European war, with the home office staff cut to virtually two. Estimated that foreign income ran as high as 30% of all revenue.

It's been known in the east for some time that financial backing for Monogram in the future would depend largely on economies made in production as well as in home office and distribution overhead. A shift to the Coast is finally made, Mono probably would maintain only offices at its eastern exchange. Stated this week that floor space of Mono in the RKO Bldg, costs the company \$4,000 annually, regarded as way out of line considering present operating profit.

HAYSITES MEET ON NAT'L DEFENSE PIX

Major company top executives huddled Monday (1) at the Hays office principally to work out a formula for national defense pictures.

Not revealed how this will be accomplished, what steps will be taken in carrying out the Government's preparedness program.

Committee of publicity and advertising heads of affiliated and independent theatre circuits has been appointed to cooperate with the industry's plans in aid of the Government's national defense program.

Meeting held Mon. (1) in the office of George Schaefer, president of RKO. Was attended by Harry Maudslow, representing RKO theatres; Aubrey Schenck, of National (Fox) Theatres; Oscar A. Doob, of Loew; Harry Goldberg, Warner Bros., and Harry Brand.

Doob was made chairman of the committee, membership of which will be extended to include publicity managers of all circuits in the country.

Hays West Next Week

Will Hays, who attended the G.O.P. convention Philadelphia last week, will stay in New York for about 10 days before going to the Coast on his annual summer visit.

Hays does not plan to return east until some time in September just before the quarterly meeting of the Motion Picture Producers & Distributors Assn.

The entire foreign market, with the exception of Canada, which is regarded as part of domestic sales, threatens to become a thing of the past in fact, so far as all future planning is concerned. This prediction is made in certain distributor and theatre operating circles because of what war and other drawbacks of various nations have caused.

Even before Hitler, Mussolini and Stalin began to carve up the eastern hemisphere, it was becoming increasingly difficult to maintain the proper trading balance in film, and more than a year ago, it is pointed out, the American producers were beginning to tailor pictures with less of an eye on foreign fields. Now it may be forgotten that the foreign market ever existed. What may come from the British market (Australia, South Africa, etc.) would be that much graver.

The possibilities in the belief of observers, both in sales and theatre operation, is that the film companies within less than a year will completely swing to the making of pictures that are strictly for American and Canadian consumption. With this turn coming, opinion is that the whole production scheme will be solely to make film for the domestic market, without expectation or perhaps even any concern to figure on trade from abroad. Other manufacturers, in fact virtually in all lines, are geared to make their profits in this country, while in some fields American businesses do not bother at all about exporting.

Fewer Films
In line with the conclusion that the picture producer-distributors should make film only for American and Canadian sales, it is firmly believed that all companies will make fewer pictures and reduce costs in line with the potentialities for profit offered by the domestic market, without any regard whatever to what could come from abroad if sales abroad are to be continued. This would mean the total dissolution of foreign departments. They are maintained at considerable expense, taking in the home-office personnel as well as the forces in various parts of the world.

This expense has mounted, if anything, while in recent years, prior to World War II, foreign markets here and there were being lost or being badly reduced, such as Germany, Austria, Czechoslovakia, Italy, Spain (Continued on page 19)

WALKER, VAN EVERY LEAVING PARAMOUNT

Hollywood, July 2. In line with the studio's plan to build a staff of producer-directors, Paramount is parting this week with producers Dale Van Every and Stuart Walker.

Latter has been with studio eight years. Van Every started writer three years ago.

Jack Forrester After RKO Production Unit

Jack Forrester, French film producer, now in New York, is talking a firm production unit with RKO. Richard W. Patterson, Jr., board chairman of RKO, discussed it in a preliminary way with Forrester, who will now huddle with George J. Schaefer, company prez.

Lubitsch's RKO Dicker

Hollywood, July 2. RKO dicker with Ernst Lubitsch to produce and direct two features. Deal would not conflict with his United Artists commitment.

'FORGET UPSETTING PRICES'

Advocate Straight 10% Tax Next Jan.

Indications in the trade this week were that the entire tax structure would be gone over by Congress when it meets next January, with the theatre ticket taxation setup to be included. Film business then will strive to get 10% flat admission on all tickets from 10c upwards. The majority of distributors and larger exhibitors believe this is the only way to hold up the price structure.

Another thing which will be advocated, when the tax alignment comes up for revision, will be a plea that all exemptions be eliminated, although congressmen thus far have indicated they were afraid to mention churches or schools specifically. They will do this by flatly lifting any exemptions, with no mention of any class or group.

Omaha Meets 10% Tax Situation

By Tilting Matinees; Figures on 2c Differential to Defray New Setup

Omaha theatres are meeting the new tax situation on different ways. The Tri-State outfit (Orpheum and Omaha) are adding 5c to the matinee price, and a straight 10% or 4c to the night prices. It was explained that the afternoon tax will meet the Government requirements with 3c and the other 2c will be for the expenses incurred by the theatre in providing a handling setup.

The 20 neighborhood theatres, including the Goldberg and the Epstein groups, and the independents, will add a straight 10% to the admission and let it go at that.

The Brandeis-Mort Singer's house, is simply sticking on the tax to the admission price.

All operators agreed that the houses could not afford to absorb the tax as has been done at various times previously.

So far, no squawks from the public.

Theatres Just Passing Tax on to the Public

In the vast majority of cases, theatres, chain and independent, are remaining at the same scales as in the past, with the 10% tax passed on to the public. Within five days of being forced to lay plans for the collection of the tax, which went into effect July 1 (Monday), theatre operators were quick to consider the advisability of being careful not to create public resentment by increasing admissions even a couple of cents. Tax law passed last Wednesday (26).

Meetings were held among the major chains for agreement on policy and also by independent exhibitor associations, with the predominant opinion being that it would be unwise now to try to get more money at the b.o. through the expediency of the 10% tax starting at 21c. It also was the general agreement that theatres now charging 25c would not drop to 20c, which is tax-free, although in chain circles it was said that some houses may bring 25c ticket prices down to the 20c ceiling. This is being pondered and may be placed into effect by the coming weekend, with kids now out of school for the summer.

It is believed some independents may reduce a nickel to get to 20c, but pointed out that in such cases the question of clearance enters into the matter since the 30c exhibitor profit will be getting 33c, and more than that where there is a state tax to also be added.

Wood Discusses Problem
Pete Wood, exhibitor leader of the Independent Theatre Owners of Ohio, who was in New York last week, and discussed the tax problem with major heads, pointed up the enlarged difference that would be created if one exhibitor cuts his scale and the other follow, ahead of him on film, doesn't. This is particularly true in Ohio, where a state tax is being collected now on all admissions.

Wood has recommended to the members of the ITO of Ohio that no theatre should attempt to absorb the tax, but reported in other parts of the country that trade associations have suggested that perhaps it would

(Continued on page 19)

GORMAN FRANKLY AIRS B. O. VIEWS

Veteran Theatre Manager Impatient with Price-Juggling—Favors Cuts Rather Than 'Costs for Some Film Products'

PUBLIC ILL-WILL

Tom Gorman, vet theatre man, now head of the Chicago division of RKO theatres, currently in New York for home office powwows on the new 10% tax structure, is outspoken in his belief that not only should showmen forget any delusions of admission scales, but if they are to revise them, they should point to Warners' 'Heaven' and 'Heaven Too', which played at upped prices of even his houses, and adds that possibly even a 'Gone With the Wind' opening cold today, couldn't get away with the 75c and \$1.10 scale idea that 'Heaven' has tried to emulate.

At regular prices, 'Heaven's' something else again. But Gorman says, 'I just told the other RKO managers and theatre people that it's as fallacious an idea to juggle admission prices as it would be for a clothier to charge \$75 for a well-fitting suit one day, and a month later the same customer comes back and you try to charge him the same \$75 bucks for a pair of overalls.'

'It's no different with pictures. And if a lousy B picture comes along, it's comparable to the overalls and prices should be cut. On the other hand, for quality films, maintain your 75c scale. But don't try to boost it suddenly to \$1.10 when an extraordinarily good picture should hit you once every six months. By the same token, you'd have to cut downwards every other week, practically, to readjust prices with some of the poor quality product.'

Though there is division of thought on the matter, and basically the theory is regarded as sound, that a good picture should get a higher admission than a poor one, the majority opinion in the trade is there's danger in creating public ill-will if this became a practice. One top distributor official even expressed the opinion that the public shouldn't be expected to pay more than the established scale of the theatres.

The average exhibitor takes a similar view when it comes to rentals which dictate the manner in which his theatre must be operated, the price that he must get, etc. His complaint is that the distributors are getting higher rentals than they should on the flops, so why should more be demanded when a sock is to be played? This is the squawk on percentage pictures and the split figures set for the top pictures, with the exhib believing that he should be permitted to earn more on the hits than he does to make up for the 'dogs' that have been played, and on which, in most cases, adjustments have to be fought for.

with others. Discussions with WB relate not only to the N. Y. exchange of the company but its home office and warehouse as well.

The AFOE has a contract with U covering its home office and branch in N. Y. which runs until next February. It includes bookers in its membership, which accounts for the arbitration of the case involving the dismissal in April of Sam Phillips, U's head booker.

Two arbiters for U and two for the union having been unable to reach a decision, a fifth, neutral arbitrator has been appointed by the courts so that a majority opinion can be obtained. A formal hearing of the five arbiters will probably be held within a week.

SAG Will Recognize Office Workers'

Pickets on Coast, Says Somerset:

Central Casting Strike in 3d Week

Warners' Talent Roster

Hollywood, July 2. New contract list at Warners discloses 62 stars and featured players drawing regular salaries. Burbank lot also has 44 writers, 17 directors and eight dialog directors on its roster.

CANADA, LIKE U. S., 70-30% FOR SOLOS

Theatre public in Canadian key cities prefers single features, Variety's poll shows, 70% being for solo bills and 30% for duals. As in previous U. S. findings, the exhibitors in Canada also hope for singles to return but see small chance of accomplishing it under present setup. Others are outspoken in favor of dualing simply because their patrons seemingly prefer two features. [This winds up the survey on dualing].

Thus, J. B. Barron, manager of Grand Calgary, says he favors double features and thinks his patrons do. Pete Egan, manager of Palace, Famous Players' circuit house, same city, is strongly for duals, pointing to a poll of his customers which showed 65% in favor of them and their continuance.

However, in Regina, the exhibs lean towards eliminating duals. H. A. Berzowich, manager of Rex, there, states: 'Double features are a necessity only to a great majority of theatre-going public who became accustomed to entertainment in double doses during depression years and who still demand that fare. As long as the exhibitor is forced to buy 60% of his product which is only suitable for second features there will be duals. Since there is a demand for two pictures, this gives him a chance to slough them off.' He believed the only way to eliminate double bills would be for the pro-

(Continued on page 16)

BIOFF MISSES OUT ON CLEMENCY PLEA

Chicago, July 2. Hearing new application for writ of habeas corpus for Willie Bioff, Coast exec. of the International Alliance of Theatrical Stage Employees, was postponed last week by Chicago Justice John Prystalski of the Criminal Court.

Bioff has been in the Bridewell since April 15 serving out a six-month sentence on charges of pandering for which he was sentenced in 1922.

Missed the Boat
Springfield, Ill., July 2. Robert Phillips, chief clerk of the Illinois Pardon and Parole Board, stated this week that William Bioff has lost all chance to obtain release from a 22-year-old pandering conviction through clemency.

Phillips said Bioff's application for clemency had been continued until Oct. 7 because of the prisoner's failure to complete technical requirements for the petition. Bioff is scheduled for September release after returning to jail in April to finish the old six months' sentence. Phillips said the application could have been docketed for hearing July 9 if Bioff had fulfilled legal requirements, for three weeks of newspaper advertising and notification of printers in the case.

Hollywood, July 2.

Central Casting strike passed into the third week with producers and the American Federation of Office Employees far apart on wages, hours and working conditions after almost daily sessions. Major impasse is the question of overtime for casting directors. Elma Goodwin, AFOE head, said that if no agreement is reached today she would order all studios picketed tomorrow (Wednesday). Pat Somerset, Screen Actors Guild exec., said picket lines would be recognized by actors if all entrances are covered. Prexy Ralph Morgan, of SAG, has circularized members with plea for more loyalty and less gossip. 'If you can't prove it shut up' was gist of his communication.

SAG leaders are aroused by reports that one of its executives in the preparation blacklisting 119 'preferred' extras which categorically denied.

Resignation of I. B. Kornblum as executive secretary of the American Guild of Variety Artists was accepted by board Monday (1) night. He remains as counsel for the chapter after receiving a confidence vote and thanks of the board for his organization work. Kornblum's withdrawal is in line with retrenchment policy.

The DTSSE was made defendant in a \$250,000 damage suit filed in Superior court by 10 expelled members growing out of I.A. scrap with United Studio Technicians Guild and latter's subsequent dissolution. Alliance is charged with 'guilt of oppression, fraud, malice and wrongful acts, and conspiracy to deprive them of livelihood.'

I. Robert Broder, counsel for Artists Representatives Association of New York, is reporting favorable reaction in all cities visited on a move to give his organization national status. Meetings here are concerned with bringing Coast agents and film bookers into the group. Meetings have been called for both Chicago and Frisco, following Broder's visit, looking to early action on proposed linking of organization.

Approximately 2,000 extras are scheduled to be dropped by the Screen Actors Guild Aug. 1 under a new ruling which eliminates one-day work permits and provides for the suspension of players who fall 90 days behind in dues. New pruning order was announced as being in line with policy of the SAG to eliminate occasional extras from industry and provide more jobs for regulars who depend upon the picture business for a livelihood.

In announcing the new move, Kenneth Thomson, SAG executive secretary, stated:

'Our present adjustment and leniency policy is clearly inconsistent with our expressed intention of reducing the number of casual extra players in the industry. By revising that policy now and substituting much more stringent rules we can bring about a sharp decrease in our Class B membership. Thus our problem of spreading work will be cut.'

Simultaneously, the SAG announced that extra calls into Central Casting Corp. for jobs will be limited to one in each 15-minute period, and stated that the Guild will not permit unfair discrimination against any member or group of players. This announcement was interpreted to mean that ban on L.A. 194-money extras at Central Casting, as well as a ban on extras with relatives employed in Central Bureau, will be eliminated.

Folle, in a conference between a committee representing the 119 extra and a committee appointed by the SAG board of directors, the following announcement was issued by the board:

'The Screen Actors Guild board of directors never has and never will countenance any unfair discriminations. (Continued on page 20)

'Fave Wife,' \$30,000, Hope-Vaude, \$20,000, Pull L. A. Out of Dumps; 'New Moon' Is Bright At \$26,700

Los Angeles, July 2. (Best Exploitation: Chinese) After getting away to a good start currently, a number of the first-runs bogged down over the weekend and hit disappointing low figures. Only pictures holding strong 'Ghost Breakers' and 'My Favorite Wife'...

Broadway Grosses Estimated Total Gross This Week \$227,700 (Based on 11 theatres) Total Gross Same Week Last Year \$222,600 (Based on 11 theatres)

'MORTAL STORM' FINE \$15,000 IN BUFF

Buffalo, July 2. Buffalo b.o.s are staging substantial comeback currently, with continued cool weather playing a major part in the bulge. New passport requirements for Canadian visitors is barring much of the extra business which formerly came here...

Buffalo, July 2. Buffalo b.o.s are staging substantial comeback currently, with continued cool weather playing a major part in the bulge. New passport requirements for Canadian visitors is barring much of the extra business which formerly came here...

Summer B.O. in Denver; 'New Moon' Nice \$11,300

Denver, July 2. Business in the first-runs is as good as can be expected this time of year. 'New Moon' and 'Florian,' at Orpheum, are coping the big money, and 'Ghost Breakers,' at Denham, is very satisfactory in second week...

'Gangs' Plus Stage Unit Big \$6,000 in Seattle

Seattle, July 2. The Paramount and Palomar, close together alphabetically, are closest together this week in grosses. 'Our Town' is the reason at the former, while 'The Love of Mary' is at the latter.

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'NEW MOON' BIG \$16,000 IN CLEVELAND

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No Laughs in Philly, So B.O.'s Glum; 'Town' Poor \$11,000, Ditto 'Sons,' 12 1/2

Philadelphia, July 2. Free attractions on the Benjamin Franklin Parkway and the Schuylkill river, staged by the city in honor of the visiting G.O.P. delegates on the first of last week, drew more than 500,000 people...

'GHOST,' \$8,000, 'FORTE IN L'VILLE

Louisville, July 2. Film row's outlook currently is running the gamut from good to poor. Summer opera at Iroquois Amphitheatre, with a capacity of 3,500, is putting a dent in theatre b.o., while night baseball, marking its 10th anniversary, is drawing a crowd of 12,000...

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'NEW MOON' OK \$7,500 'FRI.' '6G, IN MEMPHIS

Memphis, July 2. 'New Moon' is setting a nice pace at Loew's Palace, any MacDonaldday's opera being a natural in these parts. 'Florian' is proving a fair draw at the Warner. 'His Girl Friday' at New Malco, should come close enough to 'New Moon' to satisfy 'Front Page' which got nice campaign and rave notices all round.

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Key City Grosses

Estimated Total Gross This Week \$1,408,400 (Based on 26 cities, 169 theatres, chiefly first runs, including N. Y.) Total Gross Same Week Last Year \$1,267,500 (Based on 26 cities, 154 theatres)

Estimates for This Week

Areadda (Sablowsky) (600; 32-42-57) - 'Waterloo Bridge' (M-G) (2d run), \$3,900. 'Sausage' (M-G) (2d wk), \$3,900. 'Last week, 'Typhoon' (Par), mediocre \$3,500 for nine days. 'Boyd' (WB) (2,560; 32-42-57-68) - 'Susan' (M-G) (2d wk), \$3,500. 'Dial' (WB) (2,560; 32-42-57-68) - 'Crawford-March' (WB) (2d wk), \$3,500. 'New Moon' opens today (WB) (2,560; 32-42-57-68) - 'Heaven Too' (WB) (3d wk), \$3,500. 'Winding up its stay at roadshow place with fair \$12,000 for third round. 'Our Town' (WB) (2d wk), \$15,100. 'Safari' (Par) opens Friday (5). Prices go back to normal with 68c top. 'Fox' (WB) (2,423; 32-42-57-68) - 'Toys' (WB) (2,423; 32-42-57-68) - 'New Moon' (WB) (1,066; 32-42-57-68) - 'Biscuit Eater' (Par) (Dor) (1,066; 32-42-57-68) - 'No soap here. Pulled after five days with a poor \$2,100. 'Brother Orchid' (WB) opened yesterday (Mon.). 'Keith' (WB) (1,066; 32-42-57-68) - 'Favorite Wife' (RKO) (2d run) (2d wk) (1,066; 32-42-57-68) - 'Proves John Q. Public wants laughs. Socko \$4,500 after fifth week in midcity. First week of second round here brought in over \$3,000. 'Stanley' (WB) (2,916; 32-42-57-68) - 'Our Town' (UA). Folksy drama netting poor \$11,000, despite praise by critic. Last week, 'Mortal Storm' (M-G), likewise no wordleader with \$9,200 for second term. 'Stanton' (WB) (1,457; 32-42-57-68) - 'Adventures' (20th), just fair \$4,100. 'The Big Parade' (WB) (1,457; 32-42-57-68) - 'Bright \$4,400 for second week of subsequent run showing.

KAYE'S ORCH OK \$24,000 IN DET.

Detroit, July 2. Grosses are holding steady, the good summer average, with the stage shows continuing to flag best b.o. Again this week the Fox, with Sammy Kaye's orch, is key picture for the healthiest 'F'. It follows a week of Glenn Miller, who built steadily, despite huge free air shows which took care of 15,000 Miller fans.

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Brisson's Remake

Hollywood, July 2. Carl Brisson is en route from London to Canada, where he will repeat his starring role in Associate British remake of 'The Manxman'...

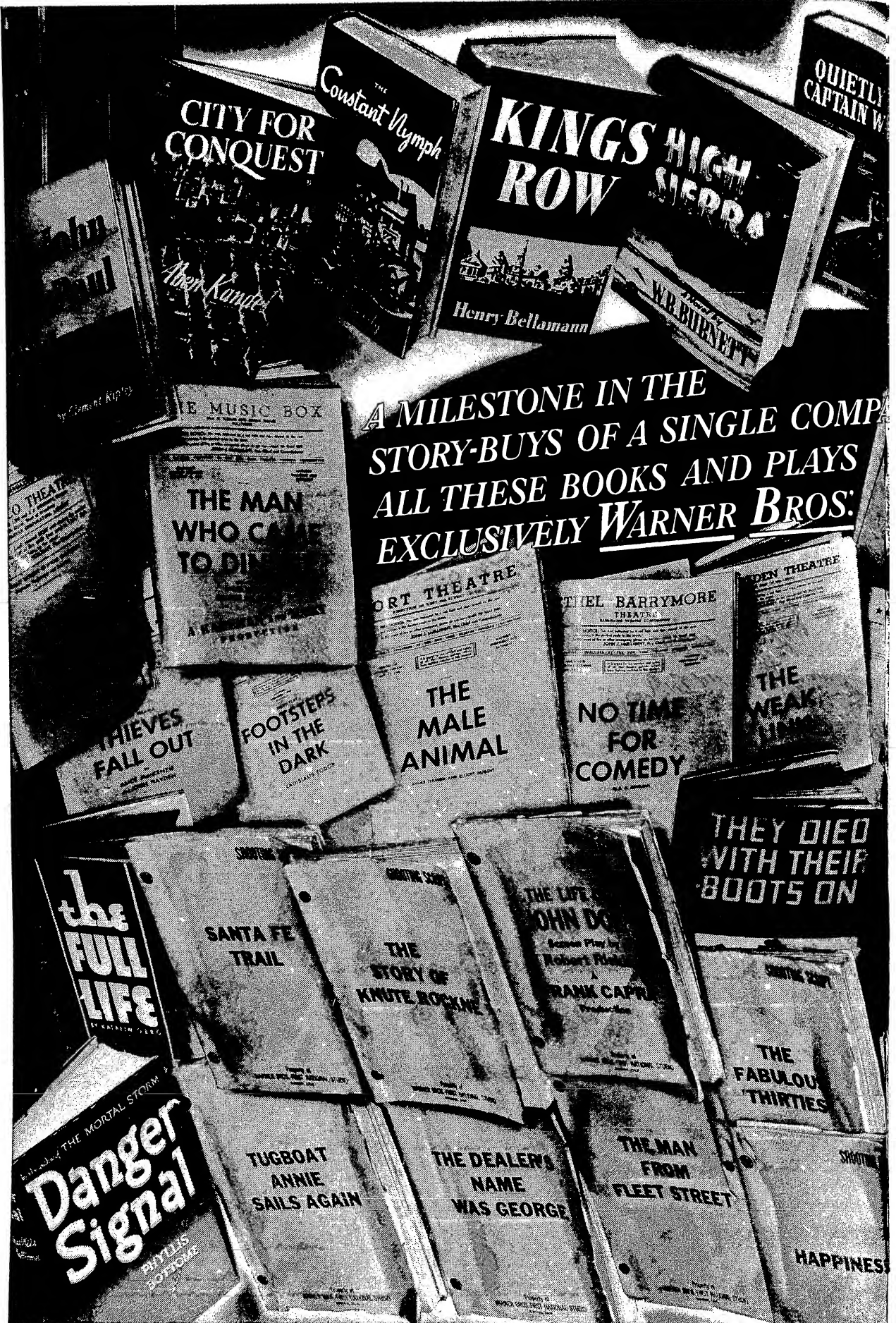
Los Angeles, July 2. Gregory Ratoff is defendant in a breach contract suit brought by William Bowers in Superior court demanding \$4,536. Bowers charges he was hired for one year to write screen material for Ratoff last April at \$110 a week, but was lopped off the payroll May 31.

Scribe Sues Ratoff

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for 1940, 1941
and beyond

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from now on*



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CITY FOR CONQUEST
 by Eben Kander

Constant Nymph

KINGS HIGH SIERRA
 Henry Bellmann

QUIETLY CAPTAIN W...

THE MUSIC BOX

THE MAN WHO CAME TO DINE
 A PLAY BY HENRY M. WOOD

PORT THEATRE

THE MALE ANIMAL

THEL BARRYMORE

NO TIME FOR COMEDY

EDEN THEATRE

THE WEAK LINK

THIEVES FALL OUT

FOOTSTEPS IN THE DARK

THEY DIED WITH THEIR BOOTS ON

THE FULL LIFE

SANTA FE TRAIL

THE STORY OF KNUTE ROCKNE

THE LIFE OF JOHN D...

FRANK CAPRA

THE FABULOUS THIRTIES

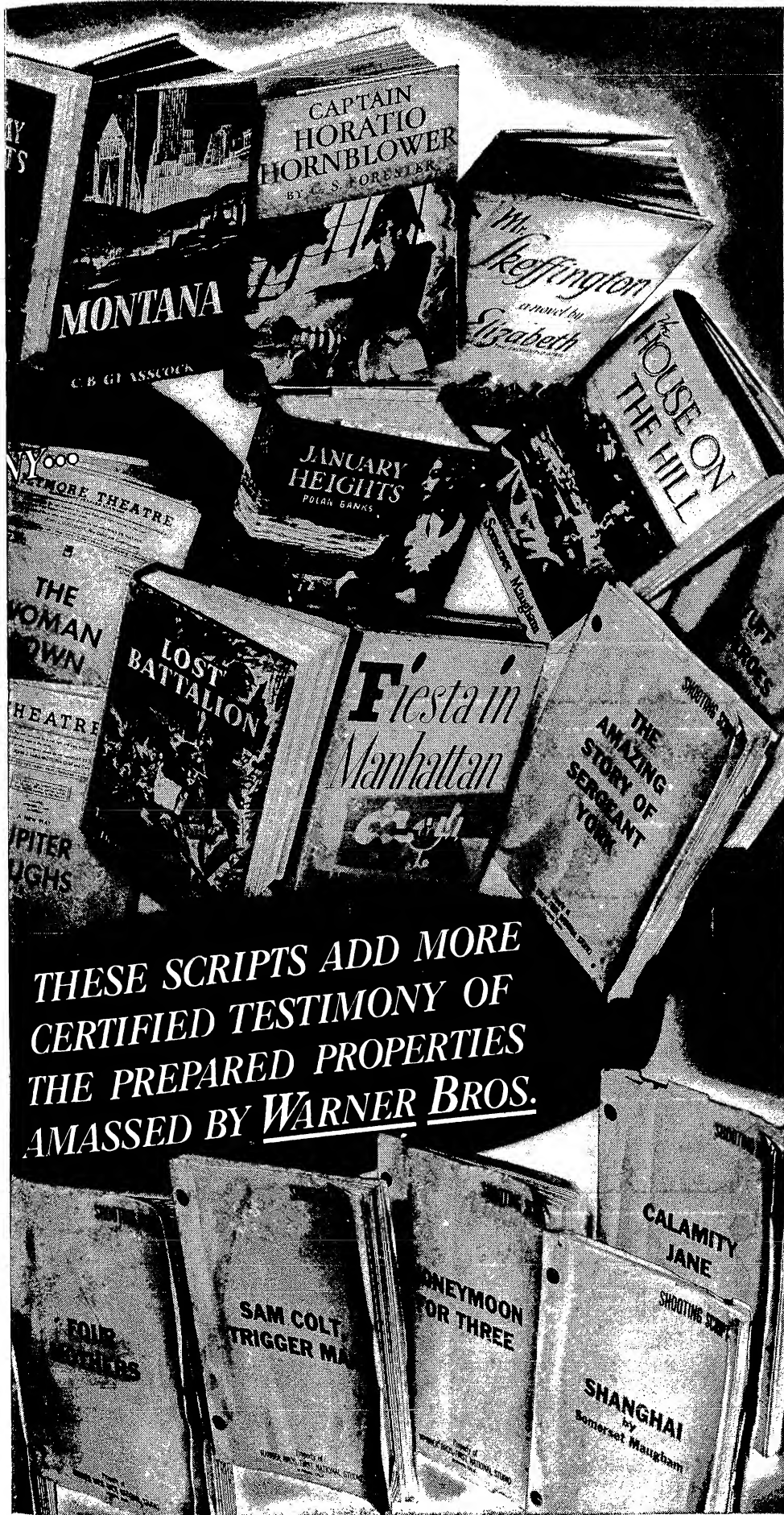
DANGER SIGNAL
 THE PLAY BY ROBERT...

TUGBOAT ANNIE SAILS AGAIN

THE DEALER'S NAME WAS GEORGE

THE MAN FROM FLEET STREET

HAPPINESS



THESE SCRIPTS ADD MORE
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 THE PREPARED PROPERTIES
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JACK L. WARNER
Vice-President in Charge of Production



HAL B. WALLIS
Executive Producer

*The Associate Producers
 for Warner Bros.
 Studios*

- HENRY BLANKE
- WILLIAM CAGNEY
- ROBERT FELLOWS
- BRYAN FOY
- IRA GENET
- EDMUND GRAINGER
- MARK HELLINGER
- GORDON HOLLINGSHEAD
- WILLIAM JACOBS
- JESSE L. LASKY
- DAVID LEWIS
- ROBERT LORD
- WOLFGANG REINHARDT
- HARLAN THOMPSON



*The Directors
 for Warner Bros.
 Studios*

- LLOYD BACON
- KURT BERNHARDT
- HUGH CUMMINGS
- MICHAEL CURTIZ
- WILLIAM DIETERLE
- RAY ENRIGHT
- ROBERT FOULK
- EDMUND GOULDING
- JO GRAHAM
- WILLIAM K. HOWARD
- WILLIAM KEIGHLEY
- ANATOLE LITVAK
- HUGH MacMULLAN
- WILLIAM McGANN
- TERRY MORSE
- IRVING RAPPER
- LEWIS SEILER
- VINCENT SHERMAN
- RAOUL WALSH
- WILLIAM WYLER



JAMES STEWART
COURTESY M.G.M.



MERLE OBERON



JAMES CAGNEY



PAUL MUNI



ERROL FLYNN



BETTE DAVIS



GARY COOPER
COURTESY CLAUDE RAINES



ANN SHERIDAN



EDWARD G. ROBINSON



JEAN ARTHUR
COURTESY COLUMBIA



PAT O'BRIEN



PRISCILLA LANE



GEORGE RAFT



ROSALIND RUSSELL
COURTESY M.G.M.



GEORGE BRENT



GERALDINE FITZGERALD



WAYNE MORRIS



MIRIAM HOPKINS



DENNIS MORGAN



ROSEMARY LANE



EDDIE ALBERT



CLAUDE RAINS



GALE PAGE



DONALD CRISP



BRENDA MARSHALL



FRANK McHUGH



RONALD REAGAN



GEORGE TOBIAS



JANE WYMAN



JOHN GARFIELD



OLIVIA De HAVILLAND



FRED MacMURRAY
COURTESY PARAMOUNT



HUMPHREY BOGART



BARBARA STANWYCK



JEFFREY LYNN



VIRGINIA BRUCE



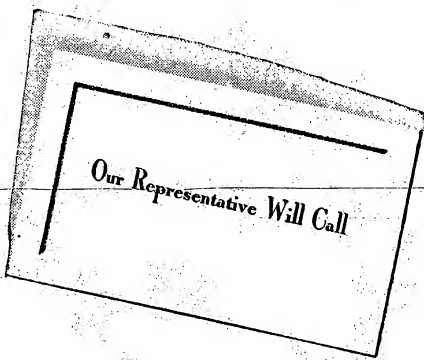
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The material here presented is an indication of the motion pictures which, allowing for the exigencies of production, we contemplate for the season 1940-41.

MINIMIZES SO. AMERICAN BIZ

Future of U.S. Pictures in Balkans Clouded by Possibility That Nazi Sphere of Influence Might Spread

With the Nazi sphere of influence also increasingly threatening the Balkan countries, American distributors are watching closely to see what restrictions, censorship and freezing of money will be placed on U. S. product in that territory. In the meantime, more normal communication has been established with European general managers while several companies have received word that business has been restored in Holland and may be shortly in Belgium.

No company officials would venture to predict just what would be the status of distribution, how soon it would approach normal and whether they would be able to get remittances even if theatre business went along as usual within the next few months.

Major companies are confronted with two factors in attempting to appraise the situation at this early date: (1) the war is not over; (2) it is difficult to tell what the economic conditions in Europe will be for that matter, in the U. S., in the next six months.

RKO has received word that business now is on a normal basis in Holland though there is no information regarding remittances of rentals. Reginald Armour, European manager, is at Lisbon, Portugal, temporarily company headquarters for the Europe area. Money is coming through from Sweden, but it is difficult to get prints into that country and also Finland. Shipments have been made via Russia and also through Italy and Germany for these nations.

Lange Cables Par.
Paramount has finally received a cable from Fred W. Lange, European chief, who said that headquarters for Europe had been set up at Barcelona, Spain. He reached there after an "unbelievable journey," to quote his cable.

While Lange is in Barcelona he will survey the possibilities of American production in Spain. There's little chance that European headquarters will remain at Barcelona because no distribution money is allowed out of the country. An effort will be made to shift Andre Olsen, who has been in Budapest, to The Hague so he can supervise Belgium and Holland. W. L. Deblouis-Leach, financial man for the company at Bordeaux, now is safely in London.

Warner Bros. has also had word that operations have been resumed in Holland, letters coming through requesting additional product. Robert Schless, European manager, presently in N. Y. for home office huddles after attending the domestic sales convention and huddling on the Coast, plans leaving for Europe July 18 on the Atlantic Clipper. No information has come through from A. Sallitic, assistant manager, who still was in Bordeaux when last heard from.

Columbia's headquarters for Europe still are in Bordeaux, according to a cable received this week. There is no indication that offices will be removed to Lisbon. Universal also is carrying on European operations from Bordeaux.

Meanwhile, foreign departments attempting to get the ultimate revenue from the Latin-American market and hoping that some additional income will result when such foreign productions from France and Germany no longer are supply. Most foreign chiefs are free in admitting that this market, which has been carefully developed over a period of years, holds out small hope of compensating for losses in Europe.

GOULD'S LOOKSEE

Walter Gould, United Artists' Latin American division manager, left last week by plane for Mexico City on the first leg of a tour of his territory.

He plans an extended trip.

RKO's Westebbe Safe

Max Westebbe, RKO's manager in Holland, whose whereabouts had the homeoffice concerned for about three weeks, has been reported safe in Amsterdam.

Slow mail was behind the late notification.

BRITISH EQUITY PUSHES ACTION ON ACTOR AID

London, June 18.

Militant in an effort to combat the increasing distress of its player ranks, British Equity is pressing its case before the government labor bureau.

Actor organization, constantly at the ear of the official department, drives home the problem of those artists seemingly in possession of a long summer engagement, but faced at the last minute with cancellation due to military seizure of piers and strawhat operations.

Another unset, confined rather to the profesh, is the actor who registers under the military draft and is left with no engagement because of the impossibility to forecast actual date of call-up. Equity has secured an arrangement with the labor bureau for performers in such predicaments to become available for unemployment assistance. Previously they were unentitled to this.

Bulgaria's Foreign Film Imports Paced By American Firms

Sofia, July 2.

Despite the close Bulgarian association with the Axis, and the latter's opposition to all things American, U. S. films, by their virtual superiority in quality, have overcome to some extent the Yank antipathy here. Though not a large market, the Yanks have a corner on 50% of the film imports and the Bulgarian government allows for the exportation of profits through Bulgarian importers in the U. S.

Closest U. S. competitors are the Nazis and the Soviets, both of whom are held in high favor by neutral Bulgaria and who find a ready market for their propaganda pix. After the totalitarians come the French, who sell about 15%. Remaining 5% is divided among the small nations. The Bulgarians themselves offer no competition since they've unrec'd only four pix in their history. Last, "They Have Been Victorious," did go big, however, which may encourage the natives to go into the field more seriously. All foreign films are shown in their native lingo with super-imposed titles. Intac doesn't warrant dubbing.

GOV'T WILL DOUBLE BRITISH TAX ON PIX

London, July 2.

Current entertainment tax on films, yielding \$20,000,000 annually, is to be doubled to enable the government to meet better its need for building up the defense fund.

Resultant upping of film theatre prices will be confined to the lower-price scales, hitherto free of tax.

HIGH ILLITERACY RATE IS BLAMED

Foreign Manager of U. S. Co. Says Uruguay and Argentine, With Highest Standards of Living, Have More Non-Readers Than No. Carolina, Whose 14.9% Is Worst of Any State

PROVES POINT

High rate of illiteracy in South America is blamed by the foreign manager of one of the major U. S. film companies as a principal reason why producers in the United States are singing in the dark in expecting to compensate for any large portion of European loss by increasing sales in S. A. Foreign exec refuses to have his name used with the statement. Latter's repudiation of the South American market is consistent with that of Joe McConville, Columbia's foreign chief, upon his return of a Latin American survey some time ago.

It is hopeless, former declares, to erect theatres or make any other great effort to add to grosses in a country like Brazil, where, a large part of the population is Indian. These people are primitives who will not be potential film-goers for several generations, although they are naturally included in the statistics on population which some distributors are viewing with hope, he said.

Although accurate figures on illiteracy difficult to obtain for South America, it is believed that even the countries with the highest standards of living, like Uruguay and the Argentine, have a considerably greater percentage of non-readers than the state with the worst record in U. S., North Carolina, 14.9%. Many states in this country have illiteracy records of less than 1%.

PROVES POINT

Study of similar cities in South America and the U. S. was made to prove his point by the foreign manager who advanced the illiteracy theory. For one comparison he used Barranquilla, Colombia, which has a population of about 150,000, and any city in midwestern U. S. with approximately the same population. In Barranquilla, a survey showed, there were only 10,000 potential film-goers and 8,000 who actually patronized theatres. In the U. S. city there were 35,000 potentials and 17,500 who attended: films regularly.

Difficulty faced by U. S. films is that the dialog is subtitled, voices being dubbed in in very few pictures.

Films with South American locales, like "Down Argentine Way," being made by 20th-Fox, and "They Met in Argentina," an RKO promise, are more risky for the S. A. market than ordinary U. S. films, it is said. Natives allow scenarists no license, laughing off the screen-films which they know by experience don't picture the territory accurately.

2 Par Foreign Execs Sail for Home Posts

Two of Paramount's Latin American representatives who have been huddling in New York with John W. Hicks, J. R. Park's foreign chief, shoved off for their home posts last week.

A. L. Pratchett, Central American manager, who headquarters in Mexico City, planned for Cuba Saturday (29), where he plans stopping over in order to check the new Cuban anti-smoking bill recently passed there. He was delegated this mission by the industry. J. D. Rapoport, manager for Cuba, left Friday (28) by auto, planning to ferry across from Miami to Havana.

S. E. Pierpoint, Brazil manager, plans sailing July 13 for Rio de Janeiro.

Gov't Backing of Aussie Pic Prod. Stopped to Meet War Emergency; Hoys-Greater Union Bond Dropped

Scandia Revenue Frozen

American pictures are still getting a strong play in Denmark and Norway but no revenue is being sent out of the country to distributors. Understood that small remittances may be made by late fall and full payment is not expected until the war is over.

M-G TO FINANCE 5 INDIE FILMS IN ENGLAND

London, June 18.

Sam Eckman, Jr., Metro's British chief, plans continuance of Metro interest in British-made product, following fold of M-G's Denham production unit. New deal is for five films of major standard to be made here by independents with M-G financing.

Arrangement has come in for wide acclaim, supplying needed flip to home production setup and taking care of the gap artists saw with the departure of Ben Goetz, production chief in England for M-G. Just where Robert Donat, M-G contractee, will tie in with the forthcoming production deal is not indicated. Player is now touring Shaw's "Devil's Disciple," and has intimated his interest in three other legit vehicles for later staging.

'Security Censorship' Tax of \$1-Per-Reel Hit By British Producers

London, June 18.

Meeting last week of executives of the British Film Producers Assn. bewailed the decreasing scope of their operations as war spread cuts into overseas markets. After battling to open up a valuable field, exporters are faced with the prospect of a total loss on one side and the increasing difficulties encountered in shipping product to countries where business is still available. Mention was made of a deal with Italy for 'Pygmalion' running to \$18,000. What happened to it the exporters didn't need to say. Similar change has overcome business formerly achieved.

Holland, Belgium and Denmark. Close-to-home beef from the producers concerns the government levy of \$1 a reel on all films exported. Officially, it's termed 'security censorship.' To the producer group it's an irritation it will seek to have removed by concentrating on government's glad-hand to the overseas dispatch of British product. Stuff is being built up more and more as the finest type of propaganda available.

ARDREY PLAY PREEMS LONDON REP TROUPE

London, June 18.

New subscription group formed to operate here on cultural standards will include an intimate theatre among its endeavors tagged "The Neighborhood." Film player Michael Redgrave appears in the first offering, "Thunder Rock," Robert Ardrey's consternation piece which had a short Broadway stay last November. Herbert Marshall (not the actor) is producing "Rock." Play is also to be published here.

Sydney, July 2.
Cinesound, most active Australian picture producer, has halted shooting on "Homebrew Fare," and probably will stop all local production following the tightening of the British market and stoppage of any further coin backing from the Anzac government to all home producers.

Further repression from the European war has been the sudden cancellation of the proposed merger between Hoys and Greater Union Theatres circuit. It was proposed to have the merger ready by July 1, but it's been temporarily abandoned following the government's edict controlling all local manpower and finances.

Friendly arrangement has been made whereby Hoys is granting Greater Union a certain supply of its film product in Australia until conditions improve.

Merger Near a Year Ago
Merger of Hoys and Greater Union Theatres into a booking combine under the operating title of General Theatres Corp., was nearly set more than a year ago, but never ratified by directors of the Hoys circuit. Such an arrangement was proposed because of long series of complaints by Greater Union that all American product had been cleared in Aussie territory by Hoys.

Australian government had allocated several hundred thousand dollars to Anzac film producers to bolster native production. These are the advances that have been halted.

LONDON'S 'MARGIN' BOW DELAYED; STIX TOUR SET

The uncertainty that's accompanied prospective legit openings in London's West End, due to the threatened Nazi attack on England, has been a factor in prolonging the London debut of Clare Boothe's "Margin for Error," according to cable reports from London. Consequently, the anti-Nazi comedy, which recently ended a Broadway run, is due to tour the provinces for at least six weeks, at the end of which it would be determined more definitely whether the show could be brought in.

Joe Sachs is producing the show in Britain, with Charles Allen, New York agent, handling the negotiations between the former and Aldrich & Myers, the show's New York producers.

"Margin" preems in Birmingham July 8 for one week, with subsequent weeks following in Manchester, Liverpool, Newcastle, Glasgow and Edinburgh. These dates are comparatively distant from the channel coast, from which the Nazi attack is expected to be directed.

Despite the Labor Ministry's ruling in England restricting employment of alien performers there, Sachs has signed Horley Power, American, for the part of the New York policeman.

Many English players tried for the role, but Power's acquaintance with New Yorkers, a pertinence of the characterization, won't out. Power has been in England for several years, originally going over with the show "Broadway."

BRISSON'S TOUGH LUCK

Carl Brisson, the actor, now a naturalized Briton, has—until the Nazi takeover—most of his life's savings invested in Danish real estate.

Mex's \$8,000,000 Outlay
Mexico City, July 2.
Construction and installation of theatres in Mexico since this country began pic production in 1930 represents an investment of around \$8,000,000, according to federal government figures.

Bacher Sets RKO Ballyhoo Program In WGN, Chicago, (and Trib) Tieup

Chicago, July 2. Bill Bacher, new program supervisor for WGN, has completed plans for a special radio preview of the Tom Brown's School Days' picture in a tie-up with RKO studios.

Program will be broadcast on July 11 with WGN's latest chief Noel Larson having set deals for Sir Cedric Hardwicke, Freddie Bartholomew and Jimmy Lydon of the picture last to come in to their roles on the air show.

It is the second of a series of these preview programs which Bacher and Larson, with the backing of Col. J. R. McCormick, are getting for the WGN-Mutual ride. First was 'Irene,' which brought in Anna Neagle and Burgess Meredith for the radioization of the flicker.

RAMPARTS' PREEM ON JULY 12 IN WASHINGTON

Premiere of 'Ramparts We Watch' in Washington, July 12, was set this week. Washington was picked solo spot for initial showing because Congress still will be in session.

Feature, the first turned out by the March of Time, was hurried for distribution because of the recent National Preparedness campaign, producers believing the subject fits well with this drive to bolster military preparations. Roy E. Larsen, president of Time, Inc., and co-founder of 'March of Time' reel, as well as William Geer, his assistant, assisted Leroy de Rochemont, producer, in recent weeks in putting the final touches on the production.

Picture, which has 73 speaking roles, is not a dramatization of Major George Fielding Eliot's book, only the title of this work being used. About 300,000 feet of negative were shot in turning out the feature which required about 18 months to complete. Actual work on the production scenes was not started until last September at New London, Conn., but previously much background material including clips from U. S. Signal Corps had been obtained.

Elsa Maxwell's Class Hypo; 4G B.O. in Frisco

San Francisco, July 2. A \$4,000 premiere in a 400-seat house is the record claimed by Herbert Rosenthal opening of 'The Baker's Wife,' French picture, at Clay Friday (28). With Elsa Maxwell as sponsor and proceeds going to Allied War Relief, ultra crowd paid \$5 to \$20 a seat. Festivities included previews of two Maxwell shorts, 'A Lady and the Lug' (WB) and 'Riding into Society' (WB).

La Maxwell drew entirely new crowd to any house, including many blueblodes hitherto unaware of its existence.

12,000 Kids Caffo

Houston, July 2. More than 12,000 children were entertained by Will Horwitz, Houston theatre operator, Thursday (27) at his 21st annual vacation party at the Iris theatre.

Children were given free bus transportation to and from the theatre by means of coupons attached to theatre ads in the local newspapers, in addition to free admission seats to western, short reels and a chapter of a serial. Bags of peanuts were distributed to each child. The party has been an annual affair since the Iris was opened 21 years ago. Horwitz also operates the Texan, Up-town and Ritz theatres.

MG Drops Studio News

Hollywood, July 2. Shelving of Metro Studio News is a further step in the tightening of the Culver City plant's publicity-advertising expenses.

Howard Dietz, Howard Strickling and Frank Whitbeck have been huddling over a plan to spend the bulk of the company's exploitation appropriation in the magazines, dailies and trade papers.

U.S. Billions

Continued from page 1.

program—studios within the week have quickened their production skeds with the prospect of 50 films in simultaneous filming.

Word from eastern distribution offices, guardedly conveyed to studio execs, is that the consent decree banning of blockbooking will not become effective until the selling season for the 1941-42 product, a year hence. The go-ahead signal has been flashed on present plans and stage space, in the larger lots, is filling rapidly as starting dates for camera work are being moved forward. The revived activity is the first good news which the film colony and its thousands of workers has heard in many months. Through winter and spring, curtailment was the universal order. Hollywood is going back to work.

From New York also comes encouragement in the shape of better boxoffice returns which are anticipated in the coastal cities and manufacturing centers as soon as the Navy-Army expansion gets underway. Congressional appropriations for armament, shipbuilding, cantonment preparation and airplane building already have passed the \$7,000,000,000 mark, with indications of additional funds soon. Although a huge slice of these gigantic appropriations will go to the raw product field, undreamed totals will be paid out in wages—and wages mean general spending. Surveys reveal that film theatres are into a share of whatever coin is in circulation.

How They Live Up

RKO, with seven pictures in the shooting process, has announced that 10 more will be made this month which represents the biggest summer rush in the company's history. Paramount, which was six months ahead on part of its production during the current year, started slowing down in February on orders from the home office which did not want to tie up too much coin. Par then ran along for a considerable period with only one and two pictures a production at a time. However, production picked up since May 1 and studio now has a backlog of 17 against an all-time high of 26 in January. Currently Paramount has film pictures shooting and five more to go this month.

Columbia has seven in work which include 'Arizona' which still has three weeks to go. Col. starts one picture next week and will average one start per week through the summer, this being the normal schedule. Metro was considerably ahead of its schedule around Jan. 1 and slowed down from February to May. Currently the studio is shooting five pictures and attempting to average seven in production at a time for the balance of the year.

Twentieth-Fox was ahead of schedule early in the year but slowed down in the last five months. Plan for the new season is to allow a safety cushion on all features between the cutting room and release dates so as not to tie up huge sums in a heavy backlog. Currently the company has three pictures in work and plans starting six more this month which is about normal.

Warner Bros. has four in work and will have six within another two weeks, which is about the normal schedule. Why Warners has carried the heaviest backlog of any outfit, excepting Paramount, in the past few years, the company is proceeding cautiously in the next few months, keeping sufficient production on hand and avoiding any huge pile-up.

Universal always has argued that production is a liquid business and that large backlogs are dangerous in addition to tying up too much coin. Since the Nate Blumberg management took over, Universal has been able to get down to its own idea of schedules. Its plan has been to allow a 45-day cushion between the completion of a picture and the release date. Company now has six in work which is the number permitting the most efficient operation at the studio.

Republic now has only one in work and has been meeting release dates without piling up a backlog even though now starting on new season product.

Monogram is meeting release dates but has no backlog. Currently has three in work.

Most of United Artists product for the current year is virtually finished or in work. This will be enough to keep release dates until almost February. In work now are two Eddie Small productions, 'Son of Monte Cristo' and 'Kit Carson,' with the latter finishing this week.

O'Connor and Koerner O.O. Frisco; Theatre and Exchange News Briefs

San Francisco, July 2. John O'Connor, general manager of RKO theatres in New York, and C. W. Koerner, of L. A. office, in town (25-6) for inspection of local properties.

Everything comparatively quiet on film row except for workmen remodeling Paramount headquarters. Staff operating from temporary quarters, pending refurbishing, with gala homecoming in early fall.

Casino theatre dark and back to bank for disposal.

Judell, St. Louis, No Payoff. St. Louis, July 2. The office manager of the local exchange for J. B. Judell, Inc., is inspecting film and shipping the celluloid since last week, when two exchanges went down by the Film Exchange Employees' Union to toss up their jobs because of non-payment of wages for eight weeks.

Because no attachment can be served until 10 days after judgment has been obtained, O'Brien and Miss Mitchell kept on the job until directed to quit. Promises have been made to O'Brien, but the backlog will be paid as soon as finances can be straightened out.

Carl J. Polvino Bankrupt. Buffalo, July 2. Carl J. Polvino, of Cuba, N. Y., who operated the Phelps theatre, Phelps, N. Y., has filed in bankruptcy. Polvino gives his occupation as laborer, owing liabilities of \$3,000 and no assets.

Changes in the local RKO office following the upping of Elmer Lux to branch manager include transfer of Jack Chirba to Buffalo, Buffalo city salesman, and Norman Sper from Syracuse to Rochester.

District office of Warner theatres division shifted from Jamestown to Elmira by Ralph Crabbil, district manager.

Minna Rosen, who recently acquired ownership of the Artistic, has loaned local theatres the exchange as booker, replacing Al Teese as booker.

Mayfair, Syracuse, taken over by Jack Karp, also operating the Cameo there, and reopened; Harold A. Manheim managing.

William Brimmer, formerly with Paramount and Republic exchanges, now with Universal, Omaha.

Morris Slotnick, Waterville, is hospitalized.

Paul Short Breveited. Paul Short, divisional manager for National Screen Service, with headquarters in Dallas, recently made a life member of Tent No. 17 of the Variety Clubs of America by R. J. Donnell, first assistant national chief barter and chief barter of Tent No. 17, for his efforts in staging the celebrations attendant to the National Convention of Variety Clubs of America, held in Dallas April 20.

Talman to Elmira. Albany, N. Y., July 2. William Talman, assistant at Strand, Warner Bros. ace Albany agent, Elmira, succeeding Mel Conmal, recently shifted to Albany as manager of the Ritz, vice Robert Rosenthal, resigned. Andy Roy is manager of the Strand.

William F. Murray, booker for Grand National in Albany and Buffalo until company folded, managing new Auto-vision theatre in East Greenbush. Owen Holmes, a former Springfield (Mass.) projectionist, operates the drive-in.

Mervis Bros. 'Addition'. Pittsburgh, July 2. Roosevelt acquired from Mark Brower by Mervis Bros. effective July 1. House is a deluxer; in Pittsburgh's Harlem district. Mervis own four other locations in this district and will shortly break ground for another in Aspinwall. Date of sale marked Brower's 33d anniversary. Exhibition, having entered the business in 1907, as co-owner with late Nate Friedberg of a nickelodeon.

RKO exchange chief Herb Greenblatt has just announced the appointment of Carl Pepperom as office manager, succeeding Dave Silverman, upped to sales berth left vacant by resignation recently of E. Leiby. Other changes at RKO include spotting of Dick Lange as city salesman, replacing Jack Graham, resigned, and naming of I. T. Virginia territory.

Tony Cavallo, one-time manager of WB Liberty in New Kensington, named manager of Alpine circuit's Coney, vice the Girard, in West Virginia. He replaces Joe Marzetti, who quit recently after two weeks to return to his old post at Art

Cinema, foreign film center here.

Jerry Wechsler latest addition to WB-FN sales staff here. He succeeds Bob Lynch, resigned, and will cover the northern area. Wechsler associated recently with England Theatre Enterprises and some years ago operated an indie exchange locally.

McClain's Shakeup. Lincoln, Neb., July 2. M. E. McClain, general manager of Central States Theatres in Nebraska, shook up his staff a bit this week. To replace Carl Rose, formerly in York, Neb., he took M. E. Lotgren from the Nebraska City. In Cooper house here, Rose was sent to Iowa end of CST, at Chariton. McClain's other Nebraska managers include Bing Ingram, Fremont; Dick Phillips, Norfolk; Hens Salthun, Columbus; Johnny Matthews, Albion; E. Schoenthal, Holdrege; and Maynard Nelson, Norfolk, Neb.

Main office of the Nebraska Theatres, Inc., L. L. Dent's, Westland theatres ally here, have been moved from the Variety to the Liberty, by general manager Howard Federer.

Of three Nebraska theatres destroyed by fire last winter, two are being rebuilt and will open this month—the Empress, Kearney, and the Pace, Gordon, Neb.

Ray Hall's P.A. Chores. Ray L. Hall, former editor of Pathe News and producer of shorts, has joined the staff of central theatre, N. Y., newscrow house, in charge of press relations.

He will function in the same capacity also over the newsreel that is under construction at the new Airlines terminal near to the Grand Central.

John A. Downing, home office rep for RKO, shifts to Boston to become manager of the company's exchange there.

Max Roth to WB Buffalo. Max Roth, former salesman of Warner Bros. in Chicago, last week was named branch manager in Buffalo, according to announcement by Roy Haines, eastern and Canadian sales manager. Roth takes the position left vacant by the promotion of Charles Rich from Buffalo to Cleveland as branch manager recently.

Bowers Shifts Houses. Wheeling, W. Va., July 2. With the closing of the Virginia here for the summer, William Bowers, manager, shifted to the Capitol. Robert Roberts named manager of the Victoria.

Much Chill—Also at B.O. Detroit, July 2. More than \$100,000 worth of refrigeration systems are being installed in seven theaters here. Those putting in cooling devices are the Wayne, Harper, Ace, Atlas, Calvin, Van Dyke and Dawn.

Detroit is having its coolest summer in years. Record breaking lows.

COOKING SCHOOL STUNT HYPOES PHILLY NABES

Philadelphia, July 2. Malinee biz Stanley-Warner nabes has been hyped by a cooking school stunt conducted in 24 key spots in conjunction with the Philly Record and the Philadelphia Electric Co.

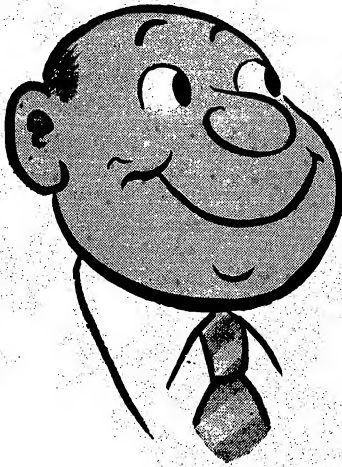
Experts from the newspaper and the utility appear at different house each afternoon to give cooking and household hints. Prizes donated by manufacturers and dealers of appliances are distributed to lucky number holders.

The events receive plenty of space in the Record and have resulted in good b.b. in the midst of the usual summer slump.

Osa Johnson's Personals With 'Married Adventure'



Osa Johnson is to make a personal appearance tour of the country in connection and concurrently with release of her picture, 'I Married Adventure,' which Columbia places on general release July 24. She will appear on the picture on each engagement, but is being booked separately by Clark H. Getts, her concert manager.

While no dates are yet set, Mrs. Johnson will appear in most of the keys, with New York probable as the starter. House film is to play in N.Y.; has not yet been contracted. It will be the first time the explorer-west producer has made any p.a.'s since she and the late Martin Johnson toured the Fox houses some years ago.



BEGIN THE BIG GRIN, BOYS!

Light entertainment is the right entertainment! And Paramount has nothing else but!

In the hills of Hollywood,  the Reporter cheers up and cheers Paramount's problem-purged program of light entertainment with these happy phrases: "Paramount's smartness should be applauded  ...they're shooting in the right direction... LIGHT ENTERTAINMENT..."

no problem pictures, nothing heavy,  plenty of music  and comedy,  anything designed  to give the people ESCAPE."

In the tall corn of Iowa, the Tri-States Theatres check in with a "Definite reaction against heavy dramatic pictures." From coast to coast Paramount's prosperous parade of painless, problem-less pictures boosts the box-offices, as thousands cheer


and  look  forward to "THE GREAT MCGINTY," "COMIN' ROUND THE MOUNTAIN,"  "RHYTHM ON THE RIVER," and dozens more of Paramount's LIGHT ENTERTAINMENT!

MATINEE OR NIGHT LIGHT IS RIGHT!

BE BRIGHT... GO PARAMOUNT



MARYLAND

Hollywood, June 29. 20th Century-Fox release of Gene Markey... Features Lewis Stone, Mickey Rourke...

'Maryland' is a companion picture 'Kentucky' turned out by 20th...

When Fay Bainter's husband is killed during a race, she, in disguise...

Miss Bainter is the headstrong mistress of Broadlawn who gives up...

Andy Hardy Meets Debutante

Metro-Goldwyn-Hollywood, June 28. Release of 'Andy Hardy Meets Debutante'...

Latest adventure of Andy Hardy carries him to New York for a job...

much-publicized glamor debutante. Packed with amusing situations and plenty of laugh entertainment...

The familiar members of the Hardy family are again present, with second reappearance of Judy...

Rooney troubles start when he is moonstruck by pictures of the current No. 1 glamor deb of the big town...

Rooney enthusiastically dashes through his marital problems and adolescent love affairs in fine style...

The Man Who Talked Too Much

Warner Bros. release of Edmund Grainger production. Stars George Brent and Virginia Bruce...

This is a remake of 'The Mouthpiece', produced by WB back in 1937...

Warren William and Aline MacMahon were teamed as lawyer and secretary in the original...

Mimature Reviews

'Maryland' (20th). Horse-bleeding and steeplechase yarn lifted to program rating by dandy Technicolor exteriors...

'The Man Who Talked Too Much' (WB). Weak remake of 'The Mouthpiece' (1937)...

'Street of Memories' (20th). Familiar amnesia formula dispensed in ineffectual drama...

'Rocky Mountain Rangers' (Rep.). Three Mesquiteers ride range again in slick western thriller...

'Grand Ole Opry' (Rep.). Pleasantly corny dueler for the family time, featuring Weaver Bruce and Elvry...

In his own practice until gang leader Richard Barthelmess persuades him to defend the mob for very fancy coin...

Film's slight romantic angle is felt, is centered only on Lundigan and Brent, who, though there's a running theme...

However, the film has some importance in again showing Barthelmess on a screen. The star is in a trim portrayal...

SAILOR'S LADY

20th Century-Fox production and release. Stars Nancy Kelly and Jon Hall...

'Sailor's Lady' is neither fish nor fowl but its various elements combine to produce programmer entertainment...

rections but in the main concerns the rivalry between two gobs for the hand of Nancy Kelly...

Others in support include Larry Ralston, Dana Andrews, Robert Palmer, Wally Vernon and Charles D. Brown...

QUEEN OF THE MOB

Paramount production and release. Features Ralph Bellamy, Blanche Yurka, Carol Nash, Jean Gagen...

Paramount has taken another case history from the files of J. Edgar Hoover, as given in his 'Persons in Charge' book...

'Queen of the Mob' is richly reminiscent of the Floyd-Alvin Karpis mob operations...

Despite this glossing over, few punches are pulled as machinations of the ruthless kidnapers and robbers of organized crime...

Rep Scribes Assigned

Five writers were assigned to scripting jobs by Albert J. Cohen, scenario chief at Republic...

STREET OF MEMORIES

Hollywood, June 26. 20th-Fox release of Lucien Hubbard production. Features Ralph Bellamy, Blanche Yurka, Carol Nash...

This is Lucien Hubbard's first production effort since joining the 20th-Fox staff...

Truabe strains noticeably in his direction while the scripters fail to maintain necessary interest through the maze of incidents...

Rocky Mountain Rangers

Republic release of Harry Grey production. Features George Brent, Virginia Bruce, and Elvry...

Latest cactus country thriller for Three Mesquiteers will further bolster their status...

GRAND OLE OPRY

Republic release of Armand Schaefer production. Features George Brent, Virginia Bruce, and Elvry...

The corn stalks rise high in this hillbilly comedy, but as the usual Republic budget, 'Grand Ole Opry' suggests sufficient boxoffice potential...

FILM BOOKING CHART

Information of theatre and film exchange bookers VARIETY presents a complete chart of feature releases of all the American distributing companies for the current quarterly period. Date of reviews as given in VARIETY and the running time of prints are included.

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In Var.—Reviewed in Variety Key to Type Abbreviations R. T.—Running Time M—Melodrama; C—Comedy; CD—Comedy-Drama; W—Western; D—Drama; RD—Romantic Drama; MU—Musical

Table with columns: WEEK OF LEASE, Rev. in Var., TITLE AND COMPANY, TYPE, TALENT, R. T. Rows include titles like 'BLOCK 'K' RIDES TONIGHT', 'OPENED BY MISTAKE', 'BABIES FOR SALE', etc.

SAG Will Recognize

Continued from page 7

tion in the fair and competitive obtaining of employment. This policy applies whether the unfair discrimination be directed against any individual or group, or whether it takes the form of favoritism be- half of any individual or group.

Awat Committee Report The Screen Actors Guild board is aware of the economic problem of the extra player who is attempting to earn his living in an overcrowded field.

gaining representative. The SOEG now has a petition for certification pending before the National Labor Relations Board, but the board is anxious to work out a consent election and avoid a long hearing before a trial examiner.

'Consent'

Continued from page 5. tress and film exchanges, is said to follow closely the established rules as administered by the American Arbitration Association.

Extra players whose names appeared on the list of 119 have asked the board for a complete list of extras who earned more than \$700 through Central Casting during the first five months of this year.

There will be provision for the discrepancies existing in established state laws governing arbitration, to give uniformity to the film industry procedure.

Central Casting had directed that the 119 extras on the list be given jobs only when other qualified players were not available.

As to the type of disputes which are to be settled by arbitration, there remains considerable dispute among the consent decree conferees.

Herbert Sorrell has been re-elected business representative of the Moving Picture Painters Local 644, receiving a 3 to 1 majority over two opponents.

There is agreement that disputes between an independent theatre and a chain-owned house will be handled without regard to the chain relationship, nor will any decision affecting one chain theatre become automatically applicable against all houses of the same chain.

Screen Set Designers has submitted demands to Producers calling for a five-day week of 40 hours, and an increase in their minimum wage scale from \$1.70 to \$2.25 an hour.

In the committee which is struggling with the sales regulations, a new proposal has been under discussion during the week.

Picket lines have been thrown around the Million Dollar and Hippodrome theatres here in an effort to force the management to sign contracts with American Guild of Variety Artists, Musicians, Stagehands, Projectionists and other allied crafts.

Best prognosis within the trade is that the full effect of the decree will not be in force until the start of the 1941-42 selling period.

NBC RED'S FALL SELLOUT

Chain Income From Time Sales

COLUMBIA

	1940	1939	1938	1937
January	\$3,575,946	\$2,674,057	\$2,879,945	\$2,378,620
February	3,330,627	2,541,542	2,680,334	2,204,317
March	3,513,170	2,925,694	3,034,317	2,559,716
April	3,332,689	2,854,026	2,424,180	2,563,478
May	3,570,727	3,097,484	2,442,283	2,560,558
June	3,144,213	2,860,180	1,121,495	2,476,597
Total	\$20,457,372	\$16,952,973	\$15,582,554	\$14,803,256

MUTUAL

	1940	1939	1938	1937
January	\$317,729	\$215,078	\$269,894	\$213,748
February	337,649	276,605	253,250	231,826
March	390,813	306,976	232,877	247,421
April	363,468	262,626	189,545	200,134
May	322,188	234,764	194,201	154,633
June	299,478	228,186	202,412	117,388
Total	\$2,031,323	\$1,624,235	\$1,342,179	\$1,104,610

NBC-RED

	1940	1939	1938	1937
January	\$3,496,393	\$3,211,161	\$2,634,763	\$2,374,633
February	3,226,983	2,975,258	2,507,123	2,273,973
March	3,338,440	3,297,992	2,736,494	2,531,322
April	3,128,685	2,870,571	2,450,487	2,304,035
May	3,216,940	2,886,517	2,527,721	2,261,344
June	2,919,405	2,759,917	2,550,040	2,209,304
Total	\$19,326,846	\$18,010,416	\$15,514,628	\$13,954,611

NBC-BLUE

	1940	1939	1938	1937
January	\$908,815	\$822,793	\$1,158,753	\$1,167,306
February	905,101	773,437	990,330	1,021,809
March	905,904	872,860	1,070,335	1,082,961
April	912,833	681,412	852,018	973,475
May	817,682	815,585	786,479	953,475
June	722,695	622,487	650,529	794,083
Total	\$5,233,030	\$4,588,520	\$5,509,044	\$5,993,169

*Different system for allocating billings to the red and blue networks prevailed these years.

\$3,144,213 IN JUNE FOR CBS; NBC 8% UP

Toll taken in commercial program cancellations by the Republican convention was reflected more in the billings of CBS for June than they were in the case of NBC. CBS again registered a new monthly high with total billings of \$3,642,100. NBC's increase over June '39 figured 7.7%. Columbia did \$3,442,213, which is 9.9% above last June's level. CBS's margins over 1939 have been running between 24% and 35%. On the half year the web is 20.7% ahead.

Of the NBC total for last month \$2,919,405 was credited to the red link and \$722,695 to the blue network. For the red it's a tilt of 5.8% over the like month of last year, while the blue jumped 16.1%. Mutual's gross for this June was \$299,478, or 31.2% better than it was for June '39. On the first six months of the year Mutual is 25% to the good.

DUNHILL REVIVES QUIZ, 'NAME 3' FOR 13 WEEKS

Bob Hawk, m.c., will be heard on two different programs the same evening in the New York area, starting this Sunday (7). Besides his regular stand on 'Take It or Leave It' (CBS-WABC) on Eversharp at 10-10:30 p.m. he will have the 'Name Three' quiz which Dunhill cigaret has suddenly decided to revive and run in the 7-7:30 spot on WEAF, N. Y., only for 13 weeks. Latter period will again become Jack Benny's Oct. 6. Hawk last week signed a non-cancellable extension of his contract with Eversharp until Dec 15, 1940. Both programs are out of the Milton Biow agency.

JOE HOLMES LINKS 'EM

Young & Rubicam Sets Him As Radio-Research Liaison
Joe Holmes has been taken off spot time buying at Young & Rubicam and given the newly created assignment of contact between the radio and research departments. For the first time there will be somebody with the research setup directly who knows the problems of the radio department and whose practical field experience will be of service in developing more of the sort of information that the radio department needs. As a result of the Holmes transfer Tom Lane has been taken out of publicity and put in the station relations department. Frank Coulter, who comes from N. W. Ayer, is also an addition to that department.

Chesterfield Scouting

Liggett & Myers, makers of Chesterfield cigarets, is auditioning for another program through the Newell-Emmett agency. George Ogel is doing the listening. Account has the Glenn Miller series on CBS and Fred Waring on the NBC-red.

\$275,000 in Rebates on Time, Talent For G. O. P., Tele Coverage, \$15,000

Republican convention in Philadelphia proved the toughest sock that the NBC and Columbia exchequers have ever had to take from a like event. Considering the loss of time revenue, rebates for talent not used and actual expenses on the spot in Philadelphia, the cost of covering the Republican show to NBC, CBS and Mutual is expected, when all the bills are in and all the deductions made, to come to between \$275,000 and \$285,000. And that doesn't take in television, which NBC-RCA figures as \$15,000 out of pocket for engineering and other

8-10:30 SOLIDLY TIED ON JULY 1

First Time in Web's History This Situation Has Prevailed So Early in Summer—Sellout Is Inclusive of Saturday Night

NEW 10:30 PUSH

For the first time in the history of NBC the red network's evening schedule from 8 to 10:30 was sold out completely for the fall by July 1. That's for every night in the week, including Saturday. Red's sales staff now has a drive on to sell the remaining 10:30 to 11 periods and three 7:30-8 segments, namely, Tuesday, Wednesday and Friday.

- Following is the red network's evening schedule for the fall:
- SUNDAY**
8:00-8:30—Chase & Sanborn (Edna Berger).
8:30-9:00—'One Man's Family'.
9:00-9:30—'Manhattan Merry-Go-Round'.
9:30-10:00—'American Album'.
10:00-10:30—General Electric (Phil Spitalny).
- MONDAY**
8:00-8:30—Bell Telephone.
8:30-9:00—'Voice of Firestone'.
9:00-9:30—'Mars Doctor I. Q.'.
9:30-10:00—'Brown & Williamson'.
10:00-10:30—'Carnation'.
- TUESDAY**
8:00-8:30—Philip Morris.
8:30-9:00—'Tuna, Horace Heidt's 'Treasure Chest'.
9:00-9:30—'Molle 'Battle of the Sexes'.
9:30-10:00—'Fibber McGee & Molly'.
10:00-10:30—'Pepsodent (Bob Hope)'.
WEDNESDAY
8:00-8:30—Woodbury (Hollywood Playhouse).
8:30-9:00—'Brown & Williamson (Plantation Party)'.
9:00-9:30—'Ipana and Sal Hepatica (Eddie Cantor)'.
9:30-10:00—'Vitalis (Mr. District Attorney)'.
10:00-11:00—'Lucky Strike (Kay Kyser)'.
THURSDAY
8:00-8:30—Maxwell House ('Good News').
8:30-9:00—'Jello Pudding ('Aldrich Family)'.
9:00-10:00—'Kraft (Bing Crosby)'.
10:00-10:30—'Sitter (Rudy Vallee)'.
FRIDAY
8:00-9:00—'Cities Service'.
9:00-9:30—'Waltz Time'.
9:30-10:00—'P&G Oxydol'—(Start 10/4).
10:00-10:30—'Old Gold (Don Ameche)'.
SATURDAY
8:00-8:30—'P&G Drene'.
8:30-9:00—'Ivory ('Truth or Consequences)'.
9:00-10:00—'Miles (Barn Dance)'.
10:00-10:30—'Camels ('Uncle Ezra)'.

ASCAP Restrains 'I Am an American' Solely to Guarantee It Isn't Jazzed

Midyear Bonus
Cleveland, July 2. Employees of WGAR, Cleveland, and WJR, Detroit, have been given midyear bonus of 5% by George A. (Dick) Richards, head of the two stations. Richards is also president of KMPC, Beverly Hills.

New Albany, Ind.
Editor, VARIETY:
We note the ASCAP restricted list dated June 30 puts on the shelf the song 'I Am an American,' words and music by Marie T. Laing, published by Famous Music.
Can it be that ASCAP is using its contract for subversive purposes and putting any song with a patriotic theme on the shelf?
S. A. Cislcr, General Manager, Station WGR.

REVISE BLUE TO MEET LEE COMPETITION

ASCAP's Explanation
John G. Paine, ASCAP chairman, stated that he received a similar letter from Steve Cislcr and, overlooking the 'subversive' point as sarcasm, he had in an answering letter explained why ASCAP put 'I Am an American' on the restricted list. Paine said that he wrote that the Society regretted the necessity for restricting the number but it had been asked by Famous Music, sales agent for the tune, because of the tendency among most orchestras to play such music in jazz tempo and that the only way the publisher and composer had for protecting against this abuse was to put a condition on the way it must be performed. In other words, in the same form that it was written and published, ASCAP, added Paine, will freely grant special permission for this number to any licensee asking for it so long as this condition is agreed to.

RAY HAMILTON QUILTS KXOK FOR TEXAS JOB

St. Louis, July 2.
Ray V. Hamilton, manager of KXOK radio, property of the St. Louis Star-Times, resigned, Saturday (29), to accept a similar post with the West Publishers of Houston, Tex. The West Co. has an application pending with FCC for the purchase of a Texas station and is arranging for the operation of three more within a year.
Hamilton came to KXOK in 1934 and was instrumental in obtaining a permit that enabled the newspaper to enter the radio field. He also effected a tieup whereby KFRR, Columbia, Mo., became a sister station, and also assisted in establishing the ultra high frequency station, W9XOK, in the Continental Life bldg. here which is fed programs from KXOK. It was Hamilton who led the three-year fight for the newspaper owners that resulted, recently in FCC granting KXOK an increase to 5,000 watts on 630 kc. No successor has been named for the vacant post.

MYRON KIRK LEAVES ELLIS

Myron Kirk has resigned from Sherman K. Ellis, Inc., effective July 31. He joined the agency 14 months ago and has worked mostly on new business. Kirk's previous agency connection was Ritzmaurphy Ryan as head of the radio department.

Witmer, Kobak Visit Cues Red and Blue Salesmen Segregation in Chicago

Chicago, July 2.
Following contacts with Roy Witmer and Ed Kobak who were in town last week, Sidney Strotz, v. p. and general manager of the NBC Central Division, rearranged the sales set-up here to put Harry Kopf in as Central Division Sales Manager for the NBC-Red web and Paul McCluer as chief of the NBC-Blue web sales in the central section.
James Neale becomes sales traffic head of the NBC-red here with the sales staff consisting of William Weddell, F. R. Boroff, E. M. Hoge and J. D. Galbraith. For the NBC-blue, the sales traffic man will be Floyd VanDitten with the staff composed of Merritt Schoenfeld, John McCormick and E. K. Hartenbower, the last named shifting over from NBC local sales staff here.
Strotz indicates that there will be considerable additions to the sales personnel in this division.
Set-up of separate sales forces for NBC red and blue in Chicago conforms with similar set-ups in NBC east and west divisions and establishes separate sales groups for red and blue from coast to coast.
Leith Stevens band renewed for the fall for 'Big Town' series. Currently doing the Ford summer show.

WORKED FOR, SOLD ON, RADIO

Forth Worth, July 2.
Delta Airlines is using spot blurbs with WBAP-KGKO. Airlines v. p. is Leigh Parker, a former broadcaster once associated with WJDX, Jackson, Miss.

Good News, Rudy Vallee and Bing Crosby shows, a matter of two hours and a quarter. Its commercial schedules were also clipped Tuesday night.
Columbia's writeoff for time was \$90,000, while the reimbursements to commercial talent amounted to around \$35,000, with the bulk of this going to Major Bowes. The Thursday night losses in addition to Chrysler was the Glenn Miller (Chesterfield) program and some rebroadcasts for the west. Besides the dropping of a row of commercials Monday and Tuesday night, CBS got caught Monday matinee when Representative Joe Martin unloaded the keynote address.

AFRA Transcription Talks Drift; Meantime Fight Looms With Webs On Control of Radio Commissions

Efforts of the American Federation of Radio Artists to negotiate a contract with the transcription makers, networks and agencies have apparently been stymied. Number of confabs have been held with the transcribers' committee, but the two groups are now understood to be completely stalemated. More meetings may be held, but no agreement is anticipated for several weeks, at the minimum.

Union is meanwhile readying for a strike with the networks. Its sustaining contract, which expires Aug. 12, all AFRA members have been instructed not to sign any more management contracts with network artist bureaus, nor to agree to extensions of any deals now in effect. That is aimed as the opening move in the AFRA drive to license and regulate all agents. Also seen as the first maneuver to eliminate the commissions on minimum sustaining contracts, which NBC succeeded in levying after an arbitrated dispute over interpretation of the existing code.

AFRA is still negotiating for non-union contracts at WQXR and WHN, New York, having apparently been stimulated in this direction by the recent deal signed by WOV and the American Communications Assn. Suggestion advanced in some union circles would be for AFRA and ACA to cooperate in dealing with the small stations throughout the country. Figured likely that the two could reach an agreement giving AFRA jurisdiction over performers and AGA the representation over technicians and all other employees. Each could thus bolster the other's organizing efforts. Several AGA officials have throughout approved the idea, but AFRA execs are understood to shun such a deal on the ground that ACA is an affiliate of CIO and therefore taboo for the AFL-affiliate AFRA.

SEVEN SHOWS A WEEK, HEATTER NEEDS REST

Gabriel Heatter has been ordered by his doctor to take a rest so he'll drop off his nightly programs for at least two weeks, beginning Sunday (7). Various shows will continue, but with stand-in talent until Heatter's return. Intention is to be back in two weeks, or if he stays away longer, to remote from what ever hideout he's using. Intention is to use at least part of the two weeks for a motor trip to Maine.

Commentator has seven broadcasts a week for four different sponsors. Kreaml, Liberty mag, Mounds candy and Modern Industrial bank.

Howard Chamberlain Joins Ex-Aides at WLW

Cincinnati, July 2. Howard Chamberlain, program-production manager of KLZ, Denver, for the past three years, joined WLW Monday (1) as assistant to George C. Biggar, program director. Present members of the Crosley staff, who were introduced to radio by Chamberlain on KLZ, are Elizabeth Bemis, news commentator; Paul Arnold, baritone, and Lucille Norman, contralto.

Also new on the Crosley staff are Ben of a Kind, Negro vocal combo from Savannah, Ga. They are James and Eddie Sapp. Adair Jackson and Herbert Houston and were heard on small eastern stations of late. Quartet warbles hot times and spirituals on WLW's Afternoon Follies, thrice-weekly show conducted by Jimmy Leonard.

Evans Fur's WMAQ Deal

Chicago, July 2. First radio deal made by the Schwimmer & Scott agency here for the big local Evans Fur account is for a 52-week series of musical clock programs on WMAQ, the NBC red station, beginning next Monday (8). Will be a 15-minute session Monday through Saturday at 8:45 a.m. with Norman Ross on the mike. Agency has also set deal for a Sunday 15-minute shot on the same station for Norman Ross for Evans Fur starting July 14.

ADMEN'S FEDERATION ELECTS '40-41 SLATE

Chicago, July 2. Advertising Federation of America, in its 36th annual convention here last week, elected as its new president Elton G. Barton, advertising chief for the LaSalle Extension University. Paul Garrett, public relations v.p. of General Motors, was sent in as chairman of the board, with May O. Cander-Pyl elected secretary, and James Welch as treasurer.

On the vice-president list are Ray Maxwell, Allan Taylor, Allen Reinhardt and Aubrey Chinn. Directors include Merrill Meigs, Herbert Fisk, Allen Priefer, Dorothy Crowe, Henry Obermeyer and John K. Otley.

In general, the theme of the convention was 'Advertising and the American Way of Life,' and nearly all of the various speakers brought the current world woes into their addresses. AFA passed a resolution of fending its aid towards the defense of America, and pointed out the factor of advertising as a social and economic force in establishing free people.

FIRST RADIO IN 10 YEARS

Oakland, Cal., July 2. Caldwell Paint Co. has assumed sponsorship of KROW Newspaper of the Air, noon spot M-W-F. First time firm has used radio in 10 years. Another broadcast, KGO's World on Parade, goes to Progressive Optical System.

SWEETHEART SOAP RETURNING TO SPOT

Mauhattan (Sweetheart) Soap Co. has decided to return to spot broadcasting and it's looking around for open news periods. Franklin Bruck is the agency.

Product's last network connection was the program with Mrs. Eleanor Roosevelt on NBC.

16 Mm. Films for Tele

Hollywood, July 2. Television Film Corp. is turning out a series of 16mm. musical shorts for Don Lee's W6XAO. Dan Milner is producing in standard width, being reduced by half for visio transmission.

Featured in the briefs are Wings! Mahome, Cliff Nazarro, Ann Lee and Jeanne Evon.

New Summer Network Sustainers for 1940

Title	Talent	Type	Starting Date	Time of Broadcast	Network
Adventures in Reading	Varies	Drama, Educational	July 8	Monday, 10:30-11 p. m.	NBC Blue
Bright Idea Club	Madeline Gray	Juvenile	Started	Saturday, 10:30-11 a. m.	NBC Red
Choose Up Sides		Quiz	July 5	Friday, 8:30-8:55 p. m.	CBS
Flow Gently Sweet			Started		
Rhythm	Kirby, Orch, Maxine Sullivan	Music	Started	Sunday, 5:30-6 p. m.	CBS
Forecast with the Revuers	Guest Names	Drama	July 15	Monday, 9-10 p. m.	CBS
Human Adventure	Same	Variety	Started	Tuesday, 9:30-10 p. m.	NBC Blue
Human Nature in Action	Harold Laswell	Drama	Started	Saturday, 8:30-9 p. m.	CBS
Strictly Business	Peggy Conklin		Started	Sunday, 10:30-10:45 p. m.	NBC Red
Wings Over America	Shirley Booth	Comedy-Drama	Started	Friday, 8-8:30 p. m.	NBC Blue
Youth Tells Its Story	Guests	Aviation Drama	Started	Sunday, 12:30-1 p. m.	NBC Red
Listeners Playhouse	Varies	Drama	Started	Monday, 7:15-7:30 p. m.	NBC Blue
This Our America	Guests	Drama	Started	Saturday, 8:30-9 p. m.	NBC Red
World Is Yours	Varies	Drama	Started	Wednesday, 8-8:30 p. m.	NBC Blue
Rocky Gordon	Varies	Drama	Started	Sunday, 4:30-5 p. m.	NBC Red
Linda Dale	Varies	Drama	Started	Monday-Friday, 5-5:15 p. m.	NBC Blue
Radio Guild	Varies	Drama	Started	Mon-Fri, 11-11:15 a. m.	NBC Blue
Invitation to Learning	Stringfellow Barr, Guests	Educational	Started	Saturday, 8-8:30 p. m.	NBC Blue
So You Think You Know Music	Ted Cott, Guests	Quiz	Started	Sunday, 4-4:30 p. m.	CBS
Singing Bee	Welcome Lewis	Quiz	Started	Monday, 8-8:30 p. m.	CBS
Man About Hollywood	George McCall	Film Digest	Started	(Moved from Sunday, 2:35-3 p.m.)	CBS
			Started	Saturday, 10:30-11 a. m.	CBS
			Started	Friday, 8-8:30 p. m.	CBS

NEW SUMMER COMMERCIALS

(Following shows and schedule change already reported in previous issues of VARIETY are here repeated in convenient form)

Title	Talent	Type	Starting Date	Time	Network
Summer Pastime	Tommy Dorsey	Music	Started	Tuesday, 10-10:30 p. m.	NBC Red
Musical Revue	Meredith Willson	Music	Started	(Replacing Bob Hope, for Peppodent)	
Hour of Smiles	Abbott and Costello	Comedy	Started	Tuesday, 9:30-10 p. m.	NBC Red
Quiz Kids	Varies	Juvenile	Started	(Replacing Fibber McGee and Molly, for Johnson's floor wax)	
Musical Americans	Raymond Paige	Music	Started	Tonight, Wednesday, 9-9:30 p. m.	NBC Red
Uncle Jim's Question Bee	Same	Quiz	Started	(Replacing Altec Templeton, for Alka-Seltzer)	
Ford Summer Hour	Budd Hulick	Music	Started	(Moved from Thursday, 8-8:30 p.m., for Westinghouse, replacing Cavalcade of America, for DuPont)	
Fun in Print	Sigmund Spaeth	Quiz	Started	July 10, Wednesday, 8:30-9 p. m.	CBS
	Leith Stevens, Jessica Dragonette, James Newill	Music	Started	(Replacing Big Town and moving from Tuesday, 8-8:30 p.m., for Rinso)	
	Budd Hulick	Music	Started	Sunday, 9-10 p. m.	CBS
	Sigmund Spaeth	Quiz	Started	(Replacing regular Ford Sunday Hour, in same spot, for Ford)	
	Guests	Quiz	Started	Sunday, 6-6:30 p. m.	CBS
			Started	(Replacing Silver Theatre, in same spot, for International Silver)	

Other Commercial shows moving (and their new times) 'Mr. District Attorney' (Wednesday, 9:30-10 p.m., NBC Red), 'Good News' (Thursday, 8-8:30 p.m., NBC Red), 'Aldrich Family' (Sunday, 7-7:30 p.m., NBC Red), 'Kraft Music Hall' (Thursday, 9-10 p.m., NBC red), 'Rudy Vallee' (Thursday, 10-10:30 p.m., NBC Red).

Keeps His Talent a Secret

Commercial broadcasting has become a major industry but there's a station of high wattage down south that still makes a policy of shying away from the practice of building up minor personalities. 'If you build 'em up, you have to pay 'em more,' argues the station's management. Outsiders have pointed out to this management that it's been commonly proved that local station personalities are a big asset when it comes to selling spot time, but the station operator's invariable comeback is, 'Yes, but I'd still have to increase my payroll.'

San Francisco's One-Man Dynamo

Art Linkletter Gains Weight on Incredible Treadmill of Diverse Radio Activities

TEAMS AS PINCH-HITTERS

Crumit-Sanderson, Howard Shelton Sub for Phil Cook On WABC

WABC, N. Y., has arranged to have a series of pinchhitters for the Morning Almanac during the four weeks that Phil Cook is on vacation, starting Monday (1). They are Frank Crumit and Julia Sanderson, Tom Howard and George Shelton, Irving Kaufman and Uncle Jonathan (Orb Bell).

They will each do a week and come back for a repeat week's stand.

San Francisco, July 2. The radio treadmill of, too many shows need not wreck performers. At least that's the lesson to be drawn from the experiences of Art Linkletter, local 27-year-old one-man radio enterprise who has built his weekly take to an average of \$700 on the basis of a 16-18-hour day—and is growing fat on the job.

He is now author and assistant producer of the \$325,000 'Cavalcade of a Nation' at the San Francisco Expo, for which he writes special programs on every occasion. He produces and emcees a half-hour for Roma Wine (interview show) over 28 Mutual stations. Also handles a dance floor quiz, 'Who's Dancing Tonight,' from the St. Francis hotel for a jewelry account and 'Treasure Time,' a half-hour network variety show from the Fair. Then there's his cook-book quiz for a sausage maker on the Northern California network. He handles most of the special events at the Fair, does a night-club skit, 'A Day at the Radio,' makes an average of four talks per week before clubs and sandwiches miscellaneous conventions, night club and other m.c., and writing dates in between.

He gets in at least two hours of championship speed handball three times a week. Therein lies the secret of his staying power. Linkletter neither drinks nor smokes, allows nothing to interfere with his handball and, most important he believes, never misses his full quota of sleep. Often pounds out scripts until 2 a.m. but tops off with bed for full eight hours of ear-pounding, and seldom night clubs except on assignment.

Odd sideline is that he started out to become an executive but switched to free lancing after glimpsing ex-c paychecks, which aren't so forte on the Coast. Seven years ago he was joining college broadcasts in San Diego, building himself to program manager of KGB there, which won him assignment as radio director of the San Diego Exposition. From there he went to Dallas to handle radio and then shifted to San Francisco for the first expo here. For two years prior to its opening, he wrote, directed and m.c.'d every show promoting the fair, averaging 17 to 25 a week. He laid out the radio system—and then, when the fair opened, startled everyone by resigning. Each one of his five main free-lance shows now pays him as much as or more than his single salary as Expo radio director, which he enjoys more than the titles going with an executive spot.

Linkletter maintains mobility by doing all his own research and writing, and hires no assistants save a lecture manager. He has passed to twice become a father.

Anton Leader Directing 'Society Girl' for White

Anton Leader, formerly production manager at WMCA, New York, has joined the staff of Roger White Productions as program director. First assignment is to direct 'Society Girl,' White-produced daytime serial for Corn Products, over CBS. He'll also handle a new weekly 30-minute series planned by White for the Fair. Ted Cott, who formerly directed 'Society Girl,' is no longer connected with the White office, but retains his 'So You Think You Know Music' on CBS in association with White.

ELMER DAVIS SPOTS B.E.'D

General Foods started this week to sponsor the Elmer Davis news summaries over CBS at 8:55-9 p.m. Mondays, Wednesdays and Thursdays. Tuesday and Friday spots are now bankrolled by Gillette razor, with the Sunday edition sustaining. Gillette formerly had the Friday and Sunday shows. Maxon is the agency for Gillette.

HITS AFFILIATES VIA WEBS

CIG TAX AFFECT KEY TO LUCKY CAMPAIGN

American Tobacco Co. has postponed expansion of its Lucky Strike campaign until it finds out what effect the added 1/2 cent Federal tax will have on the sale of this brand. Lucky is adding the tax.

Milton Biow, agency on Philip Morris, denied last week that the tax angle had something to do with the cancellation given Johnny Green for one of his CBS shows. Biow said that the move had been under consideration for sometime since the account was contemplating putting on a dramatic show this fall. Philip Morris is absorbing the 1/2 cent tax.

BEER SPONSOR TIES HORSE-YARD EVENTS

Tom Rooney of the local Ruthrauff & Ryan agency made tieup last week with the Fairmount Jockey Club, the only race track in this area, for its Hyde Park Brewery account which sponsors all sports programs over five of the six major St. Louis stations, and 13 smaller stations in Missouri and Illinois. The stunt was naming each of the eight races on the card for one of the sportscasters, advance plugging via the ether, and cuff distribution of ducaats in taverns handling the sponsor's product.

The races were named after Herb McCready, WEW; Alex Buchan, KKOK; J. Roy Stockton and Frank Eschen, KSD; Neil Norman, WIL; France Laux, KMOR; Ray Schmidt, KKOK; Bill Durney, WIL, and Gabby Street, KKOK. The jockeys make awards to the winning folks of each heat.

The studs firm is meantime bankrolling 36 sports programs over the five stations six days weekly, 91 scoreboard broadcasts, seven days a week over two stations; seven baseball games weekly, and every sports event of any note in this metropolitan district. Also bankrolls a station daily baseball web originating from KKOK.

Standard Takes Its Two Coast Shows to Don Lee

Hollywood, July 2. Standard Oil is moving its two Coast airshows to the Don Lee network after 13 successive years on NBC.

Programs are Standard Symphony and Standard School of the Air. Former goes a full hour weekly 29 stations, and the school piece a half hour on 32 stations.

Chill Tonic Into Dixie

Chicago, July 2. Kastor agency here has set for a flock of five and 15-minute spot shows for Grove's Chill Tonic, covering the South.

Schedule "Sunrise Serenade," WUSA, Montgomery, Ala.; News, WJRD, Tuscaloosa, Ala.; Rice Brothers on KARK, Little Rock, Ark.; WWL, New Orleans; WMC, Memphis; WSMB, New Orleans; KWIK, Shreveport; Barn Dance, WTAL, Tallahassee. Request programs, WSB, Atlanta; Odie Thompson, KTUL, Tulsa; Zeke Clements, WSM, Nashville; Sunshine Boys, KGKO, Ft. Worth; News, KTRH, Houston.

WKBW Seeks 50 Kw.

Buffalo, July 2. Complying with Havana treaty, Buffalo Broadcasting Corp. week asked the FCC to step up WKBW's power from 5,000 to 50,000 watts. Company has taken steps to acquire 106 acres in nearby Hamburg as new transmitter site.

YES, WE HAVE RADISHES

Fruit Vegetable Market Dealers Merger on Program

Pittsburgh, July 2. Johnny Davis, WWSW announcer, has landed himself a new commercial. It's "Market Melodies," a new WWSW account sponsored by fresh fruit and vegetable dealers in the Pittsburgh district.

Quarter-hour show airs six mornings weekly at 8:45.

WAR AIDS SET SALE IN SO. AFRICA

Capetown, June 4. European war, which side-tracked the South African Broadcasting Corp.'s contemplated \$1,500,000 five-year scheme for technical development, has brought a rush of applications for receiver licenses. Company's 1939 report shows that there were 36,000 extra new licenses issued, bringing a total of 249,000.

Net license revenue was \$1,775,000, a rise of \$270,000 from the previous year. Expenses for plant and equipment were \$135,000, salaries \$640,000, broadcasting \$660,000 and excess of income over expenditure was \$255,000.

In its report SABC gives itself a few pats on the back; but neglects to mention listener squawks over bad reception, quality of programs and the unsatisfactory new diversity station for overseas reception.

NBC'S SAN FRANCISCO COMPACT QUARTERS

San Francisco, July 2. NBC's new five-story headquarters, soon to be constructed at Taylor and O'Farrell streets, will be a model of systematization. All studios will be grouped centrally on one floor, with offices likewise on another and a third devoted entirely to rehearsal, production and reference.

Due to acute parking situation in S. F., basement will include stalls for cabs as well as staff, making NBC the bay city's first drive-in radio station.

KERC (Mutual) is located over a garage, Don Lee being also distrib for Cad-LaSalle.

CFAC, Calgary, will carry all CBC and British Broadcasting Corporation news broadcasts released over the Canadian network.

PETRILLO YANKS REMOTE PICK-UPS

NBC Red and Blue Forced To Share Identical Programs in Makeshift As New A.F.M. Prez Orders Dance Music Blackout

PLUGS VANISH

Both NBC and Columbia officials were making strong efforts at press time yesterday (Tuesday) to straighten out several affiliated local station tangles with the American Federation of Musicians before the pulling of all remote band broadcasts developed into a general musicians strike. All parties were confident that the situation was sufficiently under control to avoid its spread into a nationwide showdown and that the sources of the remote band strike, KSTP, St. Paul, and WRVA, Richmond, would be induced to put their staff orchestras back to work. What makes it particularly tough for the networks is that they would be faced with fights on all fronts. As it they've got ASCAP and the anti-monopoly drive within the FCC to contend with.

James C. Petrillo, recently elected president of the American Federation of Musicians, ordered the outside name bands off Columbia's sustaining schedule Monday night (1). A similar ban had been issued in the case of NBC Friday (28). Move resulted in the unusual circumstance of NBC feeding duplicate studio sustaining programs to the red and blue networks. Petrillo had been in office but five days when he struck against the controversy which had prevailed between KSTP, NBC-red affiliate, and the St. Paul musicians union; WRVA, Richmond, CBS affiliate, has been engaged in a similar wrangle over employment with the local branch of the AFM.

Blitz against NBC is to force the ironing out of the situation between the Minneapolis musician's local and station KSTP, Minneapolis-St. Paul, which currently are embroiled in a difference of opinion over the number of men which should be used on the outlet's house staff. KSTP is an affiliate of the NBC basic Red net.

Order to stay off NBC did not apply, of course, to any AFM member employed as a staff man by NBC or on the staff of any of its stations. It confined its effect to danceband remotes. As a result house crews, supplemented by singing quartets

(Continued on page 28)

ALL-ENGLISH AT WBAY

Wilkes-Barre Station Rules Out Foreign Languages

Wilkes-Barre, July 2. WBAY, which sends its waves into homes in an area in which 60% of the population is of foreign extraction (largely Poles, Lithis and Italians), has adopted a policy of broadcasting exclusively in English. Manager Hall Seville said the step was taken "due to the importance of radio in America's national defense." The station has been appealing to patriotic listeners to join in supporting the policy.

Listeners are told "American stations can best serve our country in this hour by broadcasting in the common language of the United States."

CANADA TARIFF ENDS YANK SET ADVANTAGE

Montreal, July 2. Importation of U. S. radio receiving sets by visiting Canadians is virtually brought to an end by the new 'sumptuary' war revenue tax of 10% which is to be levied on radios, tubes, cameras and phonographs.

American radio sets have been among the articles most widely purchased by Canadians visiting across the border. The new tax brings the total cost increase to 31%. There is the 11% difference in exchange, the 10% 'sumptuary' tax and the 10% tax on all imports except those coming in under the British preferential tariff.

FLORSHEIM PANCAKES NOW ON 44 STATIONS

Austin, Tex., July 2. Florsheim Shoe Co. through Fred C. Mertens & Associates, have placed their transcribed series titled the "Squared Circle" on station KNOW here to run through the summer. Series will also be heard on KFRQ, Longview; KGNC, Amarillo; KIUN, Pecos; KPAC, Port Arthur; KRLH, Midland, and KRRV, Sherman, in Texas.

To the original four now carrying the broadcasts, the stations to be added will bring the total to 44 stations.

Al Zink, Sr., production manager of WBBR, Buffalo, is back at studios after a session of Erie County jury duty.

TIGHTER RADIO RULES IN PANAMA

Washington, July 2. Dark shadow of the war abroad fell on Panamanian broadcasting industry last week, with the Panam republic providing for a fixed day operating schedule for all transmitters in the locality. Lesson for U. S. broadcasters was seen in the Executive decree to 'tighten up' on radio broadcasting regulations with a purpose of better guarding against the dissemination of false information. One individual has been arrested for engaging in 'illegitimate broadcasting,' according to a report received by the Commerce Department from its attaché at Panama City, A. B. Sowell.

New law requires stations to maintain a record of time on the air, subject matter of programs and names and nationalities of announcers, as well as reported. No messages of private interest permitted, except cases of public calamities, such as floods, earthquakes, fires, etc. Operations of all transmitters to be under the direct supervision of the Secretary of Foreign Relations and Communications.

CAMPBELL OF WXYZ WARMS UP DEAL

Chicago, July 2. Allen Campbell, general manager of WXYZ, Detroit, was in town last week on several negotiations for WXYZ-produced programs, and understood readying to close its sponsorship of 'Green Hornet' and 'Red Jordan' programs nationally. Two agencies in Chicago are also contacting Campbell for a possible setup on 'Long Hanger.'

WXYZ is now busy giving a built up ride for its 30-minute weekly show 'tagged Challenge of the Yukon' with Campbell, however, giving slow on any immediate national commercial spread of this show.

Coast Sending Out 17 Commercials on Chain

Hollywood, July 2. Although hard hit by summer withdrawals, the Coast will send out fairly representative batch of programs during the dog days. Programs will account for 17 chain commercials, NBC taking the odd one of the split.

Columbia's contribution embrace Texaco, Al Pearce, Jean Hershko Gene Autry, Amos 'n' Andy, Hedi Hopper, 'Blondie' and Fletcher Wilder NBC lists Kraft, 'One Man's Family,' Kay Kyser, Don Ameche, Old Gold Burns and Allen, Good News, Woolbury Playhouse, Irene Rich Johnson wax musical.

Swope Sold 1,000 Shares

Washington, July 2. Sale of 1,000 shares Columbia Broadcasting System, \$2.50 par value a common stock by Herbert Bayai Swope was announced Tuesday (2) in the Securities & Exchange Commission's summary of May transactions.

At the same time the Keeway Corporation was listed as purchasing the same number of tickets.

Swope's holdings, at the end of May, quoted at 8,780 shares, with Keewaydin held the 1,000 share picked up as a partnership, trust or other intermediary.

Texas Pair Join Mutual

Two new stations have joined the Mutual network as of June 26. The are KRIS, Corpus Christi, Texas and KRGV, Westlaco, Texas.

Makes a total of 11 outlets to join the network in the last few weeks.

Government Private Broadcasters Share Ideas Via Closed Circuit Addresses

Toronto, July 2. In an unique and constructive plan for the general development and betterment of this country's radio industry, both as regards the Canadian Broadcasting Corp.'s national network and the numerous independent outlets, the CBC yesterday (2) launched a series of informative talks on the various aspects of radio when Major Gladstone Murray, CBC general manager, took part in a discourse on 'Broadcasting in War.'

Projected series of closed-circuit broadcasts will embrace every phase of the radio industry in Canada, including program production, station management, sound effects, talk series, the engineering, and the technique of special events coverage. Tagged 'The Art and Business of Broadcasting,' series will comprise two phases: (1) a presentation covering the broad picture of radio in Canada; (2) the dealing with various fields of broadcasting in comprehensive detail.

The first phase will be heard once a week for 13 weeks, commencing

July 2; the second will be presented twice weekly, commencing Oct. 1. The preliminary series of 13 broadcasts are scheduled for Tuesday, 10:30-30 a. m.; EDST, to the Eastern CBC network; and Tuesdays, 1:30-2 p. m., EDST, to the Western CBC network.

The series will not interfere with local program broadcasting within the specified period; the talks will be heard in closed-circuit broadcasts in the studios of the various CBC outlets with the personnel of the CBC and the independent stations in each area present. In the case of the Western CBC network, the talks will have been recorded a week earlier at CBC's Toronto studios; and the discs sent to be broadcast to Western stations from CBC's Winnipeg studios. The reason for this, of course, is the time-zone element whereby, in order to listen in on a 10 a. m. broadcast emanating from Toronto, station personnel in Winnipeg would have to be at the studio at 7 a. m., and Westward correspondingly earlier.

Following is a list of the first 12

broadcasts, with the West receiving these a week later:

- July 2, 'Broadcasting in War' by Major Gladstone Murray, gen. mgr. of CBC.
- July 9, 'The Frontier Stations' by Harry Scherlock, radio manager, CIBC, Toronto, and president of the Canadian Association of Broadcasters.
- July 16, 'Everything Under Control' by Gordon Olive, chief engineer of CBC.
- July 23, 'A New Headache and Some Ailments'—round-table discussion between Harry Scherlock, manager of CIBC, Toronto, and E. L. Moore, commercial manager of CFBT, Toronto.
- July 30, 'Broadcasting—Marketable Commodity' by H. S. Stevin, supervisor of station relations for CBC.
- Aug. 6, 'Clear All Waves—The Functions of the Traffic and Wire-Line Committees' by E. W. Jackson, supervisor of traffic for CBC.
- Aug. 13, 'Time is Money—The Functions of the Advertising Agency' by C. M. Pasmore of the MacLaren Advertising Agency, Toronto.
- Aug. 20, 'Functions of the Community Private Station' by M. V. Chestnut, manager of CKOK, Hamilton.
- Aug. 27, 'Make a Better—Behind the Scenes of Administration' (details incomplete).
- Sept. 3, 'Functions of the Program Department' by G. A. Taggart, assistant general supervisor of programs for CBC.
- Sept. 10, 'Radio News' by E. A. Wolf, supervisor of information for CBC.
- Sept. 17, 'The Recorder' (details incomplete) by Leonard D. Heatley, RCA-Victor, Toronto.

MINUTE PARTICIPATIONS LIKELY ON CANADIAN NEWSCASTS, SPONSORSHIP OUT

Official Confirmation of New Policy Awaits Howe's Address to Commons—One Central Source of All News for Broadcasting in Dominion

Toronto, July 2. Sponsored news-casts will be planned in Canada within the shortest possible time and will be replaced with a new and more satisfactory policy that will be recognized by all as an improvement on the present situation. Such will be the announcement of Hon. C. D. Howe, Minister of Transport, within whose jurisdiction radio falls, following a weekend meeting attended by representatives of the Canadian press, the Canadian Broadcasting Corp. and the privately-owned stations.

The new policy was evolved but those attending the meeting were sworn to silence as to what form this will take. Howe said he himself would announce the new policy before the House of Commons and mentioned that, in previous announcements of this nature, he had been scooped by my own news service.

Howe refused any reply to the question as to whether or not Trans-Canada Radio News Service and British United Press had been reinstated. Licenses of both were cancelled early in June as "war-time precautionary measure." BUP spokesman claim, however, that they have a permit for broadcasting effective early in July.

Walter Thompson, press representative for the Canadian National Railways, has been commissioned by Howe and the CBC board of governors to prepare a survey report on newscasting in Canada. Thompson was previously Chief Press Censor and later Director of Public Information until forced to give up his duties because of ill-health.

Said Howe: "A general policy has been evolved which will mean that within reasonably short time, the shortest possible time, sponsored news on the air will be a thing of the past. There are details to be worked out. Whether in the meantime the present news services will be allowed to function, I am not sure. I rather think they will, although I have no definite knowledge. It would, I think, be a mistake for a matter of two or three weeks, to make any radical change in the existing situation. But I think I can say that within the next month there will be a new policy for news on the air, which I shall announce as soon as I can."

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Wording of Resolution

Winnipeg, July 2. The resolution for a unified news service as adopted read: "It was resolved that a committee be appointed to study and draw up a plan under which the CBC would prepare and edit a unified national broadcast news service to be used by all stations and to be the only service available to all private stations in Canada, at a cost to be equitably apportioned among all broadcasting stations and that this national broadcasting news be not commercially sponsored. That the committee report to this board upon the working of this plan, on its cost and upon the approximate amount to be paid by each subscribing private station. That until further notice stations be granted permission to continue broadcasting news as now supplied by existing service, but in view of the urgency of the problem from the national interest there should be no avoidable delay in preparing this report and presenting it to the board."

The special committee set up was composed of J. Wilfred Godfrey, K. C., of Halifax; Alan Blaunt, Ottawa; Gladstone Murray, general manager of the CBC; Dr. Augustin Frignon, assistant general manager, and other the chairman Rene Morin, or vice-chairman, N. L. Nathanson. Their report is expected to be tabled at the next meeting of the CBC board in Ottawa Aug. 27.

Herbert Moore's Statement

Herbert Moore, head of Transradio, declared Monday that his service had been given the green light by the board of governors of the Canadian Broadcasting Corp. and that it was his belief that a middle ground will be found whereby some form of sponsored news

would be permitted. Although he expected competition would be leveled for all news services, the Dominion, Moore was of the opinion that out of the discussions would come a recommendation that sponsorship be limited to participating minute announcements with no one advertiser credited with bringing the listeners the particular news period.

Moore stated that he was reconciled to the elimination of direct selling of the news to either CBC or privately owned stations. All services would sell their news to a central channel set up by the CBC and this unified service would not only edit and distribute it but allocate the cost among all the Canadian outlets. The move would give the Dominion government, through its radio supervising setup, sole authority over the news to be broadcast in Canada.

Crosby-Kraft Renewal

Chicago, July 2. J. Walter Thompson agency here has renewed for another 52 weeks of NBC-red time for the Bing Crosby-Kraft Music Hall for the Kraft Cheese company.

New contract goes into effect as of July 25, and takes in 79 outlets.

Helen Nugent, contralto, of WKRC, Cincinnati, has been spotted for minor roles in three operas in the six-week season of the Cincy Summer Opera Association at the Zoo.

The Modus Operandi of BMI

By RUSSELL CLEVENGER
[Director, Public Relations Dept., BMI]

Broadcast Music, Inc. has shouldered the job of providing broadcasting stations and radio advertisers with a supply of music that will free them from dependence upon ASCAP (American Society of Composers, Authors and Publishers). When you consider that up to the present time the musical fare of the microphones has been about 95% ASCAP, the task of replacement and substitution sounds gigantic.

Already there are significant results to show. BMI has acquired catalogues containing upwards of 5,000 copyrights; it is on a production schedule of 30 new numbers a month and beginning Jan. 1, 1941, its license will cover the music of another house which is producing 40 month. Compare these figures with the results of a recent study of 1938 radio program records which show that 2,500 selections accounted for 85% of all performances while a mere 338 accounted for 42%, and you have something to make the statistics-hounds wag their heads.

BMI upset some ideas long accepted by Tin Pan Alley. Composers on the payrolls of the old-line publishers have believed that few outside their own ranks could turn out professionally acceptable tunes. It is said that one organization which solicits new music has been able to get only 50 acceptable numbers out of 25,000 submissions, and various experts have estimated the average figure at one in a thousand. In BMI's first two and a half months, the editors reviewed about 4,500 scripts and found that about one in 100 was good stuff.

The difference lies in the way BMI went about music. Most of the writers who have scored so high a ratio of acceptable manuscripts are far from being green-horns. They may be making their first commercial appearances as composers under the BMI trademark, but they are experienced musicians—many of them experienced professionals. There are radio, stage, and night-club singers, members of dance bands, arrangers, men who have written successfully for various types of productions. The surprising tally of such composers who have suddenly begun to twinkle in the BMI firmament bears out the contention of the competent American composers outside of ASCAP outnumber those within.

It was not by accident that BMI was able to corral these composers. BMI needed the raw material of songs and it went after that raw material in the most likely places. Result—an outworn tradition gone the way of anti-macassars and moustache cups.

The prime purpose in the creation of Broadcast Music, Inc. was to serve the needs of radio, and the real proof of the BMI pudding comes when broadcasters and advertisers eat it. Even sales of the sheet music that goes to the retail stores depend upon the orchestration that go to the 300-odd radio stations for each new number published.

Every radio man knows that the program needs of a

broadcasting station are by no means limited to new popular songs. He has to have 'mood' music, incidental music, old traditional songs, standard, semi-classical, and classical music for a variety of uses from the musical bridges in dramatic scripts to full-length programs. Most music of this sort is drawn from the public domain—that is, it is music on which the basic copyright has expired. But the experienced radio man also knows that for his purposes this music exists mostly in the form of arrangements which have been copyrighted and of which the performing rights are controlled by ASCAP.

IF RADIO SUBSISTS ON BMI DIET

If broadcasters and radio advertisers are to subsist on a BMI diet, what are they going to do for all this mass of material? The effort to give it to them sounds like the effort to move the mountain to Mohammed.

The BMI Research Department prepares lists of the public domain music that is in demand and delivers these lists to the Arranging Department. It also delivers copyright information requested from time to time by both Editorial and Arranging Departments. The work requires a highly specialized knowledge of the musical copyrights of course, and the department does not limit itself to checking copyrights and listing public domain music for the BMI organization.

Within the BMI organization itself, lists from the Research Department as well as accepted new manuscripts from the Editors are shot over to the Arranging Department.

The department is divided into two sections—one for public domain music, and one for new popular music. It is at present on production schedule of 25 numbers a week. It is so organized that the output of public domain arrangements can be stepped up to 50 or 100 a week, as the head of the department puts it, to the 'saturation point of the printing press.'

It is now at work on a list of 150 selections which are shown by a careful study of program records to have been the most frequently performed in recent years. The list includes 'Believe Me If All Those Endearing Young Charms,' the Strauss waltzes, 'Dixie,' 'Home Sweet Home,' 'Dark Eyes' and similar numbers of enduring popularity.

Through the popular music section of the Arranging Department orchestration of new BMI music are made on assignment by the leading dance arrangers.

Of course it is a job to do this sort of thing—a job that takes both musicianship and organizing ability. BMI's Arranging Department gives steady employment to 52 professional musicians—union members—and temporary work to 15 or 20 more. The number is increased from time to time. And these numbers, of course, take no count of the clerical help.

Radios In Tractors

St. Louis, July 2. That farmers have installed radios on the gasoline tractors and listen to programs while plowing their fields, etc., was revealed last week in letters received by Charley Stookey, CBS farm reporter originating programs from KMOX, CBS outlet here. During the course of the weekly Country Journal program Stookey asked for letters from anyone who was listening to the program via a radio on a gasoline tractor.

Harold Young, Sedgwick, Kan., wrote that he was cultivating corn when he heard the guest, and Spivey N. Doggille, Newton, Miss., said he was cultivating sweet potatoes to be manufactured into starch.

5th Column Expose Series from WGN, Changing Title

Mutual ran into a conflict of program titles yesterday (Tuesday) with a new series it announced as 'Wings Over America,' slated to start Friday (5) out of WGN, Chicago, as a summer replacement for 'Fifth Row Center.' Show of the same name debuted June 23 on NBC red (WEAF) as a summer sustainer. (Reviewed in this issue of VARIETY.) Mutual will retitile its program, but the new tab hasn't yet been selected.

Mutual's series is to be romantic drama about a girl reporter and a radio commentator who expose 'fifth column' activities. Elissa Landi and Phillips Holmes will co-star. Blair Walliser will write and produce. NBC's 'Wings' offers dramatized events from the history of U. S. aviation. It is scripted by Richard McDonagh, with technical assistance by Jim Ray.

WSM, NASHVILLE, HOST TO N. Y. ADMEN

Nashville, July 2. Nashville became the 'rustic city' many Easterners believe it is when world premiere of 'Grand Ole Opry' hit town Friday night (June 28). The Republic picture, based on WSM's 15-year-old, four-hour Saturday night shindig, played to near full house at Paramount but big doings came before and after the showing. With hundreds of visitors in city, the 'hill folk' staged mammoth square dance in Memorial Square, heart of the city. A parade of victorias, surreys, buggies, and wagons, all with old-time trimmings, led the radio stars of picture to the premiere.

In the picture, with Weaver Brothers and Elviry, are Judge George Hay, originator of the WSM radio show; Roy Acuff and his Smoky Mountain Boys, Uncle Dave Macon and Rachel, a banjo picking mountain gal who laid 'em in the aisles. Sergeant Alvin C. York, mountaineer world war hero, aided in celebration, appearing on WSM's NBC-broadcast from theatre lobby.

Some 30 visiting news and agency men were WSM guests. They follow: Paul Kennedy, Cincinnati; Bob Gray, Memphis; Ralph Sanders, Chattanooga; Frank Larkin and Glenn McNeill, Knoxville; George Kercher and E. A. W. Schulenburg, St. Louis; Quentin Brewer, Kansas City; Joe Eaton, Louisville; Halley Shively, Harlow Roberts, Jack Laemmer, Jim Thompson and George Durran, Chicago; Harry Frair, Bill Cartwright, I. H. MacKenzie and William Staab, Detroit; Ray Simmons, Jr., Cleveland; Harry Ringgold, John Crandell, Frank Conant, Frank Silvernail, William Mailletret, John Hymes, Elizabeth Black, Margaret White, Sheldon Hickox, John Schultz, Fletcher Turner, L. Nea Nelson and Jean Schalk, New York.

NILES TRAMMELL NOT OVERLOOKING ANY BETS

Niles Trammell, NBC executive v. p., has turned out to be the network's first all-around salesman. He no longer confines himself to peddling network but addresses letters to clients and agencies asking for their transcription business and off-the-air recording accounts.

Receipt of such letters has caused much talk among ad agencies. General comment has been to the effect that 'here's an operating head of a network who's concerned with no small in the way of business for him to go after.' The agencies are now waiting for Trammell to put the pitch on for the spot end of NBC's owned and managed stations.

Gene Wyatt to WBEN

Buffalo, July 2. Gene Wyatt has resigned post of general manager of KATE at Kansas City, to become WBEN commercial manager. He succeeds the late Clifford H. Taylor, who died of heart attack on Florida trip in March.

Wyatt started in radio as staff musician at WFIV, Hopkinsville, Ky., on graduation from Tennessee State Teachers college and has worked his way up. He's 31, which makes him one of nation's youngest radio executives. Previously he was KITE's business manager before joining Edward Petry agency and returning to Kansas City outlet as general manager.

Hugh Aspinwall Off St. L.

St. Louis, July 2. Hugh Aspinwall, for seven months a special feature on KMOX's daily a.m. 'Country Journal' program, has tossed up the local stint and will continue his 'Chick Martin' (Fania Mills) recordings in Chicago for World Broadcasting.

Aspinwall also is scheduled to show up in Hollywood, after a vacation, to play a role as an unnamed talker to be produced by Columbia Pictures.

Cliff Jones, special events man at WGR-WKBW, Buffalo, is running summer stock theatre at Athol Springs, N. Y., between mike duties.

RADIO 'PAN MAIL' TIRES FCC

FED-UPPISH MOOD ON NUTS, BIGOTS

Commission Keeps Repeating 'We're Not Censors'—Squawkers of Recent Record Have Aimed at Lindbergh, Cannett, Even 'Information, Please'

PREJUDICES

Washington, July 2. Plaintive squawk from the Federal Communications Commission regarding what it described as "pan mail" was registered Monday (1) in an apparently exhausted effort to put over the idea that the FCC has no authority to "censor individual programs or performers."

Long list of complaints was made public, with most of the alleged panning coming from California.

Before getting down to so-called entertainment programs, Commish observed that "air utterances" by numerous public and political figures had drawn the wrath of the knob-twiddlers. The list included:

Col. Charles A. Lindbergh, who has been making anti-interventionist speeches; Frank Cannett, red-faced ex-contender for the Republican presidential nomination; Hanford McNider, former minister to Canada and another Republican hopeful (until Philadelphia); Judge John A. Mathews, Montana legalite, and others.

Commish tore into some of the commercial regulars by asserting that California had screamed about H. V. Kaltenborn's news interpretations (CBS); 'airy statements' by Jack Benny; radio fare served by Bob Hope; Cab Calloway's band and the 'Dr. I. Q.' program.

Because Burns and Allen did not please a New Yorker, the Commish was requested to have the team "barred from the air." Another Manhattanite "voices indignation at a Fred Allen wisecrack," the FCC announced, while fellow-citizens were "irked" by Walter Winchell, squawked about network presentations of "Abe Lincoln in Illinois," snapped at the "This Amazing America" program and snarled at "Information Please."

Pennsylvanians were next on the list of conscientious objectors. A keystone-stater objected to "Confidentially Yours" (which he wanted to have "publicly censured.") "National Farm and Home Hour" got rapped, and two Philadelphians turned thumbs down on "Stop Me If You've Heard This One," and "Great Plays." One Oklahoman "would like to see young ears closed" to the sobby marital difficulties of "Stella Dallas," a Tennessean was "aroused" by the "Court of Missing Heirs," and a Connecticut Yankee yelped about the "Green Hornet" series.

Numerous contest programs vited numerous letters from individuals who think they are entitled to prizes, the Commish wailed.

"Incidentally, by way of timely note, several Chicago letters protest advertising fireworks over the radio," the statement added.

Fed-uppishness of the Government air-cops with complaints from citizens was demonstrated by a two-page release quoting yelps from various parts of the country. Purpose of the mimeographed papers was to publicize the "can't-do-anything-about-it attitude which the Commish has, rightfully taken, regarding squawks from individuals who evidently feel that their prejudices and preferences must be forwarded to Uncle Sam, instead of to the originating stations."

WBAL
means business
in Baltimore

Radio Day at Club

Fresno, Cal., July 2.

Broadcast of a 15-minute variety program, a live visual show and a talk on radio technique by Keith Collins, station manager, was given recently by KMI, local NBC red outlet, for the Fresno chapter of Twenty-Thirty club. Occasion was the club's luncheon meeting and was held in the station's studio.

Station had previously put on similar shows for the Fresno Kiwanis club, the California Newspaper Publishers association and the South San Joaquin Valley and Three-M units. Planned to continue the practice on a larger scale next fall and winter.

RALPH ATCLASS MOVES TO MICHIGAN B'LV'D

Chicago, July 2.

Ralph Atlass is moving the WJJD-WIND studios and offices from the N. Wells street to Michigan avenue sometime in October. New quarters will contain four studios.

WIND primary studios Gary (Ind.) will continue as is.

Mansfield, O.—Howard C. May, formerly Goodyear Tire, Akron, is now a salesman at WMAN, Mansfield, O. Harry Dennis, former engineer at WJW, Akron, and WHBC, Canton, also has joined the technical staff of WMAN.

Dealers (With Own Ideas) Dominate Summer, Crown Cola Returns in Fall

Crown Cola will return Bob Ripley to CBS Friday, Sept. 6. The new spot will be 10 to 10:30 p.m.

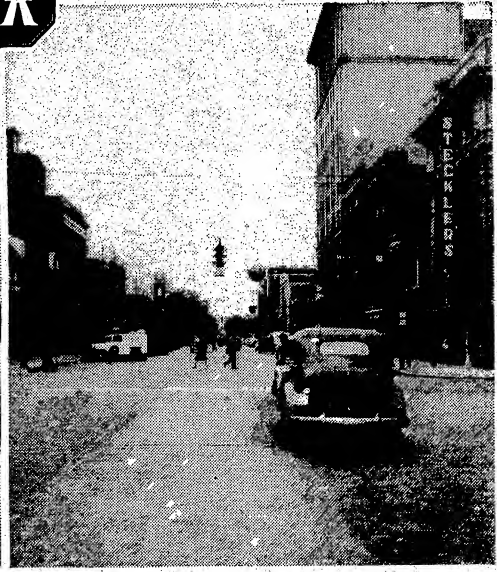
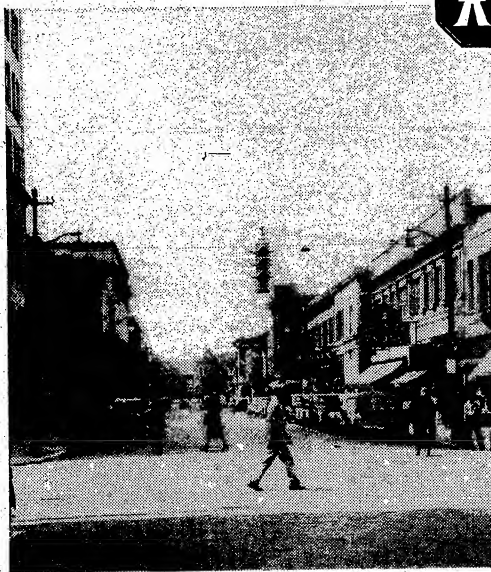
Practice of this account going off the air for the summer, when its product enjoys a peak market, is explained by the circumstance that it's mostly in summer that Crown Cola's local bottlers can afford to do their own advertising. When the latter pay for it they prefer to do

it in their own way, while the beverage formula owner goes on in the cooler season to keep the name of the product before the consumer.

New Orleans—Van Patrick, formerly connected with KRMD, is new baseball announcer at WDSU, succeeding Carl Fritz. Due to illness Fritz retired from handling baseball, but still remains with station.

TWIN CITIES with TWIN MARKETS

IRONTON, O.  ASHLAND, KY.



IRONTON, OHIO

Population	16,600 (1930)
Retail Sales	\$5,922,000*
Wholesale Sales	\$2,312,000*
Radio Homes (Lawrence Co.)	9,710

*Estimated by Sales Management

Directly opposite each other on the banks of the Ohio are Ironton, Ohio, and Ashland, Kentucky. They are twin cities also in the fact that both are buying centers when brands advertised on WLW not only get preferred display at dealers, but "get the call" from twin city housewives.

In these twin cities and in the counties that make up their trading areas, most radios stay at 700 KC. It is no wonder that local wholesalers and retailers ask of a new product, "Is it advertised on WLW?"

ASHLAND, KY.

Population	29,100 (1930)
Retail Sales	\$11,748,000*
Wholesale Sales	\$14,620,000*
Radio Homes (Boyd Co.)	9,690

*Estimated by Sales Management

NEW YORK: REP. TRANSAMERICAN BROADCASTING & TELEVISION CORP CHICAGO: WLW, 230 NORTH MICHIGAN AVE.

WLW THE NATION'S most "Merchandise-Able" STATION

UNIQUE RADIO SCHOOL, NYA WORKSHOP; STUDENTS RECEIVE MONTHLY SALARIES

New York Radio Branch of National Youth Administration Thrills When 'Graduate' Gets on Private Payroll—Train Operators for U.S. Defense

By ROBERT J. LANDRY

The National Youth Administration's Radio Workshop, located at Broadway and 53d street in New York City, operates the most unique school in broadcasting. It observes strict discipline—the matter of hours and fulfillment of assignments, just like any public school. The scholastic tradition is carried further by Director Stanley L. Stevens in the issuance of report cards on each enrolled student, whose general work is graded percentage-wise and whose "attitude" is evaluated as being alert, dumb, lovable or loathable. These report cards are tacked up on the school bulletin board for all to see.

The academic comparison holds up even further. While there is no arbitrary limit, a year or 18 months is the maximum period the Radio Workshop theoretically wants students to remain in training. The whole point of the school-like setup is that the students must eventually get out in the world. It's a case of NYA wanting to help, but not wanting to provide an indefinite parking

lot for youngsters who have to exercise self-reliance in the end. There's to be no figurative burning down of the schoolhouse to get lazy Leo out of the third grade.

Where this NYA school, however, differs from conventional schools is in this: the school pays its students! Operating under the Federal Security Agency grant, the Radio Workshop (only one of its kind in the U. S. A.) has some 400 enrolled students (18 to 24 years of age) who receive \$22 a month. In return for which they must put in 60 hours of study and training at the Workshop.

While the drilling is partly confined to theory and is conducted on a classroom basis, broadcast studio conditions are duplicated and a practical outlet for the activity of the Workshop and an inspiration for the rehearsals and work are found in some four regularly scheduled programs weekly which are actually broadcast. Three of these are on WNYC, municipally owned station of New York. One is WINS, N. Y. There are no union conflicts.

As is true of schools everywhere,

there is a certain amount of pointing with pride to the NYA Workshop 'graduates' who have gotten on private station payrolls or out-flanked the Maginot line of an advertising agency's defended frontier. The alumnus who gets a job in commercial radio proves something very important to the morale and the raison d'être and the reverence of NYA—namely, that it can be done. It proves that the classroom motions are not empty, time-consuming motions, but steps that can, and sometimes do, lead places. Director Stanley Stevens reflects the national NYA administrator, Aubrey Williams, in taking pride in tangible job-achieving results. The NYA is conscious of, and attempts to arm, itself against, any and all tinge of boondoggling.

Recently a Workshop girl, Cecilia Evans, got a role in the 'Rise of the Goldbergs', daytime serial. Another, Merriam Berkeley, joined KYW, Philadelphia.

Robert Novak, a script writer, stepped into NBC from NYA, and has since gone on to Young & Rubicam, Millicent Purwitz and Leslie Solomon of the radio engineering branch, are with the Civil Aeronautics Authority and Tropical Radio, respectively.

The NYA Workshop loses many of its students in the summertime. Nearly 65% of the dramatic enrollment has scrambled for the cowbird theatrical temptations. Strawhats provide, next to NYA, itself, the excitement of an unknown getting a hearing. And are, of course, better scouted by professional show biz.

An important new function of the NYA radio workshop is just now taking shape. Although training in radio engineering has been going forward for two years, it is expected that a new setup will soon provide facilities to train several thousand radio operators for future availability to the United States Army and Navy. Morris Segal, who has charge of this activity, is already designing the layout. The proposed course will ground young men in every phase of operation, repair and complete understanding of defense-radio.

Meantime the radio workshop has its activities broken into various groups. Edwin McArthur, with Vittorio Giardina as assistant, has a symphony orchestra of 109 musicians heard every Sunday at 5:30 p.m. over WNYC. There are various chamber music groups of different sizes and characters affiliated. Phil Napoleon, formerly of NBC, is the musical overlord of three swing orchestras averaging 17 persons each. Harry Noble is in charge of a vocal ensemble of 10, where Louvinia White supervises the all-Negro choir of 48. A dramatic group of 30-odd and a script-writing group of 20 are under the sway of Norma Sichel. A small radio press agent's school also operates with about 10 apprentice publicists. Larry Dupre runs this off-shoot.

The Wrigley Building Grill, and Restaurant, 410 North Michigan, are among the most popular eating places in Chicago for advertising executives.



The Weekly Excitement

The workshop's big weekly crescendo is reached Fridays at 5 p.m. with the broadcast over WNYC of the 'NYA Varieties.' Everybody either is in this show or stops to hear it. It's a completely student-produced halfhour. It is monitored by student engineers, emceed by Roy Davis, a singing announcer and various student specialty people dot the program. A few introductory words from Director Stevens, the stick of Phil Napoleon and the gestulations and stopwatch-watching of Norma Sichel at the control booth are the only professional influences in a traffic jam of radio beginners. There is the same open-at-the-collar, lips-moistening, anxious-to-click sort of nervous tension witnessed in sustaining studios anywhere. One of two rooms glassed off from the studio is jammed with friends and relatives, smiling big.

When the broadcast is over there is, as with the professional studios of NBC and CBS, the same tendency to sweep up to Lillie Glutz and gush: 'My dear, you were wonder-ful!'

Buffalo—Fred Keller, local thespian, is a new voice at WBNY, succeeding Ron Dunlavy who goes to WFBL, Syracuse.

Toledo, O.—Al Miller has joined WTOL, Toledo, as continuity writer. Played in this city 25 years ago at the old Hart theatre.

Why Sales Reps Are Slap-Happy

Station rep organization got a call from an agency late Monday afternoon (1) asking it to find out just what time signals and weather reports its station in Boston was carrying. The rep phoned the Boston outlet immediately and there arrived the next morning by special delivery a complete schedule showing the spots for all current time signals and weather reports.

The rep rushed to the inquiring agency with the data. Then came the awakening. The agency wasn't interested in buying anything. It was only that the time buyer wanted to do one of the account execs in the agency a favor. It seems that the latter had planned a yachting trip over the Fourth along Long Island Sound and he had expressed an interest in knowing what station he could tune in for the time and weather reports.

Inside Stuff—Radio

Gale Taylor, radio advertising representative of VARIETY, is seriously ill at Glendale Sanatorium, Glendale, Md. He was taken there under doctor's supervision last Saturday (29). He has suffered a serious physical breakdown and will be unable to work for a year or more.

Taylor was seriously ill about a year ago when with Broadcasting magazine. When leaving that publication, after eight years, he was hired by VARIETY early in 1940 and has spent much of his time since then in travel. His present illness is a complication, but in much more serious form, of a previous illness.

VARIETY urges friends of Taylor's in the radio industry to write him at Glendale.

Because of the dispute over local musician employment outstanding between WCKY and the Cincinnati musicians union Glenn Miller was barred by the American Federation of Musicians the week before last from clearing his Chesterfield broadcast through WCKY's controlboard. Miller was in Cincinnati at the time on a traveling date and WCKY is Columbia's local affiliate.

Miller not only had to feed his program direct to WABC, N. Y., but he was required to bring in broadcast technicians from Dayton, O.

Grove's Bromo-Quinine will again supplement its network show with transcription placements when it returns the 'Sherlock Holmes' series to the NBC-blue this fall. The off-the-mike recordings of each episode are rebroadcast on another station in the same market on a later night of the week.

Stack-Goble is the agency.

Wynant J. Williams, consultant for Travelers' Broadcasting Service (WTIC), Hartford, Conn., since 1925, and in his capacity as professor of communications at Rensselaer Polytechnic Institute, manager of its radio station, WHAZ, has been promoted to head of institute's electrical engineering department.

Date of the return of duPont's 'Cavalcade of America' to the air depends on the sort of period that NBC can make available. If the network offered what the account considered the right spot the program would be resumed almost immediately.

Otherwise the hiatus will be extended to late September.

NBC Artists Service, which is in on the agenting of 'Information Please,' has as yet received no bites on the availability of the show after Nov. 5. Canada Dry has offered to make it \$6,500 a week for two more years, but Dan Golenpaul, who owns the rights, wants \$8,500.

Business Digest's July issue has a rewrite of stories that appeared recently in the special VARIETY insert about Chicago, author Ina Phillips.

Write, Wire or Phone

YOUR NEAREST

VARIETY

OFFICE

To Reserve Space in the

1940-41

VARIETY

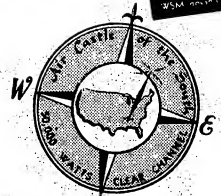
RADIO

DIRECTORY

NEW YORK
154 West 46th St.
BRyant 9-8153

CHICAGO
54 W. Randolph St.
Central 4401

HOLLYWOOD
1708 No. Vine St.
Hollywood 1141



W.S.M. MAGNOLIA, TENN.

UNANSWERED FM QUESTIONS

Radio Trade Gets Cleverly Written Anonymous Blast Against F-M

(Why Frequency Modulation? is the caption on the following bit of unique propaganda put in the mails recently from Birmingham, Ala.)

(COPY)

During the last few months the newspapers have been publishing carefully prepared propaganda in regard to the desirability of changing commercial broadcasting in the United States from its present system to a system referred to as Frequency Modulation, and a few days ago the news was headlined in the papers that the Federal Communications Commission has assigned a group of frequencies for the commercial use of broadcasting transmitters using this new system which, the publicity proclaimed, is the best and very latest means of transmitting speech and music. Specifically, the engineering claims as outlined in this publicity are that:

First, it is highly desirable because less static and interference will be received if this system is used.

Second, it is capable of delivering a higher degree of fidelity.

As to the first claim, relative to static and interference, present day high powered transmitters are so located to take care of the thickly populated sections of the country to the extent that, judging from data released from any number of research bureaus, the actual percentage of listeners who are obliged to take their broadcasting with an

amount of static which could be deemed disturbing, is extremely small—approximately three percent—and that percentage only spasmodically depending upon weather conditions during the warmen months of the year.

The second claim, that of higher fidelity. The benefits of this would supposedly, of course, have to be enjoyed by the public; that is, the people owning the receiving sets. That brings up the question, are they suffering at the present time because of any lack of high fidelity, and if so, where is the lack? Now the lack is certainly not in present day transmitters because the Federal Communications Commission has set up standards which oblige transmitters to maintain a degree of fidelity far beyond that of which any household receiving set is capable of reproducing. Therefore, fidelity limits rest in the household receiving sets and actually the loud speaker itself, because of the fact that the cost is the economical limit of the average family. Notwithstanding, today's medium priced receiving sets satisfy the demands of the average public. Those who desire greater fidelity may have this by purchasing a set which includes a high fidelity loud speaker. The loud speaker is usually more costly than the entire receiving set. In other words, the high fidelity RCA or Western Electric loud speaker alone costs approximately \$75 when purchased by a broadcasting station. Commercial high fidelity receivers can be purchased.

(Continued on page 31)

WILL NETWORKS OKAY PROGRAMS?

Due to FCC's Previous Wallowing of Networks, Latter Won't Say a Word Either Way on Prospective Attitude Toward New-Type Broadcasting

YEAR OFF ?

One of the undefined and largely unpredictable questions of American broadcasting at this moment is the nature and source of programs for frequency modulation broadcasting. F-M has already been marked out as a particular pet of the Federal Communications Commission. F-M has benefited at the expense of television in the matter of wavelengths and the way has been cleared by the FCC for the wholesale granting of F-M licenses and for F-M's commercialization via advertising at the earliest date prospective licensees can meet Government conditions and the business requirements of radio advertiser.

During the inevitable lull period between going on the air with an F-M transmitter and the commencement of sponsor contributions to the costs, F-M stations will presumably need, or look to, outside sources of program material. And that is where, in trade surmise, an FCC-encouraged type of broadcast engineering may collide with estab-

(Continued on page 31)

'Giving Away' F-M in Early Days Not Smart Tactics for Licensees

By WALTER DAMM

Milwaukee, July 2.

Short sighted F-M operators, in an attempt to get into the F-M picture and yet not spend any money will probably beg present networks for the privilege of using present network programs as F-M material with the result that they will be giving their F-M service away to advertisers and when an F-M audience has been built up will, in my opinion, find it extremely difficult to sell the service to those same advertisers.

Those operators who are going into F-M seeing it as a new service to the public will be courageous enough to originate programs and during the daytime will use their ingenuity to create programs for that vast audience which now is not listening to soap box dramas. Thereby opening an immediate field to a large number of potential listener prospects. It will be more difficult to secure the attention of the evening listeners as we all know the tremendous popularity of many of the network shows with which we will have to compete. However, again, the operator who looks to the future will not be tempted to duplicate these programs but will go his own way.

A year and one-half ago nobody thought much of the quiz type of show. Today it is outstandingly popular. Beyond question there are other types of programs that can and will be developed and there is no reason why F-M cannot play an important part in the development

of new types of attractive programs. Here at W9XAO we have taken the stand from the beginning that we will not relay regular WTMJ programs be they network or station originated, that F-M must stand on its own feet and build its own audience.

As a result we expect to deliver to the Milwaukee and Wisconsin listening audience an additional program service to that which they now have available. What we said above about soap box dramas in the afternoon applies equally well to the monotony of baseball broadcasts in the evening.

As far as present networks are concerned we imagine that the owners and stockholders of such networks expect that the personnel responsible for their success is thoroughly capable of taking care of themselves. As far as the advertisers are concerned, if we were one we would at the earliest possible moment take an active part in F-M thereby securing to myself the added attention value that always centers about the pioneer.

Pink Collared Spieler

Hartford, July 2.

Summer stock bug has bitten another radio announcer. This time it's Rary Barret, head mickeman, at WDRG.

Barret, a former vaudeville and lighter, will play second lead in a new play, 'She Ate Her Cake,' at the Stony Creek Playhouse, Stony Creek. Play skedded for week of Monday (14).

WCKY
CINCINNATI
50,000 WATTS
CBS

WCKY IS ONE OF THE SIXTEEN COLUMBIA 50,000 WATT STATIONS

TOPS in power — in programs



DOING THE JOB FOR THE ADVERTISER

Kiddies Leap Artistically to Radio 'Now You Turn' Series on WQXR

Series of children's summer programs, with Gertrude Mittelmann, concert pianist and music instructor, will be ethered by WQXR, New York, in association with the Board of Education Summer Play Schools, the Summer Demonstration School of Teachers College and similar groups. Series, tabbed 'Come Dance Through the Ages,' will be spotted at 11:15-11:45 a.m. Fridays from July 12 to Aug. 16.

To music interpreted by Miss Mittelmann at the piano or via recordings, with oral explanation of the different dances, the various co-operating organizations will conduct participating dance classes among listening groups, while representative gatherings of children dance in the WQXR studio. For the first program the studio group will be from the Ethical Culture Summer Play school, with Mrs. Sadie Gassen, its dance director, giving the instruction to listeners.

McCormick's Slogan

Chicago, July 2. Indicative of the spirit which infuses the WGN organization now that Col. R. R. McCormick has taken a personal interest in a drive to 'make WGN as important in the radio field as the Chicago Tribune is in the newspaper business' is the punline now tagged onto every piece of copy released by the WGN-Mutual press staff.

Tag blazons: "Watch WGN and Mutual!"

Transamerican Sells Program To Nitrates

Transamerican Broadcasting & Television Corp has sold another daytime serial, 'Beyond These Valleys' to General Mills. Also a series of half-hour music-script programs to Chilean Nitrate, fertilizer, for use on stations in the farm areas in disc form. 'Valleys' starts on the NBC-red July 22.

O'Day, Sheldon & Canaday is the agency on Chilean Nitrate.

BURNS & ALLEN TWICE NIGHTLY IN BUFFALO

Buffalo, July 2. Unable to get early evening time on WBBN, Hormel Products is buying two Buffalo outlets for its NBC Burns and Allen show. WEBR gets the 7:30 p.m. show, and 10:30 edition goes on WBBN.

Sponsor is anxious to move into WBBN 7:30 spot as soon as present sponsor, Carling Ales, exits. Carling is e.t. series.

Politics Delays in Texas

Houston, July 2. Political speeches are being given precedence over commercial programs by radio stations during July. The new George Burns and Gracie Allen Hormel program, as a result, will be denied to listeners over radio stations in the southwest until July 29.

Political speeches have been scheduled at the hour the new Burns and Allen program would be available, until after the Texas primary election on July 27.

Safety Tunes on WLW

Cincinnati, July 2. Irving Cesar has granted WLW permission to use his Songs of Safety, that were aired on the Rudy Vallee program several years since. Tunes are being sung by Lenore Rinehart, of the Novelty Aces, in the Small Fry section of the WLW Homemakers Review, Saturday morning half-hour show.

University of Cincy Has Series of Shows on WLW

Cincinnati, July 2. In cooperation with the University of Cincinnati, WLW has inaugurated a series of 12 half-hour Sunday afternoon programs featuring the industrial capacities of Kentucky, selected as a typical midwestern state. Programs are non-commercial and will originate from several points, to be supervised by Arthur Radkey, of the station's educational department.

The university is providing technicians, announcers and script writers.

Petrillo Hits

Continued from page 23. and most anything available, were hurriedly put to work by NBC to fill in the time.

Around New York it was toughest week that the professional men have had to contend with since 1937 (when most of New York hotels shut down their remote wires because of Local 802's \$3 broadcast tax). Scores of remote band periods were cancelled from Monday through Thursday (24-27) by the networks because of broadcasting the Republican convention and no sooner was the cause of song-plugger WGN than the way that Petrillo, ordered the members of name bands to refrain from feeding sustaining programs to the NBC red and blue networks.

One professional manager related Monday (1) that of 24 plugs that had been placed with leaders airing over CBS and NBC during last week there were actually only six performances. Another told of figuring on seven plugs over the past weekend and coming through with but one. How hard the pluggers were had to be placed with events is attested by the fact that the top tune in Variety's 'most played' compilation for the week ending Sunday (30) scored but 28 plugs. The accumulative plugs for these leaders have been running in the 50's.

Stanley Hubbard's Statement

Minneapolis, July 2. Stanley Hubbard, KSTP manager, in statement giving the station's side of the controversy, charged Twin City musicians' union heads with 'dictatorial' tactics smacking of totalitarianism and declared KSTP will not bow to such methods. Hubbard charges the union has made no attempt to negotiate the differences.

The strike, caused by KSTP's refusal to pay a minimum of \$21,000 a year for Twin City musicians whether or not their services are utilized, has been in effect since June 8. NBC did not figure until last week, however. After the cancellation of remote orchestra broadcasts, the station substituted variety show programs and remained on the air as usual.

Said Hubbard: 'As far as a quarrel with the union is concerned, KSTP is and always has been willing to sign a contract with the St. Paul and Minneapolis locals of A. F. of M. It is willing to agree to a closed shop and to give employment to none but members of the union. We will pay any reasonable wage scale and will agree to any working conditions which the union may prescribe. The station never has and never will refuse to negotiate. There is, however, a great difference between negotiation and an ultimatum, and it is on this point that KSTP and the musicians' unions are not agreed. During the past few weeks the union has made absolutely no attempt to negotiate with us. They merely have handed us an ultimatum, demanding that we sign their contract without compromise.'

The Situation in Richmond

Richmond, Va., July 2. Strained relations between WRVA and the local musicians' union has prevailed since last April when the station reduced its expenditures for studio musicians. The AFM branch, Local 123, set June 8 as the deadline for the signing of a written agreement guaranteeing the employment of a definite number of musicians and when WRVA failed to act the local ordered its members to have nothing to do with the station's programs and barred union orchestras in local dance spots to refrain from any WRVA remotes.

When the AFM-radio industry agreement on musician employment expired last January, WRVA, like other stations around the country, did not renew its obligations with AFM but informally maintained the status quo. It continued to expend as much as it formerly did for local musicians until the latter part of March when the station elected to slash its musicians' payroll.

From the Production Centres

IN NEW YORK CITY

Jerry Lester does his initial appearance on Pepsodent's Tommy Dorsey show (NBC-red) next Tuesday (9). The comic will get a couple more guest spots during August... Wickliff Crider, J. Walter Thompson's N. Y. radio p.a., is mixing his vacation with a honeymoon. Marriage was last Saturday (29) and the bride's a Powers model... Ted Pearson got the plug assignment on the Post Toasties end of the Elmer Davis daily news broadcasts on CBS... Dorothy Lowell back from Cuba and her title part again written into script of 'Our Gal Sunday'... Jimmy Scribner, who does all 22 voices on 'Johnson Family' over Mutual, now back on his farm at Amelia, Ohio, and originating his broadcasts from WKRC, the network outlet in Cincinnati... Percy Faith of Toronto, directing Carnation 'Contented Hour' for the next three weeks, his first U. S. assignment... deal set by Columbia Artists... Teddy Bergman has at last definitely taken the name of Alan Reed for keeps... Eddie Andrews, legitler, newcomer to 'Amanda of Honeymoon Hill'... G. Richard Swift in charge of studio operations at WABC... he continues directing 'Morning Almanac'... Edward J. Fitzgerald, Edwin Wassy radio director, to Nova Scotia for two weeks of fishing... Mark Warnow, Bea Wain, Barry Wood and Lynn Murray chorus all renewed for another 13 weeks (from July 27) for 'Hit Parade'... Boris and Sergei Matuszewitch, Russian accordion-concertina team, doing Friday night series over WQXR.

Eugene Jelenik, violinist, will appear Friday (5) on NBC television along with two fellow-artists lately here from Europe, Charlotte Clair and Edouard Putran... Gene Carr, of WGAR, Cleveland, and Lincoln Dellar, of KSPQ, San Francisco, among those in N. Y. last week... Adeline Buchshteyn, secretary of George Engels at NBC, married last week to Howard E. Orr... Mrs. Nat Singer, who issued the blast last week at children's programs, has been one of the group of club women dicking with the webs for past several years... kids liked best 'Information, Please'... Leon Goldstein of WMCA going fishing for a fortnight... Francis Tonhazy has replaced Mosa Haviavi as 'cellist in WQXR house orch, latter dropping out because of illness... Frank Rothenbeck, WHN station manager, fishing at Greenwood Lake for two weeks... Ray Lyon; in head, to make the address of George Engels at the ceremony at Mountain Lakes, N. J... talk won't be broadcast, but he'll have it waxed.

IN HOLLYWOOD

Bob Burns taking six-week layoff from Kraft Music Hall to be in shape for the long summer head when Bing Crosby absents himself... Lud Gluskin framing a new summer musical for CBS and swinging the stick for George McCall's 'Man About Hollywood'... NBC taking its first network program from KFI in some time, Claude Sweeten's 'America Waltzes' with Lynn Martin as chanter... Sam Moore moved in on Don Quinn's typewriter for the Johnson wax reliever. Quinn will dabble in some fall scripts for Fibber and Molly while taking his respite... A trio of eight shows up on the Lux farewell. Program ends its eighth season on July 8, for an eight-week sabbatical. Helen Hayes, who does at least one Lux show a year, and Otto Kruger, finale of the season with 'To the Ladies'... Bill Goodwin and Elvia Allman (Cobina) back from Bob Hope tour of personals. Illness forced latter's return... Taking turns at the wheel for the jaunt to New York are Bob Longnecker and Harry Spears of CBS, and air chanteuse Jean O'Neill (Mrs. Spears)... Leo Townsend soloing as writer of Texaco summer series... Woodbury Playhouse goes serial for the hot months, with Forrest Barnes adapting Bill Sweet's 'Promoting Precious' for Jim Aheche and Gale Page... Charlie Lunge replaced a Hindu actor on CBS Sherburne's 'Monarch le Capitaine' over the NBC. The part calls for a Hindu... Hal Styles, after getting jobs for thousands on 'Help Thy Neighbor,' is now 'repairing hearts' on KFWB. It's a takeoff on 'Good Will Court'. He also keeps 'Neighbor' going... Carroll Carroll, who writes all that wordage for Bing Crosby and others on Kraft, fit again after rest cure at Carmel.

IN CHICAGO

Tom Walsh added to 'Thunder Over Paradise,' as were Willard Waterman, Judith Allen and Carlton Brickert... Catherine McCune recouping from flu siege... Eloise Kummer having her molars revamped following auto smack-up... Bill Green and Olan Soule doubling to Thoda Crocotti's Coach House strawhat in Oconomowoc for production of 'Summer Heat,' directed by Art Petersen... Dick Todd east to platter some vocals for Bluebird... Frank Behrens now on the 'Right to Happiness' show... Robert Zelems added to WIND speller staff... Riley Jackson back as m.c. of WIND 'Night Watch' program after six-month leave of absence... Joe Mihal, former Purdue tackle, with WJJD announcing gang following apprenticeship at University station WBAA.

WJR's Campus Recruit

Detroit, July 2.

WJR, which has maintained a studio at the University of Michigan at Ann Arbor for the past 14 years, has named Donn Chown net (Chinse), of student staff, as its annual selection to join station's professional staff in Detroit.

Station, which airs a daily campus program from Ann Arbor daily, equipped a studio with about \$20,000 worth of material 14 years ago.

Robert B. Rains, former Detroit radio firm rep, has joined WJR's sales staff. Recently has been with Kelly-Smith Co. and later vice-president of Headley-Reed Co.

New York—Hildegard Goranson

has joined Compton agency as research librarian, replacing Mrs. Grace Sumner.

WANTED!

Radio voice personality to conduct transcribed show to a Martin Block or Arthur Godfrey. Must have sales and program appeal.

Update New York station. Moderate starting pay with swell future for the right man.

Address Box 640, Variety, 154 West 46th Street, New York City.

A PERFECT FIT

Of the 1,922,494 people who live and buy in the CKAC-Montreal Primary Listening Area, 65% speak French and 35% speak English.

Tailor-made for the richest single market in Canada, CKAC's schedule is divided accordingly: 65% French, 35% English language programs.

Mass coverage of a unique market through a single station.

"Only One of Its Kind in America"

CKAC MONTREAL

"Canada's Busiest Station"

A CBS Affiliate

U. S. Rep.: JOS. H. MCGILLVRA

Lively Showmanship WINS LARGER AUDIENCES in the INTERMOUNTAIN MARKET FOR KDWL

Representative JOHN BLAIR & COMPANY

The POPULAR Station Salt Lake City

NBC RED NETWORK

When Buses Need Service

WBNS TELLS THEM WHERE TO GO!

WBNS Central Ohio's Only CBS Outlet

JOHN BLAIR & CO. Representative

Deep Sea Effect (Breathing Fins) In CBS Studio

The Columbia Broadcasting System made its first public broadcast, a ceremony, on Monday evening (1) from its new studio annex on East 52d street, New York. In a gaunt, poker-faced building of windowless facade rising six stories in the shell of the whilom Juillard Music School house there will ultimately be seven new CBS studios and a floor of offices all embodying various innovations in acoustical design. The first of these studios was baptized by the Ted Cott-Leonard and Leibing novelty unit, "So You Think You Know Music?" Ralph Edwards' "Truth or Consequences" show shifts over, too, from the Barbizon Plaza Hotel studios it had been using.

After the half hour broadcast, C. R. Jacobs, CBS' construction manager, explained to the Manhattan daily and trade press radio editors the acoustical significance of the series of wooden blades that occupy much of the wall space. These blades are backed by sound absorbing substances. That by opening or closing them in relation to the production needs of the program (different for music and dialog, etc.) and the number of persons in the studio the proper diffusion of sound can be achieved. No walls or surfaces of any of the new studios are parallel, a further CBS effort to achieve "brilliant sound conditions."

With the blades opening and closing like so many gigantic pickled sash windows, the CBS studios are, to that extent, different from other radio studios in other places. No matter how new, it appears, radio studios have a habit of looking like. There invariably is a bunch of guys behind a glass window making funny wig-wag signals to a bunch of guys outside. The chairs are invariably fragile affairs with luminous legs that look like they would collapse, but never do. The audience is invariably primed to applaud madly at the slightest hint from the cheer leader. Finally, the show never fails to come out on the air with 23 seconds to spare for an ovation.

And afterwards the press depart-

Smartly Handled

In all, NBC and Columbia had the convention on the air for 11 hours each, while Mutual's pickup amounted to a couple more hours. Radio's coverage of the event got it a uniformly corking press. Broadcasting, ran the comment, had confined itself to relaying the real highlights and high points of the proceedings and by exercising this good judgment and restraint the networks kept the thing from degenerating into the usual bore. It had also protected itself from losing maximum audiences, not only for commercial programs, but the Republican pickups themselves.

One break that the Democrats won't get at their Chicago convention, which opens July 29, is television. There is no coaxial cable for television running between that city and New York. Bell Laboratories did not charge NBC for the use of the coaxial line between Philadelphia and New York. The telephone company decided to write this off to experimental expenses on its own.

WLW's Willkie Scoop; Nominee Faithful To Promise Made Earlier

Cincinnati, July 2. WLW's special coverage of the Republican national convention in Philly last week was rewarded with a major scoop. It was the first station to air Wendell Lewis Willkie in an interview. The G. O. P. standard bearer was miked Wednesday (26) from 6:45 to 7 p. m., at a time when his campaign took on victorious zip. Networks and other station were hot after Willkie for interviews at the time, but he filled the WLW spot, which he pledged to Fred Thomas, script writer, and Peter Grant, ace news commentator of the Crosley 50,000 watt, at the start of the convention.

Cecil Carmichael, WLW publicity chief and contact man, escorted Willkie from his headquarters in the Benjamin Franklin to the station's special studio in the same hotel for the broadcast. They used a freight elevator to avoid delay.

ment (in this case Lou Ruppel) invariably takes the so-called working press across the street for drinks on the house. The chairs have midnight blue upholstery.

PHILADELPHIA POSTSCRIPT

Joe Martin Was Very Radio-Minded In Giving the Time

Philadelphia, July 2. Radio was kingpin at the Republican National Convention which ended Friday (29). Campaign managers for the various candidates checked closely on the networks and local stations in order to know just exactly which programs their favorite sons would follow; what their opposition would be, etc.

It was even reported that when newsmen asked Congressman Joe Martin, chairman of the conclave, what time a scheduled speaker would do his stuff, Martin answered like a dyed-in-the-wool mike expert, "At 11:29:30."

Not only did the three major networks cover the activities both in and outside Convention hall like a tent, but virtually every local independent station had its own program. In addition it was the first political parley ever to be televised. In a hall adjoining Convention hall, RCA-NBC set up 60 television sets to take care of persons unable to see the proceedings in the flesh. The Pennsylvania railroad opened a lounge for press and radio, men with a television set making it more popular than the regular press section. Here drinks were served and the room air conditioned. The Convention hall itself was like a Turkish bath.

WCAU stole a march on its competitors by spotting loud speakers outside of central-city hotels to broadcast the speeches and balloting at the convention. The networks had made an agreement not to use loudspeakers in order to avoid the noisy 'Battle of Broad and Walnut' of the Democratic parley of 1936, when NBC and CBS put amplifiers opposite corners.

WPEN showed what a small indie station could do in opposition to the networks. The Blue-owned outlet had its own booth on the convention floor and put in wires to the headquarters of every major candidate. Spiels were handled by Norman Jay, Lillian Slater, Arthur Simon, g.m. of the station, and Sybil Warner (Mrs. Simon). Most of the key figures of the convention were miked for interviews over the station. WIP also followed such a routine.

STEVE WILLIS' ESSAY ON 'RIGHT TO BE TINY'

Providence, July 1. Maj. Edney Ridge, Station WBIG, Greensboro, N. C.

Dear Major:
Your letter addressed to F.D. and just published in VARIETY calls for a dignified New England blast.

F.D. sends out revised maps of Rhode Island annually. He wants the eastern counties of Massachusetts tacked on to little Rhody. And we have no quarrel with him on his idea. But when you try to inveigle one of our creative citizens to go to bat for you before the FCC simply because you want more power, and you say slanderously (I quote) in order that it can give satisfactory service to the citizens of your State (I unquote) you have overstepped the bounds. You have not acted, sir, in what we consider the manner of a Southern gentleman.

For WPRO covers the entire State—lock, stock, barrel and Newport. More than that, with the addition of southeastern Massachusetts to Rhode Island as suggested by F.D., we would STILL cover the entire State. And, sir, we most certainly give satisfactory service!

In the alphabetical list of principal cities in the current Almanac, the "G's" consist of Galveston and Grand Rapids—and, alas! there is no Greensboro.

If you have the right to be a small town, do we not have the right to be a small State?

Stephen P. Willis,
Gen'l Mgr., WPRO.

Fishell's 'Golf Clinic'

Believed to be the first program of its kind, "Golf Clinic," weekly 15-minute stanza of confab about, by and with the divot-diggers, debuts tomorrow night (Thursday) at 8 o'clock over WHN, New York. Dick Fishell will handle it, using familiar-links names as guest interviewees and holding occasional quiz sessions.

Although golf has a player following, the only known programs on the sport have been descriptions of tournaments and reports on scores.

WGN Gesture to Indie WAAF

Chicago Tribune Station Calls It 'In Interest of Non-Monopolistic Broadcasting'

Willkie's Gabbers

Chicago, July 2. Arrangements have been made by WGN and Mutual to feed WAAF, the Drovers Journal station here, the full service on the Democratic convention to be held in the Chicago Stadium beginning July 15.

Special wire will take the convention activities direct to WAAF which made a frantic request for this service to WGN. Chicago Tribune station stepped in with its assistance following the inability of WAAF to obtain facilities in the convention hall.

WGN states that it is making this gesture of aid to WAAF, indie and non-network station, in direct test of non-monopolistic broadcasting.

WGN and Mutual have arranged for mammoth coverage of the convention, with Chicago Tribune forces working in close collaboration with the regular WGN men.

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Summary of Talk Before Its Completion by Speaker Distasteful to Democrats

The Democratic convention in Chicago may take defensive steps to prevent repetition of one practice that occurred in Philadelphia last week at the GOP convention. While the Blue, CBS and Mutual were broadcasting the actual speech of the resolutions committee chairman the NBC red network read a bulletin summarizing the talk. This was okay as a matter of ethics due to the routine release caption "at time of de-

livery," but the Democrats may mark all mimeograph:

"For release en toto at time of delivery or, in part, ONLY upon completion of delivery."

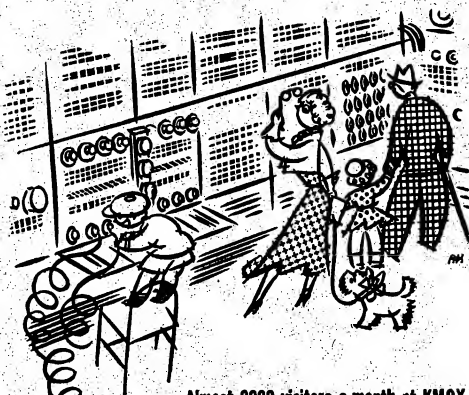
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We show 'em the works



Almost 2000 visitors a month at KMOX become new, closer friends of KMOX advertisers

THINGS to see and places to go, when visiting St. Louis, include far-famed Municipal Opera, Forest Park and Zoo, Shaw's Gardens—and the KMOX studios.

Uniformed guides welcome KMOX visitors. No charge is ever made for a thrilling half-hour "Adventure in Radio-Land" and, when our guests depart, we know they take along a resolve to listen more to the many good things on the air.

9500 visitors came to KMOX since January alone... drawn chiefly from a 100-mile radius of the station... men, women and children of the radio audience—and 1950 retailers and salesmen as special guests of the KMOX Merchandising Department. A visit to KMOX makes them more conscious than ever of the power of this mighty voice of the rich Missouri valley. It's another KMOX "plus."

KMOX 50,000 WATTS • THE VOICE OF ST. LOUIS

Owned and operated by Columbia Broadcasting System. Represented by Radio Sales; New York, Chicago, Detroit, Charlotte, N. C., San Francisco, Los Angeles

When you think of
NEW ORLEANS
you think of:

JEAN LAFFITTE and his pirate crew

and
WWL
NEW ORLEANS
50,000 WATTS

The greatest selling POWER in the South's greatest city.
CBS AFFILIATE... NATIONAL REPRESENTATIVE... THE KATZ AGENCY, INC.

'FILMS PARTLY PAY IN WAGES'

Lower Salaries But More Employment Of Pluggers If Webs Freeze Out ASCAP

There is little disposition among music publishers at the present time to commit themselves to long term obligations because of the pending battle between the radio interests and the American Society of Composers, Authors and Publishers over a new licensing agreement. The situation in the publishing business has become unsettled enough to cause at least two publishers to hesitate about closing deals for catalogs that they would like to absorb.

Most publishers are of the opinion that in the event the networks freeze ASCAP numbers out of their schedules the changes in the business setup of publishing industry will be anything but cataclysmic. These publishers figure that while the high salaries of professional men will be affected employment among the latter will be increased since it will be necessary not only to re-adjust plug sources but also to re-adjust more contacts. Professional men will merely have to go back to the hard way of doing things. Instead of depending on those bands or singers with network releases the contact men will have to get out and cover the independent stations with ASCAP licenses and practically every spot that has a band.

Wm. Penn (Stalder Inn) Fixes That Odd Odor, So WCAE to Carry Its Band

Pittsburgh, July 2. A peaceful again between WCAE and William Penn hotel where Hearst station is located, and Battle of the Odor is no more. Whole thing started some weeks ago when WCAE biggies told Stalder outfit that they couldn't stand the incinerator outside the windows of the 21st floor, which the station occupies. William Penn ignored the demand, whereupon broadcasting outfit dropped all air time allotted to hotel, cutting Lang Thompson's band off in its last week at Chatterbox.

Fed continued for couple of weeks and is no more. The studio walls now have a new coat of ivory, a concession of the landlord, and the pipe that caused such a stink has become a pipe of peace. And the William Penn can put its musical outfits back on the clean, fresh air of WCAE whenever it likes now.

WEEMS BUS SMASHUP FATAL TO FARMER

St. Louis, July 2. Tooters in Ted Weems' band were shaken up last week when the chartered bus in which they were riding to keep an engagement at the Meadowbrook Country Club in St. Louis County was struck by a truck near New Athens, Ill., driven by a farmer, Jacob Schmoll, 75, living near the scene of the accident. He suffered fractures of the skull, internal injuries from which he died in St. Elizabeth's hospital, Belleville, Ill., several days after the crash. The tooters arrived on time for the local engagement.

Staffon Into Union

Executive council of the contact employees has reversed its ruling on Milt Staffon and the latter is now with the professional staff of Shapiro, Bernstein & Co. The council twice rejected Staffon's application on the ground that S-B had not consulted the unemployed list of the union before engaging Staffon. Staffon was formerly with Consolidated Radio Artists, Inc.

Fred Fisher has turned over the complete rights of 'Whispering Grass' to Mills Music, Inc. Fisher, who wrote the tune with his daughter, Doris, had published it on his own.

Decca's Coast Plant

Hollywood, July 2. New Decca recording plant was opened here by Jack Kapp, prexy, to take care of heavy business on the Coast. Joe Perry will be in charge. Company formerly leased quarters in this sector.

ELI OBERSTEIN WINS \$15,833 JUDGMENT

N. Y. supreme court Justice Charles B. McLaughlin Thursday (27) granted Eli E. Oberstein, now president of the U. S. Record Corp., a judgment of \$15,833 against Philip Kastel in connection with Oberstein's \$200,000 action against Kastel, Lewis A. Jaffa, Frank Costello, Adolph Kaufman, Jack Feinstein, David Palter, Jack Joy and Frank Cusak. Other defendants have not been served with the exception of Jaffa.

The former RCA executive claims damages for alleged breach of contract. It is claimed that Feb. 21, 1939, he resigned his job with RCA on the promise of the defendants to form a record company called, Disc, Inc., with Oberstein to be hired at \$20,000 yearly for five years, and the defendants agreeing to invest \$150,000 and arrange distribution for the new company. The defendants failed to go through with the agreement, and Oberstein files suit, the allegations continue. Oberstein secured a judgment of \$100,000 against Jaffa in May, 1939, but this verdict was vacated on Aug. 17, 1939.

KMBC SINGER JOINING BOB CROSBY ORCHESTRA

Kansas City, July 2. Bonnie King, songstress at Station KMBC for past year, leaves station to join Bob Crosby's orchestra July 3. KMBC used her artist bureau bookings and on programs with Midland Minstrels and Rhythm Riders, as well as on her own quarter hour. Recently she guested on the Friday night Al Pearce radio show. She leaves a program with the Rhythm Riders, under sponsorship of Alpen Brau brew for her new assignment. Like other KMBC artists, Miss King is under personal contract to Arthur B. Church, station prexy.

Kemp Heads for N. O.

In place of going into the Astor hotel, New York, Hal Kemp one-nights and goes on several location dates southward toward the Roosevelt hotel, New Orleans, where his band opens for four weeks Aug. 25. Kemp was originally down to replace Tommy Dorsey at the Astor but the latter will stick the whole season. Kemp spends a week at the Cavalier Beach Club, Virginia Beach, Va., opening July 8; two week at Beverly Hills Country Club, Newport, Ky., starting July 19 before the Roosevelt.

Mary Small's Discs

Mary Small has been set by Ed Wolf for a series of Columbia records. Songstress has waxed 'Once In Loveland', 'Blueberry Hill', 'Some of These Days' and 'I Can't Give You Anything But Love' as her first two platters. Miss Small may go into the Shuberts' forthcoming 'Ziegfeld Follies'.

ASCAP STRESSES DIVVY ANALYSIS

Radio Largest Part of Society Income But Makes No Payroll Contribution To Composers, John Paine Points Out

1939 FIGURES

In disclosing the breakdown of the income of the American Society of Composers, Authors and Publishers for 1939 John G. Paine, general manager, declared that it was necessary for him to point out that ASCAP was not an entity but part and parcel of the music industry and that the figures should be considered in the light each class of licensee contributes to that industry.

The breakdown, he said, shows radio to be a huge contributor for performing rights and motion pictures a comparatively small one. But, he added, the true measure of the picture business' contribution to writers and publishers does not end there. Radio's sole contribution is through ASCAP, whereas the picture business spends many millions more in writer salaries, synchronization clearances and actual participation in the publishing business. In other words the film industry has spent much more time for the creation and publication of music than it has for actual rights.

Following is the gross receipts of ASCAP for 1939:

Radio (total)	\$4,142,024.44
Advertising	\$8,227,802.47
Sustaining fees	\$64,187.37
Motion Pictures	1,166,232.77
Restaurants	673,787.57
Hotels	226,890.03
Dance Halls	143,845.45
Miscellaneous	158,973.33

Total \$6,511,753.59

ASCAP's increase of radio income for 1939 as compared to the previous year comes to 8%. In '38 broadcasting paid \$2,984,658.03 on advertising fees and \$860,548.31 for sustaining fees, or a total of \$3,845,206.34.

British Society's Report

London, July 2. British Performing Rights Society grossed \$2,378,432 from the Empire and foreign affiliated societies in 1939. Of this amount \$1,180,000 came from the British Broadcasting Co. and licensees in Eire, Australia and New Zealand.

The British Society now has 1,861 members in Great Britain, an increase of 72 over last year.

BLITZSTEIN'S BLITZ

Scoring Two Indie Documentaries—Also Two Legit Musicals

Marc Blitzstein is doing the scores for two documentaries being produced by independent outfits. First is 'Valley Town', being filmed in the Pennsylvania mountains by Willard Van Dyke, for the Educational Film Institute of New York University.

Other is Paul Strand's and Leo Herwitz' production of 'Native Land' (tentative title) for Frontier Films, already shot but now being cut and scored. Paul Robeson is to be 'lyric commentator,' doing the narration in both song and dialog.

Besides his 'No for Answer' which a syndicate is to produce Broadway, the fall, Blitzstein is also writing another new legit musical, as yet untitled, his Guggenheim fellowship.

Kelton With Coslow

Frank Kelton has left L. Wolfe Gilbert's publishing firm to become manager of Coslow Music, Inc. He will operate out of New York.

ASCAP Reconciles Itself to Metro Loss; Believes Long Fight Inevitable

Jackie Souders' Return

Seattle, July 2. Jackie Souders, band leader, is back where he started his career, 13 years ago, swinging a baton for a dance orch.

He's at the Olympic hotel, this marking his return to a dance band, following a half dozen years at the atres as emcee and band leader. His most recent stint was at the Orpheum, Portland.

Gene Sargent and Eileen O'Hara are soloists with the Souders band, which gets Coast airing on NBC Red network.

BAD NEWS FOR BREGMAN FIRM

Ager, Yellen & Bornstein is 50 availability points to the good as a result of a ruling of the publishers appeals board of the American Society of Composers, Authors and Publishers. The same board has decided against the protest of Ergan, Votto & Conr, and the latter firm has no other recourse for recovering some of the availability points that it has lost by order of the availability committee during the past 18 months. B-V-C has exhausted all channels of relief allowed it under the ASCAP bylaws and the only move it can now make is to the courts.

Availability rating of both firms had been gradually reduced by the availability committee until it reached 1,100 points each. When B-V-C took over the Donaldson, Douglas & Gumble catalog the latter held a rating of 2,250 points. Ager, Yellen & Bornstein's high was 2,000 points.

The availability committee last week approved the finding of the appeals board so that A-Y-B's rating now stands at 1,150 points.

MARKS SUES HARMS ON 'IN DUTCH GARDEN'

E. B. Marks Music Corp. is suing Harms, Inc., unit of the Warner Bros. group, in connection with the latter's song, 'In a Dutch Garden'. The action, filed last week in the N. Y. supreme court, seeks an injunction, an accounting of the profits and statutory damages for each alleged infringement.

The melody of 'Garden' was written by the late Will Groz and Marks claims that it's an infringement of a tune that it has in its own catalog. The latter composition is by M. Werner-Kersten's work, according to Marks, wrote it in September, 1920. Marks' complaint also alleges that Harms' 'Jolly Peter' composition is likewise an infringement on Werner-Kersten's work.

'Dutch Garden' was put out by Harms late last year with Mack Gordon the lyricist. The number sold about 275,000 copies.

Gene Krupa's 3d Date

Gene Krupa has been signed for his third repeat at Meadowbrook, Cedar Grove, N. J., in the space of a year. Finishing a long stand there Sunday (30), Krupa is set for another six weeks beginning Jan. 1, 1941. First stand began Jan. 31 this year.

Krupa is credited with doing the best June business Meadowbrook has done since it opened, by Frank Dailey, spot's owner.

While the leaders of the broadcasting industry are proceeding to sell independent station operators on the idea of supporting the proposed purchase of the Metro music catalogs, the American Society of Composers, Authors and Publishers has already discounted the deal as closed and is proceeding on the proposition that its repertoire will not include the Metro works for the next five years. ASCAP states that even with the Metro catalogs out there will be no revision downward of the terms of the new contract. The Society has also reconciled itself to a six months battle with CBS and NBC.

With William S. Paley personally determined to see the thing through to showdown, the moving spirits within the Broadcast Music, Inc. project are confident that the rank and file of the radio industry will come out in favor of the Metro acquisition. On the other hand ASCAP's tacticians have taken the stand that Broadcast Music has a right to be in the music business and that the only question pending is whether BMI can lawfully represent the writers involved in the Metro catalogs since the former have entered into 10-year contracts with ASCAP. It is understood that BMI's option to buy is predicated upon Metro's guarantee to deliver full performing rights.

But Cash Is Needed. Within the Metro organization optimism of the deal going through is not complete. The price quoted in this quarter is \$3,750,000. One of the Metro instigators of the negotiations remarked over the past week-end that so far his talks with the broadcasters has been productive of little assurance of immediate cash but rather of an offer to underwrite the purchase through the obligations of 74 different people.

ASCAP claims that 110 stations have evinced an interest in signing new contracts and that of this number 36 are network affiliates.

Nebraska Appeals To Supreme Court; Radio Interests Bankrupt Case

Lincoln, Neb., July 2. Appeal has been taken to the U. S. supreme court from a statutory court's decision which declared the Nebraska anti-ASCAP law invalid. Move came on the final date (27) allowing for an appeal and a week after the Nebraska Broadcasters Association had agreed to put up the money necessary for the appeal. It has been intimated that the actual source of this financing is the National Association of Broadcasters. The Nebraska statute was passed in 1937 and after considerable jockeying in the courts was last winter declared unconstitutional. The attorney general's office was allowed but \$4,000 to see the law through litigation and this was exhausted during the three years of legal controversy.

Lincoln Grosses Better

Lincoln, Neb., July 2. June almost washed out the losses of May hooking of name bands here, with both Hal Kemp and Dick Jurgens bringing in profit margins at the Turnpike Casino, King's ballroom, at Capitol Beach, and Pla-Mor brought in no big leguagers, but all their territorial and local bands maintained a strong average.

Kemp approached an even \$1,000 for gross, \$110 and \$135 per performer. Jurgens' total in \$750, at 82c, and \$110 gate prices. Next big one is Glenn Miller tonight (2), coupled with his CBS commercial shot from here via KFAB. Understood Miller is costing the Turnpike \$1,500, which is the highest price divvied up for a band here in history for dance.

Bands at the Boxoffice

(Presented herewith, as a weekly tabulation, is the estimated cover charge business being done by name bands in various New York hotels. Dinner business (7-10 P.M.) not rated. Figures after name of hotel give room capacity and cover charge. Larger amount designates weekend and holiday price.)

Band	Hotel	Covers Played	Past Week	Total Covers On Date
Charlie Barnett	Lincoln (225; 50c-\$1)	9	675	6,025
Larry Clinton	New Yorker (400; 75c-\$1.50)	8	1,800	11,925
Del Courtney	Park Central (375; 50c-\$1)	8	700	5,875
Jimmy Dorsey	Pennsylvania (500; 75c-\$1.50)	12	2,500	19,200
Tommy Dorsey	Astor (800; 75c-\$1)	6	3,675	19,975
Ray Kinney	Lexington (300; 75c-\$1.50)	7	1,550	10,400
Alvino Ray	Biltmore (800; \$1-\$1.50)	1	625	1,300

Asterisks indicate a supporting floor show, although the band is the major draw. Joe Venuti in Clinton's place for last 3 days. Les Brown vice Charlie Barnett for first 3 days.

On the Upeat

Charlie Agnew and his orchestra will finish a two-week engagement at the Centennial Terrace, near Toledo, O., July 11.

Louis Armstrong and his Harlem revue at Palace theatre, Youngstown, O.

Harold Austin, Buffalo bandleader, is managing for second summer the ballroom at Crystal Beach, Ont., amusement park.

Dal Richards' band, now playing on the Panorama Roof of Hotel Vancouver, Vancouver, B. C., will not switch with Len Hopkins band from Ottawa as previously scheduled but will play twice weekly from the roof during the summer months.

Fire, believed to have been caused by a cigarette, destroyed the Edmonton (Alberta) Beach dancehall last week.

Duke Ellington plays a hop at Municipal Aud., St. Louis, Aug. 27. Dance is being run by the Colored Elks of which Ellington is Grand Bandmaster.

Biltmore Boys changed agencies from CRA to Wm. Morris. Open at Sir Francis Drake hotel, San Francisco, July 16.

Tommy Tucker has a followup to his 'Man Who Comes Around.' Calls it 'Man Doesn't Come Around Anymore.' Band opened at West End Casino, West End, N. J., Saturday (29).

Budapest String Quartet signed for Columbia Records.

Del Courtney set for July 7 and Ozzie Nelson July 14 at Pleasure Beach Park, Bridgeport.

Leon Frima moved into Grove club near Biloxi, Miss.

Billy Catzone 4 out of William Penn Hotel, Pittsburgh, after nine months for indefinite engagement at

Norrandie Restaurant in Boston. Placed by MCA.

Tony Almerico Swingers set for summer at Casino club, new dance spot, in New Orleans.

Maurice Spitalny orch goes into Mission Inn, near Pittsburgh, for week of July 4 and moves to Pines, Pitt., Aug. 2 to stay there for remainder of outdoor season.

Tony Martin, with Bob Zurke's band, spotted in West View Park, Pittsburgh, for one-nighter July 17.

Howard Baum orch. opened two-week stay at Willows, Pittsburgh, Saturday (28), replacing Jimmy Richard's outfit.

Tiny Hill band opens fortnight stay at Kenywood Park, Pittsburgh, July 8, same day that Benny Burton opens at West View Park in that city.

Herbert Fritschle orch into New Penn, Pittsburgh, for indefinite stay, succeeding Leg Barrett band.

Howard Becker's option at Pines, Pittsburgh, picked up for another stretch, this time through entire month of July.

Tommy Cullin's band set for summer on outdoor terrace of Glenwood Hotel, Delaware Water Gap, Pa.

Ralph Wert with Eve Frey set for indefinite run at Mt. Pocono Grill, Mt. Pocono, Pa.

Charlie Barnett now has one of those institutional original tunes. Calls it 'Leapin' at the Lincoln.'

Jimmy Van Heussen flying his own new plane to the Coast to work on new tunes for Paramount film. Took off Saturday (29).

Del Courtney band currently working three days at Meadowbrook between exit of Gene Krupa and

opening of Al Donahue. In last night (Tuesday) and out tomorrow, Buddy Clarke's band replaced Courtney at Park Central hotel, N. Y. Not the singer, Clarke was at that spot all last winter.

Art Jarrett's new band signed to General Amusement optional contract.

Claude Hopkins now under Wm. Morris agency. Had been with Rockwell General Amusement Corp.

Fausto Corbello band, currently at Hurricane, N. Y., signed to Columbia Records.

Joe Reichman's orchestra on the Warner lot for a musical short.

Jan Garber moves his crew into the Casa Manana, Culver City, July 5. Jimmie Lunceford follows.

Skinnay Ennis plays the Paramount theatre, Los Angeles, week beginning July 4.

C. B. Cochran

Continued from page 1

The ordinary standard of living. I'm staying at the country house of a friend and we had melon, salmon, chicken, asparagus and strawberries for lunch with good wine and excellent coffee to follow. So don't bother to send me any canned food. Of the show business and what's going to happen to it, there is little to be told.

We're having superb summer weather which, without war news, would draw receipts.

Personally, I was getting going again, but Hitler has put me right out. Some friends even say that my comeback brought on the war! One thing this time—I shall have plenty of friends to share being broke with me.

I shall not try to do anything again before the autumn. My feeling is that all show business will have to be cheap priced. Few, very few people, will be able to afford high priced seats.

The confidence here is enormous. Everybody, every class, is sure of ultimate victory, and labor (organized labor) is working like hell. They're cleaning up the Fifth Columnists pretty thoroughly at last and, as I suppose you know, have collected my old friend Joe Beckett, whose match with Carpenter netted me a nice profit of \$20,000. Good days!

Not many Americans left here, but the Condos boys seem inclined to stay and have been doing good work at troop concerts. Claire Luce is another sticker. She's a fine girl and likes this old England of ours. Harry Foster has gone big into production but conditions are too strong for him or anybody.

I've a hankering for Broadway. I should like to see the shows at the Fair. I hope I'm spared to come over once more. I read you very regularly and get a lump in the throat that Broadway and Piccadilly seem to have grown much further apart since last September.

With good remembrances to all old friends,
Charles B. Cochran.

War Themes

Continued from page 1

with the present struggle have been received feebly at the boxoffice, but the shifting changes in the European scene preclude attempting to mastermind politico history.

All Cut 'Way Down
Virtually all newsreels have trimmed down the amount of battle-front material being used in reels during the last 10 days. One reason is that less pictorially perfect matter is coming in from Europe, excepting that supplied by the German army, which has lost its audience appeal for Americans. The other is that numerous exhibitors, outside the newsreel theatres themselves, are surfeited with war stuff and aver it is actually keeping people away.

American newsreels generally are expected to concentrate more on the Yank military preparedness and less on the European wounded in ensuing summer months, according to opinions voiced this week.

Interstate's Axe on Axis
San Antonio, July 2.
The Interstate circuit has announced that all war newsreels will

15 Best Sheet Music Sellers

(Week ending June 29, 1940)

Make-Believe Island	Miller
Playmates	Santly
Imagination	ABC
'Where Was I? ('Till We Meet Again')	Remick
'Blue Lovelier' (Lillian Russell)	Feist
Breeze and	Marks
Woodpecker Song	Robbins
Singing Hills	Santly
God Bless America	Berlin
Sicra Sue	Shapiro
Fools Rush In	BVC
I'll Never Smile Again	Sun
Shake Down the Stars	Feist
Alice Blue Gown (Travis)	Feist
'Little Curly Hair' (40 Little Mothers)	Feist

*Filmusical

RECORD REVIEWS

Will Bradley 'Let's Have Another One'—'Young Man Sings' (Col. 35495)
Ray McKinley's drunken-voiced vocal gives 'Another' its appeal. It's a natural for bar coin machines. Band plays it in high gear, all ensemble except for a clipped trumpet at finale. Band's new vocalist, Jimmie Valentine, shows little on the reverse and does nothing to help the tune out of the doldrums. It wasn't worth recording. Trombone is only break.

Freddy Martin 'Gypsy Tears'—'Sunnin' in Summer Sun' (Bluebird 10748)
Martin's group handles 'Gypsy' with kid gloves, blending violins and saxes neatly to add up a piece that's smooth relief. Clyde Rogers vocals. 'Sun' is an okay tune, neatly played. It's lifting fare, played with a lit. Piano breaks it after Eddie Stone vocal.

Jimmie Lunceford 'Easter Parade'—'I'm Alone with You' (Columbia 35484)
Lunceford rides the fence on 'Parade', halfway between its melody and asking to far off. Nevertheless, it's a clean-cut piece that drives to a good impression as it moves along. Jimmie Young vocal is more personality than tonsils. Side is clear and lively. Backing is an innocuous piece of slow tempoed stuff that barely escapes being labeled a sleep walker's theme. Trumpet breaks it.

Hal Kemp 'Breeze and I'—'I Can't Resist You' (Victor 26615)
Jimmie Dorsey has an arrangement of 'Breeze' to end all versions. It seems no other bandleaders care to make an attempt to play it on top; anyway this is the deadeast one to come along. Arrangement impresses as a stock. Janet Blair vocal helps toward skidding it into a sub-par category. Tune deserved better treatment. Reverse has more life and is better played. Piano and Bob Allen vocal break it up.

Eddy Duchin 'Moanin' Low'—'On the Alamo' (Columbia 35491)
Outstanding on the 'Low' side is Duchin's piano soloing. Entire arrangement isn't far behind, however. It's impressive, ringing in smooth ensemble as well as muted trumpet, sax, and clarinet breaks. One of Duchin's better turnouts. Reverse is slower tempoed and tees off with another piano bit. It's commendable also.

Tiny Hill 'Yes Sir, That's My Baby'—'Curbstone Cutie' (Vocalion 5567)
Hill is a good record seller in the midwest where such sweet groups as Dick Jurgens, Ray Herbeck and others are extremely popular. On these two sides, which are good for their type, the reason for Hill's popularity in that area is apparent. Both sides are almost pure corn played with an appealing lift. 'Baby' is cut in the style and tempo of yesteryear with a vocal by the leader. Reverse is closely similar. Breaks are frequent. Sides bring to mind a backwoods Saturday hop.

John Kirby 'Little Brown Jug'—'Impromptu' (Vocalion 5570)
Kirby outfit, one of the best of the smaller combos (6), does a neat job on both of these sides. 'Jug' arrangement eases along in lifting style backed by Spencer O'Neill's brisk brush drumming. Except for the breaks it's all solid ensemble, never going off on a wild swing tangent. Coupling kicks up the pace a bit and stimulates the same reaction. Tempos on both sides good. Pack a wallop.

Artie Shaw 'Dreaming Out Loud'—'Now We Know' (Victor 26642)
Shaw is gradually easing back into pop style. 'Dreaming' is at an easy tempo and tastefully arranged. Points up strong sax team and vocal by Martha Tilton, ex-Benny Goodman vocalist. Voice seems stronger and more mature. Clarinet, sax and guitar breaks help. Violins are tamed on both sides. They're used most on 'Now.' It's a smoothly done piece that changes tempo from ballad to rhythm several times. Noticeable but doesn't harm. Miss Tilton vocals.

Glenn Miller 'Pe-6-5000'—'Rug Outlier's Swing' (Bluebird 10754)
Two originals that stack up as neatly colorful rhythm bits. First is one of the tunes written around Miller's past stand at the Pennsylvania hotel, N. Y. title being the spot's phone designation. It's a 'Tuxedo Junction' piece, highly rhythmic with exceptionally good tempo. Infrequent in Miller's work is the trumpet and sax solos that break the jumping ensemble. Reverse is similar, too similar, also employing trumpet and sax takeoffs. Both are well played and arranged.

has been increased the number of shorts on their bills. Also, small towns all through Michigan have started the use of more shorts and newsreels.

Theatres have received many complaints, with attendance dropping off in several houses. Scenes showing either Hitler or other leaders of the Rome-Berlin axis will also be deleted.

Mpls. Approves No-War
Minneapolis, July 2.
Since excluding all war pictures from his screen, including newsreel shots, manager Roy Slentz of the Gopher (Par-Singer) 25c loop first-run asserts he has had only two complaints as against more than 200 compliments.

It's the only house here to take such action and calls special attention to the fact in its newspaper display ads and on banners in front of the theatre.

Want More War Reels
Detroit, July 2.
Since Detroit's major houses upped the amount of newsreel time, chiefly through interest in war material, the

This radio star hasn't any worries because his arranging investments are PROTECTED for the SUMMER with 3 GREAT HITS!



No. 1 Played Radio Song
I'M STEPPING OUT WITH A MEMORY TO-NIGHT
YOU THINK OF EV'RYTHING
from Billy Rose's 'NEW AQUACADE' at the N.Y. World's Fair 1940

AND... Still The Nation's Favorite
THE WOODPECKER SONG

ROBBINS MUSIC CORPORATION 799 Seventh Ave., New York
MURRAY BAKER, Gen. Prof. Mgr. LEO TALENT, Prof. Mgr.

The One and Only
JIMMIE LUNCEFORD
AND HIS ORCHESTRA
JULY 5
ATLANTIC CITY, N. J.
Mgt. HAROLD OXLEY
17 East 49th St., New York

Warnow Shines Batoning All-U.S. Concert, Which Has Its Paradoxes

By EDWARD SMITH

The most noteworthy event of an All-American concert given Tuesday (25) at Lewisohn Stadium, N. Y., unfortunately was not the music. The best composition was not written by an American, but by a Bohemian, Anton Dvorak, the hack-dressed Largo from his New World Symphony being the piece.

But if American composers failed to shine, an American conductor did. Mark Warnow, who for the most part has devoted his career to the rendition of popular music, took over the podium from the regular conductor, Arthur Schnabel, at the conductor's program to direct Earl Robinson's "Ballad for Americans," with chorus and orchestra, with baritone solo sung by Paul Robeson.

Warnow completely overshadowed his soloist, and his contribution was the finest of the evening. The Philharmonic orchestra had been playing well, but listlessly, under the direction of Rodzinski. Under Warnow who had been cheated in 1938 by the weather of his chance to direct it, the orchestra came to life, and under the conductor's steady bat the concluding numbers were played with a fire and éclat which had been missing in the earlier portion of the program.

The popular leader made no show of his job, which was handled in a workmanship and professional fashion, indicating he could go far in the classical field if he ever desired to branch out. His new orchestral arrangement of "Old Man River," the concluding number, was also a fine piece of musicianship, exceedingly well orchestrated, especially in the string section.

Robeson's vocal shortcomings went unnoticed, to his enthusiastic public at least. Best of his selections, which included "Water Boy" and "Sometimes I Feel Like a Motherless Child," was an encore, "Scandalize My Name," written and inspired with the demagogues were crumbling in Europe. The work is as weak as were some of the democracies, with the opening sounding much like Puccini's "Tosca," and the baritone solo, sung capably by Peter Nicolaeff, bearing a striking resemblance to "Deep River." The orchestral conclusion was much on the style of Wagner. The chorus and orchestra could have benefited by more rehearsals, as cues were missed on several occasions.

Next new work to be heard was William Grant Still's "And They Lynched Him on a Tree," for double chorus, contralto solo and orchestra. This was better than the Harris work, with the modernistic music having more color and originality.

Brilliant New Negro Songstress
The work of the Schola Cantorum and the Wen Gilbert Choir was much better, with the first solo artist of the evening to appear being Louise Burge, Negro contralto. She is the possessor of a rich and luscious contralto, used artistically and with expert musicianship. More should be heard from her shortly.

Jaromir Weinberger's "Under the Spreading Chestnut Tree" followed, and bore a suspicious likeness to the composer's most famous work, "Schwanda." The work was not particularly well knit until its end, when with just minor deviations, the polka and fugue from Weinberger's "Schwanda" were tossed in for a rousing conclusion.

Here the music houses tied in with the amateur band leader stunt with one giving away Kaye recordings to the best leader at each show and the Grinnell Bros. company making recordings of each amateur's conducting and presenting him with the platter. On top of this the best of the young maestros have a final competition for 50 bucks.

Jack French, president of the musicians local here, ruled the Kaye band off making any broadcasts in Detroit—which has brought on some growls from other visiting stage bands—but okayed three interviews with WXYZ. However, an interview from nearby Canadian station, CKLW, Windsor, Ont., got things down.

JOHNNY MCGEE
HIS SINGING TRUMPET AND HIS ORCHESTRA
Currently
NEW YORK WORLD'S FAIR "DANCING CAMPUS"
Direction
GENERAL AMUSEMENT CORP.

BASIE VS. ELLINGTON

Celestion and Bemus Point Steps Using Name Bands Competitively

Buffalo, Ont., July 2. Summer 'name band' rivalry between Celestion Park, Jamestown, and Casino at Bemus Point, N. Y., was resumed Saturday (29) with unshattering of latter dancery. Separated by only a few miles, both play name-bands each week-end. Celestion Saturday had Count Basie with Duke Ellington at Bemus. The previous Saturday (22) Ozzie Nelson fetched 1,484 persons to Celestion. Some 350 couples paid \$1.65 presale, the rest shelling out \$2 at the door. Morrey Brennan, 425-lb. baton waver, leads the house band on other nights.

Stokowski Kids On the Cuff In Atlantic City

Atlantic City, July 2. Leopold Stokowski's All-American Youth Orchestra will do its hearing on the beachfront here, and also make its debut in this city. Stokowski made the announcement after Mayor Tom Taggart revealed local hotels would provide free rooms for the 100 youngsters during their rehearsal period, July 7-20, and Kent's Restaurant had agreed to keep them well fed for \$1.50 a day each.

Stokowski's youngsters, picked from all parts of the country to make a "good-will" tour of Latin America, will rehearse in main ballroom of Convention Hall each morning, go swimming in the afternoon, and practice some more in the evening.

When rehearsals are completed, the orch will give public dress rehearsals in Convention Hall before making debut in Washington before President Roosevelt and Pan-American diplomats. After the Washington concert, there will be another in Madison Square Garden, N. Y., before they sail for South America.

'Want to Lead a Band?' Stunt Costs Sam Kaye 50 Batons Every Day

Detroit, July 2. Sammy Kaye has got around to ordering his batons in lots of 1,000. What's more, the consumption of wands is going up daily. He's ordering from the Conn musical supply house about every 20 days now. Kaye eased into the market with his "So You Want to Lead a Band" stunt. Now in Detroit, Kaye really has to hand out the batons with the appearance of four would-be maestros at every show. That accounts for 20 of the 10-inch, white birch, cork-handled, specially monogrammed batons every day. But that doesn't count in the more or less important well-wisher, the old friends, the press, the friends of people you gotta be nice to, etc, which eats up at least 30 more a day. In fact, it's growing like a chain letter, and while it's a good gag the orders go in faster every time.

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Jack French, president of the musicians local here, ruled the Kaye band off making any broadcasts in Detroit—which has brought on some growls from other visiting stage bands—but okayed three interviews with WXYZ. However, an interview from nearby Canadian station, CKLW, Windsor, Ont., got things down.

Cugat May Go Columbia

Xavier Cugat may shift to Columbia records under a deal now being discussed by Music Corp. of America. The maestro has long been standard on Victor but MCA, under its CBS accord, has signed most of its topflight artists with CBS' affiliate, the Columbia waxworks.

JACK DARRELL LOSES HIS LIFT ACTION

The circuit court of appeals in N. Y. Monday (1) upheld federal judge Samuel Handelman's ruling of March 23, 1938, and dismissed Jack Darrell's plagiarism action against Joe Morris Music Co., Inc. Al Sherman, Jack Meskill, and Abner Silver. Darrell claimed his song, "Does Anybody Want Little Kewpie," written in 1927, was lifted in the defendant's "On the Beach at Bali-Bali," written in 1936.

In their decision the justices of the circuit court declared that a sequence of eight notes appears so frequently as to constitute the greater part of the two songs. "This makes the two, when rendered, so much alike to the ear that the supposed piracy appears almost inevitable. Nevertheless we are not convinced that that conclusion is inescapable, as recurrence is not an inalienable badge of plagiarism. While there are an enormous number of possible permutations of the musical notes of the scale, only a few are pleasing, and much fewer still suit the infantile demands of the popular ear," declared the circuit court. It was also pointed out that the plaintiff's song in several years had sold only 1,500 copies.

BOOKERS JAM AT RENAULT

Eddie LeBaron and Don Bestor bands almost tangled at the Renault Tavern, Atlantic City, Saturday (29). Both were allegedly booked to start two-week stretches there as booked by their respective agencies. It required the local musicians union and the help of two other bandleaders for LeBaron to start the job. Conflicting came about when Consolidated Radio Artists negotiated with the spot for an exclusive booking arrangement, with the promise of an NBC remote wire. Agency couldn't convince NBC and as a result Music Corp. of America stepped in and took it over, stringing in a CBS wire.

Before CRA had settled the wire angle with NBC it signed Bestor for the date. MCA signatored LeBaron for the same stretch and Bestor, when opening time rolled around, called the spot's manager and said he'd be on hand. He didn't show. Though the A. C. musicians' local upheld LeBaron it took Alex Bartha, local band leader, and Joey Kearns, WCAU, Philadelphia, house band leader, to help LeBaron open. Seems that to make the opening at the Renault he was forced to jump, by car, from Dallas, Texas, three days. Cars got separated and one got into a crash. As result LeBaron was on hand with half a band and no music. Bartha offered the use of part of his rhythm section and Kearns a piano player and arrangements until the missing ones showed up. Two arrived at 11 p.m. the same evening and two didn't, due to crash injuries.

Bestor intends complaining to the AFM, claiming his contract, signed by both he and the Renault, is valid and the fact that CRA lost the booking of the place, because it couldn't deliver a wire was no concern of his.

Paramount Music Corp., publishing four songs from "A Night at Earl Carroll," "Ditties," "Let Boy Love," by Frank Loesser and Frederick Hollander; "One Look at You," by Ned Washington and Victor Young; "Happy Times," by Loesser and Gertrude Niessen, and "Cali-Congo," by Carroll Dorcas and Nilo Menendez.

Theatre Men Threaten to Remind Ohio Officials That Dog Racing Is Illegal

ONTARIO PIQUE

Musicians in London Slap Import of Yank Music

London, Ont., July 2. Claiming that thousands of Canadian dollars are being taken from this country yearly by 'big-name' United States orchestras, the London branch of the Canadian Federation of Musicians is seeking the cooperation of other Canadian union groups in having a ban applied upon U. S. musical importations for the duration of the war.

In a communication to the London Public Utilities Commission, the London musicians' group has asked that Canadian orchestras playing opposite American bands at Port Stanley, Ont., be given patriotic billing. Copies of the letter sent to the P.U.C. have also been forwarded to the City Council and the London Trades and Labor Council in an effort to enlist the cooperation of those bodies.

Herman Liersch, of the C. F. of M. group, stated that many Canadian orchestras heard in the larger Ontario and Quebec cities and on the CBC network would prove to be equal drawing cards if they were given equal advertising space as being given in newspapers and other mediums to the American big-name orchestras which are drawing large crowds to the huge dancehall at Port Stanley.

BETTY LONDON FINDS MEN TEMPERMENTAL

Mobile, July 2. Betty London and her band ended a three weeks' contract at the Rose Room, Cawthon hotel (28) and at the same time the Kansas City woman baton-wielder said that she was washed up for a while trying to lead and look after the business end of the band. "I am through for a while, at least, as I find a bunch of men are tough to please." Members of the band scattered widely. Jake Wells, pianist and vocalist, went to Washington, D. C.; Spud Taylor to Shreveport, and Rex Mori drummer, and Pete Collins, drummer, to New Orleans.

The Rose Room was taken over by Ray Bentze and his band for three weeks.

Henry Busse held over at Palace hotel, San Francisco, until Sept. 25.

Youngstown, O., July 2.

Threat of Youngstown, Ohio, theatre exhibitors to complain to the governor forced the Lake Milton (dog track at Fairport, Ohio, to drop the booking of name bands. An inducement to watching the whippets. Fairport is close enough for the track to cut into Youngstown theatre business, yet the two spots are in separate counties. Bands played in the track infield, getting in sets between races. There was no dancing.

Greyhound racing is against Ohio state laws but inasmuch as no formal complaint had been filed with the governor its operation was not being interfered with. Ted Lewis and Duke Ellington played dates at the stand recently. Tony Martin, leading Bob Zurke's band, was scheduled for two weeks hence but was cancelled when the Fairport sheriff ordered band policy withdrawn.

Song Publishing Maestros Do OK In Plug-Swap Deal

Professional managers of music firms are observing the bit of plug-swapping that is now going among Fred Waring, Tommy Dorsey and Guy Lombardo. Some contactmen are even keeping a chart on the current operations on this Tinkerto-Evereto-Chance song combination just to see whether in time all three leaders come out even on the exchange.

Waring's firm, Words & Music, has as its No. 1 plug the number, "Half Way Down the Street". Dorsey's publishing house is the Sun Music Co., which is pushing "I'll Never Smile Again," while Lombardo, chief stockholder of Olman Music, has a deep interest in the welfare of "I Can't Love You Any More." This particular exhibit of logrolling, say the contactmen on the sidelines, has worked out nicely so far, and the threesome have also not overlooked their own numbers as far as their own programs are concerned. What's more, for once, each looks like a sizeable hit.

EVERYBODY SAYS:
"THE GREATEST SCORE EVER WRITTEN"
* 1—YOU'RE LONELY and I'M LONELY
* 2—IT'S A LOVELY DAY TOMORROW
* 3—FOOLS FALL IN LOVE
* 4—YOU CAN'T BRUSH ME OFF
* 5—LOUISIANA PURCHASE
* 6—OUTSIDE OF THAT I LOVE YOU
* 7—LORD DONE FIXED UP MY SOUL
* 8—LATINS KNOW HOW
* 9—DANCE WITH ME (Waltz)
(Tonite at the Mardi Gras)
From **IRVING BERLIN'S**
"Louisiana Purchase"
IRVING BERLIN, INC.
799 Seventh Avenue, New York City
Charlie Warren, Prof. Mgr.

Inside Stuff—Music

Mercer & Morris publishing firm has heard from another quarter in the matter of having a prior right to the title, 'I Am an American'.

Two of the major photograph record companies have let down the bars against patriotic or war tunes. Victor is having Gordon Gray record it, while Gene Krupa has been assigned to cut it for Columbia.

The late Dr. Will Groz, whose 'Make-Believe Island' is the No. 1 song today, had his tune picked by Jack Robbins from a flock of manuscripts.

Band leader who has come up among the leaders in only the last year isn't carrying his new-found success very easily. Recently he played a week at a deluxe theatre in a key city and after opening show, head of circuit directing the house, went backstage to see maestro to make a couple of suggestions.

Result of Martin Block's 21-station band popularity poll again put Glenn Miller's band at the top of the band heap. Block's votes were gathered via his National Biscuit Co. transcriptions and the Jive Make-Believe-Ballroom show on WNEW.

Miller drove in first with 44,446 votes. Tommy Dorsey followed with 22,645. Benny Goodman, 16,521; Sammy Kaye, 13,854; Kay Kyser, 11,618; Gene Krupa, 10,104; Charlie Barnet, 8,480; Jimmy Dorsey, 7,537; Artie Shaw, 5,532; and Jan Savitt, 4,377, were the first 10.

Probably sensing that the effect of its strict ensemble arrangements may be palling, Glenn Miller's band is going in more and more for solo instrumental breaks a late. One of the most appealing things about Miller's band, which helped to push him to the top, and which showed in either his sweet or swing arrangements, was the fine color and harmony he derived from arrangements calling for various sections of the band to work as units.

Currently the leader is strengthening the spotlight on younger members of his group and has made several changes to bring in 'takeoff' men. Number of his latest records include solos on drums, sax and trumpet, including one long one on recent recording of 'Bugle Call Rag,' something never before encountered on a Miller disc.

One of the major problems in musician circles these days are the mechanical purveyors of music. What the new AFM prexy, James C. Petrillo, will do can do about it is the No. 1 topic for discussion in the trade these days.

Petrillo's advent to N. Y. the week before was heralded by Phil Spitalny and his all-female band meeting him at the station, playing 'Hail the Chief,' aided by Rudy Vallee, Abe Lyman, the Dorsey brothers, et al., among those present upon his arrival.

Howard Bennett, who retired from the field of successful musical comedy composing 25 years ago to join his father in a Schenectady contracting business, has resumed song writing. A number of his compositions have recently been featured by the WGY Little Concert Orchestra and by the group which Edward A. Rice directs on the program called 'Silver Strings,' fed by WGY to NBC red.

Decca Records has withdrawn the recordings of the song 'WFA' whichiked New York local 802 of the American Federation of Musicians into requesting that such action be taken. Victor, which has a Glenn Miller version of the tune ready to release, will not let it out. Decca's cuttings were made by Jan Savitt, Skeets Tolbert and Louis Armstrong-Mills Brothers.

Columbia Records had expected to make the tune with revised lyrics. That will be shelved, too.

Reg Connolly, London music publisher, had some \$30,000 in the U. S. which the British government made him convert into pounds only recently. Meantime he's in New York now with only nominal funds, under existing British laws, in the midst of consummating a deal to take over a U. S. firm with Irwin Dash. Latter is associated with Connolly's London music publishing interests.

Santly-Joy-Select, Inc. is re-creating the air performance of 'I Can't Get Indiana Off My Mind,' a Hoagy Carmichael composition, until the end of July so that the photograph recording companies can have something of an edge in merchandising their versions of the tune. It's a two-week advantage, since the disc releases are set for the middle of this month.

Richard Mohaupt, refugee (although an Aryan) composer from Berlin, has been commissioned by the Radio City Music Hall to do another special overture following the success of his recent 'Marinka' there. Schirmer is publishing latter. Mohaupt was a prominent German film score writer before coming here with his wife, Jewess.

Band Bookings

Finky Tomlin, July 19, week, Oriental theatre, Chicago.

Will Bradley, July 19, Manitou Beach, Rochester, N. Y.

Del Courtney, July 6, Ocean Beach Club, Ocean Beach, N. J.; 13, Dorsey, Ark., Almont, Pa., 27, four weeks, Claridge hotel, Memphis.

Duke Ellington, July 26, week, Eastwood Gardens, Detroit; Aug. 27, Municipal Auditorium, St. Louis.

George Hall, July 5, Ocean Beach Pier, Clear Lake, Mich.; 6, Lake Breeze hotel, Buckley Lake, Mich.; 10, Westmont Grove, Johnstown, Pa.; 11, Crystal Park, E. Cumberland, Md.; 22, Sans Souci Park, Wilkes-Barre, Pa.

Claude Hopkins, July 3, Rosedale Beach, Millsboro, Del.

Ted Lewis, July 6, Bemus Point Casino, Bemus Point, N. Y.; 11, Colonial hotel, Rochester, Ind.; 14, Modernistic B, State Fair Park, Milwaukee.

George Olsen, Aug. 3, Val Air B., Des Moines.

Ramon Ramos, July 6, Northroom Country Club, Roxbury, Ill.

Johnny Long, July 13, two weeks, Hunt's Casino, Wildwood, N. J.

Lani McIntire, July 10, indef., Willows, Pittsburgh.

Glenn Miller, Sept. 5, week, RKO Boston; Sept. 13, week, Hipp theatre, Baltimore.

Terry Sand, July 16, three weeks, Aragon E., Chicago.

ARTIE SHAW TUFF UP TO PETRILLO

Contract tiff between General Amusement Corp. and Artie Shaw is now in the hands of James Petrillo, head of the American Federation of Musicians. Latter has upheld the legality of Shaw's obligation to the booking office but has deferred action.

GAC took its case to the union after Shaw was booked on the new Burns and Allen show (Spam-NBC) by the William Morris office. Latter office is also supposed to have booked Shaw into the Coconut Grove, Los Angeles, opening date as yet indefinite.

Shaw-Lana Turner Split Hollywood, July 2.

Coast reports have it that Artie Shaw and Lana Turner, who married last February, are on the verge of splitting up matrimonially.

Merle Jacobs to Manage Noble, Hoagland, Lucas

Cleveland, July 2. Merle Jacobs, who quit MCA's Cleveland office to go into the personal-band management field, has taken under his wing Leighton Noble's outfit now playing at Cleveland Hotel's Bronze Room. Also signed Everett Hoagland, one-nighting at present, and Clyde Lucas to manage their crews.

Despite the split, Jacobs is to work in conjunction with MCA, which books the three crews, following example of Seymour Heller, who recently left MCA to manager Ted Fio Rito.

Pix Ad Media

Continued from page 1

glad to accept this additional one. The Erwin Wasey ad agency is exploiting Oxycodol among other accounts, in this manner. J. Walter Thompson has several accounts, including Rinsol and Horlick's. Gaudmont-British is using Anson Dyer for general cartoonist, for comedy cartoons, a la Disney, to push its Bush radio sets. Mather & Crowley, biggest local publicists, have John P. Myers scripting a series of shorts, headed by local film stars, boosting Lux, and are also looking after the publicity of a big arrangement company.

Chilly June Slows Dance Spots But July Prospects Looking Up

British Best Sellers

(Week Ending June 8)

- 'Dreads Grow Old'... Feldman 'Don't Pass Me'... Gay... 'Made Me Care'... Wood 'Arm in Arm'... Noor 'Curtain Down'... Cinephone 'No Souvenirs'... Wright 'Oh Johnny'... Day 'Singing Hills'... Connolly 'Boy On Leave'... Maurice 'Mocking Bird'... World (Shilling Numbers) 'Woodpecker Song'... Sun 'Falling in Love'... Maurice 'Nightingale'... Maurice 'Over Rainbow'... Day 'Deep is Night'... Prowse

BEN GOODMAN TAKING HEALTH LAYOFF

Catalina, Cal., July 2. After much on-and-off-againing, Benny Goodman's band goes on notice during the month of August, but that does not mean the maestro is retiring or the Goodman orchestra is breaking up.

Deferring all medical plans, a late-minute deal just set by Music Corp. of America for Goodman to make 'Hit Parade' for Republic right after he closes here at St. Catherine's hotel, in Avalon, on July 14. The film will consume 10 days, to be followed by a week of one-nighters, previously set, whereupon the Good-manites go on notice.

Goodman is due to go into Meadowbrook, New Jersey road-house, Sept. 3, inaugurating that inn's fall season. Proposal to book the band with Ziggy Elman at its helm couldn't be consummated due to the price differential when dance promoters were appraised Goodman would not be with the organization.

Department of transport informed him that since Port Stanley was not an official Canadian port of entry, there would be some red tape. Special customs and immigration officials, he was told, would have to be sent from Detroit to okay the horn-toters, bond their instruments and get their John Hancock on a dozen special documents, getting a load of the extra red-tape lengthening his short-cut, Baumen disgustingly threw the flying idea into the lake, so bands going to the Ontario pavilion will still have to drix up the hard way.

RED TAPE WINS AGAIN

Flying Across Lake Saves Time But Law Prohibits

Cleveland, July 2.

Auto drive from Cleveland to Port Stanley Pavilion in Ontario, which Howard Baumen handles for MCA offices here, is such a tough nine-hour grind that the tired booker who makes it weekly decided to find short-cut for bands going up there.

Discovered, by looking at a map, that flying distance across Lake Erie was only about 60 miles against the 250-mile roundabout route buses must follow. Owner of a large commercial airplane gave Baumen an attractive rate to fly up musicians but there were a couple of catches.

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Owens' Stand Expanded

San Francisco, July 2. Owens' Strand Expanded is set for addition six weeks at the St. Francis, San Francisco. New Owens' song, 'Poi, My Boy, Will Make a Man of You,' introduced here with Kenny Allen singing, the lyrics, is getting across with the San Francisco crowd.

Halfway through the summer son, the one-night dance band business around the country is generally off. Unusual amount of rain and cold weather is responsible for the greater part of the poor take, dipping many promoters well into red ink. One Pennsylvania operator claims to be almost \$40,000 in the hole already, but, like all of the spots, is looking forward to the holiday stretch beginning tonight (Wednesday) to help pull out.

Promoters are squawking that some of the guaranteed draw names are overpriced and they get hurt when business is not commensurate with reputations. One of the biggest names in the country, trekked west recently and left a trail of red behind him, as a rule however, when such top names take a dive offices which book them make 'adjustments' to enable the promoter to make up some of the lost ground. Latter is currently a standard practice with some agencies.

Strangely enough it's a group of medium priced crews that are being more successful, on the average, than the top flight groups. Woody Herman, Gene Krupa, etc., are listed in that category. Only park to fade from the picture entirely, after it was clipped three or four times running, was Riverside Park, Springfield, Mass. It stopped using name bands.

BOSTON WARS ON 'CUT-RATE' CLASSICALS

Boston, July 2.

Backers of a phonograph record selling project calling itself the Committee for the Development of Appreciation of Music has turned to radio to sell its wares, following the refusal of Boston newspapers to take its advertising. The local papers took the stand that the committee's low price of \$1.69 for three, or four, 12-inch records was not for the best interest of local record distributors. The exception to this ban was the Christian Science Monitor.

The chagrined promoters of the classical records sales drive found support for their feud with the Boston dailies among some suburban papers. The Boston Herald-Examiner, for instance, editorialized: 'Unfortunately, pressure brought to bear upon Boston newspapers through some large advertisers has prevented the advertising of the sale of records, and therefore information has had to be disseminated through the radio and by word of mouth...' In Boston, 'the center of music,' this co-operation is refused. However, music lovers of Boston are too many and too astute to permit its press to prevent the enjoyment of this fine music.

Local disc dealers state that nobody is trying to prevent Boston music lovers from enjoying this fine music. All they are interested in is to protect themselves against the underloading at cutrates of carloads of records bought up from overloaded distris in other parts of the country.

BOB WEEMS OPERATES GENERAL'S CINCY POST

General Amusement Corp. opened a new office in Cincinnati Monday (1). Bob Weems, formerly in New York but in the past several months out on the road, will head the operation. He had been sandwiching his working that territory with looking over the advisability of establishing the new branch.

Ann Richardson, office head in New York, went west for vacation at French Lick Springs, also stopping at opening.

Glenn Gray, Inc., dissolved at Albany, N. Y. Papers filed by Gray's attorney, C. V. Gedge, says, wiped off and left in main organization is Casa Loma Orchestra, Inc.

Conn. Supreme Court Upholds Law Banning Femme Workers After 10 P.M.

Hartford, July 2. Validity of the Connecticut law prohibiting the employment of femme entertainers or musicians in restaurants, cafes, dining rooms and night clubs, was upheld by the state supreme court last week. Opinion of court was unanimous. Law, however, doesn't prevent femme entertainment at private parties, banquets, etc.

Leaves two moves open to femme entertainers. One an appeal to the United States Supreme Court, claiming unconstitutionality, and other action in the 1941 legislature. Entertainers are pinning their hope on the latter and are preparing for an expansive propaganda move and lobbying.

As a result of the court decision, State Labor Commissioner Cornelius J. Dabner, Monday (1), announced that, in view of the decision, his office would take an active part in the prosecution of the law. Prior to the decision, the labor office had acted only in case of written complaint.

The law prohibits the employment of women in the varied establishments between the hours of 10 p.m. and 6 a.m. Only exceptions are employees of hotels and those whose work classifies them as public servants, nurses, doctors, hygienists, etc.

Hotel Dodge

Feeling that it will be a long time before any direct change will be made in the law to allow feminine entertainment, several roadspots and niteries have already converted their establishments into hotels, thus putting themselves outside the law in the presentation of female entertainers.

Two spots in territory surrounding Hartford have already been converted into hotels—the Chanticleer Inn, at nearby Rocky Hill, and the Villa Marie, in Glastonbury.

All that is necessary to operate as a hotel is to have several rooms available for transient trade and liquor license granted under the hotel provisions of the liquor law.

Court reached its decision after denying an appeal by Beatrice Doucort, of Bridgeport, for an injunction against the State Labor Department. Miss Doucort, a musician, had sought a permanent injunction that would allow her, as

well as other femme entertainers, to work after 10 p.m.

Court told her that if exceptions are to be made, it is for the legislature to make them. Also pointed out that the legislature had in mind the prevention of immorality which might result from the employment of women after 10 at night.

NITE CLUBS TRY TO BEAT NEW BOOZE TAX

Philadelphia, July 2. Cafe owners went on a booze-buying spree Saturday (29) in an effort to stock up on wet goods before the higher liquor prices with the new defense tax tacked on went into effect yesterday (Monday).

The State Liquor Control law limits the amount of whisky owned by a retailer at any one time to 100 gallons, and virtually every niterie operator had bought up to the limit. Some were reported to have built storage vaults or safes on their premises to keep added stocks bought on the 4th.

Prices on 100-proof liquor in Pennsylvania were hiked \$1.28 a gallon—the state adding an extra relief tax on top of the Federal levy. Operators of midtown clubs and hotel bars said they would probably be forced to raise the prices of Scotch drinks a nickel. The usual summer slump in biz could not stand a general tramping of prices, they believe.

London Clamp-Down On Italians Hits Nite Spots

London, June 18. As a result of the clamp-down on Italians with that country's entry into the war, very few of the first-rate nite spots and restaurants missed a visit from Scotland Yard and then lost their licenses. Among them were: Italo Zangiacomi, general manager of the Piccadilly hotel since 1927, and before that 'Jack' of its Grill for 17 years. The Monseigneur lost its directors Gualdi and Cazzani; former ran the Embassy Club when it was in its heyday.

The Quaglino Bros. were also caught up in the net, along with Fausto Stocco, generalissimo of the Cafe Anglais. The Monico took a swift farewell of manager Panigardi; the same deal going to Benini of the Hungarian Restaurant and to Bianchi, head chef of the Cafe Royal. Coverage of the catering trade by authorities was so complete, if the name closed with a vowel so did the joint.

Saranac Lake

By Happy Benway

Saranac, July 2. Jackie Roberts, the N.Y.A. tie who was booked for a summer run of ozoning, got an okay and left for Long Island.

Danny Sullivan, of the Sullivan acrobats, is on the upbeat.

O. J. Bach carnival, playing one week here under the auspices of the Odd Fellows lodge, makes it open house for the colony.

Mrs. Eugene Platzman, who has been fighting a siege of setbacks, is now getting minor.

Her husband, Eugene, music arranger, is also here for treatment. They are at 24 St. Bernard street.

Earl Larimore, who did tricks with cards and coins in the old days of vaudeville, is about ready to get his go-home diploma from Traudeau Sanatorium.

Paul Gillory, who was here for 15 months, is Louisiana bound with absolute okay. Ditto for Adrian Jaffa, who is on his way to Passaic, N. J.

Among those at the Will Rogers who are up for mild exercise are Bina Rogers, Maxine Miller, Marie Froom, Patricia Waller, Max Smallen, Al Walker, Cliff Heather and Charles Howard were handed a time-table and an okay report.

Peggy McCarthy came back for a checkup, which was good. She returned to N. Y.

Write to those who are ill.

The Hollywood Cafe In Galveston, Raided By State Rum Solons

Houston, July 2. Hollywood Dinner Club, Sam Maceo's swanky itery located on Galveston Island, just outside the city limits of Galveston, was raided Friday night (29) by state liquor authorities. They seized a quantity of assorted liquors and announced that cancellation of the club's license to sell light wines and beers would be sought.

Gerald Frankli, district supervisor for the state liquor control board, who headed the raiding party, said that operators of the club claimed it was being operated as a private establishment, open only to members, but that he found no barriers or guards to prevent anyone entering.

Under Texas law, liquor may be sold only at package stores and not by the drink.

The Hollywood Club was reopened recently, after having been closed in 1936 when state rangers clamped down on gambling. Richard Himber, whose band reopened the club, was playing his final night when the raid came. Ben Gray and his Casa Loma orch opened the following night (Saturday).

15 YEARS AGO

(From VARIETY)

'American films were menacing decent British homes,' said G. A. Atkinson, England's sensitive critic, in crying out against 'the torrent of sophisticated barbarism' flood his country.

Radio was dying out, a New York subway guard confided. The radio supplements were the first to be discarded by the home-going crowd, he said. Formerly they were religiously read and retained.

The cream of the vaude theatres booked in the midwest by the Gus Sun. Time was to be booked in the future by the Chicago Keith-Albee office, according to reports.

According to *Sime's* review in VARIETY, George White's 'Standards' looked and sounded as though the intent was to get by on a reputation. 'Artists and Models,' however, won his approval.

Fox bought West Coast Theatres, Inc., for \$8,000,000, deal calling for the takeover of 100 theatres.

Charlie Chaplin's new film, 'The Gold Rush,' received a rave review at Grauman's, Hollywood, while 'Paths of Paradise,' with Betty Compson, Raymond Griffith and Tom Santschi, also got a neat rating upon its debut at the Rivoli, New York.

The Charleston was increasingly becoming the rage throughout the U.S. Many contests being organized in dancehalls, etc.

New Acts

CAROL BRUCE

Songs Cafe Pierre, N. Y.

A few months ago Carol Bruce was a fugitive from Larry Clinton's band and her bookings were sparse. She started swing-singing in Louisiana Purchase in the Irving Berlin musical of that name, among other tunes, and today Miss Bruce is on a bicycle between special recordings for C. Schirmer, screen tests and doubling into niteries. Spotted here by Felix (Efe) Ferry, who transported his activities to the swank Hotel Pierre from the Monte Carlo, now closed for the season, it's a timely and showmanly booking.

Miss Bruce is in the 1940 idiom, a personable song stylist with a fine sense of tune values and, withal, an exclusive and showmanship that are undeniable. She registers here handily, running the gamut of tunes like the 'Louisiana number,' 'Aint Nobody So' (medley with other Gershwiniana), 'Lover Come Back to Me,' 'Madame La Zonga,' etc. She has an able assist—Bob Knight's new sextet here, a snappy dance orchestra, the maestro handling an electric steel guitar with unusual results.

As evidenced in the Berlin musical, when the first-nighters suddenly 'discovered' her, Miss Bruce proves anew that she's star timber, certain to be heard from in short order. She's photogenic and her courtier knows her set off her chassis for best values.

3 PITCHMEN

Kings Comedians 7 Mins. Rainbow Room, N. Y.

Reputedly alumni of the N. Y. World's Fair, where they did a pitch selling musical kazops, this mad trio, exclusively at the ivories, at all things—are as effective in the snooty Rainbow Room as on the midway. The formal attire presumably a carry-over to the Rockefeller, but the effect might even be more heightened if they worked in: Flushing Meadows mufti.

However, the clothes don't make the act: It's their capers with the kazops, simulating trombone, trumpet, etc. The be-speckled one is the fulcrum of the trio. A second also cuts up, and third, back-to-audience, is exclusively at the ivories. The No. 1 boy does Busse, McCoy, Wayne King and kindred takeoffs. Their stuff is unadorned hoke and, instead of pitching for the dime, in needily, the kazops as imaginatively they did or could, their routine is a forthright presentation for laffs. It gives the Rainbow Room's new show a fast and funny start. Abel.

GEORGE LLOYD

Mimic 8 Mins. Rainbow Room, N. Y.

Lloyd was once in the Orson Welles Mercury Theatre group, but notably has been identified with Herbert Jacoby's spots, the Ruban Bleu and Eresvoort Supper Club, N. Y., where he impressed more as 'sophisticated.' In cafe slang that means risque. That's tabu here, but Managing Director John Roy rightfully pegged him as facile and elastic. That Lloyd's takeoffs with a peanut butter sandwich; man with the jitters; and boy-with-a-piece-of-string—are as pure as 99 44/100%.

A personable youngster, totally uninhibited, looking well in a dinner jacket in that Noelcoward manner, perched on a stool for his peanut-butter routine, he holds 'em from the start.

Lloyd is another in the emphasis-on-comedy motif of the new show here. He's an okay cafe performer and has plenty to take him out of the groove into a wider sphere. Abel.

HEE AND LEE

Acrobatic 10 Mins. Apollo, N. Y.

Standard lifts, balances, etc. are done by white duo spotted in the Negro show here. Boys work in front of a drop, with the colored house line backgrounding.

An okay turn for its type. Hobe.

YOLA GALLI

Comedienne 8 Mins. Rainbow Room, N. Y.

Yola Galli has been around, notably in London and Paris revues for C. B. Cochran and Clifford C. Fischer. She's back in New York by way of the Copacabana Casino, Rio de Janeiro, and the Brazilian influence is what gives her an entirely new aura for America, capable for presentation in niteries, vaudeillers, or almost any place.

A personable blonde with a warm personality, she gives emphasis to the native samba, does a 'Broadway Samba' (special), and cuts up with a reprise of a native hit which Elsie Houston (Ruban Bleu) and Carmen Miranda ('Streets of Paris') first brought to America. In between she does snatch of 'Ciribiribin' and 'Donkey Serenade.'

Comedienne has fortified herself further with a canny change of pace in her songalogue. She can play the glass and the mass joints with equal appeal. Abel.

FLASHE AND SUNDA

Dancing 12 Mins. Full Apollo, N. Y.

Obviously a native dance in the couga rhythm, this is really a flash turn to get the guys out front on edge. After a longish routine by the house line in West Indies native garb, the girl is on for some ultra wriggles in minimum tups. She has pale skin, with an okay figure, and she goes through writhing bumps that leave nothing to the imagination.

Chocolate-skinned male partner then does a hectic eccentric dance, after which the girl returns to a frenzied session with him. At times it might be satirizing a native dance orgy and at other moments it's little more than a cooch turn. It's good stuff, but may have to be toned down some in other houses. Hobe.

YVETTE DARE

Parrot Stripper 8 Mins. Apollo, N. Y.

Yvette Dare's sarong-snatching parrot makes this more than just a strip act. The gayly-hued bird is perched on a portable pedestal, and well-trained manner obeys her cues to snip off the sundry veils 'n' things, for the finale deshabille.

It's an artistic presentation, suitable for vaudeville and fairs, as well as niteries. But is most effective in intine rooms. Skillful lighting further aids the general effect.

She differs from Rosita Royce's dove-act in that the doves serve as cover-uppers, whereas the perouquet, in this instance, assists in the peeling. Abel.

NOVELLE TRIO

Accordian 10 Mins. Apollo, N. Y.

Three wilely lads tear off some really resilient tunes, one handling the melodies on a standard accordian, the other two back-grounding on much larger instruments. They sensibly keep their numbers fairly short, usually grouping several tunes into each arrangement.

Turn would be improved by a few novelty touches, but is okay as is for vaude or niterie dates. Deservently solid click when caught here. Hobe.

WALTER (Dare) WAHL

Billy Rose's 'FRISCO AQUACADE'

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REPEATING HISTORY?

From all appearances, the history of vaudeville actors' unions may again repeat itself. When and if it comes, the crackup of the American Guild of Variety Artists will stem from one cause—the habitual disinterest of the variety performer in his own organization.

Last summer, when the American Guild of Variety Artists disintegrated following ugly charges of mismanagement, it was pointed out that the faults lay primarily with the working membership who merely paid their dues and let their union run willy-nilly. They asked no questions and got no answers—until it was too late.

The cause and effect of the AFA explosion should have been a sufficient lesson to the performers concerned. However, when AGVA was substituted by the Associated Actors & Artists of America, the probable membership was warned to take a working interest in their union's affairs, or else face an eventual recurrence.

How little this warning took effect is noted in the current operations of the AGVA. It is being operated by non-actors. It is \$59,000 in debt. Its losses up until the economy drive put into effect a couple of weeks ago totaled \$7,000 per month.

It is ironic, in view of the shouting last summer that an actors' union should be run by actors and not stagehands, that the AGVA is now being operated to a great extent by non-actors. Regardless of their sincerity and application to their work, the knowledge of non-pros of professional problems, trade matters and tactics must be dubious.

The appointment of Hoyt S. Haddock as AGVA's national executive secretary was the union's first draft from unionism outside of the show business. This in itself might have been okay, but then Haddock stepped outside of the profession for some of his chief aides.

The result is that Graham Dolan, a non-performer, is now executive secretary of the Chicago local of AGVA; Kenneth Howard, also never an actor, is AGVA's national organizer and is now actively in charge of the Los Angeles local. There are other non-actors in the organizing end, with Joseph Ehrlich, for one, operating in New York.

It so happens that the national board of AGVA is composed chiefly of working actors. They are still in the fortunate position of being able to put AGVA on a proper keel.

As an actors' union run by actors.

Rockefellers' Switch to Henie-Wirtz Ice Show Mystifies Olsen & Johnson

Sudden announcement that an ice revue sponsored by Sonja Henie and Arthur M. Wirtz, although she would not appear in it, would be staged in the Center, N. Y., resulted in mystifying those connected with 'Ice-oppin', which was supposed to have been definitely set for the house. Olsen and Johnson conceived the idea, and their attorneys, Cutler & Mailes, have notified the Rockefellers of their intention to seek an order of restraint if the Henie show is substituted.

Contract for 'Iceoppin' was not actually signed, but was submitted in printed form by the Rockefeller office and returned when changes were made. Suddenly negotiations ceased and it was stated by Rockefeller Center that contracts had been signed by its executive manager, Hugh S. Robertson, and Sonart Productions, of which Miss Honie and Wirtz are the principals.

It is averred that at least 20 contracts had been held between the Olsen and Johnson group in connection with 'Iceoppin' over a period of months. Comedy ideas, bits and gags had been revealed by O. & J., stars of 'Hellszapop', at the Winter Garden, N. Y.; also plans for a varied ice revue which was to be presented twice daily at a \$220 top.

Wirtz is a young Chicagoan who operates several rink shows, including Miss Henie's 'Hollywood Ice Revue', which grossed \$214,000 during one week at Madison Square Garden last January, a new high. Same outfit got \$180,000 during its Chicago date. Figured that the drawing possibilities of rink shows attracted Rockefeller Center.

Leon Leonidoff, Radio City Music Hall production chief, will stage the touring ice show topped by Miss Henie, which is due to open Oct. 1, and will also figure in the Center ice revue. Robert Stoltz, Viennese composer now in New York, may do the music for the Henie outfit.

Difference of opinion over staging appears to have stymied the 'Ice-

oppin' deal. W. G. Van Schmus, Music Hall's managing director, told Olsen and Johnson that he was to have the last word in deciding what was to be used in the revue, to which they demurred. He also wanted Leon Leonidoff to put the show, while the duo favored John Murray Anderson and Losee. O. & J. had half dozen song numbers ready and orchestrated and, with associates, expended coin in preparatory efforts.

Sonart's Setup

Chicago, July 2. Sonja Henie and Arthur Wirtz, v.p. of the Chicago Stadium and producer of ice shows, have formed a corporation known as Sonart Productions to produce ice shows in the Center theatre, New York. Leon Leonidoff, of the Radio City Music Hall, will stage.

Policy will be on a weekly change basis, the chorus remaining over from week to week, but with new routines, new headlines and specialties. All talent is being booked through the Skating Artists Agency, Inc., headed by J. Arthur Friedlund at the Chicago Stadium.

Wirtz has produced the Sonja Henie Ice Revue, the International Ice Revue and the All Star European Ice Show. This is the first association of Leonidoff with the Wirtz group, the previous Sonja Henie shows having been staged by Harry Losee.

Belle Baker III

Atlantic City, July 2. Belle Baker, who came here Friday (28) to feature 1940 opening of ultra-smooth Bath and Turf Club that night, was stricken with bronchial ailment shortly after arrival and ordered to bed by doctor. Gracie Barrie substituted.

Miss Baker said she hoped to be able to sing again by tomorrow night (Wednesday).

Dick Barstow Doubling—As Producer and Dancer

Dick Barstow, who's been doing a single since dissolving his dancing act with sister Edith, closed a five-month engagement at Frisco's Bal Tabarin to aid Merriel Abbott in producing the dances for the 'Dude Ranch' revue at the Palmer House, Chicago.

Dancer is also booked for a return date at the same hostelry's Empire Room opening tomorrow (Thursday) along with Ray Noble's orchestra.

CHI, N. Y. AGVA FIGHT BREWING

Chicago, July 2. Petition is being circulated among local American Guild of Variety Artists membership asking the New York board of AGVA to remove Graham Dolan from his position as executive secretary of the Chicago office.

Basis of the petition is that Dolan has no immediate recognition of the problems encountered by the AGVA members in theatres, cafes and hotels.

There's been factional strife between Chicago and New York for some time. It all came to a head a couple of weeks ago with the resignation of Leo Curley, executive secretary of the Chicago local, which has been rife with politics since its inception.

Vaude Act Jumps From N. Y. to Indpls. For 1 Political Show

Indianapolis, July 2. Vaude played an unusual role here when Ben Yost's White Guards jumped from New York to appear in 10 minutes of song for the opening of the State Democratic Convention in the Coliseum on the State Fair Grounds Thursday (27). Act was booked in by local Burton Agency, which has been covering a regular circuit of Democratic meetings over the state.

During the past few months a unit headed by Barney Barnett has appeared at 135 political meetings. Unit is tagged 'Streamlined Revue,' and consists of Barnett's Music; Virginia; Howes, dancer; Buddy and Jean, roller skaters; LaVerne Lamb, accordion; Leona Travis, dancer; and Deacon Hampton's 11 Cotton Pickers. Performers are paid out of campaign funds, as admission to meetings are cuffs.

PITT AGENTS REVAMP OLD MANAGERS' ASSN.

Pittsburgh, July 2. Local agents have reorganized the Entertainment Managers Ass'n., a move made necessary by new setup created here by entry of the American Guild of Variety Artists in field, and named Steve Forrest, veteran Pittsburgh agent, president. Other officers are Jack Bowman, first vice-president; Sid Mark, second v.p.; Peg Lanagan, secretary and treasurer, and Anne Kink, Larry Kenneth and Don D'Carlo, directors.

AGVA, with an eye to getting its activities more widely known in the local press, has appointed Jean Foley, local magician, publicity director.

Philly EMA vs. AGVA Deal

Philadelphia, July 2. Members of the Entertainment Managers Assn. (bookers) will meet the early part of next week to decide upon what steps to take to combat what they term the 'unfair contracts' imposed upon them by their franchise with the American Guild of Variety Artists.

The ten-per-centers are reported wholly dissatisfied with the contract forms which they are obliged to use under their agreement with the actors' union. They claim that the contracts force them into the guise of 'employers' and not 'employment agents' as they are defined under the State law. This type of agreement will force them to pay social security and unemployment taxes, for performers, they declare.

The bookers also complain that their work will be hampered by the red tape entailed by the stipulation that demands that all contracts be made in duplicate and must be approved by the local AGVA office before they become operative.

AGVA's Indebtedness of \$59,000, Red Operation at \$7,000 Monthly Prompt Retrenchment Drive; 2 Quit on Coast

Salve for Admirals

Red Skelton, current on the stage of the Paramount, N. Y., has written check to Bob Weitman for \$100, asking that it be turned over to the ushers of the theatre.

He does a piece of business in his act, ribbing the ushers, and he doesn't want 'em to take it too literally.

LEON - EDDIE'S, ROSE TANGLE WITH AGVA

The American Guild of Variety Artists and Billy Rose, which only a couple of months ago engaged in a name-calling match and then signed a contract, again on the verge of an outright battle. AGVA last week issued a formal statement accusing Rose of numerous violations of the contract at his Aquacade at the N. Y. World's Fair, but took no direct action.

Rose heatedly denied the charges and, after a confab with AGVA officials, agreed to rectify any alleged injustices. According to the union, if Rose fails on payday this week to reimburse members of the Aquacade company for money allegedly withheld, there will be a strike.

AGVA's long-standing disagreement with Leon & Eddie's, 524 street niery, N. Y., also flared into a strike last week, but quickly settled. Union has been demanding a contract designating the spot as Class A, thus involving minimums of \$60 a week for principals and \$40 for chorus, with limited number of performances and other restrictions. There were mutual accusations and, when an agreement was not reached, a strike was called last Friday night (28).

Nitery management asserted none of the performers walked out, but the union contradicted that with the declaration that all the acts were on the picket line. Regardless of that, the strike lasted less than a half-hour, after which the management and AGVA agreed to meet today (Wednesday) to negotiate details of a contract, and failing to come to terms, to submit the dispute to the State Mediation board.

Hoyt Haddock, AGVA executive secretary, has settled several of the issues with the vaudeville circuits, but a couple of points remain to be agreed upon. Figured that everything but the matter of the disputed 5% booking fee will be ironed out within a week, and that the remaining issue will be submitted to arbitration.

Carl Rosini Loses In Suit vs. Paul Rosini

Carl Rose, magician, professionally Rosini, lost his injunction plea against Paul Rosini and the Rainbow Room, N. Y., yesterday (Tues.) in N. Y. supreme court, when Justice Peter Schmuck ruled that no irreparable damage had been shown, nor had unfair competition been vealed.

The Court points out that the defendant has used the name Rosini since 1915, and that the plaintiff and defendant are friends of long standing, having been in the same act together in 1933 under the name of Carl and Paul Rosini & Co., at which time the plaintiff paid for all the advertising. The complaint admits the association, but declares Paul Rosini was hired as an assistant, and it was during the association that the defendant learned the tricks of the plaintiff, which he is now accused of having incorporated in his act.

Economy drive of the American Guild of Variety Artists, currently underway, is being prompted by the union's indebtedness totalling \$59,000, plus the fact that it has been operating in the red at the rate of \$7,000 per month. Union expects to achieve sufficient cuts to put it into the black.

Lately affected by the economy drive are attorney, B. Kornblum and Robert Komis, who resigned on the Coast over the weekend. Kornblum, who is executive secretary of the American Federation of Radio Artists on the Coast, has been pinching as executive and attorney for the AGR local in Los Angeles since the formation of AGVA nearly a year ago. He was active in the battle between the Four A's and the stagehands, following the disenfranchisement of the American Federation of Actors.

It is reported that there will be further economies in L.A., with at least one organizer and several members of the office staff slated to go. Similar retrenchment took place in Chicago a couple of weeks ago, when Leo Curley resigned as executive secretary of that local and Graham Dolan, a non-actor organizer, took his place. Now there are reports that Hoyt S. Haddock, national executive secretary, is maneuvering Tom Kelly out of his post as executive secretary of the Philadelphia branch.

The economy wave, in fact, is stretching right down the line into the New York local and national offices. Charges of waste have been especially flung in this direction, where it is claimed those in charge went way overboard on the budget by handing out salary increases when the union's income failed to warrant them.

Charges are also being leveled against AGVA because of alleged domination of the national organization by non-actors. In this respect it's pointed out that Haddock was never an actor; ditto Dolan and Kenneth Howard, national organizer and now in charge in Los Angeles. Joseph Jewich, an organizer in New York, likewise has never donned the grease paint.

Charges have also been made at the meetings of AGVA's New York local board that the latter is dominated by performers who lean greatly toward communism, and who, nevertheless, in the acting profession, are now dictating regulations to the more frequently working and better established performers.

Joe Flaum Quits North Partnership for Ingalls; 20-Year Bond Severed

The last of the old-line vaudeville agency partnerships in New York split last week when Joe Flaum left Meyer North to become associated with Miles Ingalls. Ingalls recently resigned from Music Corp. of America to return as an indi 10-percenter.

North and Flaum were partners for more than 20 years, principally doing business with Loew's when that circuit had considerable playing time and a franchise system for agents. They remained together long after the bottom dropped out of vaudeville and most partnerships split up because of the dwindling commissions.

Ingalls has set up temporary offices in the Astor hotel, N. Y.

\$7,814 JUDGMENT WON AGAINST GENE AUSTIN

Mobile, Ala., July 2. Gene Austin lost a lawsuit here in circuit court (28) to Mr. and Mrs. Billy Wehler. The Wehlers contended that Austin was in debt to them to the extent of \$8,500. The court, after hearing arguments in the case, gave them a judgment for \$7,814.50. Austin announced he would appeal the case to the supreme court.

The suit against Austin was filed when he was showing here for a week at the Strand. His tent outfit was attached and picked up for a week and then released on bond.

War's After Effects

In a scholarly essay on the status of the drama in relation to democracy and the effects of the war upon both, Brooks Atkinson in the Sunday (30) N. Y. Times, wrote in part:

"To the vast majority of playgoers the theatre is part of the amusement industry. By wit, humor and showmanship the theatre, when it is lucky, gives playgoers a good time. There is no reason why that cheerful function of the theatre should ever change. Nor need it be contemptuously dismissed as an escapist retreat from maturity."

"It is logical to expect that in time our drama will be enormously affected by the fall of France. . . . None of the other victims of conquest, heart-breaking though they may be, has cracked the structure of democratic thought quite so deeply, as this quick collapse of a great and venerated nation."

"The democratic way of life is primarily cultural; the drama is one of the active forces in culture. From now on there will be need of dramatists with imagination and creative ideals. In Germany, Italy and Russia the creative drama has long been dead. That may not seem like a matter of enormous importance during the chaotic fury of wartime, but it is a symptom of the cultural death that democracy cannot survive."

'Grass' Folds; Chorus Burns At Ilka Chase for Nixing Wage Cut

Summer's major disappointment came Saturday (29) with the sudden suspension of 'Keep Off the Grass,' Shubert-produced revue at the Broadhurst, N. Y., at the end of the revue's sixth week. It was reported that the management, in announcing that 'Grass' would resume about the middle of August, figured to duck possible red operation during July, rated the dulllest month for theatres. Now it appears 'grass' may not sprout anew next month.

Early this week some reports were to the effect that 'Grass' is not certain of resumption. Also said that the management is seeking to contact Maurice Chevalier, in France, with an offer to join the cast. An attempt was made to keep the show open through summer, the management proposing a salary cut. After some difficulty precipitated by two objecting principals, the slice was virtually set and then came the sudden order to shut down. Company went before Equity's cuts board, where it developed that Ilka Chase and Larry Adler, harmonica specialist, refused to accept a cut in any form. A reduction of one-third of all principals' salaries was originally planned, which would have dropped the payroll \$2,200 weekly, the management later agreeing to a 25% clip.

Okay Press

Understood that Jimmy Durante and Ray Bolger, show's top names, had previously cut their salaries considerably. 'Grass' drew a favorable press, but soon after opening business became top-heavy, attendance being light on the lower floor. Gross had been improving, however, and the closing order was all the more bitter to the company.

Miss Chase was made the butt of the folding by the choristers who had aided her in Red Cross work. The girls purchased yarn at her suggestion and devoted their spare time

(Continued on page 44)

New Suit for \$100,000 Vs. Shuberts in Boston On Ticket Manipulations

Boston, July 2.

A \$100,000 damage suit has been brought Suffolk County superior court against the Shuberts by Thomas F. Murphy, ticket agent, alleging violation of the Massachusetts' 'anti-trust' law which prohibits combinations from restraining trade and conspiring to control prices. Named defendants are the Shubert Holding Co., Herrick's, Inc., Boston Plymouth theatre, Wilbur theatre, Inc., Select Theatres Corp. and Martha Levy.

Current suit is the second action instituted since the Shuberts gained control of the Herrick ticket agency and irked other ticket brokers by taking first choice of seats for productions playing Shubert houses. Practice of reselling tickets to other agencies at 25c per ticket premium was especially annoying. Miss Levy is in charge of the Herrick office here.

This suit is brought for jury trial, while another suit filed last fall in equity has been pending, but has not progressed since it was filed. Murphy and four other local ticket agents were plaintiffs and the same defendants were named in the case, except Miss Levy.

Pauline Lord's \$150

Claim of Pauline Lord in the matter of her appearance in 'Suspect,' which closed at the Playhouse, N. Y., after a brief engagement during spring, was settled by arbitration. Actress claimed \$300 which was cut from her salary, contending that the slice was to apply only if the play extended for two weeks starting from the date of her appearance. She was awarded one-half of the claim. Arbitrators ruled that both she and the management had been lax in making the deal. Play originated on the Coast.

B'WAY B.O. HAS SLIGHT PICKUP

There was an upturn on Broadway the early half of last week, with cool weather a factor. Although attendance dipped during the final days, there were gross gains for some shows. Current week started with a continued weather break, but managers anticipate a drop in business which is traditional over the Fourth of July (Thursday).

Betterment was not credited to a visitor influx, for up to date hotel occupancy away under normal. Insiders say that midtown hotels are housing 50% fewer guests than last summer at this time, when capacity was registered by the best patronized spots. One popular hotelery claimed 72% occupancy late last week, but another was 52%. None was capacity.

Potential if not actual legit show patronage has come from expatriates, now back on this side because of the war. Revealed by the social register that 700 families have been repatriated, such names appearing in the book recently issued. As they are persons of means, it is assumed they are theatre-goers. Most of the returned socialites residing on Long Island.

There are 11 shows remaining on Broadway, two less than the same week last season, and 10 of the present list should survive the summer. No new attractions are due until September, but two musicals, 'Higher and Higher' and 'Keep Off the Grass' which are being delayed, are supposed to re-light during August. Later, however, may not.

Refugee Players Find Going Tough; Resort Tour Falls Through

Refugee players who appeared in 'Reunion in New York' at the Little, N. Y., last winter are laying off and reported in financial distress. There were two plans for appearances through the summer, but neither materialized. Troupe was slated for summer hotel dates, but failed to accept offers by the May 1 deadline. They held a few summer outifts on regular theatre bookings in Boston and Philadelphia, but neither date was consummated.

Most of the refugees are from Vienna. Their first appearance was at the Music Box last summer, backing coming from people of the theatre. The revue at the Little was financed by business people said to be of the garment center. Both attractions ended in the red.

Sara Allgood, Preminger Win Equity Concessions

Two alien actors won concessions for appearances in summer stock from Equity's council last week. They are Otto Preminger, actor-director, and Sara Allgood, formerly of the Irish Players. They will respectively appear 'Margin for Error' and 'Shadow and Substance.' Equity rules bar non-citizen players from stock, either summer outifts or regular companies, but the regulation is virtually inoperative in the latter field, which has narrowed down to a few scattered outifts. There are, however, more than 80 summer stocks in action or about to start, and the total may top 100.

Explained that the exceptions were made in the cases of Miss Allgood and Preminger because they are appearing in the same parts originated by them and there is provision in the rules for such appearances. Both stock showings are for one week.

Earnings Shown By 'Du Barry,' 'Louisiana Purchase' Point Up Quick Profits in Click Musicals

Fast Routing

Teddy Hart, the sawed off comic last seen "See My Lawyer," wanted to know how he could break a jump from Peekskill, N. Y., to Mt. Kisco nearby. Harry Frazee, program director for CBS, who queried on the matter, replied: "Just jump!"

How quickly click musical comedies can recapture production outflow is indicated by the earnings capacity of 'Louisiana Purchase,' Imperial, N. Y., and 'Du Barry Was a Lady,' 46th Street. At its present gait, 'Purchase' will be on the right side of the ledger by the end of August or early September, meaning it will be out of the red in 11 or 12 weeks after its Broadway debut. 'Du Barry,' now in its 31st week, won back its production cost 15 weeks.

'Purchase,' which drew an operating profit from its initial week out of town, cost approximately \$88,000. 'Du Barry' had about the same budget, but the Imperial can gross more than the 46th Street. Formerly, when production was more lavish and musicals had ticket scales at \$5.50 and \$6.60 top, the cost of musical presentations ran more than double that of either 'Purchase' or 'Du Barry,' which are \$4.40 top.

'Purchase' and 'Du Barry' are presented by B. G. (Buddy) De Sylva, being his first managerial efforts. Latter now is said to be wholly his, while the former, which has an Irving Berlin score, has the composer as a 50-50 partner. 'Purchase,' which has been topping Broadway since opening, bettered \$34,000 last week, said to be a house record. Standees were the rule at all performances, their being 87 on the foot at last Wednesday's (26) matinee and 90 that evening.

It was figured that the turnaway at 'Purchase' would help other musicals, but the suspension of 'Higher and Higher' and 'Keep Off the Grass' followed. It's now expected that these closings will benefit the balance of the skimpy summer bill of fare.

'Hellzapoppin,' still turning excellent profits at the Winter Garden, is credited with getting back its investment faster than any musical on record. That was made possible because it cost less than any other successful revue ever staged. Settings and some costumes came out of the Shubert storehouse, having originated in at least half a dozen previous attractions which had died up during the winter and is currently billed the 'New Hellzapoppin.'

Defense Fund Tax Won't Affect Legit; Brokers to Pay 11%

Admission provisions of the Government defense fund will not materially affect legit shows, most tickets for the drama having been subject to a 10% levy since the first World War. When the tax ceiling was dropped to 40c some years ago, tax free balcony admissions at that level, the additional levy is expected of some low-cost shows.

Tickets so priced now also come under the new law, which started Monday (1) and which affixes a 10% levy on all admissions of 21c or more. Instead of collecting 44c, however, the rate has been lifted to 50c by the few attractions which were using the 40-centers. Under this boost the Government will collect 5c and an extra nickel goes to the management.

Wrinkle in the new regulations calls for the collection of 11% on tickets used during the week of 8c being due on each ticket sold at 75c more than the boxoffice price, an extra cent will be payable, while for tickets sold at 50c premium 6c instead of 3c will apply. As these agencies in only two or three cities, the additional levy is expected to be playune. The customer pays 10% on the full amount charged, but under the law the broker must pay the extra 1% on the premium.

Norton Still In Hospital

William G. Norton, manager of the Music Box, N. Y., who was operated on two weeks ago, is still in the Hospital for Joint Diseases. Patient has a room with a view, also porch privileges, but has been too ill to take advantage of that. Norton, however, started a gag about 'Hrcman' among the nurses; also suggested a revue skit with everybody showing their operations.

'JUBILEE' STAFF CUT TO BONE IN SHAKEUP

Shakeup at the 'World's Fair American Jubilee' has virtually denuded the front of the house staff. The let-outs are in line with orders from Harvey D. Gibson to bring about general economies. They extend to other departments, but the slicing at the Fair's own major show concession are regarded as unduly excessive and may hamper the handling of 'Jubilee.' Only Nick Holdrege, general manager, remains of the staff.

Orders were to cut \$1,000 weekly from the front of the house and resulted in summary dismissal of Holdrege's assistants, John Tuerk and Miles Gavanagh, also Coal (Doc) Hunt, who handled the visiting press, and Charles Washburn, show's press agent. All were dropped without notice, but demanded and got one week's pay. According to estimates by showmen along the Great White Way, 'Jubilee' is in the operating red around \$100,000. It cost \$200,000 to construct and produce. Weather is mostly blamed for the offish attendance at the calvacade, which drew raves in the press. Rain has fallen at some time every other day since the Fair opened May 11.

Dismissals were made at the instance of Joseph Upchurch, unknown show chronicler. He was formerly with the Federal Housing Commission in Baltimore. Fair headquarters credits him with the 'typical American family idea as a draw and Upchurch is supposed to be a 'promotional director'.

STAGE RELIEF FUND'S \$29,463 TAKE IN '40-41

The Stage Relief Fund, which has completed its eighth season, will be extended through the 1940-41 period. For the season just ended, 14 legit performances were given in aid of the fund. Total box office was \$28,531 and the sale of programs netted \$932. It was the second best showing since the fund was organized. Money advanced to players is regarded by recipients to be loans rather than outright donations and a fair amount of repayments have been made by those who went off. It's indicated there will be more charity moves for stage relief rural summer theatres than heretofore. At least one summer spot will hold a benefit for the Stage Relief Fund and collections will again be made at intermissions for the Actors Fund in many of the hideaways. Most unusual announcement from the strawhats comes from Walter Armitage, who is conducting the Country theatre, Suffern, N. Y. All net proceeds during the 11-week season will be donated to the Allied Relief Fund, he declares.

'Zero Hour' Tries Coast

Hollywood, July 2. Hollywood Theatre Alliance acquired 'Zero Hour,' a new stage play by George Sklar and Albert Maltz, to follow 'Meet the People,' currently in its seventh month at the Hollywood Playhouse. Drama is slated to open late in August.

Broadway

Barney Klawans returned from Ashland... Jean Durante arrived from Hollywood last week... Monroe Greenhalch back after five weeks on the Coast...

by taking over Robbins at Robbinsdale, Minneapolis suburb... Col. H. A. Cole of Texas, national Allied States' leader; Ed. Burnell, Chicago exhibitor...

Atlantic City

Paradise Club opened Friday (28) for 26th summer with Bardu All's band... Ozzie Nelson's orch began week's date at Hamid's Million Dollar Pier Sunday...

London

Florie Forde left \$20,000... Savoy Grill, in the front of the hotel, has been shut... 'The Theatre' Wartime' was theme of Foyle's monthly literary luncheon...

here this month to address film exchange managers and newspaper lads in interest of Variety Club... Plans being drawn for a new modern air-conditioned building for UA branch office... Dick Martin, former chief in East St. Louis and St. Charles, Mo...

Hollywood

Mario Silva filed suit for divorce... Lou Holtz bought a home in Beverly Hills... Clark Gable shopping for a ranch in Arizona... Jeffrey Lynn visiting the folks in Lynn, Mass...

G.O.P. Convensh

important as selection of the nominee was uncertain until the very last... In 1936 it was in the bag for F.D.R. and the meetings were a mere formality...

Chicago

Clyde Lucas spending his spare time making model aeroplanes... William Morris, Jr., and Nat Letkowitz in for o.o. of Chi operations... Joe E. Lewis comes into the Chez Paree for another stay starting Aug. 30...

Lunts-Specs

shows as possible, but that may be limited by the Lunts' determination to do rather lengthy excerpts from the play... Until persuaded to appear on the recent Red Cross benefit program...

Sticks' Two Spectacles

Two patriotic or historic spectacles are due to be shown in the hinterland next season, one being 'The American Way' presented at the Center, N. Y. last year...

St. Louis

Peanut Grove, South St. Louis niter, has folded... Mother of Jim Gately, booker at Republic exchange here, died... Mrs. Ben Rogers, of the local UA branch manager, out of the hospital...

Memphis

Dr. Louis Levy reelected president of Memphis Symphony orch... Oscar Morgan, Par's southern division sales manager, in town... John Lloyan, Variety Club steward, off to Hot Springs for the baths...

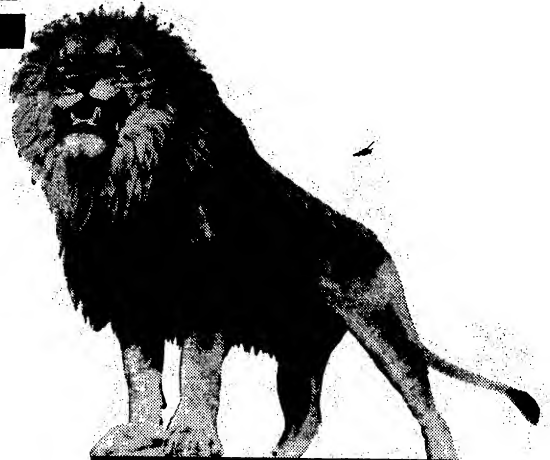
Minneapolis

RKO branch held annual picnic at Bass Lake... Twin City Variety club sponsoring baseball game to milk funds... Minnesota Amus. Co. club staged farewell party for Babe Ekins, city district manager, who resigned...

THE LION ROARS!

Listen!

HERE'S a message from M-G-M to you:
WE'VE got our coats off and our
SLEEVES rolled up.
WE'VE got a job to do and we're meeting it
WITH everything we've got!
WE'RE making great entertainments
AND we're proving that
NOTHING can stop good pictures!
LAST week we launched the big musical
"NEW Moon" (*Jeanette MacDonald and Nelson Eddy*)
IT'S a box-office sensation everywhere
AND has electrified every Film Row with
OPTIMISM!
ANOTHER sensation just opened is
"ANDY Hardy Meets Debutante" (*with Lewis Stone,*
Mickey Rooney and all the folks plus Judy Garland!)
YOU will see for yourself that it's the
BEST of the happy Hardy hits and a
GOLD mine for these times.
WE'VE got more genuinely BIG pictures
FOR release during the summer months!
AND remember that they follow a
WHOLE year of consistent successes!
WE want every man and woman
WHO reads this message to be
CONFIDENT with us, to place
FAITH in us.
WE have made our plans for next season on the basis of optimism that it
 will be one of the greatest years in show business.
MEANWHILE the Lion is ROARING right now
AND it's a comforting sound that means
SECURITY! STRENGTH! POWER! FRIENDLINESS!



PHONE YOUR M-G-M BOOKER!

"NEW MOON"
 Jeanette MacDonald
 Nelson Eddy

**"ANDY HARDY
MEETS DEBUTANTE"**
 Lewis Stone, Mickey
 Rooney, Judy Garland

Watch for
"SPORTING BLOOD"
the Surprise Hit!

"PRIDE AND PREJUDICE"
 Greer Garson
 Laurence Olivier

"GOLD RUSH MAISIE"
 Ann Sothorn

"BOOM TOWN"
 Clark Gable, Spencer Tracy,
 Claudette Colbert, Hedy Lamarr

"I LOVE YOU AGAIN"
 William Powell, Myrna Loy

**"BUSMAN'S
HONEYMOON"**
 Robert Montgomery



VARIETY

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NEW YORK, WEDNESDAY, JULY 10, 1940

PRICE 25 CENTS

QUIZ SHOWS BLITZ ACTORS

Texas Playboy's \$5,800 Music Whim

Jimmy Dorsey's band will hop, for a one-night date, from New York City to Houston, Texas, and back to satisfy the whim of a society woman's teen-age son. Boy is Jimmy Gardner. Playboy will have no group, but Dorsey's for his birthday party and he's arranging for a July 22 celebration, although his birthday is actually Aug. 21. This so Dorsey can play for him.

Band is to get \$5,800 for the stand, which includes the price of chartered airplane down and back. On top of that the buyer will assume the cost of boarding the band over night. July 22 is a Monday, an evening on which the band is normally at work at the Pennsylvania hotel, N. Y. Dorsey will hire a substitute crew for that night. It's almost 1,900 miles to Houston, meaning the band will cover about 3,800 miles to play five hours—10 to 3 a.m.

All Bands Playing Sheboygan, Wis., Must Include Four Patriotic Tunes

Sheboygan, Wis., July 9. This city of dance chairs and children has a large percentage of German born and German descent included in its 40,000 population, but the city council wants the world to know it is for America first, and to that end has enacted an ordinance making it mandatory for all bands to include at least four patriotic numbers in all concerts given here.

Band leaders have all been notified they must open their programs with "America," close the first half with "Stars and Stripes Forever," open the second half with "God Bless America" and close the concert with "Star-Spangled Banner."

"It is imperative under present world conditions that we, as citizens of these United States, should express in every way possible our loyalty to this country," the ordinance declares.

Legit Bug Bites 2 New Kid Producers Stemming From Wealthy Families

Scions of wealthy families, and both said to have considerable financial resources of their own, William H. Schmidlapp and Albert M. Kier, of Cincinnati and Pittsburgh, respectively, are expected to figure in next season's Broadway productions. Youthful managers, who are about 24, to emulate Dwight Deere (Continued on page 45)

FRED STONE PERSONALS WITH SON-IN-LAW'S ORC

Duke Daly band is getting a healthy push on the start of a summer long stand at the Providence-Biltmore Hotel, Providence, R. I., this week. Fred Stone, Daly's father-in-law, is making personal appearances at the hotel for the band's initial stanza. Daly is married to Paula Stone.

Crew did a short stretch at the Famous Door, New York, last winter.

Preparedness

London July 9. The seemingly inconceivable of yesterday is being threaded with the preparedness of today. Arrangements have been made by 10 picture units to catch the first air raid on London.

60 TOP ACTORS IN STRAWHATS

Upward of 60 star and feature players are appearing in the country show-shops, have contracted for such showings, the combined name lineup equaling, if not topping, Broadway in the height of the season. It indicates that the better known, well as supporting players, are receptive to the straw hat idea in order to escape summer doldrums.

There are, however, comparatively few names from the Coast appearing in the eastern hideaways this season, whereas last summer there were around 25 Hollywoodians in the sticks. Some studios favored such appearances between studio lapses, but appear to have been too busy on other matters lately to pay attention to summer stocks.

Salaries are not comparable to the figures commanded by name people for stage or film engagements, but the amounts paid in some instances are quite large. Contracts of a number call for a minimum of \$500. (Continued on page 46)

Jap 'Boys Town'

Tokyo, July 9. The 'Boys Town' film, based on the Nebraska youth home founded by Father Flanagan, has paved the way for a kindred institution in Tokyo.

Iwao Takashima now striving to win youth in Japan along the same lines as the Boys Town, Neb., institution.

FEWER RADIO COMM'L DATES

Dollar-for-Dollar Quiz Ratings Exceed Costly Variety Radio Programs—Guester Bookings in 1936 and 1937 Totaled 1,555 and 1,650, Respectively—Over 200 Q-and-A. Shows Now

NEWSCASTERS UP

A comparatively small number of persons, with the number getting smaller, are concerned with the production of the 200-odd sponsored programs on the American radio networks. Network programs now require some 1,200 actors and announcers, some 300 script writers, 150 producers and about 100 production executives employed by advertising agencies. These figures are as of June, 1940, and represent statistics extracted from the records of the broadcasting industry as kept by, and intended for publication in, VARIETY Radio Directory, the next annual edition of which is shortly going to press in New York City.

It is revealed in this season's data that variety shows have dropped from 63 to 48; new commentator programs have increased from 10 to 22; and quiz (audience participation) shows jumped from 27 in 1938-39 to 37 in 1939-40. This trend in the kind of programs and the number thereof further affects the numerical employment of professional persons. Guest star employment is notably off from, say, 1936 and 1937, when the rotating celebrity was in biggest demand. There were 1,555 guest bookings in the one season and 1,650 in the next. This season's tally will be below 1,000 appearances.

Audience participation appeal to advertisers needs no elaboration; it's the economy of avoiding the pay- (Continued on page 18)

WHITEMAN BAND NOW NO MORE

Paul Whiteman will definitely not return to the band business which he went to the Coast to make a picture. The combo has been disbanded permanently and its members have obtained or are negotiating for spots with other orchestras. String of fair jobs and the Ritz Carlton hotel, Boston, stretch he was supposed to be booked for have all been cancelled.

Leader is currently on his farm at Stockton, N. J., and is reported as desirous of doing radio work only as a guest conductor with a house band. The personnel of his New York office has also been laid off.

All-British Film for War Relief; Actor Enlistments, Orphan Aid, Etc.

Stamp of Approval

Wendell L. Wilkie, the Republican presidential nominee, has definite appeal to the femmes. The younger distaff side say he is a 'cutie pie.'

Expression appears to have emanated from among Broadway chorines.

600 TOLERANCE PLEAS MADE

Since Nevitte Miller, president of National Assn. of Broadcasters, suggested five months ago that stations join in a campaign of tolerance, more than 600 programs designed to promote better relations between the various faiths have been broadcast by nearly 300 American stations. This statement was made in a recent release of Religious News Service (affiliated with the National Conference of Jews and Christians).

Taking part in the tolerance campaign via addresses, round tables, etc., have been laymen, business men, merchants, a Supreme Court justice and others. The Federal Council of Churches assists in the work.

Korda's 'Bethel' as Play On B'way Prior to Pic

Alexander Korda will probably enter the legit production field in New York in the fall, it was revealed this week. English film producer's initial venture would be 'Bethel Merriday,' dramatization of the Sinclair Lewis book to which he owns the screen rights and which he will also picture.

Korda has three and possibly four pictures on his shooting slate prior to 'Merriday.' Inasmuch as he will thus not be able to produce it until next spring at the earliest, he feels it would be advantageous to give the tale further buildup by putting it on legit boards in the meantime. Producer has an option on Lewis' serv- (Continued on page 20)

Showboat Evolution

Lynchburg, July 9. Captain Milford Seymour is making his last trip up the Rappahannock with his floating theatre, whose appearances at river towns in Virginia, Maryland, North Carolina and South Carolina were so regular in seasons past that natives set their calendars by it.

Seymour intends to beach the craft on the banks of the West River south of Annapolis, Md., in the late fall and renovate it as a film grind.

Hollywood, July 9. An all-British picture, with an all-British production personnel, including producer, director, writers and players working without salary, is about to be made in Hollywood as a contribution to the British Relief Fund. Practically every British-born member of the film colony has volunteered.

Robert Stevenson has passed up a job as director of RKO's next Ginger Rogers starrer to produce the benefit picture. He is currently assigning writers to build an original story, purely entertainment, without any symptom of propaganda. It is hoped to raise \$1,000,000 for the fund, through RKO distribution.

Idea was worked out at a meeting in the offices of Eric A. Cleugh, British Consul in Los Angeles, attended by most of the prominent Britons in the film industry. It will be carried on by those beyond the age of 31, the current limit under England's army and navy regulations.

In addition to the impending picture, Britons here have been contributing handsomely to the relief of (Continued on page 48)

Vision Machines Arouse High Hopes for Cash Payoff to Music Biz

The music men becoming hopped up by enthusiastic claims from the juke-box film promoters who set forth a potentiality of 500,000 coin-machine picture gadgets, each averaging \$20 weekly income. On a 5%-of-the-gross basis, for the use of copyrighted music, the publishers foresee vast incomes. The 5% is what Muzak pays on an average for commercial use of canned music.

What the music men like best about the sundry sound-vision 16 mm. films is that they can control it, via their song copyrights, unlike the phonograph records, where anybody can wax tunes by simply paying 2c per recording.

ARTHUR BYRON, SR., IN RADIO PLAYS BY SON

Arthur Byron, Sr., veteran of 50-odd years on stage and screen, is to appear in a radio series written by Arthur Byron, Jr., and Philo Higley, in which the elder Byron will impersonate a legit star who retires to the Maine woods after 50 years of trouping. Making the idea even more suggestively biographical is the circumstance that the first broadcasts of the series will occur July 19 and 25, respectively, over station WLBZ, Bangor, Me.

Byron will be supported by Alan Power, Frank Wilcox, Virginia Dun- (Continued on page 46)

REPORT NAZIS BAN U. S. PIX

What Will War Do to U. S. Pix?

American film executives are studying closely the reaction of foreign countries to their product, as a result of the European conflict, to determine whether they will be able to continue the popularity of Hollywood product outside U. S. boundaries. It may be that the predominance of American pictures, developed in the face of restrictions, adverse legislation, etc., in the last 22 years will be swept aside by the current war just as the World War enabled the U. S. film business to secure its first firm hold in foreign lands. Others believe the position of the industry will be aided by the warfare.

In 1914 and until 1917, no American stars meant much in foreign markets. Italian, French and some German pictures dominated the field. One distributor recalled that Mary Pickford, Douglas Fairbanks and William Farnum films hardly paid for the cost of distributing there. They provided the wedge for American product to build in popularity.

Mae Murray's \$750-\$1,500 Radio Deal Enough to Support Son, She Argues

Albany, July 9. Declaration that she has a \$750-a-week radio contract on which to support her son, Koran Midvani, was made by Mae Murray last week as she reopened her fight in supreme court here for custody of the boy. Former screen star testifies that the terms, beginning next Monday (15), is with the Grant Melville Co. and calls for \$750-a-week for the first 26 weeks and \$1,500-a-week for a second period of the same length. She will be featured in radio playlets, she said.

Hearing, which lasted most of the day, was adjourned after Miss Murray's testimony until tomorrow (Wednesday). The 13-year-old youngster, whose father is Prince David C. Midvani, divorced from Miss Murray several years ago, is by court order in the custody of a family in Averill Park, N. Y., with whom, he testified at a previous hearing, he would prefer living. Mother and son failed to exchange even a glance in the courtroom last (Continued on page 46)

Sally Rand, Nixed By LaGuardia for Fair, OK for N.Y. Hotel Deal

Sally Rand who couldn't wave her fans at the New York World's Fair reputedly because of Mayor LaGuardia's nix of such high jinks on the Flushing Meadows, is virtually moving in next door to the expo when she opens July 17 at the Coconut Grove, (roof) of the Park Central hotel, in Manhattan. Her deal calls for a minimum of 11 weeks, with four-week options thereafter, a guarantee and split of the Grove's business and its adjoining cocktail lounge. Miles Ingalls set the deal.

The fanner will come into the room nitery with a troupe of 20 girls. (Continued on page 16)

SWAPS UPCOMING HIT FOR 1922 'CHICAGO'

A trade, which has caused some belpuzement in Tin Pan Alley, is Fred Fisher's turning over of all rights to his latest tune, "Whispering Grass," to Mills Music, Inc., in return for the copyright on "Chicago." Mills acquired "Grass" and contended the copyright of "Chicago" last week. The swap took place, at Fisher's instigation, just as "Whispering Grass" was beginning to show signs of becoming a best seller.

Fisher explained that "Chicago" is the only one of his songs for which he wrote both melody and lyrics and because of that he wanted to own the copyright. He also has an idea of reviving "Chicago," which he wrote in 1922, during the Democratic National Convention, which opens July 15.

Fisher made the proposition to Mills after another publisher had offered him an advance of \$1,500 for "Grass." Latter's lyrics are credited to Fisher's daughter, Doris, and the original title page carried "the imprint of the Fred Fisher Music Co.

Well Running Dry

Hollywood, July 9. After 15 years of doing a solo job on their comedy situations and scripts, Amos 'n' Andy have finally called in a collaborator. He is Bob Ross, who will contribute ideas and also put in time on promotion and publicity.

Now the H'wood Yen's for Comedy Mystery Scripts

Plenty of mystery stories, if scripts can be obtained during the coming season, will spice the comedy for which all studios have been clamoring since the realization of the past month that audiences don't want war themes. Comedy-whodunits, inspired by Paramount's success with "The Cat and Canary" and "Ghost Breakers," are particularly in demand by producers.

More of the same type stuff as the two recent Bob Hope pictures is, in fact, so much desired that at least two companies, Metro and Paramount, have their New York offices in the courtroom last (Continued on page 46)

BERNSTEIN TELLS OF NAZI THREATS ON HIM

Henry Bernstein, French playwright, arrived in New York Monday (8) from England after escaping Nazi would-be assassins who had threatened to kill him for writing an anti-Hitler play which enjoyed a successful run in Paris. His "Elvire" ran at the Ambassadeurs from Jan. 29 until June 7, after practically everybody but the actors had evacuated Paris. "The company was magnificent," Bernstein said. "They kept playing until the Germans were 35 miles from Paris."

Shortly after the play's opening, the Berlin radio blasted Bernstein, threatening to kill him when they took Paris. Playwright's plans are indefinite, may be an American production of "Elvire," he said.

Mrs. Dahl's Cafe Date

Fall River, Mass., July 9. Edith Rogers Dahl, General Franco's photogenic find, opened Monday (8) in Rathskeiler here after three-week engagement with her violin at the Hangay, small nitery in Acushnet, near New Bedford. Mrs. Dahl was a two-week holdover at the Acushnet spot after playing five nights earlier in Baylies Square theatre, New Bedford nabe.

New Bedford and Fall River press very diminishing on publicity.

ANTI-HITLERISM BEHIND MOVE

Unofficial Report Follows Word That Reich Takes Over 20th-Fox Exchanges in Belgium and Holland

SO. AMERICA SNAG

Banning of all American films from Nazi-controlled territory was unofficially reported in N. Y. this week, but lacked official confirmation either from Washington or home-offices. Bar on U. S. product supposedly is predicated on the fact that nearly every producer has been making vehicles critical of Nazism.

In leading industry circles, the feeling yesterday (Tuesday) was that if an edict against U. S. pictures had not been issued it would be only a matter of time until such action is taken by Hitler. Fact that several companies had been getting word through regularly from Brussels offices indicates business is going ahead as usual in part of Europe.

Reported general ban, without mention of specific countries, followed word from abroad that the Nazi government had taken over some 20th-Fox exchanges and pictures in Belgium and Holland partly because of "Four Sons" and "The Man I Married," formerly "I Married a Nazi." Homeoffice of company claims that no official word has been received regarding this German action.

It will be recalled that the Hitler government clamped the lid down on American companies which were critical of his regime and forced them out of Germany. Whether similar action against these distributors (Continued on page 11)

Monte Proser's Broadway Beachcomber Ruled No Oppositor to H'wood Cafe

Federal Judge Edward A. Conger in N. Y. on Monday (8), denied an application for a temporary injunction against Monte Proser's Beachcomber Restaurant brought by Cora I. Sund, doing business as Don's Beachcomber, Hollywood. The plaintiff seeks a permanent injunction, accounting, and damages against Proser's N. Y. establishment charging misappropriation of the name and recipes for food and drinks of its restaurant.

In denying the injunction request, Judge Conger pointed out that the plea of unfair competition did not hold water as both restaurants were (Continued on page 11)

SELZNICK BACK EAST; MULLING TWO YARNS

David O. Selznick is due in New York from the Coast today (Wednesday) with his family. They are on their way to Redding, Conn., where Selznick has rented an estate for the summer.

During his vacation, producer will begin work on two stories, "Jane Eyre," which is expected to be his next film, and "Joan of Arc," which may follow it. Work will consist mainly, as he puts it, of "intriguing myself with the lore" surrounding the two yarns.

Par Cuts Dymtryk

Hollywood, July 9. Paramount dropping Edward Dymtryk as director when his current contract expires in a month. He was upped from the cutting department to a directorship in the Harold Hurley unit a year ago.

Lytell Welcomes Investigation That Might Uncover Reds in Equity; All Named Deny Congressman's Blast

Dated?

Detroit, July 9. Screening of "New Moon" for the critics here was nearing its end. Along came the moment when the screen issued the proclamation, "The French people now are free." Well, that definitely dates the picture, a voice in the darkness drawled.

As president of Equity, Bert Lytell responded vigorously to the charges of Representative Lambertson, Kansas Republican, that actor-Communists had taken over key positions in the association. Lytell did not whitewash those named by the legislator, but declared the accusations were without proof. He declared he would welcome an investigation, indicating that might be done by the Federal Bureau of Investigation, for its time for all to come out in their true colors.

Lambertson's charges virtually took in theatrical talent unions in general. He also named George Heller, now executive secretary-treasurer of the American Federation of Radio Artists; and Hoyt S. Haddock, executive secretary of the American Guild of Variety Artists, as Communists. Of Haddock, Lambertson said he is a former C.I.O. organizer of distinct Communist sympathies whose appointment was protested by the American Federation of Labor. A few weeks ago, during an AGVA board meeting, Haddock and others in AGVA were accused of being Reds. Haddock denied the charges, answering, "I'm not smart enough to be a Communist." (Haddock's further ideas (Continued on page 20)

Paris Trying To Get A Semblance Of Former Gaiety

Paris, July 6. (Via Berlin)

Show business here is springing back to normalcy—or what approaches normalcy under exceedingly abnormal conditions—with amazing rapidity. Many theatres and music halls have reopened during the past few days and more are lighting up hourly. Move toward rehabilitation of the amusement industry was given additional impetus yesterday (Friday) by an order from the German military governor extending the closure to 11 p.m.

Theatres are all doing excellent business under the limited operations possible. Much of the French population which evacuated the city has now returned and everyone who can afford it appears to be seeking some form of minor diversion. Cafes and restaurants which are open are well-patronized with a mixture of German soldiers and French citizenry. Despite the extension of the curfew and the fact that many amuse- (Continued on page 14)

HERSHOLT'S \$10,000 WK. IF AIRSHOW'S MUTED

Hollywood, July 9. Monetary protection against any eventuality which may cause a suspension of his sponsorship is afforded Jean Hersholt in his new contract with Chesbrough, yielding which carries up to January of 1942. If, for any reason, including war, the program is dropped, Hersholt receives \$10,000 for every 13-week period during life of the contract.

PAR'S IF-MONEY DEAL ON 'CAPT. BLYGH' YARN

"Capt. Bligh," who last strode the deck of that mutinous vessel, the Bounty, for Metr's, will probably once again take command of it. But this time for Paramount. The famous character is being written by James Hall and Charles Nordhoff into their coming book, "Botany Bay," to which Par has a grip on the screen rights. "Bay," technically, is no sequel to "Nordhoff and Hall's" "Mutiny on the Bounty," inasmuch as the period it deals with is immediately prior to the incidents told "Bounty." It takes place in the same locale, however, and leads up to the other story. Verbal outline from which Par purchased its hold on the tale did not include the character of Bligh, but the studio is understood to have asked the authors to work the tyrant skipper in, as the role is figured to have big exploitation value.

Par doesn't actually own the story yet, but has a tricky agreement, not exactly an option, which insures obtaining it, if it so desires, after it is first published in serial form, probably in the Saturday Evening Post, and later as a book by Little, Brown. Nordhoff and Hall, who had decided to end their writing collaboration last winter, have been rejoined by the film and publishing interest in the story which they developed mentally several years ago. They are now in New England working on the actual writing and hope to be finished by January to return to their homes in Tahiti.

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SWAPPING INFO ON DEALS, TERMS, ETC., A NEW THREAT FOR PICTURE SALESMEN

Indies Started It—Major Chains Frequently Cooperate in Order to Force Prices Down—Matter of Horse-Trading

Movement for an interchange of information concerning film deals made with distributors, started among independents, arousing considerable speculation because of the possibilities of mass resistance for the salesmen throughout the country. If progressing to any point of importance, such an exchange of film deals, demands by distributors, performance of a given company's product the prior year, etc., stands to place the film-peddler up against new obstacles.

While there are doubts on both sides among exhibitors as well as distributors, on the other hand if enough exhibs band together to give each other the benefit of their transactions and experiences, it is not altogether unlikely the larger affiliated chain buyers might do the same thing among themselves. Major chains usually pay 35% for film which goes to the indie under percentage deals at 40%.

Although the average large buyer keeps his deals to himself, very often because he has not actually or has been given an edge, all are the figurative common enemy of the distrib and, in some cases, affiliated buyers are said to have worked in cahoots with others in order to control terms. Claimed, also, that major chain affiliates have also cooperated with indie chains in their territories in order to hold the distributors down.

Fitting the Pressure On

Now that the film companies are demanding higher prices, extended time and lower splits, the indie buyers notably might be inclined to cooperate among each other in what would amount to 'indirect buying power' or pressure. In other words, if the word went around among a lot of theatre owners that Company A's pictures didn't do well this season, figures or some other information concerning performance at the boxoffice being given, that company would face heavy resistance. If a representative number of indies, thus interchanging information on deals, performance, etc., began providing resistance, contracts at lower terms might have to be accepted or some compromise made. Fewer contract rejections might result.

On the other hand, the exchange of info should work to the advantage of another company that had delivered satisfactorily in accordance with deals made. Instances could occur also where one exhib can prove he has done well with a given company's product, while another hasn't, this in turn giving the distrib some leverage.

To just what extent exhibs would be willing to reveal what pictures did for them, what the terms of their deals were, what adjustments were made and the like, is highly problematical. An exhib in close competition with another in the same territory might be agreeable to cross-checking contracts, terms, demands for the new film, etc., and he also might not. This depends to some extent on whether the exhibs in the same towns spoke to each other and whether one felt he could outsmart the other fellow on buying anyway. Many exhibs felt they are shrewd buyers and can battle-bargains with the distributors, which others cannot succeed in getting.

There are cases also where friendship with a salesman or even a home office distribution executive gets one man a better deal than another can wrangle. 'Such a buyer no doubt will not want to tell what his edge was, partly because the other guy in his territory or someone else served by the same exchange has to make up for it.'

The setup of deals with the majors are such that even some of the large partners associated with Paramount but doing their own buying, refuse to reveal the terms for the benefit of brother-partners in the Par fold. Others do report their deals to the home office.

The Allied States Assn, national exhibitor organization and various territorial associations, are pushing the idea of an interchange of information among exhibs, now only on film deals, but in other directions.

Jimmy Roosevelt Has 10 Jukebox Film Shorts Ready

James Roosevelt revealed Monday (8) that he has 10 three-minute shorts for the Mills Novelty Co. completed and on the shelf. He declared he has an order for 30 more to be delivered on Aug. 15. Beyond that, he said, there's nothing definite except an agreement to turn out more each one on a flat fee, no percentage being involved. Juke-box manufacturing outfit doesn't expect to have its devices ready until late in the year. Roosevelt stated, and until then the films will remain in cans. He said he makes each one on a flat fee, no percentage being involved.

Plans following the completion of 'Pot o' Gold', his first feature picture, are being left in 'fluidity,' pending world events, the producer asserted. Film based on the Horace Heidt air show will go before the Sept. 1, he said. He'll fly back to the Coast this week to wind up scripting and casting before July 20.

President's son refused to publicly discuss the activity of the film business in the nation's defense plan, although it is understood he confabbed with his father on this subject over the holiday weekend. Arriving in New York early last week, he went up to Hyde Park July 3 to attend the dedication of the new library to house the President's papers.

Roosevelt's Globe Productions opened offices in New York last week. Roosevelt took over part of the Sam Goldwyn suite in the United Artists building, which he used while employed by Goldwyn. He also named David Griesdorf his eastern rep. Griesdorf is former United Artists branch manager in Winnipeg. New York office will handle only matters concerning regular productions released through UA, and will have nothing to do with Roosevelt's ventures into production of briefs for coin machines.

HIZZONER'S N.Y. FILM PUTSCH TAKES THE VEIL

Efforts of Mayor LaGuardia to bring film production to New York have apparently been laid away on ice for the time being or, at least, will continue in more modest style. Suite of offices in Radio City, which were offered to push the campaign in the heat of Hizzoner's ardor last winter, have been quietly buttoned up and the staff returned to its regular duties.

Department of Commerce, which was set up to bring any sort of new enterprise to New York, but of which the film division was the major part, is continuing its activities in more fertile spheres. It's being run, however, from the private offices in Wall St. of George Sloan, recently named Commissioner of Commerce by LaGuardia.

Radio City offices had been virtually mortgaged since the resignation several months ago of Clarence J. Ryan, Jr., who headed them. Herman Levin, in charge since Ryan's departure, has returned to his former duties in the Department of Welfare.

Other News Pertaining to Pictures

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Capra Starts Filming 'Doe'

Hollywood, July 9. Frank Capra sent his high-budget picture, 'Meet John Doe,' before the cameras at Warners yesterday (Mon.) with Gary Cooper and Barbara Stanwyck in the top spots. Late additions to the cast include Mary Carr, Sterling Holloway, Knox Manning, J. Farrell MacDonald, Gene Morgan, Sarah Edwards, Edward Hart, Benny Bartlett, Best Flowers, Lufe McKee, Edward McWade and John McManus.

Rodgers-Hart Working In N. Y. With Brock On RKO Filmusical Score

Because Rodgers and Hart have other Broadway commitments, coupled with an antipathy to working and living in Hollywood, Lou Brock will work with them in New York on the preliminaries attendant to the RKO filmusical he's preparing for September start. Tentatively titled 'They Met in Argentina,' tag will have to be changed due to a wave of Argentine film titles (20th-Fox, Universal and others).

Brock did the original idea, besides producing; Jerry Cady the script, and Rodgers and Hart will complete their score in the east, filing it either by mail or, more likely, collaborating with Brock, who will fly back and forth.

Frank Veloz (and Yolanda), retired ballroomologist, will essay his first Hollywood dance-staging job with this film. Maureen O'Hara will be cast opposite Albert 'Vila,' new face from South America. It's all part of an MCCA package deal. Brock produced the first Astaire-Rogers-Youmans filmusical for RKO in 1934, 'Flying Down to Rio.'

Roland's Bi-Lingual

Hollywood, July 9. Gilbert Roland does a double linguistic role in 'Gypsy Cavalier,' English and Spanish. Paramount is shooting the picture in both languages.

The more roles in the offering for Roland are in 'Cortez, Conqueror of Mexico,' to be produced by Alexander Korda, and two Metro productions, 'Tortilla Flats' and 'The Life of Simon Bolivar.'

Sheldon Counterclaims for \$50,000 On Heels of McClintic's 'Letty' Suit

Charging unauthorized assignment of contract and asking \$50,000 damages, Edward Sheldon has set up a counter-claim against Guthrie McClintic along with Charles Frohman, Inc., Paramount Pictures and Gilbert Miller. Action was started in New York supreme court as result of McClintic's suit against Sheldon and Margaret Ayer Barnes, authors of 'Dishonored Lady,' which was distributed by Metro when made into the film, 'Letty Lynton.' McClintic began suit about two weeks ago asking for half of \$137,000, sum recovered by Sheldon and Mrs. Barnes from the film company in the 'Letty Lynton' plagiarism suit.

Besides making a general denial of charges, Sheldon claims that McClintic breached the contract he held upon 'Dishonored Lady.' Situation is similar to a case where a property owner chases a burglar, with a neighbor trying to trip him and toss Miller. Action was started in New York supreme court as result of McClintic's suit against Sheldon and Margaret Ayer Barnes, authors of 'Dishonored Lady,' which was distributed by Metro when made into the film, 'Letty Lynton.' McClintic began suit about two weeks ago asking for half of \$137,000, sum recovered by Sheldon and Mrs. Barnes from the film company in the 'Letty Lynton' plagiarism suit.

Sheldon claims McClintic tried to assign the original contract dated Dec. 5, 1928, without written consent of the authors. Also that the assignment was to Charles Frohman, Inc., and that it went from this firm to Zaramont and Gilbert Miller, also without written approval. No consent was given for the English production either. Production of the play in England, it is alleged, also failed to follow stipulations as to cast and director, regarding changes and that its presentation actually destroyed the valuable goodwill the play possessed in England. Sheldon also claims in his counter-claim that McClintic and his assignees gave comfort and aid to the enemy when 'Letty Lynton' was produced and the copyright infringement suit was started by the au-

Lawrence Flying Over; Franco-British Clash Poses New Problem

Laudy Lawrence, Metro's European manager, headquartered in Paris, is due in on the Clipper from Lisbon this week with his wife and their four-year old son, Arthur Field, his aide and brother-in-law, will be with him. Mrs. Field preceded them to the States recently and currently in California, expecting a baby.

Mishap with their car, through running out of gas, delayed them about two weeks on the trip from Bordeaux to Lisbon.

Stuck in Lisbon right now, awaiting space on the Clippers, are bankers Robert Lazard (Lazard Freres), Maurice and Edmond de Rothschild, Rene Clair, the director; Levy Straus, who headed the Columbia Pictures unit making them in French; Robert Duvivier, the director; Maurice Chevalier, Nita Raya and Max Ruppia, his manager-secretary and other prominent.

Sacha Guitry was in Biarritz, ready to leave the country, but decided to return to Paris; ditto Elvira Pappas, Romanian actress, who has been prominent on the French stage for more than a decade, who likewise is returning to the ex-French capital.

A hazard now for American friends of departing French show people, i.e. those of French citizenship, is the fear that if France and England really clash in formal war, it may well mean that the clipping showfolk could be taken off in Bermuda and interned as technical enemy aliens.

TWO FULL-LENGTHERS BY DISNEY FOR '40-41

Hollywood, July 9. Two animated feature films, instead of one, is the new schedule at the Walt Disney studio, with 'Fantasia' and 'Bambi' slated for release during the 1940-41 season. Increased production made possible by the concentration of all departments in the new Burbank plant.

'Fantasia,' \$2,000,000 musical inked with arrangements by Leopold Stokowski, is due for release in October after more than two years in work. 'Bambi,' another \$2,000,000 job, slated for completion in January.

GOV. OLSON'S BOY AT 20TH

Hollywood, July 9. Gov. Olson, son of California's Dean Olson, who recently graduated from the University of California here, has joined 20th Century-Fox. He will work in the clerical division of the production department.

Small's Panacea: Drastic Salary Cuts, Kayo Duals

Hollywood, July 9. Film industry must submit to a major operation or face economic death, in the opinion of Edward Small, United Artists producer. In a signed statement to the press, Small urged a general slash of salaries, elimination of the double bill and closer cooperation between producers and exhibitors.

'The operation,' he said, 'may not be a pleasant one—operations seldom are—but the plain fact is that in the face of a crisis such as now confronts our great industry, there is no other course left open. A major readjustment must come swiftly if it is not to come too late. Top salaried producers, executives, stars, directors, writers and all others will have to realize that they not worth today what they were worth yesterday. Thus, a person who was worth \$100,000 per picture six months ago is today actually worth about \$60,000. The same rule applies to every other wage earner in the business.'

Exhibitors as well as producers must set their houses in order, Small declared, condemning dual bills as a mark of poor showmanship.

'They are also a mark of greed,' he continued. 'There are times in every business when it is essential to lose money to maintain standard. Too many exhibitors were unwilling to lose money on this basis, became panicky and turned to double-bills, dishes, automobiles, stoves and a thousand other things at a time when they should have turned on all the power of showmanship. It was the easy way, but like everything that comes easy, the eventual price is a costly, almost destructive one.'

As a cure for the ills of the picture business, Small suggested an immediate industry partnership, based on a three-way platform:

- 1.—An immediate healthy cut in all motion picture salaries, beginning at the top.
- 2.—Elimination of double bills, giveaways and other so-called stimulants.
- 3.—Sharing of problems by all branches of the industry.

FRANKLYN WARNER ALL SET TO PRODUCE AGAIN

Hollywood, July 9. Financial difficulties which have held up production by Franklyn Warner's Fine Arts Producing & Distributing Corp. are said by Warner to have been cleared up. Three films on which he has been promising to begin production for the past six months are now reported really nearing that stage.

Pictures which are slated to go into work the old Grand National lot, which FA has taken over, are 'Flying Heels,' 'Red Gardenia' and 'Derelict Alley.' Otis Garrett and Maurice Kahn to direct them.

FA, organized following the bankruptcy of Grand National, has been existing seven films formerly distributed by that outfit. Principal income-maker has been Anna Sten's 'Exile Express,' which started through RKO name circuit in New York yesterday (Tuesday).

Franchise-holders throughout the country have been doing some squawking at the failure of the promised new pictures to be delivered to supplement the original seven. Beefs have not been too serious, however, the states-rights have no investment in the FA franchise.

Singin' in the Saddle

Hollywood, July 9. 'Regime Cowboy Joe,' last of the Johnny Mack Brown western series for the 1939-40 season at Universal, rolled yesterday (Mon.) without Bob Baker, who wound up his contract as a featured player and checked off the lot. Baker, formerly starred in western series for Trem Carl's Universal unit, is negotiating for a group of cowpoke starlets with another studio.

(Continued on page 14)

DUALISM TO FORE AGAIN

Curtis Publishing Researcher Makes Survey for Film Distrib to Ascertain Extent of Neglected Rural Market

In an effort to bolster domestic income, several major film companies are mulling possibilities of expansion in the rural market. An actual survey of the nation's hinterlands has been started. Foreign markets are drastically off, while the other two main markets sees the big city near the saturation point on patronage and the neighborhood and suburban classed as nearly saturated.

Preliminary survey was made for one major company under the guidance of M. A. Steyer, of Curtis Publishing Co., who has produced basic facts on this rural market not generally familiar to the industry. Understood that Minnesota, Pennsylvania, Maryland and New York were covered in this analysis. This shows that approximately 85% of U. S. counties are rural. Curtis also states that either the present advertising-publicity ballyhoo overlooks potential farmer patrons, there is a dearth of cooperation between the key city exchange and these smaller accounts.

Because of the present small incomes realized from these smaller theatres, some with only night performances, most exhibitor opinion is that they are pushed around, not by necessity, but simply through lack of consideration. Result has been more or less routine operations, with much patronage going to larger nearby towns.

Could Mean Plenty

Main factor which has prompted attention to the rural field is the conviction among some executives that it is a neglected source of revenue. Also that it may be nursed along into a healthy condition if properly handled.

Survey undertaken so far shows that nearly 27 key exchange cities have rural population potentialities ranging from 30 to 76% of the total area covered, while only the Boston, New Haven, New York, Chicago and Los Angeles exchanges have negligible rural population, from which business is obtained. Also, this resume reveals, there is a rural population of 53,300,000 out of the nation's 130,000,000 total. Of the U. S. total, 36,900,000 is credited with being in the 100 largest cities of the country. Considering the film rentals obtained from the small exhibitor, the distributor is inclined to believe something should, and can be done about developing regular theatre patrons.

One exhibitor interviewed claimed that if he could get people in from the rural areas served by his theatre once per week, instead of twice monthly, he would be able to increase his business 33%. Further angles developed in the preliminary survey indicate that there are 35,200,000 practical potential rural ticket purchasers each week in the U. S., as compared with the claimed total of 85,000,000 motion picture theatre admissions sold weekly.

Big Farmer Trade

A distributor reports that 65% of the business in his territory comes from theatres catering to the farmer trade. Another indicated that there are plenty of modern theatres in operation but that the problem is to increase attendance by one means or another.

Along these lines, the idea of many distributors in key centers is that they would be able to increase business and subsequently secure better rentals once the exhibitor improves his b.o. Trouble today, still another, distrib averred, is that the big companies neglect everything excepting key cities in developing consumer demand. Same exchange man stated that the bulk of salesmen used out of his office cover the rural district, but with a minimum of cooperation on ad-publicity matter.

A small community exhibitor admitted that any increase in business at his house would have to come (Continued on page 14)

No Wrong Numbers

Hollywood, July 9. Beverly Hills, particularly the Oxford exchange section, was practically without telephone service for two hours while 20th-Fox monopolized the wires to call 900 extras for three productions. Atmosphere actors were needed for 'The Great Profile,' 'Brigham Young' and 'Down Argentine Way.'

'Consent' Parleys Ad Lib Probably Until It's Signed

For the seventh time, trial of the Government's anti-trust suit against eight major film companies and executives was adjourned (8) for an additional week by Judge Henry W. Goddard, in N. Y. federal court, upon application of J. Stephen Doyle, special assistant to the attorney general, who declared that prospects for ending the suit by consent decree continued favorable. On this statement Judge Goddard set next Monday (15) as the next trial date. Continuances are anticipated weekly through the summer until the work of drafting a decree is completed by Justice Department and film defendants' counsel.

Daily conferences among attorneys resumed yesterday in the Bar Association Bldg., after a week's interruption due to holiday and the long weekend. Although no detailed statement was forthcoming after the meetings, conferees on both sides privately expressed the belief that agreement on major points had been reached. Some sections of the consent decree order are in tentative draft form. No effort will be made to polish the wording until the piecework, as distributed among several sub-committees, has been completed.

As the conferences progress, and the importance of the arbitration machinery impresses itself on counsel, there is a feeling growing rapidly that the film industry in the future will bear heavier public responsibilities. With the establishment of local arbitration boards in (Continued on page 16)

STEVE LYNCH'S RR; PLANS MIAMI-TO-CHI

S. A. Lynch, Paramount theatre partner, who has acquired control of the Florida East Coast railroad, is planning to extend it so that trains can be run from Miami all the way to Chicago. He is also discussing the possibility of similar service through New York, providing arrangements can be made.

Control of the Florida line, operating at present farther north than Jacksonville, was arranged by Lynch through J. P. Morgan & Co.

WB Renews Hellinger

Hollywood, July 9. Warners renewed Mark Hellinger's associate producer contract for one year, making it three in a row.

Last three Hellinger productions are 'Torrid Zone' and 'Brother Orchid,' currently in release, and 'They Drive by Night,' recently finished.

EXHIBS-DISTRIBS' CO-OP NECESSARY

Showdown on the Situation Due Within Next Few Months—Move to Limit Twinning If They Can't Be Kayoed Entirely

SUNDAY POLLS

Number of polls on the double feature situation, spotlighted in the trade currently, promises to bring a showdown on the question during the next few months. Summary of industry opinion seems to indicate that something must be done to limit twin bills if complete abolishment is not feasible.

Film business is convinced that the only two ways of solving the dual headache are (1) cooperation among exhibitors, and (2) assistance by the distributor. Just how the amount of dualing or actual stoppage is to be accomplished through these two mediums never has been successfully worked out to date because of the threat of action by the Department of Justice on the anti-trust angle.

Industry heads realize that as long as a theatre is free to dual, the competitive situation is such that it will break down any individual effort to reduce double-features. Exhibitor organizations and distributors have been aware that duals hurt business and have been striving to find a legal way to effectively restrain the twinners.

Pertinent development in recent weeks is growing conviction among old-timers in the business that distributors might arrange a contract setup to curb heavy dualing. Same thing was tried in the Midwest some years back when film boards of trade were legal but, at that time, the distributors became leery of its legality and halted the practice.

Basic idea on contract control is the penalty idea whereby the exhibitor (Continued on page 14)

HEARST PLUGS JOE KENNEDY FOR U.S. PREZ

New York Journal-American yesterday (Tuesday) began drum-beating a presidential boom in a big way for Joseph P. Kennedy at the Democratic National convention next week. Hearst daily devoted half its editorial page to a strong plugged piece and giant photo of the U. S. Ambassador to Great Britain.

Kennedy, widely known in the film business as former prez of FBO, former prez of Pathe, author of a sweeping report on the condition of Paramount, made for its trustees in bankruptcy some years ago, and, more recently, for his work to revise the British quota act.

Journal-American sees as Kennedy's chief virtue, aside from his intimate knowledge of European affairs, his frequently-voiced determination that the United States should not get into the war. Sheet contrasts him with President Roosevelt in this respect.

Journal-American takes the principal cause for opposition to Kennedy by the horns—the fact that he is Catholic. It quotes the March 12 column of William Randolph Hearst, who declared: 'That is not a cause for opposition but for congratulation and support. America has never had a Catholic president. That is so, and perhaps that is one reason we could well have one now.'

Over 8,700 Theatres Now Dualing Which Means More Than 50% of All Film Accounts; 1,200 in N.Y. Alone

Nat'l Squawk

Sam Goldwyn's blast on dualism appears in today's (Wed.) Saturday Evening Post. Producer has been ardently campaigning against twin-bills as an industry evil.

Double features have so gotten out of hand that distributors as well as exhibitors are becoming alarmed over the policy, with result that efforts here and there are being made to try to get back to singles. No solid front on the matter exists, however. Far from it.

Having spread like wildfire during the past few years, duals are now being played in slightly more than 8,700 theatres throughout the country, according to a reliable distribution check covering all of the states. Remaining solo-film territory is becoming more and more vulnerable to the advance of the two-for-price-of-one policy, prediction being that if something isn't done the whole U. S. may go duals and that, in turn, will bring on triples. Whole south is included.

The 8,700 houses in duals, revealed by latest checkup, represents slightly more than 50% of all the accounts in the country and this takes in houses, many in the single category, that play pictures only one or two days a week. Also theatres in the south catering to colored audiences, of which are single. So far as importance of playing time is concerned, it is believed that the dualers would represent about 75% of the whole. This is due in part to the fact the entire south is still single-bill and scores of minor playdates figure.

RKO Ends '39-40 Delivering 50 Of Promised 58

RKO release schedule winding up the remainder of the 1939-40 season, issued on Monday (8), reveals the company will deliver only 50 of the 58 pictures it carded at last year's sales convention. Precarious situation created by the loss of foreign markets is credited with taking the bite out of the slate.

Defection was entirely among the indie producers whose output was promised to supplement the work of the studio. RKO plant itself will have delivered its entire commitment of 31 features by Aug. 30. Five of the six George O'Brien westerns which it promised will also have been delivered, with the final one calendared for Sept. 27. Some of the features sold on 1939-40 contract may likewise be delivered after the season has technically closed.

Indies were scheduled to account for 21 pictures. Of those originally promised, only 10 will be delivered, but the films of two additional producers plus one extra from Herbert Wilcox will bring the total from indie sources to 13. Wilcox's added starter is 'Queen of Destiny' (noe '60 Glorious Years'), which he produced in England in 1938. It will be released Aug. 2. The other two pictures added to the indie slate were 'Isle of Destiny' from Franklyn Warner and 'Beyond Tomorrow' from Lee Garmes. When the latter two pictures were added to the RKO schedule it was stated that Warner and Garmes would each make three for the company, but there are no more from them listed either on this season's schedule or next.

Among those pictures which will not be released, at least until after the close of the current season, is (Continued on page 14)

BOB KANE IN STONE'S PROD. BERTH AT 20TH

Hollywood, July 9. Shifts on producer row at 20th-Fox moved Lou Moore, former aide to John Stone, into the Kenneth Macgowan office, while Robert T. Kane, former production chief in England, stepped into the quarters left vacant by Stone's departure.

Macgowan is supervising a heavy schedule of big-money pictures, including 'Brigham Young,' in its last stages of production, 'Brooklyn Bridge,' 'Hudson's Bay Company,' 'Lucky Baldwin,' 'Belle Starr' and 'The Great Broadcast.'

Lubitsch-Lesser's 1st Duo

Hollywood, July 9. Ernst Lubitsch has decided on 'Summer Vacation' and 'Divorces' as his first two in association with Sol Lesser for United Artists. Latter is an adaptation of 'Kiss in the Dark' and to be played to Merle Oberon and Melvyn Douglas. Ladislav Fodor, author of 'Vacation,' is also screenwriting it.

Right now the only single-feature territory left is Pennsylvania, a few spots in Kentucky, portions of Southern Ohio, Tennessee, Minnesota, North and South Dakota, a part of Oklahoma, the Washington territory and the southern states from the Atlantic seaboard through Texas.

There were less than 5,000 dualers five years ago; the growth of the so-called evil having been terrific since then, with triple bills also coming into the picture when the competition became tough. As of a couple weeks ago there were 18 theatres in Chicago alone playing triplers.

While efforts have been made in various territories to end duals by agreement among the theatres, to outlaw them, these agreements have never held. Latest effort in this direction is being made in Wisconsin, with penalties to be imposed in the event of violation. One of the troubles frequently has been not only to keep theatres in line that have agreed to try to end duals but to stop outsiders, not parties to the agreement, from coming in with duals.

Independents who would like to go back to singles blame the large chains and the latter say, in rebuttal, that indies (and cheap admissions by last) forced them to veer away from singles. Recently there was a meeting of chains and indies served out of New York, called for the purpose of mass agreement on ending duals, giveaways, etc. Declared that the major chains were unwilling to give up double bills, although ready to go along with the indies so far as bank night and the like were concerned. Presumption was that these major chains didn't want to go back to singles because it would lessen the number of booking dates for their own pictures and those of other majors that had been contracted.

While some distributors are fighting to wipe out duals, others are not discouraging them. This is particularly true of companies with large programs and a goodly number of 'B' pictures tailored for double billing.

The greater the number of twin- (Continued on page 14)

CASEY IN 24-HOUR CLEANUP

Spicy 16 mm. Films Cause Pa. Censors To O.O. Them First; Ditto Jukebox Pix

Philadelphia, July 9. The Pennsylvania Board of Motion Picture Censors on Saturday (6) served notice on distributors and exhibitors of 16 mm. films that hereafter none will be allowed to be shown unless they have the approval of the pic-ganderers and pay the regular \$2-per-reel censor fees. At the same time the board intimated that the same stand would be taken on the question of nickel-in-the-slot machines as soon as they make an appearance in the State.

The showing of 16 mm. films, mostly in upstate drive-in theatres, amusement parks, taprooms, etc., has been worrying exhibitors in the area. Some of the 16 mm. pix have been on the salacious side, and the action of the censors will put some of the tavern-shows out of business.

The slot-machine gadget distributors are expected to be socked with State and municipal taxes as soon as they start in business here. The State already has a \$25 annual levy on all automatic amusement devices (pinball machines, slot-machine phonographs, etc.). The tax on the pix machines are expected to be even higher. In addition the Philly city council, deep in the red, has been reported reaping ordinance taxing slot-machine pix. The Council has hit the saturation point, as far as ordinary sources of taxes go, and have been on the lookout for a new revenue-producer. The pix gadgets look like a natural, they say.

\$400,000 Foreclosure Brings Receivership For Carman, Philly

Philadelphia, July 9. U. S. District Court Judge George Welsh on Wednesday (3) appointed three receivers for the Carman theatre, North Philly vaudeville, with authority to continue operation of the house pending the foreclosure of a \$400,000 mortgage or other measures to conserve interest of bondholders. Those appointed are Jay Emmanuel, George McHugh and Norman P. Fernon. Legal property of the \$1,000,000 house, built in 1928, is in the name of George T. Graves, but the real owner, it is claimed, is his father-in-law, William C. Carman, of Ventnor, N. J.

Judge Welsh was taken with the consent of both Graves and Carman. The suit asking the receivership was filed a year ago by three bondholders living in Wilmington. They asserted their investments were jeopardized by defaults. Interest payments to the sinking fund and failure of Graves to pay bonds at maturity.

Graves and William Ackley, manager of the house, will continue in charge of its operation under the supervision of the receivers.

Harold Smith, Hays Rep In Europe, Due Home

Harold Smith, Hays office representative in Europe, stationed in Paris, is due in this week from Lisbon.

He has been recalled from his European assignment until further notice because U. S. majors haven't sufficient business to keep him busy. Furthermore, Smith was interested in getting his family safely established in this country.

Garfield Chore Switched

Hollywood, July 9. John Garfield switched from "Fiesta in Manhattan" to "East of the River" as his next starrer at Warner's, slated to roll July 15 as Harlan Thompson's first producer job on the lot. Raoul Walsh directs. Ida Lupino, originally assigned to "Fiesta," shifts to "River" with Garfield.

Not That Bored

Los Angeles, July 9. John Miller's feelings, which he claimed were wounded \$20,000 when he saw the short, "Your Town," are still unassuaged. Judge Thomas C. Gould tossed the case out of Superior court without leave to amend.

Plaintiff had used Fox West Coast Theatres, operator of the Alexandria, Glendale, where the film was shown. He claimed he had paid for entertainment and was bored.

Zanuck's Sale of 1,000 20-Fox Highlights SEC Report on Stock Deals

Washington, July 9. Sale of 1,000 shares of 20th Century-Fox common by Darryl F. Zanuck highlighted Securities & Exchange Commission's latest report on insider's transactions, which uncloaked dealings in paper of eight film concerns. Semi-monthly recapitulation issued Tuesday (9) showed, as far as scope of market operations were concerned, May was the liveliest month this year for ground floor occupants of picture enterprises.

Zanuck's block was dumped May 22, leaving him with 92,130 pieces of common. He also has 21,946 shares of preferred.

Other transactions were: Universal Corp.—Nathan J. Blumberg got rid of 500 voting trust certificates, keeping 13,000 in addition to his 10,000 warrants. Preston Davis picked up 200, swelling his batch to 2,200 certificates. He also has a finger in Standard Capital Co., which accounts for 26,500 of the proxies and 111,283 warrants.

Columbia — Abraham Schneider, engaging in more May operations than any other film figure, gained 504 pieces of common by the exchange route, and bought another 800 tickets in five transactions spread over 18 days. His acquisition of 1,394 shares gives him 1,404 now, and his swap of certificates deletes his holding of this paper. In addition, Schneider has 7,500 warrants.

General Theatres Equipment—Edward C. Delafelt picked up 100 pieces of the no-par-value paper, Earle G. Hines 500 and R. B. Larue 100. Gives Hines 1,300, Larue 500, and Delafelt 100.

Loew's Boston Theatres—Making biggest buy in many months, the parent company, Loew's, Inc., continued acquisition of the offspring and took over 17,087 share of common, one block accounting for 17,058 of the net gain. Now the top concern has 117,406 shares.

Monogram — Thomas P. Loach picked up 300 pieces of common, giving him 700 on top of his 6,173 options.

Paramount — Duncan G. Harris purchased 80 common tickets, boosting his stake to 1,000. His portfolio also contains 200 shares of second preferred.

Trans-Lux Corp.—Robert Daine peddled 200 shares of common, cutting his interest to 2,800.

Coast Houses Collect \$39,270 for Charities

Los Angeles, July 9. Charles P. Skouras handed over \$19,635 to American Legion of California, representing 50% of the recent collections in Fox-West Coast theatres for the double benefit of the Will Rogers Memorial and the Legion relief fund.

Of this sum, \$18,554 came from the Coast houses and \$3,081 from independent theatres.

CENTRAL CASTING STRIKE AT END

Picket Lines Removed After Three Weeks When Labor Contact Agrees to Sit in Arbitration—Producers and Screen Writers Reach Tentative Understanding

AD ARTISTS BACK

Hollywood, July 9. Strike of employees at Central Casting Corp. has been called off. Workers returned to their jobs yesterday (Monday), following an agreement to remove picket lines if Pat Casey would sit in on negotiations and aid in "furthering a settlement" of differences between the producers and the American Federation of Office Employees. Arbitration will start this week on differences between two groups on minimum wage scales, hours for casting directors and demand for two weeks' vacation with pay.

Less than 24 hours after Casey had arrived from New York, where he discussed the situation with international heads of the studio unions, a deal had been set for return of the workers to their jobs. A producer committee headed by E. J. Mannix, Metro general manager, and Fred Pelton had been dickering with the union for three weeks, and had finally appealed to Casey by long-distance telephone when it became apparent the strike might spread to the studios and the up production.

The contact between Casey and Elma Goodwin, prexy of the AFOE, was arranged by Herbert Sorrell, business representative of Moving Picture Painters Local 644. Although Local 644 is not affiliated with the Central Labor Council, which had endorsed the walkout, Sorrell had announced his members would not cross the picket lines if the strike (Continued on page 18)

SAG LICENSES FOR AGENTS IN EAST

Screen Actors Guild has started the machinery rolling for the franchising of agents in New York who deal in picture talent. Application time was set for July 5-Aug. 5, with the deadline for all such 10%ers to be licensed set at Aug. 20.

Like the agreement between SAG and the agents on the Coast, SAG licensing of agents in New York calls for 1% of the reps' gross commissions from picture-talent deals to go to the SAG. However, because there's admittedly less business of that type done in N. Y. than on the Coast, SAG has lowered the minimum agents' fees to the union from \$50 yearly to \$25 Mrs. Florence Marston, eastern SAG rep., is handling the N. Y. licensing. She expects around 125 applications.

All of SAG's sister unions in the Associated Actors & Artistes of America have passed resolutions that their members will not permit film deals to go through any agent not franchised by SAG.

Van Schmus in Hosp

W. G. Van Schmus, managing director of the Music Hall and Center, N. Y., and director of Rockefeller Center, is in St. Luke's hospital, N. Y., following an operation for an internal disorder. Reported doing all right.

About a year ago Van Schmus was suffering from a heart ailment which has entirely righted itself.

Exhibits Still Masterminding New 10% 'Defense Tax' Levy So As Not To Leave Them With Less Net Admish

Fun at the Opry

An eastern independent chain, operating 35 theatres, reports one of its managers had to subdue a fist-fight on account of the new tax.

It was between two patrons. One came up to the boxoffice and refused to pay a 3c tax on a 30c ticket, whereupon the patron behind him, after explanation had been made it was all for American defense, told the man he should pay it. When the argument against paying the tax began to get a little hot, the impatient patron behind suggested he was probably a Bundite and the fun began.

Rep's Takeover of Its St. L. Exchange Makes 16th for H.O. Operation

St. Louis, July 9.

Nat Steinberg and Barney Rosenthal, co-owners of the local Republic Pictures franchise which covers eastern Missouri and southern Illinois, disposed of their holdings last week at a New York powwow and the local branch, to be operated by a subsidiary corporation organized several months ago, is the 16th acquired by the parent company in key cities. Steinberg will continue as manager but Rosenthal, a vet in the midwest, has temporarily resigned to vacation for two or three months.

Upon his return here after relaxing Rosenthal will determine whether he will become associated with the Republic exchange or engage in some other business. Steinberg and Rosenthal worked together for Universal years ago with Rosenthal the ace salesman. Later they entered the indie field as partners, separated but returned after a brief period. When Republic Pictures began attracting national attention the partners acquired the local franchise and built up the business to one of the best dividend producers in this territory.

Loy to Butte, Mont.

Butte, Mont., July 9. E. M. Loy becomes branch manager for Republic here as successor to Bob Boomer, who is stepping out of distribution to devote his entire time to theatre interests which he has in Montana. Loy was formerly in sales with Paramount and 20th in Denver and Salt Lake territories.

Willie Bioff's Move For Release Again Set Back

Chicago, July 9. Willie Bioff will have to serve out the rest of his sentence. This was indicated last week when Chief Justice John Prystalski of the Criminal Court denied petition for a writ of habeas corpus as filed by Bioff's new attorney, Walter Butler.

Petition stated that original charges against Bioff in the pandering case of 1922 were based on defective information, particularly in that there was no proof that Bioff knew that the \$29 he took were the earnings of a prostitute.

Judge Prystalski threw out the petition quickly, making it unnecessary for Assistant States Attorneys James Cunningham and Walter McCoy to present any arguments against the petition, though they came to court prepared.

Theatre operators, in states that have local tax as well as those which haven't, are juggling their scales following the imposition of a 10% Federal tax from 21c up, with many reported to be in a quandary as to how to adjust admissions to meet the emergency. All houses had five days to prepare collecting the tax, and while the great majority simply added the tax onto present boxoffice prices, much masterminding of arithmetic tables is following in the wake of that move.

Exhibitors are trying to figure out how they can best rearrange their prices so that the tax added to admission scales does not leave them with a smaller net price than before, after bookkeeping is taken into account. Thus, in some cases the pencils and paper are bringing out odd figures such as 31 or 41, 22, 27, 47, etc. It doesn't stop here, but also is taking in fractions of cents, with a view to figuring out how even amounts can be arrived at to avoid the handling of too many pennies. Dubious as to this being practical or possible unless some way of fractional absorption is figured.

The general tendency seems to be not to take advantage of the tax at the b. o. since it is in the nature of national defense, and everything in the other direction on the part of the theatre operator would be unpatriotic.

When scales have settled down to a permanent state, it is believed that more theatres will increase from the 20c exemption figure than those that come down from 25 or 30c to that level to escape payment of the new Fed levy.

The Independent Theatre Owners of Ohio, which has been keeping exhibitors closely advised on the tax matter, hopes that theatre owners will cooperate with the Government by adding the tax to all admissions of 21c or more.

Where it is possible to do so, the ITO of Ohio also urges that those houses which are charging 20c will increase the price to 22c and collect 3c tax for a total of 25c to the patron and thus do their share towards helping our country in this emergency.

Some exhibitors are mulling a price like 27c, which with the necessary tax would bring the total to the fan (Continued on page 16)

Par Executives Would Continue Round-Table Talks with Trade Press

A round-table discussion between top Paramount executives and representatives of the trade press may be held every two months or so for exchange of information, ideas, etc.

A few weeks ago, when Y. Frank Freeman was in the east, such a luncheon, running three hours, was held with Barney Balaban, Neil F. Arnold, Charles H. Rowley, Robert Oskar Morgan, Bob Gillham and Al Wilkie attending in addition to Freeman. Problems and plans were frankly and openly discussed.

That Diploma's Good For A Writing Job at Metro

Hollywood, July 9. Nine new scribes, most of them college-bred, matriculated in Metro's junior writing department with hopes of making the varsity.

Freshmen are Jean Rouverol, Stanford co-ed and daughter of Aurlia Rouverol, literary mother of the Hardy family; David Sheppard and Edward C. K. Read, Harvard; William Busky, Yale; Robt. Minton, Princeton; Marvin Borowsky, Stephen Callahan, James H. Hill and Russell Rouse.

Chi Vaude B.O. Big: 'Orchid'-Roch., \$35,000, 'Sandy' - 'Funz' Unit, 19G, 'Command'-Taylor-Hymer, \$17,000

Chicago, July 9. Current indications point to one of the happiest boxoffice weeks the loop has encountered in some time...

On Saturday (6) another picture entry, 'New Men', came into the United Artists and joined the big boxoffice parade. This will be the top straight flicker item.

Estimates for This Week

Apolla (B&K) (1,200; 35-55-65-75) - 'Susan' (M-G). Moved here after two fair sessions in the United Artists and doesn't look for much...

ROONEY'S 'DEB' SMASH \$16,500 IN PROVIDENCE

Providence, July 9. (Best Exploitation: Loew's State) 'Andy Hardy' (M-G) at Loew's State is hottest thing in town...

Members of the Loew's State staff enjoyed a holiday at the city's more popular beaches and combined business pleasure by plugging the stand's current attractions...

Estimates for This Week

Carlton (Fay-Loew) (1,400; 28-39-50) - 'New Moon' (M-G) (2d run). Warm weather apt to hurt a bit, but spotting good...

tor. Raiders' (M-G). Mickey Rooney's hot pace for this time of year skyrocketing take to \$14,500. Last week, 'New Moon' (M-G), swelt \$12,000.

'EDISON' HEFTY \$31,000 IN TWO HUB SPOTS

Boston, July 9. Cold, cloudy weather on the holiday (4) gave all film stands a great start, but the ensuing sun over the weekend buried them out.

Estimates for This Week

Boston (RKO) (3,200; 15-20-39-44) - 'Island Doomed Men' (Col) and 'Girls Road' (Col), dual, with Baer-Galento fight pic. Natural for this house and aiming at dandy \$6,500.

'Dr. Wife' - 21 Days' Dual Fine \$23,000 in B'klyn

Brooklyn, July 9. Fabian Paramount is tops this week with 'Doctor Takes Wife' and '21 Days Together'...

Estimate for This Week

Albee (Fay-Loew) (1,200) - 'Favorite Wife' (RKO) and 'Info Please' (2d wk), plus Baer-Galento fight pic. Fair \$14,000. Last week, good \$18,000.

First Runs on Broadway (Subject to Change)

Week of July 11

Astor - 'Gone With the Wind' (M-G) (30th wk). Capitol - 'Susan and God' (M-G). (Reviewed in VARIETY, June 5) Criterion - 'Those Were the Days' (Par) (13). (Reviewed in VARIETY, May 22) Globe - 'Escape from Devils Island' (WB) (10).

Week of July 18

Astor - 'Gone With the Wind' (M-G) (31st wk). Capitol - 'Susan and God' (M-G) (2d wk). Globe - 'Girls of the Road' (Col) (20). Music Hall - 'All This, and Heaven Too' (WB) (3d wk).

ROONEY, \$10,000, B.O. RUNAWAY IN L'VILLE

Louisville, July 9. 'Andy Hardy Meets Debutante' is wrapping up all the loose coin in the current session...

Estimates for This Week

Brown (Loew's-Fourth Avenue) (1,000; 15-30-40) - 'Ghost Breakers' (Par) and 'Queen Mob' (Par). (Par) and 'Queen Mob' (Par). (Par) and 'Queen Mob' (Par).

Estimates for This Week

As a for 1,012 - 'This Week' \$110-\$165-\$220 - 'Gone' (M-G) (30th week). Last week (29th), over the holiday, and better than \$8,500, fair profit.

Estimate for This Week

Palace (1,700; 25-35-55) - 'Favorite Wife' (RKO) (2d run) and 'Murder in Air' (WB) (1st run), dual, plus 'Gone With the Wind' (M-G) (30th week), very good. Last week 'Horrid Zone' (WB) (2d run) and 'Sandy Lady' (U) (1st run), \$7,300, mildish.

Heavenly \$105,000 for Bette-Boyer At Radio City; 'Ghost'-Tucker-Baker Bonnie \$60,000; Milk Rest of B'way

(Best Exploitation: Music Hall) Only two shows are getting any business in the downtown New York sector. They are 'All This, and Heaven Too'...

Cloudy, threatening weather on this year's Independence Day proved many a showman's undoing...

Ghost Breakers' and the Tucker-Baker combination drew over \$12,000 on the 4th at the Par. Hitting \$80,000 on the first week ending last night (Tues.) is sensational...

Heavy advance campaign by Warner Bros. figured on 'Heaven', plus local exploitation by Music Hall and Theatre employed a larger ad campaign than normally.

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and stage show. And biz is also heavenly, looking a very smart \$105,000, which will be best for any July 4 week in the history of the theatre.

State (3,450; 35-55-75) - 'Waterloo Bridge' (3d wk) and 'Susan and God' (M-G) (2d wk). (Reviewed in VARIETY, June 26) Mortal Storm, winding up its third week at the straight-film Capitol, is another that has been strong on the holiday...

M'DONALD-EDDY HOT \$17,500 IN PITT

Pittsburgh, July 9. Biz generally shaping up okay this week. With both Fulton and Senator shut for the summer...

Currently, the surplus is going chiefly to the Penn, where 'New Moon' is conking the town and giving that spot its best gross in a blue moon.

Estimate for This Week

Alvin (Harris) (1,850; 25-35-50) - 'Manhattan Heartbeat' (20th) and 'Not So Tough' (U), plus Baer-Galento fight pic. Latter helping, but not too much. On four days looks like \$10,000.

Estimate for This Week

Albee (Fay-Loew) (1,400; 28-39-50) - 'New Moon' (M-G) (2d run). Warm weather apt to hurt a bit, but spotting good. Last week, good \$18,000.

Pichel's Hudson Bayer

Hollywood, July 9. Irving Pichel gets the director's assignment on 'Hudson's Bay Company', high budget exploration tale, slated to roll at 20th-Fox July 27.

Frisco B.O.s Hold Up Despite Holiday; 'Hardy' Looking for Fine \$18,000

San Francisco, July 9. Despite the dent caused by Frisco's July business at the Fair, which left Market street virtually deserted in the hot afternoon sun, grosses held their own fairly well...

Key City Grosses

Table with 2 columns: City, Estimated Total Gross, This Week, Last Year. Rows include San Francisco, Los Angeles, New York, etc.

'SAFARI'-VAUDE FAIR \$15,000 IN WASH.

Washington, July 9. Steady rain for nearly three days stent herds of Fourth of July visitors scurrying into the theatres, showing nearly all week's grosses over estimates. Old Sol returned to glory over the weekend, though, and this stanza won't be anything to remember.

Only two new films are on tap, and they're keeping the two vaude spots neck-and-neck, with no help from the footlights. At the Earle, WB spot, it's 'Untamed' and a Loew's Capitot's 'Safari'.

Estimates for This Week Capitol (Loew) (3,434; 28-39-44-66) 'Safari' (Par) and vaude. Adequate \$15,000. Last week, 'Susan' (M-G) and Sheila Barrett, big \$23,000.

'SAFARI' NICE \$7,500 IN K.C.

Kansas City, July 9. First-run action now numbers only five houses with shutters at the Orpheum. House was open last week with road showing of 'All This, and Heaven Too', and started week with some assurance.

In the picture this week are Newman, with 'Safari' and 'Blair' with new Andy Hardy release. Percentage of biz is about equal, but Loew house will top on larger capacity.

Estimates for This Week Equaire (Fox Midwest) (920; 10-28-44) 'Gangs of Chicago' (Rep) and Baer-Galento fight pic. Boxing films aiding here and carrying to fair week at \$3,200.

Orpheum (RKO) (1,500; 55-75-110). House dark. Last week, 'Heaven Too' (WB) (1,500) and 'The Week's Run' at increased prices. Opening days played to fair biz, but dwindled sharply and moved out after \$7,000, far below expectations.

'Ghost' Getting Bangup \$4,100 to Lead Lincoln

Lincoln, Neb., July 9. 'Ghost Breakers' had the only holiday (4) opening, and result was a spanking good start at the Stuart to assume the lead for the week. It will probably come in at \$4,100, even though vying with 'New Moon' in the same price class.

Estimates for This Week Colonial (Monroe-Noble-Federer) (750; 10-15) 'Gaucho Serenade' (Rep) and 'Sabotege' (WB), split with 'Prairie' (Law) (RKO) and 'Woman Love' (RKO). Good \$900.

Lincoln (Paramount-Cooper) (1,503; 10-25-35-40) 'New Moon' (M-G), 'Favorite Wife' (RKO), stayed nine days for first h. of more than month and got swell \$5,200. 'New Raskals' (Paramount-Cooper) (1,236; 10-25-35-40) 'Fool Sons' (20th), stayed but four days, brooded to \$1,700.

Varsity (Noble-Federer) (1,017; 10-20-25-35-40) 'Westward' (Rep) and 'Out West Peppers' (Col). Fair \$2,400. Last week, 'Curtain Call' (RKO) and 'Reno' (RKO), poor \$1,800.

McDaniel-Skelton, Bolsters 'Affair' In Cleve., \$15,500

Cleveland, July 9. By snapping on its footlights again, with Red, good \$11,000. Daniel stage-needling, 'Private Affairs', Palace is stepping up into good corners. Returns nothing like those made by Bob Hope's p.a. three weeks ago, but still way over anything else in town.

Estimates for This Week Allen (RKO) (3,000; 30-35-42-55) 'Flight Angels' (WB). Nice \$3,500. Last week, 'Brother Orchid' (WB) on second spot, ran up to good \$4,500.

Alhambra (Printz) (1,200; 10-20-35) 'Hot Steel' (U) and 'Isle Doomed Men' (Col) (2d run). Fair \$1,900, if it lasts. Last week, 'LaComa Nights' (U) and 'Dark Command' (Rep) (2d run), \$2,400, fine.

Citrel (Marmorstein) (1,900; 15-35) 'Crisis Broadway' (M-G) coming back to singles for an experiment and around \$2,800 will be okay. Last week, 'Midnight' (Par) and 'St. Louis Blues' (Par) (reissues), nabbed around \$2,100, so-so.

Hipp (Warner) (3,700; 30-35-42-55) 'Tom Brown' (RKO). Nameless feature being cooked by heat, \$8,000, had average. Last week, 'Four Sons' (20th), satisfactory \$10,500. Palace (RKO) (3,200; 30-35-41-55-60) 'Private Affairs' (U) and vaude, headlining Red Skelton and Hattie McDaniel, opened Fourth of July. For eight days, \$15,500 looks probable and not so bad. Last week, 'Anne Poplars' (RKO), was one of these things best forgotten, poor \$3,000 in six days.

'Hardy' \$32,300 Tops in Perky Week Of L.A. H.O.s; 'Man Talked' NG \$10,200, 'Ghost'-Vaude, 2d, \$14,500

Broadway Grosses

Table with 2 columns: City, Estimated Total Gross, This Week, Last Year. Rows include New York, Los Angeles, etc.

CALLOWAY PLUS 'SAILOR,' 24G, OK IN DET.

Detroit, July 9. Fox currently has Cab Calloway's band, which earlier in the season was in at the Colonial, near downtown stronghold of vaudeville through the winter, and biz is okay. Grosses continue healthy, considering the season and the falling off of Canadian trade through the new rigid border laws.

Estimates for This Week Adams (Balaban) (1,700; 39-40) 'Lost Horizon' (Col) and 'Awful Truth' (RKO) (revival), bolstered with Galento-Baer fight film, but expectations aren't above fair \$4,500. Last week, 'Gangs Chicago' (Rep) and 'Wagons Westward' (Rep), poor \$4,000.

Fox (Fox-Michigan) (5,000; 30-40-55) 'Sailor's Lady' (20th) and Cab Calloway band. Headed for good \$22,000. Last week, 'Earthbound' (20th) and Sammy Kaye orch, \$23,000.

Michigan (United Detroit) (4,000; 30-40-55) 'Andy Hardy Debutants' (M-G) and 'Capt. Lady' (M-G). Looking for healthy \$16,500 in eight days. Last week, 'Susan' (M-G) and 'Phantom Raider' (M-G), good \$13,500.

Palms State (United Detroit) (3,000; 30-40-55) 'Mortal Storm' (M-G) and 'Susan' (M-G). Pair, a combination of last week's toppers at Michigan and United Artists and inough to get \$8,500 for eight days. Last week, 'Favorite Wife' (RKO) (2d run) and 'Biscuit Eater' (Par), good \$9,000.

United Artists (United Detroit) (2,000; 30-40-55) 'Divorcement' (RKO). On way to big \$12,000 and probable hold-over. Last week, 'Mortal Storm' (M-G) and 'Opened Mistake' (Par) (2d run), good \$7,000 on top of first week's \$11,000.

Storm' Okay \$7,000; Mont'l Outlook N.G. Montreal, July 9. 'Mortal Storm', at Loew's, is leading with 'Ghost Breakers' as fair second at Palace. Balance poor.

Nazis Ban U.S. Pix

Most of the first-runs are piling up substantial profits currently, despite out-of-town exodus occasioned by the July Fourth holiday and rising grosses from the West coast. Acers are extending their week to nine days and will give Andy Hardy Meets Debutante close to around \$2,900 on the week of Paramount, RKO and Panigates are holding over, with 'Gone' winding up two weeks repeat at United Artists (10) to okay returns.

Long run attractions are rapidly petering out. They include 'All This, and Heaven Too', at Carthy, and 'Our Town', at Four Star. 'Wishnie, or, movernor', doing okay with 'New Moon'.

Because of length of title, 'Andy Hardy Meets Debutante', Fox-West Coast introduced entirely new type of newspaper advertising, specializing on spreads in all papers. In addition, exploitation department under George Waters, is being heavily for grocery and market tieups, securing over 200 market windows, 22 jewelry stores, pet shops, etc. Gang is also securing prescriptions for femme graduates in the Los Angeles sector, these reading: 'Are you the girl Andy Hardy is looking for?'

Estimates for This Week Carthy (F-W-C) (1,518; 83-110-130) 'Seven Town' (WB) (4th wk.). Sliding rapidly and may come off within couple of weeks. Current stanza, aided by good start on holiday, may hit \$500. Last week, disappointing \$5,700.

Chinese (Grauman-F-W-C) (2,024; 30-40-55-75) 'Andy Hardy Debutants' (M-G) and 'Lucky Cisco Kid' (20th), dual. 'New Moon' (M-G) holiday trade piling up excellent \$14,000 in nine days. Last week, 'New Moon' (M-G) and 'Phantom Raider' (RKO), very good \$11,000.

Downtown (WB) (1,800; 30-40-55-65) 'Man Talked Much' (WB) and 'Pop Pays' (RKO). Nothing startling and will wind with week \$5,200. Last week, 'Brother Orchid' (WB) and 'Sandy Lady' (U), six-day second week, okay \$4,500.

Four Star (U-A-F-W-C) (900; 30-40-55) 'Our Town' (UA) (3d wk.). Hitting the skids and makes way (17) for 'Mortal Storm'. Current stanza; looks like poor \$2,600, after first week \$3,800.

Hawaii (G&S) (1,100; 30-40-55-75) 'Lost Horizon' (Col) (3d wk.) and 'Take Romance' (Col). Teissue will add another \$1,000 to \$11,000, after winding up second week with very good \$3,100.

Beachcomber Continued from page 3 located across the continent from each other, and had different topics. On the food question the recipes were in use in Chinese restaurants before either the plaintiff or defendant came into existence and on the charge of enticing employees from the plaintiff, affidavits of the defendant showed some had been discharged, and some had left the plaintiff's employ before the defendant was incorporated. Lastly, the judge remarked, an injunction would render irreparable damage to the defendant, forcing

Nazis Ban U.S. Pix Continued from page 3 in recently acquired Nazi-controlled territory will be taken probably will develop in the next few days. Another censorial wrinkle, resulting from the European war, developed this week, the number of South American republics, were avowedly opposing all productions having a pro or con bias on the present conflict. A couple of Latin American nations turned down 'The Lion Has Wings' because they felt it was too pro-British. For the same reason, they refused to exhibit 'The Lion Has Wings' and 'Four Sons' (20th), \$2,000, poor.

THEY DRIVE BY NIGHT

Hollywood, July 9. Warner Bros. release of Mark Hellinger production. Stars George Raft, Ida Lupino, Humphrey Bogart. Features Gale Page, Alan Hale, Roscoe Karns, John L. Lee, Charles Halton, and others.

Fast moving and actionful melodrama of long-haul trucking biz. 'They Drive By Night' together with 'The Return of Wild Bill' and 'Sporting Blood' are the most profitable returns in key and subsequent runs.

Story, off the beaten track, divides into two sections, but with a neat dovetail to weld them together. The first half is an adventure of Raft and Bogart as brothers operating a free-lance highway truck, culminating with an asleep-at-the-wheel wreck.

Raft holds the spotlight as the vigorous and determined trucking indie battling against adversaries to consummate a dream of owning his own fleet. He turns in top-notch performance. Equal in importance is Miss Lupino who turns on her dramatic talents for an exceptional, outstanding display.

Pride and Prejudice

Metro-Goldwyn-Mayer release of Hunt Stromberg production. Stars Greer Garson and Laurence Olivier. Directed by Robert Roy Pool. Screenplay by Jane Marder.

Metro reaches into the remote corners of the library book-shelf for this old-time novel about English society and the vicissitudes of a British mother faced with the task of marrying off five daughters in a limited market.

Any novel which survives more than a few years has unusual qualities, and 'Pride and Prejudice' qualifies chiefly because of the characterization of Elizabeth Bennet, eldest of the young sisters and a rarer darling.

gous girl. In consequence, the film is something less than satisfactory entertainment, despite lavish settings, costumes, and an acting ensemble of unique talent.

Oliver appears very unhappy in the role of Percy, rich young bachelor who is not only scorned and then forgiven for his boorishness, conceit and bad manners. There are some good performances. Raft, too, and being a trucker, mother of a brood of young women whose aim is matrimony.

MURDER IN THE AIR Warner Bros. release of First National production. Features Ronald Reagan, Eddie Foy, John L. Lee, John L. Lee, John L. Lee. Directed by Lewis Seiler.

This is intended to be a spy thriller, but it gets badly tangled up in its own super-melodramatics at the finish for a silly and unsatisfying ending. This coupled with absence of cast names, makes it mediocre dual fare.

Out West With Peppers Columbia production and release. Executive producer, Harry Beaumont. Screenplay by Charles Barton. Directed by Charles Barton.

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Margaret Sidney's book characters, jukes who reeked of goodness, purity, and stalked through pages of several kid stories, do not wear well on the screen.

Miniature Reviews

'They Drive By Night' (WB). Melodrama starring George Raft, Ann Sheridan, Ida Lupino and Humphrey Bogart. Okay. B.

'Pride and Prejudice' (M-G). Greer Garson and Laurence Olivier. Directed in classic novel of old-time English society.

'Murder in the Air' (WB). Ronald Reagan putting FBI finger foreign spy ring. Mild dud.

'Out West With the Peppers' (Col.). Third of the series. The most inferior of the lot.

'Sporting Blood' (M-G). Familiar racehorse formula provides moderate entertainment for program support.

'Scatterbrain' (Rep.). Judy Canova in light programmer for family and rural audiences.

'The Return of Wild Bill' (Col.). Cheap western starring Bill Elliott. Strictly for the kids.

'One Man's Law' (Rep). Ordinary western, pitched along familiar linear with Don 'Red' Barry as star.

'Stagecoach War' (Par). Weak in the 'Hopalong Cassidy' rics.

'Gaslight' (Anglo-Amer.). British-made adaptation of stage hit, and clicko. Stars Diana Wynyard and Michael Walcott.

'The Case of the Frightened Lady' (Br.). An Edgar Wallace meller for dual support.

'Door With 7 Locks' (Rialto). Leslie Banks starred, adapted from Edgar Wallace thriller of secondary rating.

'Saloon Bar' (A-B). Okay made-in-Britain crime meller.

'Sporting Blood' Hollywood, July 6. Metro-Goldwyn-Mayer release of Albert Lewin production. Stars Robert Young, Maureen O'Sullivan, Lewis Stone.

This is a horse-racing picture, as indicated by the title. Same tag was used by Metro for a track story in 1931 with Clark Gable in top spot.

Young is a small stable owner who touts when necessary to get hay money. He returns to his plantation in Virginia, which is found in shambles through years of neglect.

After a good start, the picture goes into a stirring battle with Stone's thoroughbred. Then there's the quick regeneration and final clutch.

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to her role as the headstrong daughter of Lewis Stone. Latter gives usual, well-moulded performance, while the William Garreton character laughs as the trainer. Lynne Carver is an eye-fall as the girl who toys with Young's affections. Wait.

SCATTERBRAIN

(WITH SONGS) Hollywood, July 2. Republic release of Gus Meigs production. Features Judy Canova, Eddie Foy, Jr., Alan Hale, and others.

Judy Canova displays sufficient personality and ability in her backwoods characterization to indicate sticking around for several pictures.

Miss Canova is a sort of modernized Sis Hopkins, who repeatedly toured the circuit of the inter-lodging houses with much success.

Story is lightly set up to mainly showcase her individualized vocalizing and comedy. Yarn has many family-comedy sidekicks.

Yarn revolves around a film studio that attempts to plant a girl in the Ozarks for 'discovery' as star of a pending picture.

Director, however, comes sidling up. Miss Canova for the trip to Hollywood and chance at stardom.

Girl is bewitched sufficiently by studio manipulations, and is briefly taken into the picture for slight romantic pitches.

Supporting cast is particularly strong. Alan Mowbray is the picture director, Joseph Cawthon the producer, and Bud Dwyer is fast-thinking and acting secretary.

Several songs delivered in Canova-Ozarkia technic, an interspersed through the running climaxing with a production number of 'Scatterbrain'. Good production quality.

A Fugitive From Justice Warner Bros. release of Hyman Foy production. Features Roger Pryor, Lucille LaVerne, and others.

Warner Bros. has tight little nifty bit of the stick-em-up and shoot-em-down type in this tripe-named affair tagged 'A Fugitive from Justice'.

Former band baneater Roger Pryor handles the top role with exceeding aptness. He's an insurance investigator out to keep a million-dollar policy holder from being gangsters and cops after.

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are the dark threats, while John Gallaudet is a carbon of Winchell, a radio gabber, with an in with the G-men. He's only in the too-frequent use of this latter device in the fact that it becomes just a shade too thick, the film otherwise being surprisingly logical and well-worked out as such plot.

WB takes something of a new tack in the film, ditching all the gangster verbiage usual with such fare in favor of its majestic English, minus the only broad. It's easier on the ears, gives the blueflossers one less item to squawk about, and robs the film of no authenticity. Herb.

Return of Wild Bill

Columbia production and release. Stars Bill Elliott, features Iris Meredith. Directed by Joseph H. Lewis. Screenplay by Herb Freese.

Bill Elliott, film's star, is another one of those sterling heroes of the range; a two-gunner whose shooters are strictly on the side of the law.

There's some slight romantic angles via Iris Meredith, as the daughter of a murdered ranchman, and Luana Walters, who plays the sister of the bandit's helper.

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BAER-GALENTO BOUT

Max Baer and Tony Galento box, staged by Mike Jacobs at Roosevelt Stadium, Jersey City, N. J., photographed by Jack Rieger. Running time, 21 MINS.

The mauling match between two rather discredited heavyweights was alluded to by sports writers as 'the battle of the bunnies,' each having a penchant for calling the other by that term.

There was nothing very exciting about the contest, though each combatant was a bit of a showman. In the early rounds, some of the Palace remarked that it sounded better over the radio than the pictures disclose.

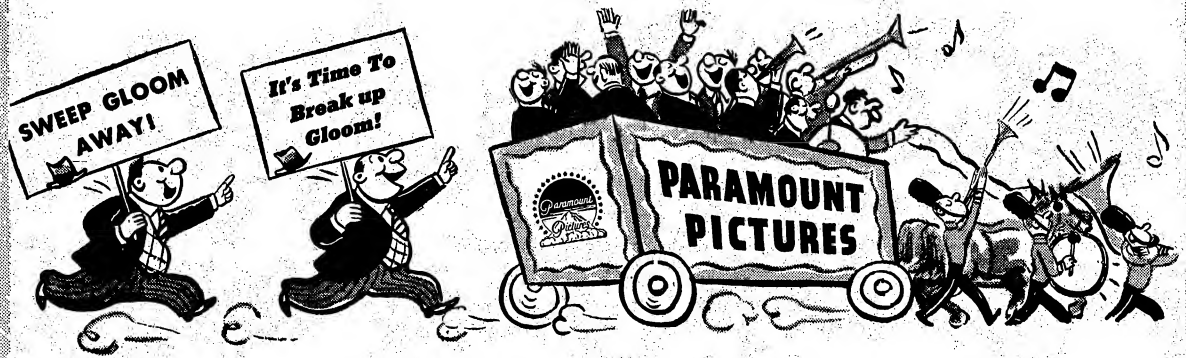
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EVERYBODY'S GETTING ON THE PARAMOUNT BAND WAGON AND GOING FOR A JOY RIDE!

We started it with "ROAD TO SINGAPORE" and "BUCK BENNY RIDES AGAIN." We were the first to kick Old Man Gloom in the pants. We were the first to give the sob stuff the big brush off. We were the first to start building the biggest bunch of belly-laugh bonanzas in the history of the business. Now we see all the other companies climbing on the Paramount Band Wagon for a joy ride of **LIGHT ENTERTAINMENT**. It's okay by us. Imitation is the sincerest flattery, etc. But, as we've already cornered the comedy market, signed up the biggest names in the entertainment field, we'll be glad to welcome the late comers...but, naturally, we'll hang right on to our front seats!



Look at these
Paramount Entertainers!
Fred Allen, Jack Benny (with Rochester), Bing Crosby, Bob Hope, Paulette Goddard, Jackie Cooper, Mary Martin, Ken Murray, Eddie Bracken, Victor Moore, Ezra Stone, Jerry Colonna, Brenda and Cobina (just to mention a few)

Advance Production Chart

Hollywood, July 9. Studio production grid, presently has 31 features

Columbia

Table with 5 columns: Features, Westerns, Serials, Totals. Rows show production counts for Columbia.

Features in cutting rooms or awaiting release: THE GREAT PLANE ROBBERY, formerly KEEP 'EM ALIVE...

OUT WEST WITH THE PEPPERS, formerly FIVE LITTLE PEPPERS ABROAD, drama; producer, Irving Briskin...

GIRLS OF THE ROAD, meller; producer, Wallace MacDonald; director, Nick Grinde...

MILITARY ACADEMY, drama; producer, Wallace MacDonald; for Irving Briskin unit; director, D. Ross Lederman...

TAMPERED EVIDENCE, formerly MISSING EVIDENCE, meller; prod., Larry Darmour; dir., Lewis D. Collins...

PINTO KID, western with songs; prod., Leon Barsha; dir., Lambert Hillyer...

THE DURANGO KID, western with music; producer, Jack Fier for Irving Briskin unit; director, Lambert Hillyer...

THE LADY IN ACTION, formerly IT HAPPENED IN PARIS, formerly GRABOVILLE, drama; prod., B. B. Kahane...

HE STAYED FOR BREAKFAST, comedy-drama; prod., F. F. Schuberg; dir., Alexander Hall...

FIVE LITTLE PEPPERS IN TROUBLE, formerly FIVE LITTLE PEPPERS AT SCHOOL, comedy-drama; prod., Jack Fier...

THE SECRET SEVEN, formerly MARCH OF CRIME, meller; prod., Ralph Collin; James King; no writing credits...

SO YOU WON'T TALK, formerly CLAY PIGEON, comedy (1940-41); prod., Robert Sparks; dir., Edward Sedgwick...

ARIZONA, western drama; producer-director, Wesley Ruggles; screen play, Claude Binyon...

WIZARD OF DEATH, drama (1940-41); asso. prod., William MacDon; director, Nick Grinde...

BEFORE I DIE, drama; prod. Ben Hecht and Douglas Fairbanks, Jr.; director, Ben Hecht...

Metro

Table with 5 columns: Features, Westerns, Serials, Totals. Rows show production counts for Metro.

Features in cutting rooms or awaiting release: I LOVE YOU AGAIN, comedy-drama; producer,

facing the cameras, with another 97 in the cutting rooms either awaiting preview or release.

Lawrence Wingarten; director, W. S. Van Dyke; no writing credits released; camera, Oliver Marsh...

GOLD RUSH MAISIE, comedy; producer, J. Walter Rubin; director, Edwin L. Marin...

BUSMAN'S HONEYMOON, drama; being produced in England by Ben Goetz; director, Arthur Woods...

BOOM TOWN, meller; producer, Sam Zimbalist; director, Jack Conway; no writing credits released...

WE WHO ARE YOUNG, formerly I DO, formerly TO WIN THE WORLD, drama; producer, Seymour M. Benesh...

FRIDE AND LEUKE, drama; producer, Hunt Stromberg; director, Robert Z. Leonard...

STANHOPE RAIDERS, meller; asso. prod., Frederic Stanton; director, Jacques Tourneur...

GOLDEN FLEEING, comedy-drama; prod., Edgar Selwyn; dir., Leslie Fenton; no writing credits released...

STRIKE UP THE BAND, musical; producer, Arthur Freed; director, Busby Berkeley; no writing credits released...

ESCAPE, drama; prod. Lawrence Weingarten; director, Mervyn LeRoy; no novel by Ethel Vance...

DULCY, drama; prod., Edgar Selwyn; dir., S. Sylvan Simon; no writing credits; camera, Charles Lawton...

BAD MAN OF WYOMING, formerly WYOMING, western drama; prod., Milton Bren; dir., Richard Thorpe; no writing credits; camera, Clyde De Vinna...

Monogram

Table with 5 columns: Features, Westerns, Serials, Totals. Rows show production counts for Monogram.

Features in the cutting room: KID REPORTERS, new title 'HAUNTED HOUSE'...

BOYS OF THE CITY, comedy-drama (1940-41); prod., Sam Katzman; dir., Joe Lewis...

SHADOWS OVER CHINATOWN, mystery meller; prod., Paul Malvern; dir., William Nigh...

RAINBOW ON THE RANGE, Western; asso. prod., Edward Finney; director, Al Herman; no writing credits...

ALL AROUND THE TOWN, meller; asso. prod., Lindsley Parsons; director, Howard Bretherton...

ARIZONA REDMAN, western; asso. prod., Edward Finney; dir., Al Herman; no writing credits...

Paramount

Table with 5 columns: Features, Westerns, Serials, Totals. Rows show production counts for Paramount.

Features in cutting rooms or awaiting release: GOLDEN GLOVES, drama; GMO production; asso. producer, William C. Thomas...

Still Masterminding Tax

Continued from page 7

at 30c, while others, now at 40c, are considering a 41c admission. The tax added to that comes out at 46c...

A surprising number of exhibitors and theatre managers are still not clear themselves on how the tax works...

From theatre operating quarters it is reported that the public seems to be fully aware of the fact it must pay a tax...

Cheer Tax Trailers Detroit, July 9. Theatres here, in passing along the new defense taxes...

Flags fly, the public is advised they are buying battleships for their own protection...

No squawks were made at the box-offices even before the patriotic trailers came on...

Admission prices were upped at most houses in this burg, with the Federal tax going into effect...

Seattle Ups Scale Seattle, July 9. Admission prices were upped at most houses in this burg...

Would Curb Price-Cutting Minneapolis, July 9. Although this far, as far as is known...

Throughout the territory, however, there has been some cutting of admissions, according to word reaching here...

Customers at N. Y. film houses are taking the new 10% U. S. defense tax in good-natured fashion...

In almost all cases the tax is being passed on to the public, and few basic prices have been raised in order to snatch a penny or so profit...

Preparedness-mindedness of public was clearly reflected here last week all over district in reports of theatre managers on attitude of customers...

Cashiers reported that answer was invariably, 'Oh, that's all right,' and extra coin was shelled out without a murmur...

Local showmen are still shaking their gray pates over public reaction

to the U. S. defense tax. The anticipated benefits has failed to materialize. Veteran managers say they have never seen anything like the way Joe Doakes is accepting this tax...

Only one in 25 seemed ignorant of the tax, even at first, and that small percentage let out no squawk once the cashiers explained the cause.

At the start there was considerable difficulty in keeping a sufficient supply of pennies to make change. This shortage of copper has been met, however, and the defense coin chinks merrily in with nary a yelp.

'Consent' Parleys

Continued from page 5

36 exchange centers and key cities, a panel of arbitrators will be set up nationally which, within a short time, will include 400 to 500 names of men qualified to pass upon intra-industry disputes.

There was evidenced early in the consent 'decrees' conferences the opinion that arbitrators without practical showmanship experience might be misled to serious mistakes in passing on exhibitor complaints against competing theatres or the film exchanges...

Statement has been made repeatedly during the past few years that if the public better understood the film industry, much of the dissent and restrictive legislation would find more vigorous opponents...

One of the major company attorneys declared yesterday that the arbitration machinery under the consent decree will bring to the industry an important weapon of enlightened public opinion...

Neither Government nor film company attorneys are responding to suggestions from independent theatre operators to hasten the consent decree decisions in order that the sales and competitive regulations shall become effective...

Judge Goddard has informed counsel that he intends to take a vacation during August and September. It is unlikely any action will be taken by him within the next few weeks except to extend adjournment so long as there is the prospect of the Government and companies reaching an amicable settlement.

Buddy Clarke's band, currently in the spot, will continue, and several variety acts will be added. The spot's convert on weekends will be raised from 75c to 1.00, and weekdays it will be 75c rather than 50c...

Mayor La Guardia's thumbs-down ruling on Miss Rand at the Fair is said to have come when Billy Rose was negotiating for the fanner to revitalize his Barbary Coast, which has since gone honky-tonk...

Mayor La Guardia's thumbs-down ruling on Miss Rand at the Fair is said to have come when Billy Rose was negotiating for the fanner to revitalize his Barbary Coast...

Local showmen are still shaking their gray pates over public reaction

Local showmen are still shaking their gray pates over public reaction

Sally Rand

Continued from page 3

Local showmen are still shaking their gray pates over public reaction

Local showmen are still shaking their gray pates over public reaction

Local showmen are still shaking their gray pates over public reaction

"ALL THIS"

BIGGEST JULY 4TH IN 8-YEAR HISTORY OF RADIO CITY MUSIC HALL!

RIGHT NOW

TOPS 'ROBIN HOOD' FIGURES AT RADIO CITY MUSIC HALL!

FROM WARNERS

HELD FOR 2ND WEEK AT RADIO CITY MUSIC HALL!

THE TIP-OFF
 The largest theatre in the land had
 to double its playing time—triple
 time won't be enough for you!!

BETTE DAVIS
AND
CHARLES BOYER




'ALL THIS, AND HEAVEN TOO'

From the story by Rachel Field with
JEFFREY LYNN • BARBARA O'NEIL
 Virginia Weidler • Henry Daniell • Walter Hampden
 George Coulouris
 An **ANATOLE LITVAK** Production
 Screen Play by Casey Robinson • Music by Max Steiner
 A Warner Bros.-First National Picture

THE NEATEST TRICK OF THE WEEK!

*(it's better than the old
Indian Rope Marvel!)*

2 RECORD- BREAKING M-G-M HITS IN A ROW!

(it's an old M-G-M custom!)

"NEW MOON" HELD OVER!

*(topping mid-winter highs
in mid-summer heat!)*

"ANDY HARDY MEETS DEB" SOCKO!

*(registering biggest grosses in several
years and holding over!)*

MORE BIG ONES COMING!

*("Pride and Prejudice" booked into Radio
City Music Hall. "Boom Town" sensa-
tional! It's another M-G-M Summer!)*



FILM BOOKING CHART

(For information of theatre and film exchange bookers VARIETY presents a complete chart of feature releases of all the American distributing companies for the current quarterly period. Date of reviews as given in VARIETY and the running time of prints are indicated.)

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Rev. in Var.—Reviewed in Variety Key to Type Abbreviations R. T.—Running Time M—Melodrama; C—Comedy; CD—Comedy-Drama; W—Western; D—Drama; RD—Romantic Drama; MU—Musical

Table with columns: WEEK OF RELEASE, Rev. in Var., TITLE AND COMPANY, TYPE, TALENT, R. T. Contains film listings for various dates from 5/10/40 to 8/9/40.

Inside Stuff—Pictures

Funny thing about the Pittsburgh Movie Critics Circle, which WB-Loew organized in that city to plug 'Our Town' and 'Susan and God', and his offices of three papers promptly disorganized, is that it brought a lot of favorable comment from recipients of the Circle's first—and only—letter.

Major film company foreign departments received a vast quantity of mail last week from France, first really substantial batch of communications in nearly a month. Officials stated that most of mail was dated before the occupation of Paris and indicates normal communication and civil life have been restored in France in recent weeks.

Present officers of Paramount were unanimously reelected last Wednesday (3) at a special meeting of the board of directors. They are: Barney Balaban, president; Adolph Zukor, chairman of board; Stanton Griffiths, chairman of executive committee; vice-presidents, Y. Frank Freeman, Austin C. Keough, Neil F. Agnew, John W. Hicks, Jr., George L. Bagnall, Walter E. Cokell, treasurer; Fred Mohrhardt, comptroller; Austin C. Keough, secretary; Norman Collyer, Jacob H. Karp, Frank Meyer, assistant secretaries.

Howard Hughes of Houston and Hollywood couldn't attend the Allied Relief ball staged Thursday night (4) at the Coliseum, Houston, but, wanting a part in the home-town celebrations, he chartered a plane and sent seven filmers as his guests to the dance. Some 10,000 Houstonians turned out to welcome Tyrone Power, Henry Fonda, James Stewart, Olivia de Havilland, Nancy Kelly, Richard Greene and Mischa Auer, and to applaud Martin Dies and his speech on 'fifth columnist' activities, which preceded the ball.

Amazing results obtained by television in covering the Republican convention at Philadelphia last week (first time a national political conclave had been televised) aroused fresh fears in the picture industry over the actual threat sight-and-sound broadcasting holds for the trade of the future. That a vast gathering could be reproduced a distance of more than 95 miles with real fidelity has made a deep impression among top ranking picture officials.

The Northwest's farm income to May 1 this year totals \$363,406,000, having rolled in at the rate of \$3,003,355 a day, a gain of 31% or \$86,343,000 over the corresponding 1939 period, thus boding well for the theatre and other businesses, Minneapolis exchange heads point out.

Recent difficulty in getting regular issues of some Paris film fan magazines reveals that Stockholm now is printing a semi-comical, film mag likely to cover any void from France. Many U. S. majors supply 'art' stills for the publication even though spotted in the same magazine with continental nudies.

New York Theatres advertisement for 'Gone with the Wind' at the Astor Theatre, 'There's a Better Show at the Strand Theatre', and 'Susan and God' at the Capitol Theatre.

CBS PEPS SATURDAY MORN

With Asst. Secretary of War As Speaker, San Francisco N.A.B. Convention Very Vital to Future

Washington, July 9. Grim send-off for the radio industry is being prepared for the Aug. 4-7 NAB convention at San Francisco, with Assistant Secretary of War, Louis Johnson, appearing as a principal speaker. Warning that radio is facing an 'emergency' and that the tone of the convention will be one of 'dead earnestness,' Neville Miller, NAB prexy, announced that Johnson—making one of the most important government pronouncements on the subject—will discuss the national emergency and its 'possible effect' on the American system of broadcasting.

'The problems which radio faced in the past pale in comparison with those it faces in 1940,' Miller declared. 'We are in an emergency period. New problems, technical, social and commercial confront us. We are setting up a convention program designed to make this a well-informed industry, to give opportunity for all views to be expressed, evaluated and compared before final formal action is taken. What is done at San Francisco this August will shape the course of broadcasting for possibly years ahead. Every member owes it to himself to have a voice in determining the decisions which must be made.'

No clue as to the possible extent of Johnson's remarks or whether the No. 2 War Secretary will warn the industry that certain restrictions on commercial broadcasting might be necessary in the event of U. S. entrance into the war. Other phases of the convention will cover wages and hours, legislation, commercial and advertising problems; also a 'comprehensive report' on the progress of Broadcast Music, Inc., which seeks to 'free broadcasters from the yoke of ASCAP.'

Fight Hurt Crosby

Joe Louis-Arturo Godoy fight on June 21 registered a rating of 37—the Co-operative Analysis of Broadcasting's count and the airing of this event (NBC-blue) was in large measure responsible for the drop on that occasion of the Bing Crosby-Kraft show from 26.5 to 20.2.

The rating obtained by the airing of this Louis-Godoy was high considering the time of the year but figured 10 points less than prevailed for the broadcast of the second meeting of Louis and Bob Pastor last September.

COMEDY GUEST STARS FOR CO-OP

Everything will be new but the title on the 1940-41 version of the Mutual cooperative program, 'Show of the Week.' This resumes Sept. 29 at 6:30 p.m. Sundays and will use comedy guest stars as its audience-getting appeal instead of orchestras. A permanent staff musical ensemble will be directed by Vincent Lopez and Buddy Clark will sing.

Already tentatively set for the series are guests by Lou Holtz, Abbot and Costello, Henny Youngman, Block and Sully, etc. An audition record is ready for shipment to 100 Mutual stations who will try to sell local sponsors for cut-ins. Norman Livingstone, of the Redfield-Johnstone agency, New York, will go on the road starting next week as a follow-through man to line up locals.

This is the sixth year in the co-op radio program field for Redfield-Johnson.

Seven towns are already contracted for the series on behalf of Howard Clothes. They are New York, Chicago, Syracuse, Worcester, Boston, Philadelphia, Providence.

MAURICE SPITALNY OUT

Changes at KDKA As Holman Moves in—Luntzel Departs

Pittsburgh, July 9. With KDKA reverting to Westinghouse ownership and the arrival of John A. Holman to take over the managerial reins, the staff is undergoing a shake-up. Couple of ousters have already been made and more are expected to follow. Maurice Spitalny is out as musical director and Jim Luntzel departs as publicity head.

Spitalny, however, will continue to lead his own band over KDKA on Tap Time program, beer-sponsored show, and expects to remain in town indefinitely for several night club engagements he has lined up. He's currently at Mission Inn and goes into Pines Aug. 1 for five weeks. Luntzel, who was brought here from Chicago by Sherman D. Gregory, is understood to have since been spotted in an NBC berth by Gregory, who left KDKA a few weeks ago for exco berth with web.

No replacements have been named for either man, with Holman said to have several under consideration for both posts and expected to make a decision shortly.

KDKA announcers' staff has also been fit in shake-up, with Aidan Fitzpatrick out. He has gone to WWSW, where he replaces Roger McGovern, one of indie station's newer spellers.

USE SHOWS FOR SALES PROMOTION

Two-Hour Period Dressed Up For Audience and Sponsor Allurement—Most of Stations in East and Middle West Expected to Accept New Shows

GENERAL BALANCE

Without any special trade publicity or ballroom to mark the Columbia Broadcasting System last week made an organized attack through the medium of sustaining programs upon a period of time—Saturday morning—ordinarily considered hard to sell. As an example of network program blitzkrieg against a sales problem, the four half-hour shows collectively represented a pretentious and fairly rare undertaking. Pretentious, that is, in terms of planning, motivation, coordination and the time involved rather than in budgeting, which was, on the whole, modest.

In times past the several networks have launched attempts, usually individualized, to offset hoodoo, strong competition or general disinterest of a given time period. An historic example concerned overcoming the strange hold of Amos' Andy on the 7 p.m. radio audience a decade ago. That was a 15-minute problem. The Rudy Vallee revue at 8 p.m. Thursdays was an hour problem for all rivals and took years of hammering to break.

Networks and stations have adopted showmanly measures to dramatize the early morning and the late evening periods, fitting them for marketing. The present CBS campaign to hypo Saturday morning follows the same network's several scattered efforts of the recent past to pep up the afternoon hours of the same day.

Potential Audience of 14,000,000 Under the five-day work week of the New Deal years, the audience for Saturday programs has been growing. CBS itself has calculated that a possible audience of 14,000,000 listeners can be presumed for Saturday shows. Local stations have, in some recent cases, attempted to ex-

(Continued on page 24)

P.&G. Sponsors 'Love'

Procter & Gamble will install 'Those We Love' in the Saturday 8 to 8:30 p.m. spot that it has bought on the NBC-red. Serial will plug Drene.

'Love' was formerly on Standard Brands' payroll.

Oboler Closes Deal In Wilderness

Laughtons, Cantor, Crawford, Shearer, Nazimova Set for Procter & Gamble Series

Final contracts are expected to be signed on the proposed arch Oboler series for Procter & Gamble at a meeting scheduled to be held Monday (15) at Roosevelt, Idaho. Author Oboler and his wife will come into this hamlet by mule-pack from a fishing spot in the wilderness and will meet Larry Milligan, of Blackett-Sample-Hummer agency, Chicago, and Jimmy Parks, of General Amusement. Latter pair set the original radio package deal with the soap company in Cincinnati. Oboler personally is handled by William Morris agency.

Oboler in Idaho for three months writing an original motion picture on preparedness for Pandro Berman of Metro for future James

Columbia Asks, Gets Chance To Defend Paramount Stock Sale; Thad Brown's Ordeal Encore

Not 'The Annex'

CBS bosses are reported allergic to the term 'annex' description of the web's new studio building East 52d street, New York. May try to popularize the expression 'main studio building' as offset.

Some seven new studios still in no way relieve CBS of necessity of continued rental of Times Square theatres for broadcast purposes. Actually some advertisers favor latter because of fixed seats, stage and theatre environment, as against radio studio environment.

NO EXEC V.P. AT NBC FOR PRESENT

Indications are that no executive v. p. will be appointed when the NBC directorate boosts Niles Trammell to the presidency of the network this Friday (12). Trammell is due to hold both titles for the time being, which would make him administrator and operator of the web, a combination which no one else has assumed even temporarily.

Frank Mullen, RCA v.p. and director of advertising, has been mentioned in the trade as a probable successor in the executive v.p. spot at NBC, but the chances are that the designation of Mullen won't be made for several months. Mullen originally came from NBC's Chicago division.

Crane Wilbur Due In For Robinson Huddles

New formula for the Edward G. Robinson show (Rinsos) will be decided as soon as Crane Wilbur, producer and head scripter for the series, arrives from Hollywood. Ruth rauff & Ryan, agency on the account, expects him within the next few days.

Thomas Free-Bairn Smith, formerly with KNX, Los Angeles, has been signatored as the new director for the program. The renewal of Leith Stevens, as batonist, is still in the works. One Munson, has also been resignatored for the fall.

Washington, July 9. Another going over for FCC Commissioner Thad H. Brown and opportunity for the Columbia Broadcasting System to rebut insinuations and accusations about 'misuse' of company cash—the Paramount deal is scheduled by the senate interstate commerce committee for tomorrow (Wednesday) morning. Renewed hostilities resulted from further inquiries by senator Charles W. Tobey, of New Hampshire, and request of network execs to place their version in record.

Senate committee attitude is that either CBS or the Commish nonoplyly probers are wrong and before passing on Brown's fitness for another term Congress must know who's correct.

Ralph Colin, flanked by John H. Burns, will try to untangle the rambed stock shifts and dispose of Commish probers' conclusion that certain stockholders were mulcted when the stock re-purchase took place years ago. Also will outline how William S. Paley made his profits.

Brown is expected to be on receiving end and Tobey also has indicated he would like Chairman James L. Fly to help clear up some doubts about the Commission's attentiveness. Failure to keep close tabs on purchasers of the new CBS stock issue may be an important point.

Lazarsfeld, Tyler, Power As Radio Flying Squad To Western Colleges

A three-man party is making a swingaround of the Pacific Northwest section of the United States for the purpose of participating in a number of educational radio conferences lined up by various universities. Paul Lazarsfeld, Austrian research wizard lately with Princeton, now with Columbia radio projects (under Rockefeller money grants), will be joined by I. Keith Tyler, of Ohio State University, and Leonard Power, of the United States Office of Education.

Trio are making the following tour: July 8, University of Wyoming, Laramie; July 9-10, University of Denver; July 11, Utah State Agricultural College, Logan; July 12, University of Utah, Salt Lake; July 15-16, State College, Pullman, Wash.; July 18-19, University of Oregon, Portland; July 20-22, Stanford, Palo Alto.

N.A.B. research committee meets today (Wednesday) Washington, D. C. A method for reporting radio spot business is due to come up.

STILL PITCHING

H.B.D. & O. Seeks to Recapitulate Brown & Williamson Business

Chicago, July 9. Brown & Williamson tobacco firm in Louisville has been hearing tidions in the past couple of weeks. Freeman Keyes for the Russell Sears agency here has had his scouting ear up on several comedy variety programs for possible B. & W. sponsorship.

Batten, Barton, Durstine & Osborn agency, which was formerly the top agency on the B. & W. account, has also been there pitching up a couple of program ideas to cajole the tobacco biz back into the office.

Health Show M.C. III

Philadelphia, July 9. WPEN last week was forced to cancel its health program sponsored by the Municipal Department of Public Health.

Reason: Joe Dillon, galber who handles it, has been bedded down with the grippe.

Benton & Bowles Agency Prepares Three Shows To Woo Bromo Seltzer

Benton & Bowles is shooting for the Emerson Drug account (Bromo Seltzer) now held by the J. Walter Thompson agency. It has lined up three shows for auditioning to the prospect. Account hasn't been broadcasting for three years.

One of them is a half-hour dramatic show for night airing authored by Gertrude Berg. It's without any accent.

LORD & THOMAS IN DICKER WITH HOPE

Lord & Thomas, agency on Pepsodent, is working out a new contract with Bob Hope even though the account now has an agreement which binds the comic for four more years. It is reported that the new terms call for \$6,500 a broadcast, but this the agency denies.

Under the contract in effect Pepsodent is obligated to pay Hope about \$4,000 a week for the forthcoming season. Hope several weeks ago asked that his personal stipend for the Pepsodent show be doubled to \$8,000 a week.

Koger, Gearhart, Young In At New WJHP, Jackville

Jacksonville, July 9. WJHP, operated by the Jacksonville Journal and affiliated with the NBC-blue, departs on 1,200 k.c. Monday (15). H. G. Wells, Jr., is the general manager.

Personnel includes Ira M. Koger, manager; Lynn Gearhart, program director; Jim Young, chief announcer, and Beecher Hayford, chief engineer.

Urge Stations Outside N. A. B. To Tie-in With Aug. 3 'Radio Day'

Washington, July 9. Non-network stations are being invited to join the industry's forthcoming jamboree when the New York and San Francisco falls join hands for "radio day," Aug. 3. Invitations to the independent plants went out last week from the National Association of Broadcasters, urging every transmitter to take part in "star-studded" broadcast convening listeners' appreciation of "outstanding public service rendered."

Lines will be run to the nearest chain affiliate, with all three webs carrying the program. Opening of the doors is part of the move to emphasize "national unity" and carry home the freedom of expression privilege characterizing American radio.

KSD CELEBRATES ITS RETURN TO FULL TIME

St. Louis, July 9. A special 30 mins. musical and dramatic program last week signaled KSD's return to full time on 530 kc recently granted by FCC which divorced this station and KFUP, the Lutheran station which now operates, full time, on 830 kc. The program, written and produced by Jim Tutson, dramatized the growth and development of KSD and reproduced the early days of radio. The static and squealing was faithfully reproduced.

Special music for the full-time program was conducted by the station's musical director, Russ David. George M. Burbach, general manager of KSD, and Elmer Knoernschild, program director of KFUP, spoke briefly. KSD has been operating since Aug. 9, 1922.

Gottlieb Touring MBS

Lester Gottlieb, publicity director of Mutual network, trained to Buffalo last night (Tuesday) as first leg in one of his periodic swingarounds of Mutual affiliates. This time he hits Detroit, Cleveland, Minneapolis, St. Louis and Chicago.

Not settled if he goes to N.A.B. convention.

Wayne Sanders to Dayton

Dayton, July 9. Wayne Sanders, who has been pianist on the Musical Steelmakers program for Wheeling, Steel, comes to town this week to take over as program chief of WING here.

Expected that debut of Sanders here will mean considerable increase in general production activity at WING.

SHOWMANSHIP PLAQUE SCORES A CONCESSION

Pittsburgh, July 9. Because VARIETY awarded its sports plaque to WWSW last year, Pittsburgh Press has conceded a point. Afternoon daily is willing to admit that indie station leads the local field in that respect and has condescended now to list WWSW sports broadcasts, but nothing more.

Feud is really not between WWSW and Press, but between Post-Gazette, which controls station, and the Scripps-Howard sheet. When a couple of months ago, papers began calling each other names as result of a battle over reported advertising lineages, Press struck back by eliminating WWSW's daily schedules and all mention of station from its radio columns.

WWSW countered by regularly announcing that station's listings could be found in Pittsburgh's two "outstanding" papers—The Post-Gazette and the Sun-Telegraph. Ed Leech, head of Press, told station manager Frank Smith his outlet was unimportant anyway, that it didn't have a network affiliation and that it reached only a small local public, and he didn't feel like wasting space on its activities. Smith countered by pointing out that VARIETY had named it the outstanding sports station in the country a year ago.

So Leech said all right, he would have WWSW's sportscasts listed, but nothing else. There the feud stands at the moment.

Mexican Inspectors

Mexican City, July 9. Operating expenses of commercial radio stations in Mexico have been increased with the enactment of a law which demands that each such station be watched by a government inspector and that the stations pay the wages of these officials.

The inspectors are appointed by the ministry of communications and public works, ruler of air affairs in this country.

Canada Bans Wax Repeats On Mutual

Mutual at the request of the Canadian Broadcasting Corp. has asked its affiliates to stop taking the latter's programs off on records for later broadcasting. The rap from the CBC was prompted particularly by the practice of some of Mutual stations giving this delayed treatment to the Percy Faith programs, which originate from Toronto.

Note from CBS was signed by T. W. Baker, supervisor of program clearance, and read:

"Would you be kind enough to advise your affiliated stations who have been in the habit of recording and repeating Canadian Broadcasting Corp. programs fed to them, that such practice is entirely contrary to our wishes. I cannot overemphasize the serious consequence involved in this matter and our disfavorable reaction to it."

AL FOSTER OUT OF WEW, PAGLIARA GETS JOB

St. Louis, July 9. Nicholas Pagliara, commercial manager and program supervisor of the West Virginia web (WCHS, Charleston; WSAZ, Huntington; WPAR, Parkersburg, and WBLK, Clarksburg), became general manager and supervisor of sales at WEW, the St. Louis University station, Monday (8) succeeding Al S. Foster. Foster and Father Wallace A. Burk, S. J., came here from WWL, the Loyola University station, New Orleans, in 1937, and converted WEW which had been maintained by private contributions for 16 years into a commercial station. Foster, as general sales manager, is credited with having put the station on a profit-making basis in this highly competitive radio field. Two years ago the station was completely modernized and \$50,000 worth of new equipment, etc., was purchased.

While Foster's contract ran until Sept. 5 he made an amicable settlement with Father Harry B. Crimmins, S. J., prez of the university Friday (5). His contract contained a clause whereby he was entitled to commissions on certain accounts for 52 weeks after its termination. It was on this point the adjustment was made.

Foster will remain in St. Louis having become interested in a move to bring a new industry, that has headquarters in New York and Hollywood, into the local radio field. Details are lacking. Father Burk declined to discuss the reasons for Foster's departure asserting that a mimeographed statement which told of Pagliara's career and making no mention of Foster was sufficient.

Earle J. Glade of KSL, elected to the governing board of the Salt Lake City Chamber of Commerce.

Procter & Gamble Ends Sponsorship Of Foreign Lingo

Pittsburgh, July 9. Treasuries of both WWSW and KQV were dealt a blow last week when management announced they had cancelled all foreign-language broadcasts and would in future peddle news only in English. Most serious at WWSW, resulting from withdrawal of Procter & Gamble accounts aimed exclusively at foreign-born population locally.

Few smaller sponsors also terminated contracts, though none was as financially important as P&G. Best local advertisers for alien tongue broadcasts here have been brewers, wine companies and macaroni and spaghetti makers. In future, WWSW and KQV state, native music alone will be used to hold foreign-born listeners, and only titles of songs are to be announced in a foreign language.

WWSW has been a pioneer here in foreign-language broadcasts, its Sunday morning hour proving a great feature to Pittsburgh's foreign-born population of more than 60,000. Germans, Liths, Czechs, Poles, Italians, Hungarians and Croats. Earlier this year, German broadcasts had been cut off the air because they conflicted with Sunday afternoon baseball game time.

Local indie station had employed an interpreter, Paul Dargis, to edit all foreign-tongue scripts following a near-fatal slip that almost permitted a fiery radical Yugo-Slav to go on the air back in 1937. Station's decision to eliminate every language but English has now cost Dargis his job.

WWSW was first to make the announcement, with KQV, which, however, never made quite so much of the foreign stuff, following just a few days later.

Canadian Admen and Broadcasters In Fight to Hold Profitable Radio News

Montreal, July 9. Three-cornered battle raged here last Wednesday (3) at the Mount Royal hotel during a closed meeting of broadcasters and agency men with Canadian Broadcasting Co. representatives ament proposals for the establishment of a new order in news broadcasting in Canada. Proposal to ban all sponsored news is still being hotly contested. News is Canada radio's most plausible commodity for advertising showmanship after hockey.

Present at the conclave were representatives of the Canadian Association of Broadcasters for the stations, Canadian Association of Advertising Agencies for sponsors, the

CBC and Walter Thompson, press chief of the Canadian National Railways, who had been named by the government to make a report on the newscasting situation.

Understanding is that broadcasters and agency men are endeavoring to effect a compromise so that sponsorship of news can be continued. This could be achieved only through some modification of the recently promulgated stand taken in the House of Commons.

No Position to Urge Stand

With Thompson holding assignment from the government to see how sponsored news can be eliminated without creating new problems, the CNR press chief is ob-

viously in no position to urge a change of the stand taken in Parliament. Results of the three-way skirmish were indecisive, from accounts, and the conference later last week moved from Montreal to Ottawa.

Strong possibility that the Canadian Association of Broadcasters may try to get the Canadian Press to sell its service for sponsorship. Whether the CP could furnish a commercial service to a medium here considered opposition to the daily press is questionable, but it appears that some such proposal will be made.

Howe Sympathetic

Discussions held by broadcasters and agency men with Walter Thompson were generally labelled as "unsatisfactory." Ray of hope, however, vouchsafed the broadcasters by Hon. C. D. Howe, Transport Minister, to whom they appealed on following day at Ottawa. Belief is held that Howe will try to solve problem in way that stations will not suffer any great losses in revenue as a result of any changes in the news broadcasting picture.

WGN's 'Sneak Preview'

Chicago, July 9. A "sneak preview" was arranged last week by Frank Schreiber and Bill Bacher of WGN to present a new comedy variety show to Freeman Keyes of the Russell Seeds agency and Brown & Williamson tobacco execs for proposed Avalon cigaret sponsorship.

Chicago Tribune ran an ad on the radio page on this "sneak preview" and the WGN audience studio was filled to overflowing. At the end of the preview public audition, the audience was asked to fill in cards on program reaction, with the cards turned over to sponsor and agency. Count-up showed more than 85% of the audience stated that they'd like to hear the auditioned show on their radio regularly.

WBT's Kirby on WSOC

Charlotte, N. C., July 9. See Kirby, member of the sports staff at WBT, Charlotte, N. C., has been hired by the Atlantic Refining to broadcast a special baseball series over WSOC, Charlotte.

Kirby continues his regular staff duties at WBT.



A 25-WORD CAPSULE

Compounded by Oklahoma's Biggest Local Drug Chain

Oklahoma's biggest local drug chain takes time out from filling prescriptions for Oklahoma City physicians to write one for advertisers. The directions are: "To a good product add a full measure of regular advertising over WKY." Vezzey's has found its own prescription an effective tonic for building sales volume. It began exploiting eight stores over WKY twelve years ago. Today twenty modern, busy Vezzey stores serve every section of Oklahoma City. Today, as in 1930, Vezzey's reports: "We have been highly pleased with results, both from general publicity and direct results. Thanks for the cooperation of WKY during the past year."

WKY
OKLAHOMA CITY

Representative JOHN BLAIR & COMPANY

Lively Showmanship WINS LARGER AUDIENCES in the INTERMOUNTAIN MARKET FOR **WKY** The POPULAR Station Salt Lake City

Representative JOHN BLAIR & COMPANY

NBC RED NETWORK

'RADIO PROGRESS NEEDS F-M'

SUCH IS BELIEF OF JOHN SHEPARD, 3D

President of FM Broadcasters Replies to Recent Anonymous Attack on New Engineering System

'FOUGHT AUTOS, TOO'

By JOHN SHEPARD, 3D
President, FM Broadcasters, Inc.
President, Yankee Network

Scattered broadside across the country during the past two weeks has been a four-page, anonymous blast against FM, mailed from Birmingham, Alabama, in a plain envelope, and titled querulously 'Why Frequency Modulation?' Many newspapers and broadcast station owners have been recipients of this mimeographed piece that bears no indication of its origin other than the postmark.

Taking a let-well-enough-alone attitude, the article denies that the average American radio listener is bothered by static or reception noises, refutes the notion that the public can ever appreciate full-fidelity more natural-sounding programs, and weeps softly for the 826 standard broadcasters—the great majority of whom have worked long and hard over a period of years to develop a franchise which they thought justified them in creating an American institution which was something besides just an advertising medium.

FM, according to the anonymous antagonist, is all a big plot to benefit the manufacturers and is being foisted on the American public in spite of the good and faithful manner standard broadcasting has served Mr. and Mrs. America.

Static Small Part

Aside from a lack of good faith, evidenced by the sender's unwillingness to sign his name, the piece also displays a notable unfamiliarity with the benefits and aims of FM broadcasting.

The elimination of static, cited as a primary objective of FM, is but a small part of the noise-free advantages boasted by frequency modulation. It is true that radio surveys show only a small percentage of the listening audience is bothered by static. Surveys, notwithstanding, also indicate that almost every urban dweller at some time or other during the day is bothered by an extremely high background noise emanating from man-made electrical devices, ranging from diathermy machines to electric razors. Only the stations privileged to use highest power can break through such a barrage.

It is not, however, necessary to resort to surveys to prove this point. The average American owns an amplitude modulation receiver; therefore the average American knows.

Higher Treble

Allegation No. 2 of this phantom tirade against FM is that the radio listener does not want 'high-fidelity' and is quite satisfied with the reception quality of his present receiver. The term 'high fidelity' is nebulous as a fog-bank; even radio engineers cannot decide what constitutes 'high fidelity.'

Therefore FM does not, as the letter blandly states, ballyhoo 'high-fidelity' as one of its virtues. The claim instead is made that FM offers a degree of naturalness that approaches far closer to actual sound than is possible under the existing system of radio transmission and its attendant circumstances.

It is not simply a matter of FM's ability to convey a higher treble range, as many seem to think. The entire frequency range of sound, from bass notes up to the threshold of audibility and beyond, is perfectly reproduced with all inherent harmonics and overtones. And this is against a background of dead silence, instead of rushing, hissing carrier noise.

Other omnipresent and omniscient

surveys seem to indicate that the average radio listener unconsciously turns the tone control on his present receiver to the bass position, thus indicating ipso facto that he doesn't care for 'high-fidelity.'

He does this, whether he realizes it or not, primarily because the bass position minimizes the noisy background that affects the intelligibility of the amplitude modulation receiver and makes it sound brittle when highs are introduced.

And...one final refutation of the anonymous claims...FM receivers, with even their better loudspeakers, should cost no more under production methods than ordinary AM sets—according to the opinions of impartial radio engineers.

Anti-Monopoly

No mention has been made in the

four-page blast of FM's third and certainly important advantage that permits hundreds and even thousands of FM stations to operate throughout the nation at the same time without cross-interference, time-sharing, power-juggling and all the other headaches that mark and mar standard broadcasting.

There is no cognizance of the fact that FM offers a solution to the involuntary monopoly that is gripping standard broadcasting, that makes it an increasingly closed field for the newcomer.

Perhaps this omission is significant. Anonymity, while hardly a testimony to good faith as every newspaperman knows, makes a suitable cloak to hide under while criticizing the actions and decisions of the Federal Communications Commission...

particularly if the sniper happens to hold a license issued by that same government body.

The general intent and purpose behind the recently circulated broadside is about as subtle as an anvil.

And so, if the fallacious bugaboo of an industry having its appetites upset overnight haunts you, if the progressive prospect of a new and parallel broadcasting industry starting up alarms you (as outlined in anonymous 'missives')—remember that the man who made buggy whips wasn't particularly happy either when the first automobile chugged down Main Street.

If FM benefits the manufacturers, it also certainly opens a way for many more stations on the air. These stations will need new personnel. Manufacturers, if they are to pro-

duce new sets and equipment, must hire more workers. New talent must be developed for the air. Radio has a chance to expand into even a national force.

And so...on one hand...you have an impetus to business, employment, culture—plus an improved, competitive service to the nation.

On the other hand you have the prospect of a carefully entrenched clique of broadcasters being faced with unwanted progress and a little American institution known as competition.

Only one of these has a place in what we like to call the American system of broadcasting.

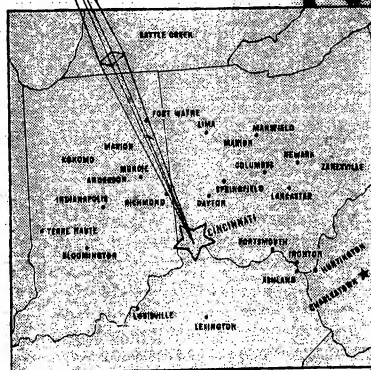
KRCR, new broadcasting station opened in Revelstoke, B. C. W. R. Sherwood is manager.



CHARLESTON, W. VA.

Population—1930	60,408
Retail Sales—1939	\$35,827,000*
Wholesale Sales—1939	\$54,471,000*
Per Cent of Retail's	
Buying Power (Trading Area)	3564*
Radio Homes—1938	32,290
(Kanawha County)	

*Estimated by Sales Management.



FIVE hours from Cincinnati by train but split seconds by WLW

... that's the comprehensive, economical way you cover more than a score of rich trading areas when you use The Nation's Station. In Charleston, for example, WLW is a daily listening habit. So retailers in Charleston, as well as throughout all of WLW's primary area, are naturally guided by the resulting consumer preference for WLW-advertised brands.

NEW YORK: REP. TRANSAMERICAN BROADCASTING & TELEVISION CORP., CHICAGO: WLW, 230 NORTH MICHIGAN AVE.

WLW THE NATION'S
most Merchandise-able
STATION

NEW CLUES TO FCC BASIC RADIO POLICIES NOTED IN RECENT DECISIONS ON PETITIONS

Important Quotations From Commish Reports Throw Light on Its Approach—'Financial Qualification' to Operate Is Interpreted

Washington, July 9. Which way the breeze is blowing over the terrain of the Federal Communications Commission was made a lot clearer recently through official explanations of Commission attitude. These expressions, buried in lengthy texts, are of universal concern to broadcasters. There are two apparently governing principles FCC underscored:

a. The more stations in operation the better off radio will be, and the public.

b. Existing stations, no matter what their record of public service, have no claims upon protective considerations.

These administrative principles were maintained after hot, significant litigation by former General Counsel William J. Dempsey, bolstered the denial a week ago of a pair of petitions by present station owners who sought to head off requests which they felt might injure their interests. The Commission refused to reconsider its decision that KFUP, Clayton, Mo., should be permitted to move from 550 to 830 kc or to reopen the case which led to grant for a new station at Erie, Pa. In each instance, the regulators justified their turn-downs by references to the important Pottsville and Sanders Bros. tiffs.

No Convenience Delays

Just because an existing plant has an application on the fire, it cannot expect the FCC to delay action on other matters, it was said in rejection of the plea of WCBD, Chicago, for a new hearing on the KFUP proposition. In denying the request, the regulators noted that WCBD, which is waiting for a chance to tell why it should be allowed to move from 1090 to 830 with 5 few days, will have its day in court and that the KFUP shift does not prevent favorable action on the WCBD application if the latter is demonstrated to be in the public interest. This is essentially the stand which the Commish took in scheduling a new hearing on three applications from the Pottsville area after once deciding in favor of one party.

More important Commish decision was that Congressional desires for competition, backed up by Supreme Court declarations, would be thwarted if grant to Presque Isle Broadcasting Co. for a new local outlet should be reconsidered in response to the points raised by WLEU, Erie. Latter now has a monopoly and fears its revenues will fall off if a rival enters the field.

With no question of signal clashes involved, the Erie dispute presents only the economic injury issue. Commish noted that facilities of the two parties are sufficiently separated so that the public will be protected against destructive interference.

The Commish bluntly rejected WLEU's protest about insufficient

findings. Going somewhat farther than ever before, regulators declared the present statute 'does not require findings on any particular issues.' Then they proceeded to repeat some of their prior conclusions to show the basis for decision that the newcomer is amply heeled and Erie is entitled to service from another plant.

Position of the Supreme Court in the vital Sanders Bros' case was 'misconstrued' by WLEU, the Commish declared, remarking that the highest judge 'made it perfectly clear' that the law contemplates competition and first-comers cannot expect to be protected against rivalry under all conditions. The decision said also there is no obligation to make a specific finding about the effect of competition on the incumbent.

Referring to the Supreme Court opinion in the Dubuque dispute, the Commish asserted 'if as a result of prospective competition a new station would not be able to render adequate service, both the existing and the new station could not survive, it is obvious that the applicant would not be financially qualified within the meaning of the statute. There is manifestly a vital distinction between the situation where an applicant is not financially qualified, either because of competition or otherwise, and the case where the applicant is financially and otherwise qualified but where the effect of granting his application will be to drive an existing station out of business due to increased competition.'

Occasionally, the regulators went on, the effect of the existing operation on the newcomer is relevant, for a license cannot be issued unless the prospective broadcaster proves he can obtain ample revenue. But this is not the case in the Erie tiff, the decision emphasized, since WLEU is yelping about the effect of

Presque Isles' entry on its own fortunes.

The Licensee's Ability

'The statute' however, does not require the Commission to consider the effect which the competition of the new station will have on the existing station,' the regulators asserted, 'for by hypothesis the existing licensee was financially qualified when the statute makes his success or failure in the broadcasting business depend solely on his ability to make his programs attractive to the public.' (Latter quote is from the Supreme Court.)

It is inescapable that the intent of Congress would be completely nullified and the Supreme Court's declaration concerning the desirable effects of competition would be

derided entirely meaningless if the Commission were required to deny a new station permission to enter the field merely because it would adversely affect the ability of an existing station to continue to serve the public.

'It is a direct contradiction of the proposition that free competition is the basic principle of the American system of broadcasting to contend that the Commission is under a duty to consider the effect which competition may have upon the ability of an existing licensee to continue to serve the public.'

'Free Competition'

'It is implicit in the idea of free competition that public interest cannot possibly be adversely affected by the failure of an existing station to survive due to increased competition, because this result cannot follow unless the new station's competitive efforts enable it to render a superior public service. In other words, under the statute, competition which an applicant has to face may be important because his financial qualifications may depend on it; but the effect of competition with which an existing licensee is confronted as a result of the operation of a new station need not be considered by the Commission under the statute because whatever that effect may be, it is only the end-product which a

Inside Stuff—Radio

Expected to be ousted from his job in a N. Y. advertising agency because of his constant airing of praise for Adolf Hitler, is an unnaturalized German whose connection was originally obtained for him by a relative by marriage. The relative is an official of an important account held by this agency. While the embarrassed heads of the agency involved were gathering material to justify the ouster, the employe recently became ill and the agency heads decided to defer any action until he returned to the job.

Because of the relative's radio program the German was frequently around one of the network's studios. During the course of the Nazis' invasion of the low countries and France the military successes were, apparently, too much for him to restrain himself and he sounded off long and loud about the invincibility of the Hitler regime. He also boasted of being one of Hitler's earliest adherents.

Commentators who are enjoying a Hitler-created prosperity on the American radio have in some instances been marked by peculiar choices in personal managers. This is due, in trade opinion, to their unfamiliarity with theatrical and radio practices and, incidentally, with big money. One highly-rated commentator has been handled by an obscure literary personage notable for his unattractive personality and lofty style of speaking to admen and newspapermen. Another commentator committed himself to one advertising agency under conditions that make it very improbable any other advertising agency would want to hire him.

Horace Heidt's 'Pot of Gold' program on NBC paid out \$1,900 last week to a Columbus, O., minister, orchestra leader announcing it was the second time a minister had won. Ohio clergyman, married and the father of three children, had been on a Sunday school picnic afternoon of broadcast. Heidt quipped that 'Columbus discovered America and we have discovered Columbus.'

Young & Rubicam agency was astonished when Assistant Secretary of War Louis A. Johnson was booked for 'We, the People' within three hours of first broaching the subject. Intermediary and fast action-getter was G. W. Johnstone, radio director of the Democratic National Committee. Johnson is first of several who will dramatize national defense needs on the program.

William S. Paley's estate on Long Island is supplying the vegetables served in the private executive dining room at CBS headquarters at 485 Madison avenue, New York. This recalls that when still a resident of Chicago some years ago, Albert Lasker, of Lord & Thomas, used to use his limousine to bring in eggs for L. & T. oxeas.

Gabriel Heatter will pay out about \$1,200 in line charges to the Lake Placid region of New York to continue his Liberty magazine commitment for six weeks. He arranged for all his other shows to release him for doctor-ordered rest.

Paul White has developed the CBS listening post activities into a prime publicity-getter for the network. Dailies have been getting pretty broad-minded in recent months in crediting radio for new pickups from Europe.

system of free competition designed to produce... 'Competition for advertisers which means competition for listeners necessarily results in rivalry between stations to broadcast programs calculated to attract and hold listeners, which results in the improvement of the quality of their program service. This is the essence of the American system of broadcasting.'

SKELLY OIL CHANGES CHICAGO AGENCIES

Chicago, July 9. Skelly Oil account has switched to the Henri Hurst & McDonald agency here, which has sold it on morning news shot with Capt. Herne. Skelly Oil has been a Blackett-Sample-Hummert for some time, with that agency having it on the ether with a five-a-week Fritz Block kid serial tagged 'Capt. Midnight'. Herne is on WGN with a five-a-week late evening news shot for Twenty Grand cigaret through the Weils & Geller agency.

Time is not yet set for Herne's Skelly Oil show, but figured to be a three-a-week schedule over NBC split network.

Finis Farr's Solo Script Chore for 'District Att'y'

Finis Farr has been designated by Fedlar & Ryan, agency on Vitasis, to do all the scripts on 'Mr. District Attorney'. In the past the scripting of this series was farmed out.

FCC Wants to Know What's in Back Of Minds of Television Applicants

Washington, July 9. Detailed dope on the reasons for, and plans of, operation are required by the Federal Communications Commission from prospective television station owners. This is a double check against monopoly tendencies or promotional activities. Supplemental application form (318) calls for much novel information before any candidate can get his papers. In addition to the customary data about ownership, engineering setup,

and qualifications of personnel, the regulators want a rather lengthy, documented statement of the objectives. Candidates must explain whether they are going to carry on original investigations or merely try to check and continue discoveries of others, time needed to complete the work, what contribution to the art may be anticipated, nature of their interest in visual broadcasting, and why it is necessary to operate a transmitter. They must state whether

their chief concern is in transmission or reception fields. While regular service is not required since operation remains on an experimental basis, the blanks require considerable amount of fact about programs. Type and proportionate amounts of time must be sketched—including a sample program schedule for one week, where programs will originate, and amount of material available.

X MARKS THE SPOT for EXTRA LISTENERS who bring EXTRA RESULTS



BY DAY...
Extra listeners, because (by every competent survey!) more people tune to KNX during more quarter-hours than to any other Los Angeles station... the biggest, most responsive audience in Southern California!



BY NIGHT...
Extra results, because at night when sky waves soar, KNX extends its audience dominance over 4,578,000 extra people outside of Southern California... the greatest overall coverage in the West!

X Like extra broadcasts of your program, these bonus audiences of extra thousands and thousands of listeners are yours every time you're on the air from...



From the Production Centres

IN NEW YORK CITY

Gerald Cock, of British Broadcasting's Fifth Avenue office, sticking close to Manhattan during the tense days... Ruby Popp, until recently secretary to Ed East, gone to South Carolina to teach school for the summer... Frank Jaffe, now off KMA, Shetandoah, Iowa, around town... Vic Ratner, away from CBS three weeks on vacation... long weekend (Thursday-Monday) denuded the radio and advertising agencies of personnel... Bodec could hardly get a luncheon date Friday... Tim Healey has a new home in Vanderbilt-Strathmore development at Manhasset, L. I., where Lucille Manners, Harry McNaughton and Ed East are other homesteaders of radio affiliation.

Paul Kesten back to CBS Monday (8) from his holiday... ex-vaudeville headliner Pat Rooney on WEVD's 'Irish Memories' last night (Tuesday)... Friends are asking if American radio announcer Howard Clancy, who has been living and working in France, escaped to safety... nobody seems to know... refugees-to-be from Forest Hills are the Frank Stantons of CBS, who will hereafter pay rent in Manhattan... NBC press sent out pictures and biographies of Niles Trammell last week... anticipating his elevation this Friday (12) to presidency.

A. K. Spencer, of J. Walter Thompson agency's production staff, visited St. Louis last week to get a local Shell Oil show under way... Mania stronger than ever among the younger element in ad agencies to own a watercraft, even if it's only a rowboat with a sail attached... Martin Gosch has had his name withdrawn by his agent, General Amusement Corp., as candidate for producer of the Rudy Vallee-Sealtest show because the job would conflict with other things he's doing... A. E. Joseelyn, general manager of WBT, Charlotte, N. C., and his auditor, Robert W. Carpenter, are in New York... Clarence Etters, WBT, Charlotte, N. C., pianist, also in New York on vacation.

Bob Emery's stepson now works for Esty agency, and stepdaughter for Ruthrauff & Ryan agency... New audience participation format adopted on Mutual's 'Play Broadcast' quiz out of Chicago... WNEW has salesman Bert Lambert, a refugee from Mutual...

Jimmy Dorsey goes to WEVD Sunday for its I-Q-U quiz... Bill Slocum reported Monday as John Fitzgerald's successor in CBS social events... Fiddler Buddy Sheppard leading five-man ensemble for fill-ins on the CBS schedule, afternoons... Ted Streibert will fortify himself for the N.A.B. convention strain by a pleasure detour to Banff, Canada... Jap Gude fourth of Julyed at Martha's Vineyard...

'March of Games', children's quizzer directed by Nila Mack, and with Arthur Ross, 'the youngest emcee in radio', is now broadcast over CBS Sunday afternoon instead of morning.

'The People's Platform', with Lyman Bryson, reached 100 mark in broadcasts last week (6)... Will originate at Democratic national convention in Chicago this week Saturday.

Cecil W. Secret is scripting the Morning Almanac program on WABC, N. Y., while Phil Cook is on his vacation... Uncle Don drew 25,000 kids and their mothers to a day (6) dedicated to him at the N. Y. World's Fair; Melrose Music Corp. has just published his 'Uncle Don Song, Game and Paint Book'... Ralph Edwards vacations from announcing his five network shows for next six weeks, returning only for his own 'Truth or Consequences' show each week. It shifts from CBS to NBC in late August.

UNITED STATES ARMY-RADIO STATIONS IN ENTENTE CORDIALE; PATRIOTISM STRESS

Examples Multiply of Broadcasters' Spontaneous Cooperation with Defense—WMCB's Novel Red Cross Stunt

Radio stations in the United States are concerned as never before in their history with programs of patriotic theme, of practical help to the Army in its present recruiting drive, and, in particular, programs that raise funds for the Red Cross. A bright variation on the latter starts Monday (15) from WMCB's studios in the Johns-Manville building at the New York's World's Fair. It bears the title 'Hife A Hall' and is an amateur program where the amateur pays for the privilege of being heard, the donations going intact to the Red Cross.

Under the program formula worked out by Mary and Vincent Moriarty, amateurs "buy" time at \$3 a minute. Overtime is \$8 a minute. Each member of the Lee Grant orchestra the amateur elects to use for accompaniment costs the amateur 50c a head and \$1-for Grant himself.

Series of programs with the purpose of "vitalizing the ideals of American democracy" starts on WOW, N. Y., tomorrow (Thursday). They're being done in co-operation with Dr. Frank Kingdon, director of the Citizenship Educational Service. Broadcasts will be bi-lingual. Guest speakers will deliver in English and the scripts will be repeated in Italian by a staff announcer.

L. B. Wilson, of WCKY, Cincinnati, last week mailed out 100,000 coat lapel buttons of the American flag with a memo, 'show your colors,' while Herb Pettey, manager of WHN, New York, sent out booklets, 'Your Government and Mine.'

Lots of Army Blurbs
Buffalo, July 9.
Enlistment drive is cutting deep-

ly into spot announcement schedules on local stations. All outlets are contributing several spots daily urging dealers to 'enlist' in Army, Navy or Marine Corps.

Band of 28th Infantry, Fort Niagara, is putting five weekly half-hours on WBEN Midway there's a 5-minute recruiting spiel.

Strong Stress on Patriotism

Cincinnati, July 9.
Going heavy on patriotism, L. B. Wilson is having the 'Star Spangled Banner' played four times a day on WCKY; is conducting a daily broadcast from Marine, Army and Navy recruiting offices in Cincy, plus a daily program for American Red Cross war refugee appeal. Next week he will start distribution of 50,000 American flag lapel buttons to listeners on a gratis basis.
He is also appealing for support of the 'American Way of Life' in film trailers, which he has started using in 21 theatres, in the station's primary coverage area.

Aviation Display at WCAU

Philadelphia, July 9.
A permanent aviation exhibit has been installed at the studios of WCAU in co-operation with the major air lines, the Civil Aeronautics Authority, the Army and the Navy and National Guard. The display will be augmented by two broadcasts weekly by aviation experts as a means of awakening the public to the need for development of flying for defense and commerce.
In addition the outlet has organized an aviation club for moppets with the assistance of the Philly

Model Airplane Association. Military and transport pilots will act as instructors and speakers at the club.
Dr. Nathaniel F. Silsbee, who conducts a weekly aviation program on WIBG, has signed to do a series of 24 articles on flying for the Public Ledger Syndicate.

Army Welcomes Publicity

Portland, Me., July 9.
Radio lines will invade exclusive Army reservation in Portland harbor last week when WGAN sends a crew in to pick up military field mass to be celebrated for officers and listed men in district by chaplain of anti-aircraft unit stationed here.

In relatively untroubled times local stations had pleaded in vain for permission to air similar events. Figured that war dept. now realizes a little publicity might have its uses.

KTSA's Army Expert

San Antonio, July 9.
Col. H. L. Landers, United States Army retired, has been engaged as the military expert of the KTSA News Bureau. In addition to his regular broadcasts, in which he will analyze the news of the world from the military standpoint, he will act as an advisor to the station news bureau in the preparation of all news programs.

Colonel Landers has been engaged in the study and analysis of world events for some 25 years. During the World War, he wrote the history of the operations at Gallipoli and the Dardanelles for the War Department.

Walter Craig to L.A.

Walter Craig, radio director of Street & Finney agency, left Tuesday for Hollywood. Will be gone one week.

He takes an open mind in search of singing talent for the next Rexall wax series on the one-cent sale.

WCAU
PHILADELPHIA
50,000 WATTS
CBS

The most popular station in a market of 6,500,000 people... proved by successive surveys over a period of 10 years



A CLEAR CHANNEL TO SALES

FCC Blessing on Station Conference Ups WAAT, WAVE, WCSH, WADY

Washington, July 9. Without giving blanket permission for ticket-holders to work out private deals involving what Congress says is public property, the FCC is tending more and more to rubber stamp agreements between licensees for shifts that will provide better service through higher wattage or longer operating periods. Democratic processes are being encouraged by granting approval to reallocations doped out around conference tables.

Only a few weeks ago the Commission disposed of that longtime headache in the Kansas City area by which the two leading newspaper rivals get better access to the listeners and nearly a half-dozen outlets swap assignments. Now the regulars have placed their blessing on a pact in which four unrelated plants scattered over a wide expanse can jump their juice.

By arranging to install directional antenna systems that will minimize the damage from colliding signals, WAAT, Jersey City; WAVE, Louisville; WAVE, Portland, Me., and WDAY, Fargo, all bounce upwards. WAAT, now a daytimer, goes from 500 watts to 1 kw and gets full time privileges; WAVE, which will move its transmitter to near Jeffersonville, Ind., goes from 1 to 5 kw; WCSH, which has had 1 kw nights and 2½ days, will use 5 kw all the time; WDAY gets a night boost from 1 to 5. All outlets occupy the 940 kc stripe.

Roland Foley, WBEN, Buffalo, 'Voice of Stockyards,' recouping from appendectomy.

Music for ELLERY QUEEN

Composed and Conducted
by

LYN MURRAY

Mgt. COLUMBIA ARTISTS, Inc.

**Write, Wire or Phone
YOUR NEAREST
VARIETY
OFFICE**

**To Reserve Space in the
1940-41**

VARIETY RADIO DIRECTORY

NEW YORK
154 West 46th St.
BRyant 9-8153

CHICAGO
54 W. Randolph St.
Central 4401

HOLLYWOOD
1708 No. Vine St.
Hollywood 1141

Gulf Decision Later

Question of signaturing another contract for the Screen Guild show won't be settled between Gulf Refining and Young & Rubicam, agency on the account, until the end of July. Gulf has underwritten the series, to which film and radio names contribute their services, for two successive seasons.

BBC's Yankee Show Expands, 8:30 Every Nite

London, June 25. Further revision has been made in 'Britain Speaks,' the program from London addressed to American audiences. Program will be heard every night from July 7 onward, an increase from the original three a week schedule. It will now be heard at 8:30 p.m. New York time on both 9.58 and 11.75 megacycles (31 and 25 meters) from the British Broadcasting Co.'s GSC and GSD. After a quarter hour talk there will be a quarter hour interlude of entertainment in which American and other talent in London (such as Bebe Daniels-Ben Lyon) will be heard. At nine will come a few minutes of the very latest news followed by a comment thereon by J. B. Priestley, Vernon Bartlett or others.

The new revised series will bring many prominent Britons to the mike. BBC has burrowed its studios underground and expects that the stout layers of reinforced concrete, sand-bagging and other protection will enable uninterrupted broadcasting despite the worst the Nazi bombers can do.

XENT FIGHTS ORDER TO SWITCH 810 TO 910

Mexico City, July 9. An injunction to upset the \$200 fine imposed by the ministry of communications and public works because it refused to obey the orders that it change the frequency of its radio station XENT, 12 miles south of Laredo, Mex., from 810 to 910 kilocycles, has been filed in a local district court by the Compania Industrial Universitaria de Mexico, S. A. The company contends that the higher kilocycle is too much for the station. The ministry holds that the station must change frequency for adequate broadcasts.

Cross at Cincy Opera

Cincinnati, July 9. Milton J. Cross, NBC announcer, came on from New York to do the seven-minute intermission commentary in the hour's broadcast Sunday (7) night of Rigoletto by the Cincinnati Summer Opera for an NBC red network feed via WLW. He also announced the WLW and network portions of the program.

Participation by Cross was arranged by Jim Shouse, general manager of the Crosley stations.

WLW STAFF TO CHICAGO

Cincinnati, July 9. Crosley's staff of contact men, writers and newscasters that did the special WLW coverage job of the G. O. P. national convention in Philadelphia will be in Chicago next week for similar handling of the Democratic powwow.

Eight 15-minute periods will be piped in daily for divided airings by WLW and WSAI. Crosley headquarters will be in the Palmer House.

Art Croghan's Title

Delroit, July 9. Art Croghan, sales manager at WIBK who bought share of station last April, has been elected a director of station and given title of vice-president in charge of sales. Other stock in 250-watt indie is held by James F. Hopkins, president and general manager, and Richard A. Connell Jr., secretary-treasurer, both of whom have been reelected.

Maxine Garrard has replaced Joyce Williams in the continuity department at WQAI. Miss Garrard comes from KABC, Miss Williams is going to Washington, D. C.

Education Office Activities

(1936 to 1940)

Washington, July 9. William D. Boutwell, chief of the radio division of the United States Office of Education in Washington, has summarized the activities of the division from 1936 to 1940. He reports 75 inquiries a day handled by an Idea and Information exchange, the cooperation in four years of some 300-odd radio stations, the production of 12 network series by the division, since 1936, with 700 individual broadcasts represented in that number.

Boutwell itemizes the series statistics as follows:

Year	Name of Series	Subject	No. of Programs	Net-Work
1935-1937	EDUCATION IN THE NEWS	Education	154	NBC
1936-1937	SAFETY MUSKETEERS	Safety	25	CBS
1936-1937	ANSWER ME THIS	Social Studies	47	NBC
1936-1937	HAVE YOU HEARD?	Science	73	NBC
1936	THE WORLD IS YOURS	Smithsonian	188	NBC
1936-1937	TREASURES NEXT DOOR	Literature	25	CBS
1936-1937	LET FREEDOM RING	Constitution	13	CBS
1936-1937	BRAVE NEW WORLD	Pan Americanism	26	CBS
1938	DEMOCRACY IN ACTION	Democracy	38	CBS
1938-1939	WINGS FOR THE MARTINS	Education	26	NBC
1938-1939	AMERICANS ALL— IMMIGRANTS ALL	Americanism	26	CBS
1939	GALLANT AMERICAN WOMEN	History and Civics	18	NBC

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KTSA Quiz in Theatre for Kids Only

Parents Provide Questions—Bottle Cap Roundup Lasts 20 Weeks

San Antonio, July 9. Quiz show over station KTSA will be bankrolled by bottlers of Nu-Grape and Sun Crest and will cater to children from the ages of three to 16. Each Saturday morning a screen program running for an hour and 40 minutes besides an additional 30 minutes for quiz will be aired direct from the stage of the Texas theatre. Admission to show will be 10c.

Quiz show will be handled by Jack Mitchell production manager of KTSA. Questions to be asked will be taken from the Parents as well as the Parents-and Teachers magazines. These will be divided into groups and asked of the children in various age limits.

Each week kids are to bring bottle caps with the one having highest amount each week winning a prize in value of \$10. First week's prize is a portable radio. To kids answering correctly questions asked by Mitchell in quiz portion will be awarded various merchandise prizes.

WIBX Meets Lightning

Utica, N. Y., July 9. After the transmitter of WIBX had been put out of order by a recent electric storm, members of the staff rushed to the station from their homes and continued the broadcasts with the aid of a shortwave truck, WALJ. Most of the staff was having the day off when at 4 p.m. the station went off the air. Lightning had struck an important cable near the transmitter building.

Truck was connected to the console and in a short time WIBX was back on the air, with but one commercial lost during the emergency. Telephone company was unable to repair even a temporary line until 9 p.m., and one point in the emergency the news and sports announcers on a couple local commercials had to do their programs from the truck located outside the main studios.

There will be no cash prizes awarded.

As grand prize in contest at the end of 20 weeks, kid having highest amount of bottle caps at the end of period will be given a \$2,500 miniature steam locomotive and tender together with 100 feet of track. The locomotive is large enough for passengers and is built to scale. Locomotive is on display in the lobby of theatre here.

WEED AND COMPANY
NEW YORK
DETROIT
CHICAGO
SAN FRANCISCO
★
RADIO STATION REPRESENTATIVES

WBAL
means business
in Baltimore

'THE O'NEILLS'
By JANE WEST
NOW RADIO'S MOST POPULAR
FAMILY BRINGS YOU MORE
LAUGHTER TEARS AND HEART-THROBS
Presented by Ivory Soap · 99% pure
LISTEN TWICE DAILY
NBC Red Network, 12:15 to 12:30 P.M. EDST
IN 5:45 P.M., EDST
COAST TO COAST
D.R. COMPTON ADVERTISING AGENCY
MGT. ED WOLF—RKO BLDG., NEW YORK CITY

Reactions of Males to Radio News

By RICHARD M. MALL

Kansas State College, Manhattan, Kan., July 9. The following is a report of a survey of 275 adult male listeners to radio news broadcasts living in the Manhattan, Kansas, area. The survey "likes" and "dislikes" concerning specific elements in radio news presentations. The group interviewed included 52 business men, 76 laborers, 75 farmers, and 72 college instructors—members of the faculty of Kansas State College.

Favorite News Programs. Only 50% of the men interviewed were able to list radio news programs which they "try to listen to regularly." The remaining 50% listed as their primary station choices WIBW, Topeka, and WDAF, at Kansas City, the stations with strongest signal strength in the Manhattan area. While the majority of college men and business men reporting prefer WDAF, farmers and laborers voted for WIBW in sufficient numbers to give that station a 10% margin over all other stations named. Joe Nickell, newscaster on WIBW on a 10:00 o'clock night broadcast, led all others in listings of "the newscaster liked best," followed by H. V. Kaltenborn, commentator for NBC; Shelby Storck, on WDAF; Bob Caldwell, on WHB; and Elmer Curtis, WIBW.

Time When Listening Is Done. In reply to a question concerning hours when those interviewed generally listen to news—each man could list several periods during the day, if desired—the following proportions were reported:

	All	College	Business	Labor	Farmers
News at 7:00 a.m.	19.7%	5.2%	28.4%	18.0%	27.4%
7:15 a.m.	13.1	4.7	23.6	16.4	7.8
12:00 m.	18.0	6.3	23.0	20.6	23.1
12:30 p.m.	9.0	5.0	23.1	3.7	4.5
10:00 p.m.	51.7	37.0	50.0	70.5	49.5
10:30 p.m.	30.5	2.1	48.0	29.4	42.5

Editorial Comment. The men interviewed were asked whether newscasts should include nothing but straight news, or whether they would prefer the inclusion of the opinions of the newscaster—editorial comment. While the average for the entire group of 275 men interviewed indicates that straight news is preferred, business men and farmers showed majorities favoring the inclusion of editorial matter and opinions—nearly two-thirds of the business men favoring such comment. College men, on the other hand, voted four to one for straight news, with editorial material eliminated.

Content of News on Specific Subjects. To secure more specific information, the men interviewed were asked to check, as regards news relating to the war or foreign affairs, whether they preferred that the newscaster should—

1. Give the general background information about the events which lead up to the item presented;
2. Offer comments as to the importance or significance of the happening told about in the news item;
3. Offer any predictions as to probable results of the happening, or things which might take place in the future;
4. Characterize the event, in any way, as 'good' 'bad'—in other words, take sides.

In addition, those interviewed were asked to give 'yes' or 'no' answers to the same set of four possibilities, as regards news in two other fields: first, affairs of state or national governments; and second, items relating to politics and the coming election. The three tables below summarize the attitude expressed:

	All	College	Business	Labor	Farmers
Regarding war news:					
Give background material	70.7%	74.0	85.0%	75.0%	73.0%
Comment on significance	64.5	74.0	67.5	55.5	61.0
Predict future developments	41.4	37.8	48.0	40.0	39.0
Take sides	9.1	7.5	8.5	13.5	7.0
Regarding News of Government:					
Give background material	71.7	74.0	69.5	71.0	72.5
Comment on significance	60.1	75.0	56.5	52.5	56.5
Predict future developments	33.0	41.0	35.0	23.5	32.5
Take sides	11.5	14.5	11.0	13.5	7.0
Regarding Political Affairs:					
Comment on significance	75.2	71.5	72.0	78.0	79.5
Express agreement or disagreement, in any way	31.2	5.5	28.0	27.0	65.0
Indicate his own sympathies	6.8	8.5	8.5	5.0	5.5

It will be noted that the question regarding political affairs differed somewhat in statement from those relative to war news and news of government, although the same general field of possibilities was covered.

Opinions expressed show a great deal of consistency, as between fields in which news items are found. Surprisingly, men are evidently more willing to allow news commentators to comment on the significance of political events than on the significance of war news, or news in the field of government. Business men, relatively liberal in their attitudes toward the introduction of comment in news relating to the war, tend to become more conservative when the news relates to affairs of state or national governments. Farmers, who evidently prefer to have predictions of future developments omitted in discussions of war or of government, vote two to one for the inclusion of such predictions, when the news relates to political affairs. The college group, more than any of the other three, apparently prefers that the newscaster stick to news, without opinions—although two out of five are willing that predictions of future consequences be included.

Questionable Materials. Every newscaster observes a definite set of 'taboos,' and as a rule omits certain materials from his broadcasts. In this connection, it is interesting to note the opinions of the group of men interviewed concerning the materials which should be included or excluded. Each man interviewed was asked to check 'yes' or 'no' in reply to a question asking whether each of eight types of news material ordinarily regarded as questionable should be included in news broadcasts. The figures for the different groups are given below:

	All	College	Business	Labor	Farmers
Percentages approving use of—					
Automobile accidents	76.6%	47.5%	85.0%	86.0%	88.0%
Kidnappings	61.3	58.0	69.5	55.3	65.0
Murders, robberies	56.8	44.5	67.5	61.5	54.0
Divorces	35.5	16.0	32.5	53.0	40.5
Hollywood gossip	56.2	18.0	63.0	72.5	71.5
Party politics	76.0	51.0	80.5	82.0	90.5
Business conditions	81.8	87.0	72.0	82.0	86.5
Purely local news	37.3	43.0	24.0	38.5	44.0

New Light on Milwaukee's Sidewalks, Sportswomen

Milwaukee, July 9.

In its campaign to snare a sponsor for the currently non-commercial Charlie Nevada nightly 15 minute sports broadcast at 10:45, WTMJ asserts it has disproved two pet theories—one that Milwaukee sidewalkers are pulled in at 9 p.m., the other that women don't listen to sports programs.

A recent contest on this program brought in 8,508 entries in two weeks, and of them 47.7% came from women, amazing even the station execs themselves. Prizes awarded were 106 Nesco electric casseroles, each of extremely nominal value.

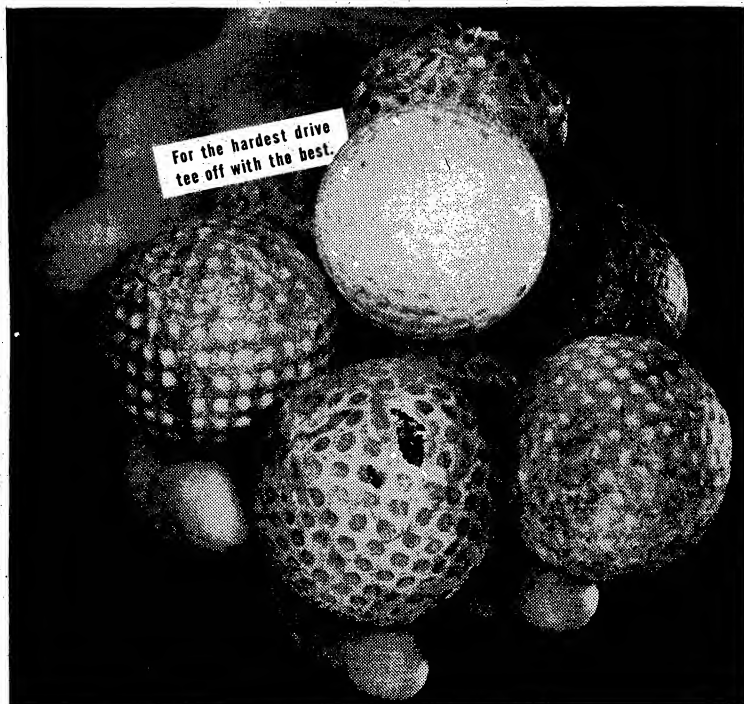
Share-the-Cost Plan for Sponsors

Ross Metzger of Chicago Explains Idea to Ruthrauff & Ryan Home Office

Ross Metzger, radio director of Ruthrauff & Ryan's Chicago office, is due in New York this week to discuss with home office executives the proposition of buying 15-minute spot periods on major outlets and dividing the bill among three clients. The programs would be broadcast,

with the runoff schedule calling for three a week.

By this setup clients with much restricted radio budgets would be able to get a hearing for their products during "Class A" evening time. The program itself would be of single unit structure but with the position of the plugs on the various products changing from disc to disc.



WNEW DELIVERS!

It's today's hottest radio buy!

1. ONE-THIRD THE COST of any New York network station.
2. THE NATION'S BIGGEST MARKET. (The 50-mile metropolitan trading area.)
3. TWICE THE AUDIENCE of any other New York independent station. (Hooper-Holmes and other impartial surveys.)
4. RADIO'S OUTSTANDING PROGRAMS. ("Make Believe Ballroom" with Martin Block, "Milkman's Matinee" with Stan Shaw. And many others.)
5. LOCAL ADVERTISERS know WNEW moves most goods—fastest.
6. MORE COMMERCIAL TIME is bought on WNEW than any station in New York.

WNEW NEW YORK

SERVING NEW YORK AND NEW JERSEY 24 HOURS A DAY
5000 WATTS BY DAY • 1250 KILOCYCLES • 1000 WATTS BY NIGHT



IN BALTIMORE IT'S **WFBZ** 1000

NATIONAL REPRESENTATIVES
EDWARD PETRY & CO.

ON THE NBC RED NETWORK

Rob't French Off WHKC

Columbus, July 9. Robert S. French has resigned as program director of WHKC to open his own advertising agency. Emphasis will be on radio. For the present French will continue his daily newscasts on WHKC, sponsored by International Harvester and Norge. George Beeboit of the station's announcing staff moves up to the program director slot. New announcer is John Traxler, formerly of WOSU, the Ohio State University station.

Sun Death Reflects On N. Y. Radio Biz Placed By Manufacturers of Lotions

Manufacturers of sunburn lotions have had a discouraging season so far, because of the scarcity of real sunny weather, and this is reflected in the fact that not a bit of this class of business has been placed on metropolitan New York stations.

The sunburn antidotes proved a source of small revenue even last summer, and the delayed season had much to do with it. Contrasting sharply with this situation was the business that came after during the summer of 1938.

Metropolitan stations have already received inquiries about available time for paid political broadcasts. None of the queries is from national organizations, but from state committees anxious to line up their schedules before the call on the choicer spots become too wide open.

New York's foreign language broadcasting has been affected little because of the war. And the few cancellations have not been due to any popular front, against the languages and races, but rather because the distributors are unable to import German and Italian merchandise and foodstuffs from abroad.

However, strict censorship prevails, one man being designated at each station to make certain nothing objectionable is aired. For fear of stirring up trouble in foreign sections and being accused of spreading propaganda, local Italian and German newscasters refrained from mentioning Hitler's opinions after the British fleet sunk the French ships at Oran although this news was carried on English language programs.

WQXR reports first six months of 1940 are 144% ahead of same period last year. Each month this year has shown a gain over month before.

WMCA: William Wrigley, Jr., Co. through Vandenberg & Rubens, 36 one-min. ET's weekly. Foster-Milburn Co., through Spot Broadcasting, announcements. Pall Mall Cigarettes, through Young & Rubicam, renewal of announcements. Manhattan Soap Co., through Franklin Bruck, announcements.

WHN: I. J. Fox (furs), through Kashuk agency, 70 participating announcements weekly. Lydia Pinkham, through Erwin-Vinay, announcements.

WNEW: Lepper Furniture Co., through Adv. Corp. of America, six 10-min. program weekly. Carter Products, through Street & Finney, five announcements weekly.

Table with columns: Network, Local, National, Total Units, Spot Units, Units. Data for July 6 compared to June 29. Includes percentage changes.

3.6% NATIONAL SPOT GAIN IN SEATTLE

Seattle, July 9. No summer slump here—in fact, national spot and local business, continuing the steady upward trend started several weeks ago, is far ahead of the totals during the winter months.

KOL: Boston Dentists, daily quarter-hour newscast with Johnny Forrest; Sears, Roebuck, 50 announcements weekly.

Table with columns: Network, Local, National, Total Units, Spot Units, Units. Data for July 6 compared to June 29. Includes percentage changes.

KGKO, Ft. Worth, Biz

Fort Worth, July 9. KGKO has two new accounts: Gebhart Co. of San Antonio, via Pitlik Agency, San Antonio, takes spot contract. Malto-Meal, through C. C. Lindley, Fort Worth, likewise. Other recent accounts include Cho-Cho through Neisser-Meyerhoff and Delta Airlines, direct.

SAN FRANCISCO SUMMER IS PROMISING

San Francisco, July 9. Network, local and national spot totals jumped sharply again this week, and station managers anticipate one of the best summers in many a year. Lots of contracts were signed, and although it doesn't start until Oct. 3, Mutual's snagging of the Standard Oil biz topped them all.

NBC West Coast sales chieftains journeyed to Vancouver for Coast Advertising Club convention, taking along an elaborate picturebook to lobby for NBC.

KFRC: Cho-Cho (ice cream), through Neisser-Meyerhoff, 365 one-min. ET's. Sunnysvale, Quieting, through Lord & Thomas, 312 five-min. shows. 'Bess Bye, Market Scout', Henry Doelger (builder), daily announcement. Hale Bros. Dept. Store, through Theodore Segall, 52 announcements. Ex-Lax, through Joseph Katz, 140 one-min. ET's. Standard Oil, through McCann Erickson, hour concert weekly, 52 weeks, via Mutual, and 28 half-hour 'Standard School Broadcast' programs. Loma Linda Foods, through Lisle Sheldon, 156 participations in 'Morning Hostess', Carter Products, through Spot Broadcasting, 132 one-min. discs. Bernstein Fish Grotto, through J. F. Zederman, 90 announcements. Gardner Nurseries, through Northwest Radio Adv., 40 five-min. ET's.

KSFO: Lever Bros. (Spry and Lifebuoy), through Wm. Esty, 28 chain-breaks weekly. Golden Gate Expo, announcements. Dr. J. C. Campbell, through Allied Advertising, 21 announcements. American Chiclé, through Badger, Browning & Hersey, 78 announcements. Southern Pacific R. R., through Lord & Thomas, announcements. Dodge, through Rutnuff & Ryan, 30 announcements. Royal Typewriter Co., 10 one-min. discs.

KFO: Progressive Optical System, through W. L. Gleason, announcements. Roller Derby, announcements. North American Insurance, through Franklin Bruck, 13 quarter-hour newscasts. Cook Products Corp., through Rufus Rhoades Co., announcements. Denalan Co., through Rufus Rhoades, 13 announcements weekly. Richmond-San Rafael Transportation Co., through Emil Reinhardt, 100 announcements. New Century Beverage Co., through M. E. Harlan, four announcements weekly.

KGO: Roller Derby, 28 announcements daily. Progressive Optical Co., 26 a.m. newscasts. Kasper-Wilson Co. participation in woman's feature. Mandarin Restaurant, 10 participations in 'Through a Woman's Eyes'.

KROW: Carnation Milk, through Neisser-Meyerhoff, 13 announcements weekly, 52 weeks. Caldwell Paint Co., three quarter-hour newscasts weekly, 13 weeks. Dunder Clothes Shop, 14 announcements weekly, 26 weeks. Gross Furniture Co., 48 announcements. Lincoln Chesterfield Co., daily announcement, one year. Hudson Jewelers, through Ryder & Ingram, 14 announcements. Oakland National Horse Show, 56 announcements.

Table with columns: Network, Local, National, Total Units, Spot Units, Units. Data for July 6 compared to June 29. Includes percentage changes.

EIGHT-WEEK TREND OF STATION BUSINESS

(For All Markets Regularly Reported by Variety)

Table with columns: Week Ending, NATIONAL SPOT, Units by Thousands. Data for May 18, 25, June 1, 8, 15, 22, 29, July 6.

Table with columns: Week Ending, LOCAL, Units by Thousands. Data for May 18, 25, June 1, 8, 15, 22, 29, July 6.

Table with columns: Week Ending, NETWORK, Units by Thousands. Data for May 18, 25, June 1, 8, 15, 22, 29, July 6.

Table with columns: Week Ending, TOTALS, Units by Thousands. Data for May 18, 25, June 1, 8, 15, 22, 29, July 6.

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DODGE DEALERS BUY SPORTS IN CHI

Chicago, July 9. Considerable action in the spot field around town last week with Dodge Dealers setting for a new 30-minute weekly show on WMAQ tagged 'Hall of Sports', a Sunday evening quiz show with experts. Kenyon & Eckhardt agency renewed its thrice weekly 15-minute sports review on WGN, running from July 2 to Sept. 28. Frankel-Rose agency set 13 weeks of five-times-weekly daytime announcements for the Rice Products Co. on WGN and the same station has a schedule of four Sunday daytime announcements for Walgreen through Schwimmer & Scott's agency. Also starting last week was a Monday-through-Friday five-minute morning program with Alexander McQueen's 'Nothing But the Truth' novelty for Old Ben Coal company through the Hamilton agency.

Table with columns: Network, Local, National, Total Units, Spot Units, Units. Data for July 6 compared to June 29. Includes percentage changes.

DES MOINES' SUMMER DROOP CONTINUING

Des Moines, July 9. Tall corn isn't all that's wilting out here. Business has the droops, too, with large losses in each category.

Table with columns: Network, Local, National, Total Units, Spot Units, Units. Data for July 6 compared to June 29. Includes percentage changes.

21% Slide in Hartford's National Spot Volume

Hartford, July 9. It's hot in Hartford—the weather, not business. Network units, helped by extra baseball games, climbed to within 50 units of the five-month high mark.

Table with columns: Network, Local, National, Total Units, Spot Units, Units. Data for July 6 compared to June 29. Includes percentage changes.

BALTIMORE TALLY

Network OR 2.7%, Local 5%, National Spot Up 5%

Baltimore, July 9. Everything rather quiet around here with some slight advance noted in national spot but not enough to create any excitement or offset drop in network and local units as compared to previous week. All stations report biz in the making but no definite commitments.

Table with columns: Network, Local, National, Total Units, Spot Units, Units. Data for July 6 compared to June 29. Includes percentage changes.

NEWSCASTS BIG IN K. C.

Kansas City, July 9. Trend of biz is steady with little variation except in the national spot column, mostly rung up by KCKN, which put an extra number of baseball games on the air for General Mills during the week.

Sale of news periods has flourished past couple of months and appears to be no letdown. Two stations reported only one five-min. newscast available for sponsorship.

KCMO: Sweetheart Soap, two five-min. newcasts six days weekly, 13 weeks; General Baking Co., 12 announcements weekly, 13 weeks; replaces half-hour 'Lone Ranger' platters.

KCKN: Fels Naptha Soap, half-hour before baseball games and programs between double headers; account using Lillian Fels (Faust) with woman's angle on baseball, sports, fashions, etc.

Table with columns: Network, Local, National, Total Units, Spot Units, Units. Data for July 6 compared to June 29. Includes percentage changes.

* No change. (Included: KCKN, KCMO, KITE, KMBC, WBB, WDAF.)

Grief—And Brief

Detroit, July 9. Summer slump in sharp evidence here with biz down in all categories. Network took a drop even after Republican convention fall-off.

Table with columns: Network, Local, National, Total Units, Spot Units, Units. Data for July 6 compared to June 29. Includes percentage changes.

KNX 32% OVER SAME TIME IN 1939

Los Angeles, July 9. Although the unit figures do not reflect the optimistic feeling prevalent in network circles, the attitude is largely both retroactive and looking to the future. KNX reports 32% increase in network business over the same period last year, and KFJ-KECA chalked up 24% more time sales for the first six months of the year than over a comparative period. KHJ soared 40% over last year's June figures.

Looking forward to the politico flourish brings smiles all around. Harrison Hollivay, headman at KFJ-KECA, forecasts a rush of biz that will equal any in the history of the two Earl C. Anthony stations. Others share that optimism. KECA called the biggest deal of the week, Kelly Kar Co. buying three hours every Sunday morning of 'Swing Cavalcade' for one year. Smith & Bull placed the order. Other new KECA account is Zeeman Clothing, quarter-hour weekly, 'Cabbages and Kings', 26 weeks.

KFI: Chrysler, 52 one-min. transactions, through Rutnuff & Ryan; Slavick Jewelry, 52 participations in Bridge Club, through Advertising Arts.

KNX: Power Seal Co., 156 five-min. sport programs, through Lockwood-Stackelford; Coleman Lamp, 78 participations in Fletcher Wiley Combination, through W. Austin Campbell; Schwabacher-Frey, 312 participations in Wiley Combo, through W. Austin Campbell; Wilmington Transportation, 54 quarter-hour broadcasts of 'Catalina Musical Mallbag', through Neisser-Meyerhoff.

KHJ: Sears-Roebuck, 30 announcements, through Mayers Co.; Union Pacific, 39 one-min. spots, through Caples Co.; Lindsay Olives, 21 participations in Norma Young's 'Happy Homes', through Lord & Thomas.

Table with columns: Network, Local, National, Total Units, Spot Units, Units. Data for July 6 compared to June 29. Includes percentage changes.

(Included: KECA, KFI, KFJB, KHJ, KMPC, KNX.)

Johnson Wax Uses Blurbs

Chicago, July 9. Needham, Louis & Brorby agency here has been purchasing a flock of announcement schedules through this part of the nation for the Johnson wax enamel product.

Harrie Richardson has been working on the stuff for the agency.

PUBS TO CHARGE CBS 'FORCE'

Remotes' Loss Crimped Many

Interesting sidelight on the shutdown of sustaining remote band broadcasts for NBC and Columbia was the economics involved. Besides having to use studio musicians and vocalists as replacements, the networks were deprived of thousands of dollars of revenue from the sale of leased remote telephone lines to hotels and other spots. Also hit hard was one segment of the AFM, the New York local (602), which collects \$3 from a bandman every time he participates in a remote broadcast from a point within 802's jurisdiction. This loss for the local's relief fund, into which this money tossed, figured over \$1,000 a week.

The spots, deprived of network outlets, also complained about feeling the pinch. With the Fourth of July holiday approaching, the sudden cutoff of the major medium for self-advertising caused much chagrin among these hotels and nighteries.

Another faction that felt the squeeze deeply was the music publishing industry. As the ban on remote bands became extended some of the publishers went so far as to try to find a way of getting from under their professional department loads. Several of the pubs, acting through Walter Douglas, chairman of the Music Publishers Protective Association, sought some form of relief from the contact employees' union. Under their union contracts the pubs were not free to do any letting out or involuntary vacationing without granting the required graduating scale of notice. Pointing out that they were paying for men who couldn't function because of the strike, these pubs suggested that the union allow them to cut salaries temporarily or give part of their staffs vacations without pay.

'PUBLIC SCHOOLS SHOULD OKAY HOT MUSIC'

Milwaukee, July 9.

Public school pupils should have a background of swing music, as well as compositions of the masters, according to Hobart Sommers, principal of Chicago's Austin high school, speaking before the Music Educators' National conference, composed of 20,000 leaders in the field of music, which after a lapse of 32 years re-entered the fold of the National Education Association, in convention here, as the official music department of the NEA.

Sommers urged school music departments to develop dance bands as well as concert organizations, saying school dance bands brought youth closer to the school and the schools closer to the community than any other type of music organization.

'All high school principals should know by now that music activities of schools that properly fit into the regular school program are the best media for citizenship training for democracy,' said Sommers. 'To be well educated students must learn to live with music.'

Howard Hanson, composer and director of the Eastman School of Music, University of Rochester, Rochester, N. Y., said that symphonic orchestras developed in the American public schools were unequalled in the world for their class, and that the works of Americans are beginning to find place among the great compositions.

GERSHWIN MEMORIAL CONCERT THURS. (11)

The annual George Gershwin Memorial Concert will be given at Lewisohn Stadium, N. Y., tomorrow (Thurs.), under the direction of Alexander Smallens. The soloists of the occasion include Oscar Levant, Anne Brown, Todd Duncan, and the Eva Jessaye Choir.

The program will consist of 'An American in Paris,' for orchestra. Three preludes for piano, orchestrated by Lewis Raymond, a first performance. Under the direction of 'F,' the Cuban overture, excerpts from 'Fogy and Bess,' sung by Miss Brown and Duncan, and the 'Rhapsody in Blue' will close the program with Levant as piano soloist.

The memorial program has now become a permanent fixture at the Stadium, always drawing terrific crowds, which have been increasing. Third anniversary of Gershwin's death actually is today (Wed.), and many radio programs will feature his works, per usual.

OUT OF CONCENTRATION

Hugo Bryk Release in France Is Reported to ASCAP

Hugo Bryk, European representative for the American Society of Composers, Authors and Publishers, has advised the ASCAP home office that he has been released from a French concentration camp and is back on the job.

Bryk, who had retained his Austrian citizenship though a resident of France for 15 years, was quarantined by the French shortly after the invasion of the Low Countries by the Nazis began.

Grant Thompson Orch Controlled by Poloist, Major Douglas Hertz

A new-type of band-owner has entered the field, namely Douglas Hertz, ex-major in the British Army and a polo player. He controls Grant Thompson's orch.

Possibly because of Hertz's polo playing, Thompson's orch is now at the swanky Pegasus Club, Rockledge, N. J., which has its own polo field. Thompson opened there July 4 for an indefinite stay. Danny Collins, an agent who doesn't know a polo club from a nite club, set the deal.

MUSIC FIRMS' BEEF TO FCC

ASCAP Firms Ready to Attack on Network as Making Unfair Use of Its Power Against Music Interests

BMI ISSUE

Representative music publishers affiliated with the American Society of Composers, Authors and Publishers are gearing for a frontal attack on the Columbia network before the Federal Communications Commission. The issue has nothing to do with the pending new ASCAP contract but concerns the band pressure that CBS is allegedly exerting in favor of compositions put out by Broadcast Music, Inc., in which the network has a 20% interest.

The publishers in question have compiled evidence to show that Columbia has been using its control over radio facilities to further its own publishing affiliation and to the serious detriment of the established music industry. This data will be incorporated in a complaint that the above publishers propose to file through a designated deputation with the FCC during the coming week.

The complaint will charge that CBS has displayed repeated discrimination by holding the works of other publishers to the rule which forbids the repetition of a number within two hours while allowing a BMI number to be aired over the same network as many as three times within an hour. The pubs will also charge that Columbia is using this control of facilities licensed to it by the Government to crush people with whom it is engaged in a business controversy.

This group of publishers is also considering a proposal that it also file a complaint with the Federal Trade Commission, charging Columbia with using methods that are in restraint of trade.

It is also alleged by these publishers that CBS is making a practice of pulling out their numbers from network sustaining schedules at the last minute and substituting BMI compositions.

NBC Resumes Its Dance Remotes; WRVA Settlement Now Pending

Coincidence

Buffalo, July 9.

When Leroy 'Stuff' Smith was being examined in Bankruptcy Court here, attorney for a creditor asked him whether he owned an automobile. He said he didn't. 'Are you sure?' sternly inquired the judge. Stuff was sure. 'Absolutely sure?' inquired His Honor, Stuff was absolutely sure. 'Then,' asked the Judge, 'whose car was that with the name Leroy Smith' on it that drove into the So-and-So garage this morning?' A light dawned on Stuff. 'Oh, that,' he answered, 'that belongs to the other Leroy Smith, my boss.'

Stuff is bicycling currently between Little Harlem and the Hacienda, both nighteries operated by Leroy Smith, local colored night club impresario.

KSTP, St. Paul, has composed its distresses over employment of studio musicians with its American Federations of Musicians local and name bands were again permitted by the AFM last night (Tuesday) to feed remote sustaining service to NBC. Columbia was still trying at press time yesterday to straighten out similar difficulties prevailing between its affiliate, WRVA, Richmond, and the Richmond local, so that it likewise return to his remote service. Just before AFM and CBS officials went into a session at AFM headquarters late yesterday it was intimated that if the WRVA matter weren't cleared up immediately the international would call out Columbia's studio musicians, but the indications were that there would be a quick settlement.

This was the first strike of its kind in the history of the broadcasting business. For NBC the shutdown had lasted exactly 11 days, while CBS suffered the loss of its remote name bands for eight days. James F. Petrillo, AFM, had taken office but a few days when he decided to force a showdown of the issue in St. Paul. His comparatively quick success in solving this situation is regarded as not only strengthening Petrillo's leadership in the AFM but as assuring no further attempts of network-affiliated stations to kick over the applecart as far as the employment of union musicians is concerned. The networks themselves were anxious to get this matter out of the way for fear that it might be prolonged to the point where NBC and CBS would have to face still another hostile front.

Stassen Brought In

NBC officials continued through the week in a national convention called Stanley Hubbard, KSTP prez, and helped in mapping the settlement. Break came yesterday morning ('Tuesday') when the AFM's home office announced that the deal worked out in St. Paul was okay with the international, and that the remote bands were going back on NBC immediately.

Strike was called against KSTP June 8 when the station rejected the union's demand that it expend \$21,000 a year for musicians. The terms of the settlement were not disclosed, but it is reported that the difference between the original demand and the settlement figure was \$3,000.

Freezing of bands of NBC and CBS had proved quite a late evening listening boon to Mutual and those stations that have been specializing in phonograph record versions of name bands. It also resulted in a new type of plug approach for the music publishing industry. Contact-men have during the past 10 days been giving much attention to these phonograph record stations, by either soliciting the airing of their current tunes as stenciled by certain bands or in some cases furnishing the records themselves.

Intimations were given RCA Victor by the AFM that if the St. Paul and Richmond tangles weren't settled soon it would be necessary for the union to shut down on the recording of phonograph platters indefinitely.

Beer Town Accordions

Milwaukee, July 9.

This town goes for accordion playing in a big way. Not only are several factories locally manufacturing the squeeze boxes, but several schools are devoted to teaching how to extract music from them. A feature of the city's annual Midsummer Festival, opening next Saturday (13), will be a 50-piece accordion band made up of boys and girls ranging in age from 10 to 16 years.

Court Decision Should Reduce Amateur Songwriters' 'We Wuz Robbed' Suits

By BEN BODEC

Lawyers specializing in musical copyright regard the decision handed down by the U.S. circuit court of appeals in New York last week in the case of Jack Darrell against the Joe Morris Music Co. having the effect of lifting a heavy legal millstone from around the neck of the music publishing industry. This decision, they believe, will reduce considerably the number of infringement suits filed by amateurs since the suit-bringer is again required to submit proof of accessibility to his work. As the rule now stands the fact that the material in two works are alike does not automatically infer that the writer of the later work had access to the manuscript or publication of the person charging piracy.

The finding in the Darrell case reverses a rule laid down by the same circuit court, but of different membership, in 1937. That was the case of Wilkie v. Santly Bros. and concerned the latter's publication of 'Starlight.' The three judges in the Wilkie appeal took the position that identity of material was a presum-

ption of accessibility. The result of this decision was bad for publishers. With amateurs not required to prove that the alleged lifter had actual access to a prior manuscript or publication, there followed a decided increase of infringement actions from these ranks and the legal bills of publishers went up in proportion.

In the Darrell case, which involved the latter's 'Does Anybody Want a Little Kewpie' and Morris' 'On the Island of Bali Bali,' the circuit court held that while there was a close similarity between the two melodies it could not be concluded that the writers of 'Bali Bali' had access to Darrell's publication. 'Darrell even submitted testimony to uphold his charge of accessibility, but the circuit court stated that his 'showing of access was not very persuasive.' Sydney William Wattenberg, who argued the appeal for Morris, had stressed the fact that the lower court, which issued a verdict in his client's favor, declined to recognize similarity as evidence of access.

The Wilkie Case

In the Wilkie case the court stated that 'where similarities or identities are relied upon, they must do more than engender a suspicion of piracy; they must establish piracy with rea-

sonable certainty. . . . But the charge of infringement does not fail merely because the infringer is not caught in the act, for access may be inferred or found circumstantially from the plan, the arrangement, and the combination materials contained in the composition. . . . Internal proof of access may rest in an identity of words or in the parallel character of incidents or in a striking similarity which passes the bounds of mere accident.'

Lawyers acquainted with the evidence in the Wilkie and the Darrell case say that fundamentally there wasn't much difference between them. The circuit court decision in the Wilkie matter proved a shock to publishers' counsel at the time, and an out-of-pocket loss to Santly Bros. of around \$20,000. The Wilkie decision is now a deadletter but there is nothing that Lester Santly can do about the break he got three years ago. However, the fate of several infringement cases now pending in the N.Y. federal court is expected to be influenced decidedly by the Darrell decision. One of them is the case of Davilla vs. Harms, Inc., and concerns 'The Desert Song.' Trial of this action is set for the fall.

Band Reviews

JACK TEAGARDEN ORCH (15) With Mary Anne Dunne, David Allen Sea Girt Inn, Sea Girt, N. J.

Due to lack of summer spots to locate upcoming groups with wires, the Jersey shore has received much attention this summer from band bookers. Opportunities for bands are being made, rather than discovered. This is one of those places. Redecorated and generally tidied up, the Sea Girt Inn provides nice setting for a group like Teagarden's, which has enough draw in the Teagarden name itself to cull curious first-timers. That's all that's needed because after one attendance a regular draw is pretty much assured.

Seating between 900 and 1,000, the Inn is attractively dressed and nicely laid out to cater to the type of patron Teagarden will pull. It has a large dance floor, 40 ft. in diameter, but not cheaply priced dinners and drinks, and most of all a good band with an extremely danceable style and tempo.

About a year and a half ago Teagarden bowed to a spot with Paul Whiteman and built a group of his own. It started out with some of the best and most expensive men in the business. Beginning in such a way, with all other necessary expenses of an embryo crew, didn't take long to show up the Teagarden band as one of the most expensive new outfits ever built. It was more than \$25,000 in the red in a year. And it was a good band.

The current edition, with only two of the original men still in it, is also good, far less expensive, and more likely to get somewhere. It's a setup that tees off on well-tailored arrangements, running the gamut of jazz, swing, sweet, and Latin tempos. Though only six months old the group is already respected among colleges, having already played a string of such dates.

One of the outstanding things about its playing is the danceable tempo it manages to achieve, though its rhythm team lacks a guitar. Strong and steady drumming is responsible. Three trumpets, three trombones, and five saxes complete the setup, both sections adding up as strong and clean. And it has the advantage of the Teagarden trombone out front, coupled with his likeable, southern-accented vocals.

Band has not had much air time but is getting some from here. With that help it's about ready to rise with a rush. Mary Anne Dunne is the girl vocalist. She has faults, but sings in a steady, sure voice and with nice style. David Allen was only in the band a few days when caught and was still scared silly. Seems to have what it takes.

Personnel: John Fallstick, Sid Feller, Tommy Gonsonlin, trumpets; Joe Guiterrez, Joe Ferrell, Seymour Goldfinger, trombones; Artie Beck, Joe Ferdinando, Larry Walsh, Tony Antonelli, Art St. John, saxes; Nat Jaffe, piano; Arnold Fishkin, bass; Paul Collins, drums; Guiterrez and St. Johns are from the former outfit. Wood.

NAT TOWLES ORCHESTRA (14) King's Ballroom, Lincoln, Neb.

Towles dedicates himself to the fast-moving dance trade, with appeal for the bounce-and-exercise element. Crew, once of New Orleans, but up here at the headwaters of the Mississippi for four years, is one of

the Midwest's best known, and best followed colored groups. There is traditional race treatment of arrangements, and a quartet in rhythm assignments. All provides easy dancing guidance. House is usually evenly divided on listening and limbering, the front of the rostrum well-stocked with oglers, which deprives some floor space to those dancers who want to go.

Duke Crozier does the singing, a typical, slightly plaintive colored voice, best on the mournful melodies. He also takes over the baton, when Towles moves off the stand as he does occasionally. A back row cut-up is iron-lipped Harold Johnson, whose trumpet blasts rock the brasses, and his dead-pan comedy catches on comically.

Towles has three trumpets, Harold Wilkerson, Frank Greer, and Johnson, with Lee Williams, trombone, making the brass a foursome. Arranger is usually in keeping with the writing band style, and William Searcy, piano, lighting out on his own when a showing is needed.

Towles covers five or six states in his touring, works steadily, and is one of the most easily sold colored bands to ballroom operators. Besides delivering the musical package in a smart and safe way, he has both dancery onlooker and doer; the boys are all trimly outfitted, and well kept.

Can play off into the waltzy vein if an employer's not the forte. He's for the youthful terp appetite. Art.

JIMMY BARNETT ORCH (10) Elmor, Rye, N. Y.

Evenly split on bounce and glide music, the Jimmy Barnett 10 is heavily outfitted. Among other things, such as accent on showmanship and novelty bits, his nine men are equipped with their own instruments, it is not uncommon, for instance, to see a normal brass section of three, swollen to seven or more, and same goes for the saxes.

Barnett is able himself on both trombone and trumpet, looks around to see whatever the band has the most of, and joins in with them. Vocal department is composed of Norman Lee, a reed man who comes to a stand-up at the mike, and Bill McAtee, the drummer, who performs among the hides. The arrangers, mostly under the Glenn Miller spell, have varied style, the three-liprary contributors being Chuck DeBusk, piano; Gus Donohue, trumpet, and Harvey Heffron, trombonist.

Other personnel are Orville Carlson, trumpet; Bud Riffle and Don Smith, saxes, and Bob Oehlmetz, bass. One of the best of the territorialists, Barnett has been going around the Midwest plains for several years. This is his third band, and hottest b.o. magnet of the lot. Art.

MORREY BRENNAN ORCH (7) With Elma Olson Marine Room, Pier, Celoron, N. Y.

In January Brennan cut his band from 14 to seven pieces, and picked up petty Elma Olson in Cleveland to warble. He opened this Pier two weeks ago. The band, all young and energetic, re-works in a smooth way, and creates the impression of a larger band. Swinging into the slower tempo, it has a Savitt back-

ground with the three saxes bearing the weight of the rhythm. The lone trumpeter, Nate Kushnel, does a swell job and the outfit combines to the highest degree—necessity in the kind of music. When afterburgs demand, they swing out with little Lenny Rucker beating the drums in the demanded manner.

Brennan is a showmanly, ad libber with the crowd. Besides Miss Olson, Brennan does a bit of singing himself as does Harry DeMarco, bass player.

Personnel: Morrey Brennan, Elma Olson, singer; Harry Howel, Hi Nash and Bob Kolin, saxes; Nate Kushnel, trumpet; Harry DeMarco, bass; Sheldon Smith, piano; Lenny Rucker, drums. Rut.

BAD WEATHER CRIMPS OUTDOOR SYMPHONY

Buffalo, July 9. Buffalo's first annual recent years at all fresco symphony was kayoed by the weatherman Tuesday (2). Chilly breezes chopped to about 2,500 the b.o. of promenade concert staged by Buffalo Civic Orchestra. John Ingram batoning, and Bob Armstrong's WBBN house band. This figure hardly made a dent in Civic Stadium, which has 33,000 capacity.

Feature was debut locally of 'Tarentella', tone piece by Sam Mineo, local son. Composer and family were here for event.

Whether outdoor symphony will be continued is in doubt. Promoter Beano Rosenbamer summed it up with 'musicians cannot play forever without profit!'

MOLINA AT CHASE CLUB

May Affect Settlement of Hotel's Action on Booking

St. Louis, July 9. Although a \$25,000 breach of contract suit recently filed against him in Chicago by the Chase Hotel, Inc., still dangles over his brow, Carlos Molina and his orchestra checked in at the Chase Club last night (Monday) for an engagement that will run from three to five weeks. Harold Koplar, mgr. of the swank west end nitery, said that as far as he knew the suit will not be shelved.

Whether Molina's delayed engagement will have any effect on the suit could not be learned.

Nine Tunes for U Pix

Hollywood, July 9. Nine songs, comic, romantic and otherwise, are on the musical menu for Universal's 'Argentine Nights', featuring the Ritz Brothers and the Andrews Sisters.

Ritzes wrestle with 'The Spirit of 77-B' and 'Brooklynonga.' The Andrews trio sing 'Hit the Road,' 'The New Lick,' 'Dovry Song' and 'Rhumboogie.' Two ditties, 'Hall of the Mountain Queen' and 'Once Upon a Time,' were warbled by Constance Moore. The ninth, 'Amigo We Go Riding Tonight,' is sung by George Reeves.

Ina Ray Hutton Commish

General Amusement Corp. has taken its differences with Ina Ray Hutton to the American Federation of Musicians. Miss Hutton, who formerly booked her band through GAC, allegedly owes that outfit some \$600-700 in commissions. She's currently being booked by Music Corp. of America, leading an all-male band which was formed early this spring after she discarded the femme crew which had been under her baton for some time.

Settlement whereby the leader will pay off the debt at the rate of \$25 weekly may be worked out. It's currently being considered. Her new band starts a 'location' date at Renault's Tavern, Atlantic City, later this week.

DICK VOLTTER'S OPERATION

Dick Voltter, Shapiro, Bernstein & Co. v.p., is recovering from an operation for gallstones which was performed last Wednesday (3) at Mt. Sinai hospital.

He will be away from the office about three weeks. Another incapacitated member of Shapiro, Bernstein's professional staff is Jack Ostfeld, Cleveland rep. Ostfeld suffered a serious heart attack in that city last Friday (5) and the attending physician urged against his being moved from the hotel in which he lives.

John Leibold wrote the musical score for Paramount's 'Texas Rangers Ride Again.'

15 Best Sheet Music Sellers

(Week ending July 6, 1940)

Table with 2 columns: Song Title and Publisher. Includes 'Make-Believe Island' (Miller), 'Playmates' (Santly), 'God Bless America' (Berlin), etc.

*Fimusal. †Stage Musical.

Network Plugs, 8 A.M. to 1 A.M.

Following is a totalization of the combined plugs of current times on NBC (WEAF and WJZ) and CBS (WABC) computed for the week from Monday through Sunday (July 1-7). Total represents accumulated performances on the two major networks from 8 a.m. to 1 a.m. Symbol * denotes film song, † stage musicals, all others are pop. Parenthetic numeral after the title indicates how many weeks the song has shown up in these listings.

Table with 3 columns: Title, Publisher, Grand Total. Lists songs like 'Fools Rush In', 'Sierra Sue', 'I Can't Love You Any More', etc.

On The Upbeat

Harlan Rodgers joined vocal section of the Sammy Kaye band in Detroit last week. Just an addition for the present.

Dee Keating is new vocalist with Al Donahue, the second or third since Paula Kelly gave up singing to become a mother.

Jimmy and Tommy Dorsey bands will slug it out at softball today (Wednesday) in Central Park, N. Y. Any cover?

Gene Krupa set to run an amateur drumming contest on large scale during his band's current stand at the Dancing Campus of the New York World's Fair.

Seymour Heller left MCA's Cleveland office to personally manage Ted Fio Rito band. Latter now at Roosevelt hotel, New Orleans.

Dick Shelton orchestra set into the Van Cleve hotel, Dayton, starting on July 28. Minimum of four weeks.

Bernie Whitman's band with Peggy Cannon continue throughout summer season at Pocono Summit Inn, Pocono Summit, Pa.

Gin Shark's Swingers and twice nightly floor show featured at Craigs Meadows Hotel, Route 209, East Stroudsburg, Pa.

Johnny Long dated for Wildwood, N. J., Saturday (13) through July 23, going to Roseland Ballroom, New York, for eight weeks following day.

Howard Baum and Clyde Knight in Pittsburgh traded spots Wednesday (8), Baum going from Willows to West View Park and Knight from West View to Willows.

nets that's essentially a dance band, is getting nation-wide build-up because of the musicians' union strike. Currently grabbing seven and eight shots a week on CBS from WCAU, Philadelphia.

Wanda and Her Escorts at William Penn Hotel's Continental Bar, Pittsburgh, extended additional four weeks.

Johnny Kaahue Hawaiians at Lounge Cafe of Hotel Roosevelt, Pittsburgh, for indefinite stay, succeeding Three Susans.

Ella Fitzgerald's orchestra made Coast debut at Sweet's Ballroom, Oakland (7). Dancery frequently plays name bands which don't make Frisco. Oakland engagement only stop in area.

Phil Harris and his orchestra played a one-nighter at the Forum, Vancouver, July 8 under Beacon theatre management, duca's retailing at \$1.10.

Harry Sosnik, now installed at Decca in New York as a music director, last week did a three-disc album of 'New Moon' tunes. Frank Forrest and Florence George did the vocals.

Earle Gelger, sax, returned to Hal Kemp band.

JOHNNY MCGEE HIS SINGING TRUMPET AND HIS ORCHESTRA MILLION DOLLAR PIER ATLANTIC CITY WEEK JULY 28 Direction GENERAL AMUSEMENT CORP.

THE WHOLE WORLD'S ASKING WHO'S IN VEHOOD!!! ASK US—WE CAUGHT HIM Professional Copies—Dance Arrangements Available Now WRITE WIRE THE NEW RHYTHM BALLAD HIT IT'S A MIGHTY PRETTY NIGHT FOR LOVE Both Arrangements By NED FREEMAN SAUNDERS PUBLICATIONS 6425 Hollywood Blvd., Hollywood, Cal. LUCKY WILBER ART SCHWARTZ

Broadcast Music Composer Roster

BMI Tunes Hit 10 Plugs (In Week) for First Time—Sustainers Increase

Authors of Broadcast Music, Inc.'s first catalog are chiefly unknowns, or with but slight ring in the music biz. They are Leon in Costa, Samuel O. Johnson, Milton Leeds; Henry Louis, Richard Ullman, Bernard Sanner, Max Wartell, Irving Williamson, Milton and Charlotte Cassell, Robert Sour, Jack Francken, Art McKay, Charles Beal, Bob Eaton, Edgar Battle, Ken Byron, Peter Thomas, Henry Felior, Hy Zaret, Irving Weiser, Don McCray, Ernest Gold, Leroy (Stuff) Smith (the colored maestro), Malcolm Reid, Lee Wainer, Melvin Thorne, Vin Gannon, Harry Wayne, Robert Pierpont, Forshaw II, Laurette Carroll, David Gregory, M. Cooper Paul, Michael Field, Newt Oliphant.

For the first time this week, two BMI songs, "We Could Make Such Beautiful Music" (Sour-Manners) and "Here in the Velvet Night" (McCray Gold) got more than 10 plugs on the sheet, as the radio log is called in the trade. Breakdown of the BMI shows they, along with other BMI performances, are all via house bands sustaining programs. There's no indication of their sales, that seemingly being a secondary factor.

EAST ST. LOUIS MUSIC CURFEW IS 11 P.M.

St. Louis, July 9. Execs and members of AFM, Local No. 717, East St. Louis, are plenty burned up by an edict issued last week by Police Chief Michael O'Rourke which put a stop order on all forms of music in taverns etc., after 11 p.m. although a recently enacted ordinance extended the closing hour of these spots to 2 a.m. Union execs claim that O'Rourke's ukase tosses about 100 tooters out of work for the three hour period. Although the town has a population of approximately 84,000 there are 220 licensed drinking places that get a good play from this burg when the 1 a.m. closing hour arrives. The chief said that excessive noise of the tooters and audiences prompted the move. The Local is assembling a gob of data, statistics, etc., to present soon to O'Rourke in an effort to have him change the order.

MUSICAL RESEARCH BLOWS UP 25TH ANNI

Detroit, July 9. Detroit Federation of Musicians was recently thinking of what they considered the 25th anniversary of free band concerts in the local parks. Idea was to have Jack Ferenz, president of the local, present a silver balloon in keeping with the supposed 25th anniversary. Somebody thought that back in 1902 Harold Todd's band was playing free concerts in the parks. That would spoil the 25th anniversary. Federation's oldest member, 67-year-old Carl Haines, Civil War veteran, who still likes to give a rattle a workout, really wrecked anniversary by remembering one William Bendix, back in 1869. The Federation decided to give up the idea of a silver balloon. The proper anniversary one just about calls for diamonds.

JIMMIE LUNCEFORD And His Orchestra

July 11—Fieldston, Mass.; 12—Salem, N. H.; 13—Narragansett, R. I.; 14—Bristol, Conn.; 15—Lancaster, Pa.; 16—Pittsburgh, Pa.; 17—Cincinnati, Ohio. Mgt. HAROLD OXLEY 17 East 49th St., New York

GRANT STAY TO BERLE

His Expulsion, Fine Held Up by Musicians' National

Philadelphia, July 9. Bernie Berle, band leader who was expelled from Local 77, American Federation of Musicians, and fined \$5,000 for alleged wage chiseling, last week was granted a stay of judgment by the national officers of the union. Berle (nee Gorodtzer) was ordered to place a bond of \$500 pending his appeal before the national body.

Willie Horowitz Patches Selling-Away Dispute With Partner Silver

Abner Silver has entered into a revised agreement with Willie Horowitz, his partner in Mayfair Music, whereby Horowitz holds a six-months option to buy out Silver's interest and Silver is free to place his songs with other firms. The two are reported recently to have clashed when Silver sought to turn over some of his manuscripts to other publishers. Under the new relationship Silver is committed to give Mayfair but four songs a year. At one point in the controversy Silver offered to sell out his interest to Horowitz but the latter said that he would not take up the proposition immediately. Horowitz had contended that the article of agreement had restricted Silver's song output to the Mayfair catalog.

TEMPLETON'S WHIMSY WOWS CHAUTAQUA

Jamestown, N. Y., July 9. Alec Templeton, allowing no formality, played for two hours at Chautauqua Institution Friday night for 8,000. The blind pianist opened with serious selections, but bounced into his own Templeton manner which left a Chautauqua audience loving it. He opened with the prelude to Lully's "Alec's" swing into "Grieg's in the Groove" and ended his sked with his own "Concert Waltz." So impressed was the crowd that it demanded more—and got it. His arrangement of "The Three Little Fishies" made the audience let down his hair. Templeton replaced Wayne King, who was first scheduled for a concert at Chautauqua. Templeton entered the Amphitheatre, which was crowded to the choir loft, amid one of the greatest Chautauqua ovations heard in a long time.

Philadelphia, July 9. Alec Templeton will be guest expert on Philly Record's "Sound Your A" musical quiz program aired tomorrow (Wed) from the Robin Hood Dell on WFIL.

Oberstein's Show Place At Bloomfield Folds

Originally scheduled to become a build-up spot for United States Record Co. bands, the Club Evergreen, Bloomfield, N. J., closed last week (30) after approximately weeks of operation. Spot started out last May 14, under the direction of ex-bandleader Joe Rines, with the Van Alexander orchestra down for a stay of six to eight weeks. Band stayed only three and was followed by a group under Rines' baton which had been augmented from five pieces. It had been a relief crew for Alexander.

Eli Oberstein, head of U. S. Records, has an interest in the place, but his intention to make it a build-up spot for his recording bands was probably bothered by the Music Corp. of America's use of the Clatterbox, of Mountside, N. J., for a similar purpose. Latter spot now has Harry James band, handled by MCA, and had it once before; meaning that James, a U. S. recording artist, couldn't go into the Evergreen. Small bar is still open at the latter place, however, making of a recently renewed liquor license.

NBC-CBS, 40% OWNERS OF BMI, MAY CONTROL SETUP; METRO DEAL STILL HOT

British Best Sellers

(Week Ending June 15)

(Six-Pence Numbers)

- 'Don't Pass Me'.....Gay
- 'Dreams Grow Old'.....Feldman
- 'Arm in Arm'.....Wood
- 'Singing Hills'.....Connelly
- 'Let Curtain Down'.....Cinephonic
- 'Made Me Care'.....Norris
- 'Oh, Johnny'.....Day
- 'No Souvenirs'.....Wright
- 'Dreaming'.....Southern
- 'Boy On Leave'.....Maurice

(One-Shilling Numbers)

- 'Woodpecker Song'.....Sun
- 'Fall In Love'.....Maurice
- 'Nightingale'.....Maurice
- 'Too Romantic'.....Victoria
- 'Deep Is Night'.....Prowse

MUSIC TEACHERS MUSTER 2,000 STRINGS

Cincinnati, July 9. The biggest convention in the history of the American Guild of Banjoists, Mandolinists and Guitarists ended a four-day session here Wednesday (3) when 2,000 players of fretted instruments gave a 30-minute broadcast over the Mutual network from nearby Coney Island park.

Presiding the airing, all officers of the Guild had been selected and the membership-at-large voted gold cups to Harry Volpe, as the country's 'greatest swing guitarist'; Eddie Alkire, for Hawaiian guitar; Vicente Gomez, as classic guitarist; Tommy Dorsey, for his swing band; and Fred Waring's sweet music outfit.

Presentations of the trophies were made on the air to Volpe and Alkire by Richard B. Gilbert of New York, who emceed the show, and also to Chester W. Gould's Banjo band of Minneapolis, which had been adjudged the finest marching unit in a parade held Tuesday (2).

Other soloists featured over MBS were Carlo DeFillippis and Peter Younans, mandolinists; Anthony Antonie, banjoist; and Richard S. Pick, classic guitarist. A massed band of 2,000 players conducted by Hank Karch, convention manager, played theme music and closed the broadcast with "Cincinnati Convention March."

Some 15 marching bands took part in the parade through downtown Cincinnati, which was followed by an evening concert at the Taft theatre to an audience of about 2,100.

Officers reelected are Chester W. Gould, president; Miss Emma Murr, of White Plains, N. Y., president; Joseph F. Pizzitola, secretary-treasurer.

Burke, Monaco Split

Hollywood, July 9. Johnny Burke and Jimmy Monaco have split as a songwriting team after years of collaborating on Bing Crosby pictures. Burke is teaming up with Jimmy Van Heusen on an assignment from Paramount to turn out the tunes for the Jack Benny-Fred Allen film, "Love Thy Neighbor." Burke and Van Heusen share credits. "Imagination," "Oh, You Crazy Moon" and other popular numbers, Monaco is looking around for new lyricist partner.

Ben Bernie's Trek

Ben Bernie starts a tour of nightclubs and theatres that will keep him busy until Sept. 1. This week Lyric, Indianapolis; next week Wisconsin, Milwaukee; then westward on date dates to the Coast. Will visit for two weeks with his son, Jason, on the Universal 104.

Small Rights Now Being Checked—Cash Assurance Will Guarantee Sale—Metro Has Peeves Against ASCAP Over Cinematic Credits

Representatives of Columbia and NBC were slated to meet yesterday afternoon (Tuesday) with Neville Miller, president of the National Association of Broadcasters, to consider the latest progress made in the move of Broadcast Music, Inc., to acquire the Metro-Robbins catalogs. A BMI directorate gathering is slated for next Tuesday (16) at the Ritz Tower, N. Y. The contract covering the sale was drawn up last week, but an official of one of the networks declared Monday (6) that there were "very many wrinkles to be ironed out before there could be a deal." In Metro quarters optimistic air prevailed.

Before going in on the Metro Music proposition, NBC wants to make certain of at least two things. One, is that the entire broadcasting industry stands united backing the sale and obligating itself to a three-year contract with BMI so that sufficient license fees will be forthcoming to pay off the Metro investment. Also that Metro can legally deliver 100% of the small rights in the catalog. In other words, it doesn't want to buy a whirlwind of lawsuit.

It is generally accepted within the music and broadcasting industries that the sale of the catalogs to BMI will be followed by a deluge of restraining litigation by writers who have assigned their small rights in the Metro catalogs to the American Society of Composers, Authors and Publishers. The feeling within these writer ranks is that the courts will uphold their contention that the vesting of such rights in ASCAP has become a custom of the business and that these rights can only be transferred subject to the terms in the standard writers' contract which since 1932, at least, has designated ASCAP as the assignee of the writers' small rights.

Metro is apparently proceeding on the theory that the small rights flow from the copyright, and that the moment the number is published the writer's common law right in his work ceases and the copyright owner (the publisher) becomes the absolute owner of all rights within the copyright. And, therefore, is not re-

quired to consult the writer about the disposition of such rights.

Metro's Motives
Decision of Metro to sell its music interests to radio is prompted by two considerations. One, that it has been convinced that the U. S. Supreme court's decision in the Wisconsin oil refiners' case, in which price-fixing by combination, was condemned, presages rough-going in the near future. The other angle has to do with a peeve that Metro has harbored against ASCAP's board of directors for years. With the producers responsible for a major share of the "original" music used in films, Metro has contended that ASCAP ought to maintain a detailed check on music performed in picture theatres, the same as it has been doing in radio. Were these theatres counted, Metro of course would get the lion's share of credit with the result that its royalty checks from ASCAP would be substantially greater than they now are. The ASCAP board has consistently declined to make this concession, because of the added expense that (Continued on page 36)

ROBERT STOLTZ PUTS WORKS INTO CORP.

Albany, N. Y., July 10. Music Rights Corp. has been chartered to conduct business in musical and dramatic enterprises, with principal office in New York. Capital stock is 100 shares, no par value. Directors are William Coffin, Jenta Berman and Elsie Rathjen, New York. Philip Wittenberg was filing attorney.

Ex-Stagmate
Robert Stoltz, composer of "Two Hearts Beat in Three Quarters Time," the principal in the above venture, is assigning the American rights of his works to the corporation for administration. Prior to the advent of the Nazi government he was a member of the German performing rights society (STAGMA). Dailey Paskman will be president of the corporation.

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PARADE OF HITS

Hit Bands Play The Hits!

I'M NOBODY'S BABY

By Benny Davis, Milton Ager and Lester Santly
from M-G-M's film, "ANDY HARDY MEETS DEBUTANTE"

LOVE LIES

A New Ballad To Set The Summer Pace!
By Carl Sigman, Ralph Freed and Joseph Meyer

BLUE LOVEBIRD

Lyric by Gus Kahn Music by Bronislaw Koper
from the 20th Century-Fox film, "LILLIAN RUSSELL"

HARRY LIND, Gen. Mgt.
LION MOONEY, Prod. Mgr.

LEO FEIST, Inc.

1825 BROADWAY, NEW YORK

Loew's Among 3 Named in Suits Totalling \$380,000 As Aftermath Of One-Niters' Fatal Car Crackup

Suits totalling \$380,000 have been filed, are in the process of being filed, against Loew's, Inc., WHN Artists Bureau and Loew's Polo theatre, Bridgeport, Conn., as an aftermath of an automobile accident May 25 that took the lives of two performers and injured four others. Performers were en route to the Bridgeport house to fulfill a one-night booking when a tire on the actor-owned and driven car blew out. The auto turned over several times and was completely demolished.

Joseph E. Schriftman, kid performer billed as Master Jay Bee, was instantly killed, while Max Maurice, acrobat, owner of the car and learned with Albert Vincent (Abraham Horowitz), who was driving, died several days later in Stamford hospital.

Of the others, Natalie Boyle, dancer, was probably the most severely injured. She's still on a fracture-board in Norwalk, Conn. General Hospital, suffering from a broken back. It's expected she may be thus confined for another six months. Paul Gerson, accordionist, suffered a brain concussion, shoulder and hip injuries, but he has since been released from the same hospital. Vincent received severe internal hurts, but the sixth member of the troupe, Estelle Shurak, singer, was able to go home immediately following the accident after treatment for comparatively mild injuries.

Jay Bee's \$250K Claim
Highest amount sought in the suits is \$250,000, asked by the parents of Schriftman, who are being represented by attorney John M. Keesing. He expects to complete his papers and serve Loew's, WHN and the theatre by the end of next week. Two suits, totalling \$125,000, have already been filed in Brooklyn supreme court by Jonathan Silverstone, attorney for Miss Boyle and Gerson. Miss Boyle is asking for \$100,000, and Gerson's suit is for \$25,000.

Fourth plaintiff is Miss Shurak, represented by George Abrams, who is asking \$5,000. This suit also has not yet been filed, but Abrams says he is working in collaboration with Keesing and Silverstone and will serve Loew's at the same time that Keesing does.

Silverstone's affidavits point out that the performers were contracted to receive only \$5 each for the one-show engagement, plus transportation to and from Bridgeport. The 'transportation' documents claim, was Maurice's nine-year-old automobile, the performers having been gathered together near the backstage entrance of Loew's State, New York, in order to meet each other and the car. Maurice, it is understood, was to receive an additional amount for providing the car.

It's also pointed out that Maurice had purchased the car for \$60 and had it registered under the address of the Hotel Royal, New Haven, Conn., although he was actually a resident of N. Y. The law suits are based on the premise that Loew's, WHN and Poli's are liable because they provided the transportation without first checking on the safety and whether Maurice was licensed as a common carrier.

Answers to the suits filed by Silverstone in behalf of Miss Boyle and Gerson are due from Loew's, WHN and Poli's today (Wednesday).

2 CHI-PRODUCED UNITS FAIL TO PAY ACTORS

Chicago, July 9.
Two Chicago shows failed without paying off last week's Dwight Pepple's 'Jubilee' variety show, playing on the far southside of Chicago under auspices of neighborhood merchants, failed to pay musicians and performers, with Local American Guild of Variety Artists readying to take action after managing to obtain part payment.

In Johnstown (Pa.) a Chicago-produced unit tagged 'Broadway on Parade,' with E. M. Gluckman as producer, folded and failed to fully pay the cast, though some of the members, particularly Milton Douglas, managed to get some coin.

Raye & Naldi Returning To Ben Marden's Riviera

Mary Raye and Naldi return to Ben Marden's Riviera, New Jersey roadhouse, for the third and fourth shows. The 16-week season splits up into four trios, changed every month. New lineup is set for July 18.

Joe E. Lewis is also due to come in to bolster the August racing season's dropoff when the mob shifts to Saratoga.

Leon & Eddie's, Aquacade Near AGVA Settlement

Both the Billy Rose Aquacade (at the N. Y. World's Fair) and Leon & Eddie's disputes with the American Guild of Variety Artists are in a state of complacent settlement, according to Hoyt Haddock, AGVA's executive secretary. Rose, in fact, this past weekend made full restitution to members of the cast who had missed shows because of injuries suffered during the course of performances. So far as shows missed because of illnesses that are not visibly blameable on Aquacade conditions, no restitutions will be made unless the performers can prove the show's to blame. In this category are earaches, backaches, etc.

The Leon & Eddie's vs. AGVA affair is currently in the process of negotiation and the N. Y. nitery's show is operating, sans only Beth Chandler, singer, who was discharged shortly after the half-hour strike the evening of June 28. Actually, there were only two walkouts from the nitery show, the five pickets being from AGVA's general membership, before Leon & Eddie's decided to negotiate a deal. If they fail to reach an agreement, both sides are amenable to arbitration. Jack Hilliard, m.c. at Leon & Eddie's and a member of AGVA's local board, escaped an embarrassing situation by showing up at the nitery shortly after the pickets were called off. AGVA is looking into Miss Chandler's dismissal to see if this was caused by union activities.

'A Helluva Way to Run Union'
There were reports last week that one of the AGVA negotiators had told Leon Enken, partner with Eddie Davis in the nitery, that he needed only to discharge a couple of the chorines, who incidentally had not joined AGVA, to be able to raise L. & E.'s status from E to A classification without extra cost. Enken is reported to have replied that this 'is a helluva way to run a union—by firing a couple of chorus girls in order that other performers could get some extra money.' A classification by AGVA calls for \$40 basic wage for chorines, and \$60 basic pay for principals.

Haddock admitted that these reports had also reached him and that (Continued on page 36)

MURDER CHARGE

**Bronzell 'Speedy' Foster Is Arrested
In East St. Louis Nitery**

St. Louis, July 9.

Bronzell K. Foster, 37, ivory tickler from North Little Rock, Ark., last week was nailed by gentlemen in the Galy Club, East St. Louis, on a murder charge and was taken back to the Arkansas metropolis. Foster, known in nitery circles as 'Speedy,' is charged with having fatally injured D. C. McCullough, a Missouri-Pacific brakeman with an 'A' bar in an engagement in September 1935. According to cops Foster disappeared after the killing and recently the Little Rock cops arrested Rain Lovell, who also is said to be implicated in the murder.

Clues unearthed by the railroad dicks led to the East St. Louis spot. Foster waived extradition to St. Louis and then to North Little Rock. He denied his guilt.

Sentence Nitery Op To Life for Murder

Memphis, July 9.
Bob Berryman, 52, whose night clubs operate in Mississippi, Thursday (4) was sentenced to life imprisonment for the slaying of John Phillips, night club bouncer. Killing occurred in a beer tavern on May 31. Jury returned verdict of guilty of first degree murder with mitigating circumstances.

MCA-Ft. Worth Casa Deal Cold; Town Still Dickering for Shows

Fort Worth July 9.
Casa Manana directors, who thought the deal a summer show deal with Music Corp. of America early in May, found themselves last week with no deal and no show. MCA had dallied with local committee, pleading first the war, then insufficient guarantee, as reason for delay in signing a contract originally set up by MCA office.

Finally developed that MCA's inability to deliver Kay Kyser (he was guaranteed in original contract) was the drawback. Kyser's film commitments made him unavailable for Fort Worth.

When the local show committee finally gave up on MCA, they threw the bidding open to all comers and were met with show propositions last week from William Morris Agency (who did the show here last year) and Charles J. Freeman, New York booker.

Freeman's proposition to put on a relatively simple show with Clark Robinson as producer, seemed most likely to win out.

Despite all hazards, local committee is determined to have Casa Manana open for at least one month this summer.

Sonia Henie Ice Revue To Make 20-Wk. Tour

Chicago, July 9.

Sonia Henie and her Ice Revue will make a 20-week tour this season, the longest series ever scheduled for the show. Will get underway around Oct. 1.

Leonidoff is seeking songs and other material for the Sonia Henie ice revue due at the Center, N. Y., Oct. 1. Robert Stoltz, Viennese composer, now in America, is one possibility; so are Peter de Rose and Mitchell Parish. Much depends on the book idea, now being readied. Stoltz also has a Schubert operetta possibility.

Pa. Labor Dept. Claims Agcy. License Victory Over MCA and Philly Nitery

Philadelphia, July 9.
'Who bounded Dixie Dunbar from the Club Ball?'

That question is about to become a cause celebre in nitery circles here. It's on p.r. with 'Who Killed Cock Robin?' and 'How Old is Ann?'

On Friday night (5), Anthony Sharkey, in charge of agent licensing for the State Department of Labor and Industry, appeared at the Ball and notified the Kaliner Bros. that Miss Dunbar would have to be pulled from the show because she was booked by the Music Corp. of America, which, he claimed, had no license to do business Pennsylvania.

Miss Dunbar packed up after Saturday night's show and left town. Sharkey wouldn't talk, but spokesmen for the department said that the State's power to enforce the law was now proven and that henceforth all out-of-town booking offices would be barred from doing business here. Sharkey sent a warning to Jack Lynch, whose shows are booked by the William Morris office, that his

Haddock Denies AGVA Non-Actor Rule; Leftist Policy 'Progressivism'; Defends Firing of Thesp Organizer

Here's What Happened To Jimmy Evans, Ex-Vauder

New Bedford, Mass., July 9.
Red Cross charity broadcasts and entertainments lured James W. (Jimmy) Evans, former vaudevillian, out of eight-year singing retirement. Evans, now postmaster of Fairhaven, Mass., just renamed for four years more, also operates a deluxe New Bedford lunch wagon, which he moved from Cape Cod several years ago.

Dunn, Treasurer, Says AGVA Must Oust Non-Actors

St. Louis, July 9.

Henry Dunn (Cross and), national treasurer and member of the executive committee of AGVA, who closed a three-week engagement at Chase hotel here Sunday (7), is starting a move to rid the organization of non-actor officers in locals throughout the country. From Cleveland, where he opens today (Wednesday) at the Ohio Villa, Dunn is wiring certain members of the executive committee that the way to perpetuate the AGVA movement is to back up Variety's editorial of last week 100%.

Dunn insists he was never notified of any change in executive personnel whereby non-actors replaced professionals in the executive posts, and he unalterably opposed to such procedure. With the exception of Hoyt Haddock, Dunn says as far as he is concerned as a national officer, all local executive secretaries should and must be either former actors or active ones, and, additionally, must not be connected with any subversive activities.

Dunn said VARIETY's editorial should open the eyes of actors. This union must be a union of actors and Americans, and nothing else. Any other movement inside this organization will be fought by me and my friends to the last ditch.

Disappointed with the way things have been going, Dunn was preparing to toss up the sponge as an officer and member of AGVA, when he was advised by friends that the only way in which to clear up the situation was to remain and fight for the ideals upon which AGVA was founded, which include amicable and equitable agreements between theatre and cafe operators and actors. Dunn will be in New York following his Cleveland engagement and will pow-wow with other national board members.

Charges that the American Guild of Variety Artists is being run by non-actors are refuted by Hoyt Haddock, executive secretary of the performers' union. Haddock, non-actor, points out he is merely in the employ of the union and always answerable to the national governing board, composed chiefly of performers.

According to Haddock, the governing board is always in the position to fire him, and he adds, this, as it should be. 'Because of this, he states, the union can always easily get rid of him if it is not satisfied with his work. The situation would be different, Haddock admits, if his job was elective, rather than appointive one.'

As for the other non-actors in important positions with the union, Haddock states they are similarly answerable to the national board. He illustrates this by stating that no representative of AGVA, including himself, can set any deal or formulate policy without first getting an okay from the national board. Haddock was specifically asked about Graham Dolan, non-actor executive secretary of the Chicago local, and Kenneth Howard, national organizer now running the Los Angeles branch. Howard was with AGVA before Haddock, stepped into the union last winter; Dolan came later, from the American Newspaper Guild in Chicago.

Haddock Questioned on Shields
In light of the charges leveled against the administration, Haddock was asked by VARIETY how come Arthur Shields, an actor, was let out late last week as an organizer in New York, while Joseph Ehrlich and John Velasco, latter colored, both non-actors, were retained. Haddock replies that Shields was not as competent as Ehrlich and Velasco. He added that Jack Miller and Duke Granada, both actors, are being tained as organizers in N. Y.

Shields' letout was part of the general economy campaign carried out by the union to lop off \$7,000 monthly in operating costs. 'There have been 15 dismissals in all, including Paul Spender, of the outdoor division, and I. B. Kornblum and Robert Komis on the Coast. The others were mostly office help in N. Y., Chicago, Los Angeles and Boston. Another retrenchment is in the publishing of the Actor News, AGVA house organ. Ed Harrison, its editor, has been placed on half-time, meaning that his \$50 weekly salary has been sliced in half, and Actor News will now appear but once monthly, instead of bi-monthly. Haddock states that all the economies, forced by the refusal of sister unions in the Associated Actors and Artists of America to advance any further loans to AGVA, have been effected and the union should operate in the black hereafter. If not, further cuts will be in order.'

Explains Deficit
The union's tremendous operating deficit up to now is explained by Haddock as due to the Four A's insistence, when he first came in, that he need not worry about finances. Because of this and their ideas, he says, he operated AGVA on the basis of its potential membership and income, rather than its actual membership and receipts. It was not until the Four A's refused to advance more coin that he found it necessary to retrench. It reported recently that the Four A's clamped down on any further loans after AGVA's national board refused to allow its sister unions to 'victimize' its policy.

It was coincidental, in view of a recent hectic meeting of AGVA's national board, that Haddock was called by a daily newspaper to comment on fresh charges that he was (Continued on page 41)

N. Y. COTTON CLUB MAY GO THE SOUTH SEA WAY

With everything in the thatched-roof motif, or rapidly veering that way, a proposal is to convert the Cotton Club on Broadway into Porto Rico-type nitery.

Thus, management could preserve its 'Harem' motif, with which the Cotton Club has long been successfully identified, and yet it could fall into the hybrid South Seas-Latin groove, so popular currently.

Gov't Agents Raid Philly Anchorage In Crackdown for Delinquent Taxes

Philadelphia, July 9. Uncle Sam's long-awaited blitz against nitery owners delinquent in Federal taxes started in earnest here last week. A squad of agents of the United States Department of Internal Revenue swooped down on the Anchorage, swank al fresco spot operated by Arthur H. Padula on the East River Drive, last Tuesday night (2). They turned out Padula and all the employees and locked themselves inside. For the rest of the night and all the next day the agents searched over the entire contents of the spot with a view toward holding a sale to satisfy the Government's claim of more than \$3,000 in social security and personal taxes.

The sale was temporarily halted by U. S. District Court Judge Harry E. Kalodner, who ordered that a receiver be appointed in order to protect the other creditors of the spot. The receiver, B. Joseph Kelly, former Deputy City Controller, was ordered to keep the place open and report at the end of 10 days on whether the spot could be run profitably.

If chances of making money are favorable, the place will continue in operation under a temporary receivership. If Kelly puts thumbs down on the place, the Government will probably be allowed to go along with its sale. The padlock was ordered removed for the 10-day period.

It was brought out during proceedings before Judge Kalodner that Padula not only owed social security taxes, but capital stock and income taxes as well. In addition, \$4,000 is owed to private creditors, \$1,500 in rent and \$2,500 in wages.

Internal Revenue Collector Walter J. Rothensies explained the "raid" and seizure of the Anchorage was taken as a last resort, when all other methods for collecting the taxes; delinquent for more than nine months, had failed. Rothensies wouldn't say whether criminal action might be taken against Padula. Attaches of the Internal Revenue office intimated that the foray against the Anchorage was the lid opener of a series of similar actions against other delinquent spots in the Philly area.

The Cafe Owners Assn. was skedded to meet this week in emergency huddle to formulate a policy for mass settlement with the Government to forestall any similar action on their spots. Last week's raid was foreshadowed by a series of visits by Revenue agents in central-city spots last month, when many cash registers were tapped toward payment of the delinquent taxes. It was said that virtually every nitery—with the possible exception of two or three—is in arrears for social security taxes.

The Government rap isn't the only tax headache the club operators are facing. The State is reported getting ready to take similar action for force collection of unemployment compen-

sation levies. State agents and accountants have been reported delving into the situation for the past four months.

The Government raid and temporary closing of his spot is another in the line of setbacks which have been dogging Padula ever since the Arcadia-International shuttered in January, 1939. Since then he's been trying to make a comeback at the Anchorage, but has had repeated troubles with the musicians' union, waiters and bartenders unions, a suit against him by ASCAP, and other headaches. He was getting ready to run with name band policy when the Government stepped in. Currently he is featuring Clem Williams' orch.

Int'l, French Casino Auctions Mark Finale Of N. Y. Nitery Epoch

Auction sale tomorrow (10) morning of the International Casino's furnishings and equipment marks the end of another Broadway epoch, this being the last and the most lavish of the cabaret-theatres in the field. It was opened three seasons ago by BMO Corp. (Lou Bricker, Joe Moss and George Olsan), the maestro, coming on the heels of the French Casino and kindred type niteries.

The French Casino (nee Earl Carroll theatre) also went on the auction block for its equipment last week, preparatory to converting the theatre into stores and a basement bowling alley. There are several dickers for the latter, even Broadway enjoying part of the current bowling vogue in America.

French Casino inaugurated its first Clifford C. Fischer revue in December, 1934, and for more than three seasons it was a big money-maker. Then the competition jumped in and cut into it plenty.

Fischer, Franco-American showman, is currently convalescing in California. His 'Folies Bergeres' revue is running at the Frisco Exposition.

Eddie Cantor Again Heads Jewish Theatrical Guild

Eddie Cantor, head of the Jewish Theatrical Guild since the death of its founder, William Morris, in 1932, was again elected to that post at the annual meeting of the guild held at its offices in the Palace Theatre building, N. Y. George Jessel will also continue as first vice-pres.

Other officers chosen were Fred Block, second vice-president; Ben Bernie, Sam H. Harris, William Morris, Jr., and A. A. Jaller, vice-presidents; Abe Lastogel, treasurer; Nat Letkowitz, assistant treasurer; Sam Forrest, financial secretary; William D. Weinberger, chairman of the board of trustees; Dr. Leo Michel, relief chairman, and Dave Ferguson, executive secretary.

Billy Rose Wins Suit Over 'Barbary Coast'

Barbary Coast, Inc., operators of a Manhattan restaurant, bar and grill, at 119 West 49th street, lost its plea for a temporary injunction against Billy Rose's Barbary Coast when Justice Felix Bevenega in N. Y. supreme court decided that the use of the name Barbary Coast by Rose, in connection with his N. Y. World's Fair enterprise, was not an infringement of the plaintiff's rights.

Plaintiff claims damages, an accounting of profits and seeks an injunction asserting the use of the name 'Barbary Coast' calculated to deceive the public into believing both establishments are the same. The court ruled that Rose's business is a temporary project which will be discontinued at the close of the Fair. The defendants' establishment is much larger than the plaintiff's, with the entertainment being furnished by Billy Rose, a well known showman. Indeed, the emphasis in the name used by the defendant is on Billy Rose, rather than on 'Barbary Coast,' the name Billy Rose being used to attract customers to the establishment, and the name Barbary Coast to denote the type of entertainment associated with the name of the showman, and suggestive of the old Barbary Coast in San Francisco.

I doubt whether the use by the defendant of the geographic or descriptive term Barbary Coast, in connection with its establishment, is liable to confuse or mislead the public to the detriment or injury of the plaintiff, especially, since the defendant's use of the term is accompanied by such information as will distinguish the defendant's establishment from that of the plaintiff. Temporary injunction denied.

GRAPE GOES SOUR IN PITT

Pittsburgh, July 9. Despite the fact that this is one of the country's biggest industrial centers, where the butter-and-egg men are supposed to grow on trees, the champagne party-thrasher has all but completely disappeared and the night club owners are crying in their beer for the good old days. It's a big night when even one bottle of the sparkling stuff is peddled across a local bar.

As a matter of fact, the cafe operators are afraid this has become a town where the limit of the check is the minimum and no more. More beer, because it is cheaper, is being consumed than anything else, with gin a close second, also because the tariff isn't so high. Big spenders have rapidly disappeared and the whole staff goes out on a binge when a coin-laden guy comes in and entertains the chorus girls with drinks, which is once in a blue moon nowadays. It used to be quite common.

Proof of the depression in money trade is the fallen estate lately of the hostess. There used to be a flock of 'em in downtown nitery to keep the lonesome fellow company, but they're fast disappearing. Gals complain that the tips they receive these days wouldn't be enough to keep them in coffee and cakes.

Not even the convention trade, of which Pittsburgh gets plenty, is shelling out as of yore. Boys for the most part have been getting two-thirds of a bun on at their own hotel room gatherings and then dropping into a club to complete the binge, which in most cases requires only one or two additional shots.

Old Friars Club, Lost In '33, Changes Hands

The old Friars clubhouse on West 49th street, N. Y., formerly called the Monastery by members, has finally been sold. New owners are known as the Fraternal Club, Inc., which will operate building for lodge meeting rooms and club purposes, including a cafe. Alterations are to be made by the new owners who operate other buildings similarly.

The Friars lost the clubhouse in 1933 through foreclosure by the Bank for Savings after the clubmen had occupied it since 1916, when it was built. It was used by the WPA music project for some time, but has not been in use for the past year or so. Friars now quartered in the Edison hotel annex.

Leon & Eddie's

Continued from page 37

Phil Irving, executive secretary of AGVA, had been accused as the negotiator offering that type of settlement. Irving was questioned before AGVA's national board, Haddock states, and denied ever making such a proposition to Enken. Haddock says somebody is not telling the truth, and he prefers to believe Irving.

Besides the settlement on the deductions from salaries because of injuries, Rose has also agreed henceforth to dock Aquacade performers because of shows missed due to the performers' fault on the basis of only \$1 per performance over a 23-performance-a-week schedule. At 23 shows or below, Rose is entitled to deduct at the rate of 1/23 of the performers' salary, or pro rata. Heretofore, Rose had been deducting pro rata at the rate of the number of shows played weekly, or 1/28 or 1/27, whatever the case was. This naturally amounted to more than \$1 per show, whereas AGVA's deal with Rose for extra pay to chorus and swimmers calls for only \$1 per show over 23 shows weekly.

Rose had also been insisting that the union arbitrate his claim for a basic number of 25 shows weekly, which is the deal given Michael Todd by AGVA, but last week dropped this request. Todd was granted the higher amount of shows at his Gay New Orleans concession at the Fair, playing three revues, because his shows only run 30 minutes. For more than 25 shows, Todd also pays \$1 extra per performance.

TOM PATRICOLA SUES TO STOP PHONEY 'JR.'

Injunction was asked yesterday (Tuesday) by Tom Patricola, vet dancer, to stop a youngster currently playing New York's minor nitery circuit from using the tag, Tom Patricola, Jr. In papers filed in New York supreme court, Patricola maintains that the closest he ever came to being fatigued was the bill as 'Jr.' was a couple years ago, when he awarded him a medal on his graduation from the Ned Wayburn School.

Patricola, his injunction petition, cites his 30 years on the stage and in pictures as giving him a reputation which is being damaged by appearance of his name with a 'Jr.' in tiny letters attached to it in front of the spots the youth is playing. Letter recently closed at the Jiggs Bar on 51st st. He is cited in the legal papers merely as John Doe. Injunction is also asked against his manager, Mickey Owens.

Petition filed by Patricola's attorney, David Garrison Berger, is interesting legally to show business as the first application to it of a new New York injunction law to speed up cease and desist orders when pilferage of a name is involved. It is filed under the penal law, requires the preparation of no complaint, the person complained of must answer in five days instead of the usual 20, and the court can give a final decision at once without the necessity of trial. Case will be heard Monday (15).

Negro Actors Sail

Negro Actors Guild holds its third annual boat ride around New York Friday night (12), having chartered the S. S. State of Delaware for the occasion.

Coleman Hawkins' band will play for the dancing and Joe Louis, heavyweight champ, will be guest of honor.

BRANDT LINING UP BAND SHOWS

Brandt circuit, through its booker, Arthur Fisher, is beginning to line up name bands for the coming fall and winter season for its three-house vaude circuit in New York. This fall will be the third straight session of combo bills at the Flatbush, Brooklyn, and second for Windsor, Bronx, and Carlton, Jamaica. Latter shows went split week in the middle of last winter, using stage shows only the last half.

William Brandt's idea of forming a 10 or 12-week circuit of independent shows invited houses to take the shows intact after he plays them; apparently fallen through. There's been no action on it since he first broached the idea a couple of months ago. Brandt would have collected a booking fee from each house.

15 YEARS AGO

(From VARIETY)

Vibrations of the Charleston believed to have caused the collapse of the Fletwick Club, Boston dance hall. Fifty were killed.

Richard Bennett, losing little time after parting with the Theatre Guild, was set for vaude. 'A Common Man,' playlet by Tom Barry, was to be the vehicle in which Bennett was to open at Keith's, Washington. Lewis and Gordon producing.

Lina Basquette, 'Follies' dancer, and Sam Warner, the lone single member of the four Warner brothers, were married. Miss Basquette, 18, was a child picture star before coming east.

Samson Raphaelson, former student at the University of Illinois, wrote a play that was rated a good chance to click on Broadway. The lead was to be played by Phoebe Foster. Title was 'The Jazz Singer.'

Just about a year since his band went into the Broadway Palace and clicked with the show biz crowd, Benny Meroff's outfit was back at the ace two-day stand for another clikky session.

Florence Vidor, screen star, awarded divorce from King Vidor, director, and given custody of their daughter.

American Federation of Labor granted a charter to press agents in legit. A new organization of publicity men and company manager was expected to become a part of Equity.

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All B'way B.O.s Off in Holiday W'k; 'Purchase' Fine \$33,000, 'Hellz', 21 1/2

Estimates for Last Week Key: C (comedy), D (drama), R (revue), M (musical), F (farce), O (operetta).

'Barnyard' Was a Lady, 46th St. (31st week) (M-1,375; \$4,40). Fourth of July attendance okay, but out of town exodus caused week's grosses to drop markedly...

'Hellzapoppin', Winter Garden (94th week) (R-1,671; \$3,30). Held up until Saturday, when most of the drop occurred...

'Ladies in Retirement', Miller (15th week) (D-940; \$3,30). Dipped to new low last week, with takings around the \$6,000 level...

'Life With Father', Empire (35th week) (C-1,095; \$3,30). For the first time season's standstill prices did not sell out for performances, but for some there were standees...

'Louisiana Purchase', Imperial (6th week) (M-1,450; \$4,40). Leader, which has been playing to standing attendance, also missed selling out...

'Man Who Came to Dinner', Music Box (38th week) (C-1,012; \$3,30). All the long stayers were naturally affected and no exception here...

'Separate Rooms', Plymouth (15th week) (C-1,075; \$3,30). Drew goodly percentage of customers who came into town for the holiday...

'The Male Animal', Cort (26th week) (C-1,064; \$3,30). Reached the half-year mark Saturday (6), attendance has been around the mark...

'There Shall be No Night', Alvin (10th week) (D-1,375; \$3,30). Soaked more than some other straight plays, last week's count being around \$12,500...

'Tobacco Road', Forrest (25th week) (C-1,107; \$1,10). Got usual share of visitor attendance over the Fourth...

'Walk With Music', Barrymore (5th week) (M-1,104; \$3,30). Closing of two other musicals did not benefit fit this one...

'Higher and Higher', dated to re-light at Shubert Aug. 5. 'Keep Off the Grass', intention is to resume Aug. 19.

'SOLDIER' PREEMS OKAY IN ST. L., 'RIO,' \$40,000

St. Louis, July 9. Oscar Strauss' comic light opera, 'The Chocolate Soldier,' profitably presented in the open air playhouse of the Municipal Theatre Ass'n...

Among those clicking in warbling stints are Hilda Burke, soprano of the New York Mac making initial bow here; Wilbur Evans, baritone...

'Rio Rita', which saw departure of Marie Brancato, Lansing Hatfield and Cass Daley for the season, ended week's engagement Sunday (7) with take of approximately \$40,000...

'Meet the People', Playhouse, Hollywood (1,100; \$1,65) (28th week). Holiday helped to amass another \$6,000, very healthy. Revue now in final stanza.

Al Fresco L'ville Shows Pulling Blue Bloods

Louisville, July 9. Al Fresco presentation of 'Anything Goes' ended one-week stand here Sunday (7) with an estimated take of \$13,000...

Third season of summer shows has become quite a society rendezvous, and musicals are drawing heavily from surrounding territory in Kentucky and southern Indiana...

Schaeffer's Attack On TAC Rebounds Vs. 'Pins-Needles'

It will cost the management of 'Pins and Needles,' which recently completed a stay of 70 and one half years on Broadway, around \$2,000 in additional pay to its chorus...

Although Equity's committee and those of other actor unions are still digesting the Reis report, it is indicated that the survey does not recommend a method whereby 'one big union' could be effected...

'ONE BIG UNION' IDEA NG SAYS REIS REPORT

From the Equity standpoint, the report, long in preparation, is disappointing. Whether the one-union puzzle was solved or not was paramount to the association...

'GOODBYE,' 'PEOPLE' \$6,000 EACH IN L. A.

Los Angeles, July 9. Joan Blondell in 'Goodbye to Love,' produced by Al Woods for Broadway, wound up six nights at El Capitan (6) and is being readied for the eastern trek...

'Meet the People,' Playhouse, Hollywood (1,100; \$1,65) (28th week). Holiday helped to amass another \$6,000, very healthy. Revue now in final stanza.

Strawhat Bookings

Cornelia Otis Skinner, Tony Bickley, Rhys Williams, Grace Briscoe, Carl Benton Reid, Ann Corbett, Pamela Dalberg, 'Biography,' Ogunquit Playhouse, Ogunquit, Me., July 15.

Kenneth Forbes, Jean Welch, David Koser, Walter Reed Smith, Muriel Pearce, Robert Perry, Clinton Wilder, Diana Grege, Florence Currier, Charles Ryden, Josephine McKim, Joan Newton, Edna Peckham, Barbara Bruce, James Roberts, 'Personal Appearance,' Keene theatre, Keene, N. H., July 8.

Joanna Roos, Jessica Rogers, Robert Shayne, Lee Chazal, Barry Kelly, Selwyn Myers, Richard Charlton, Juno Brehm, 'The Marquis,' Rice playhouse, Oak Bluffs, Mass., July 8.

Dorothy Elder, Guy Spaul, Priscilla Newton, Gibbs Penrose, John Straub, Ruth March, Richard Cornwell, 'The Vinegar Tree,' Nantucket Playhouse, Nantucket, Mass., July 7.

Sydney Ribbs, Charles Mendick, Mary Lane, Frank Raymond, Barbara Willson, James Sherman, Martin Noble, Burton Mallory, 'Margin for Error,' Robin Hood theatre, Ardenvale, Del., July 9.

Leona Penn, Paula Trueman, Richard Temple, John Cromwell, Douglas Gilmore, 'Four Cheers for Mother,' Red Barn theatre, Locust Valley, L. I., July 8.

Lili Damita, Edgar Kent, Hayden Rorke, Richard Bowler, 'White Carnival,' playhouse, Guilford, Conn., July 8.

Edward Everett Horton, Marjorie Lord, James Todd, Hathaway-Kale, 'Springtime for Henry,' Casino Civic theatre, Newport, R. I., July 16.

Pennsy Hillbillies Just Won't Believe Deer Lake Strawhat's Billing of Names

By RICHARD B. GILBERT

Deer Lake, Pa., July 9. Nestled in the foothills of the Blue Ridge mountains-between Allentown, Reading and Pottsville-Kenley's Deer Lake theatre is the paradox of the pasture playhouses. Unlike most barnyard ventures, which lean heavily upon the financial support of ambitious amateur actors who are willing to pay for the privilege of appearing as walkons with visiting names, there is no apprentice group here.

Another paradox is that Deer Lake is not a fashionable spa, or even an art-for-art's-sake community. In fact, it's not even a village on any road map; but, for the record, it's on Route 122, near Orwigsburg.

As for the folk who live nearby-they're mostly antagonistic toward the thespians, believing the actors are too high-hat. Furthermore, the hillbillies have no faith in the billings of such names as Ruth Chaterton, Leon Janney, Lili Damita, Lila Lee, Pert Kelton, James Kirkwood, Arthur Treacher, Walter Pidgeon, Vilma and Buddy Ebsen, Anna May Wong and Ann Corbin.

The Deer Lake theatre itself is another paradox. Situated virtually in a woods, it is a well-constructed 500-seat house. The seats are permanent, on an inclining floor. This is one of the few summer theatres that is not a converted barn. Built four years ago, reputedly by a Greek Orthodox priest as an investment, the building appears to be paying off.

Kenley Operates John Kenley, who spent 10 years scouting plays for the Shuberts, is the operator of Deer Lake theatre. It's his first season in the location and 'Young Sinners,' current, with Kirkwood, Janney and Miss Lee, is the fourth show.

So far it has rained almost every night at 6 o'clock, which is discouraging to the potential customers, most of whom drive in from a distance of 15 to 20 miles. With eight weeks to go and a slow but steady buildup of grosses, Kenley figures to end in the black. The nut is \$1,500, which has been touched once or twice, and capacity is \$4,000.

No new plays will be tried, for Kenley feels that the summer houses aren't able to get shadings into performance and to do so hastily.

The nearest community with side walks is Auburn-the Rebecca of Pennsylvania-which is working up from a deserted village to a ghost town. But this is a grand place for seclusion.

If it recalled by the Shuberts in the fall, Kenley will head west to establish an acting group in a town already lined up. Meanwhile, his problem is to feed and house a permanent personnel of 12, which includes Thomas Hume, Lila Lee, Louise Borden, Truman Gaige, Pert Kelton and Charles Borgia.

Understood that 'Town' has never been produced in his complete satisfaction.

'Bedtime' Tryout Rye Beach, N. H., July 9. 'Bedtime Story,' farce by Horace Jackson and Grant Garrett, already bought by Columbia Pictures as a vehicle for Irene Dunne and Gary Grant, gets a tryout by the Farragut Players here starting Tuesday night

(16) at the Farragut playhouse. Sharon Lynne, formerly of films, will star. Harold Winston will stage. Supporting cast will include Art Smith, Lauren Gilbert, Walter Coy, Edward Harvey.

Charities Benefit \$2,500 Worth Dennis, Mass., July 9. Gertrude Lawrence's appearance in 'Private Lives,' opening week of strawhat season at the Cape Playhouse here, netted over \$2,500 for her war charities.

Det. Barn Opens Detroit, July 9. First strawhat theatre in these parts in years opened with 'Room Service' on July 4. Under the name of the Will-O-Way Players, the group, under the direction of William Merrill and his sister, Celia, have converted an air-cooled apple storage into a theatre.

Following opening show, due to run two weeks, Brenda Forbes comes in for 'The Mad Hopes,' opening July 18, with Jessie Royce Landis due two weeks later in 'No Time for Comedy.'

Musicians' Romance Osterville, Mass., July 9. The Theatre of the Fifteen will present at the Osterville Playhouse here the first showing of a new play by Martha K. Pittenger, 'A Man from the Band.' It preems Tuesday (16). Hale McKee is staging.

Billed as a love story of the 'Nation's top ranking dance band leader and the fourth richest girl in the world,' the lead role will be played by Larry Sothern, former maestro and vocalist with Will Bradley's Orch. Mary Greene, Barbara Parmely and Richard Sullivan have supporting roles.

Atlantic City Plays Atlantic City, July 9. Lex Carlin has paced for several Broadway shows to be given at the Garden Pier theatre here during the next 10 weeks.

'Margin for Error' is playing this week with Kurt 'Katch,' Sheldon Leonard and Josephine Dunn in the cast.

Other Tryouts 'Get Ready to Live,' new comedy by Sara Green, Hill and Madeline Davidson will be tried out at the Oconomowoc, Coach House theatre, Wisc., for week starting Monday (15).

'On Earth as It Is,' new play written and directed by Leslie MacLeod, has its debut at the Barter theatre, Abingdon, Va., starting Thursday (11).

JOLSON'S 'HATS' DET. CLICK, 23G

Detroit, July 9. With critics unanimous here in acclaiming 'Hold On Your Hats' in the hit class, the Cass has been doing a mid-season business here with the new Al Jolson show. Cool weather has been helpful.

With a \$355 top for nights and matinees scaled at \$2.75, first week gleaned an approximate \$23,000. Advance sale is running well into the second week as show knocks off the earlier rough edges.

Stars Jolson and Martha Raye have been capturing plenty of press here on outside gags.

Legit Cues

Betty Field planned into New York yesterday (Tuesday) on two week's leave from Paramount for an appearance in 'Green Grow the Lilacs' at Westport and Princeton.

CONCERT BOOKINGS UPSET

B'way Optimistic About Next Season; Sees Defense Billions Helping Legit

With Broadway at its lowest ebb for the entire year, show business looks forward to the fall and start of the new season with more confidence than during the weeks when the continued shock of war news caused uncertainty among all people on this side. Theatre attendance is traditionally bad the first half of July and that is true currently, but an upturn seems sure starting next week.

Despite adverse conditions, it is stated with authority that this summer thus far is running ahead of last year at this time, although there are fewer attractions. Last summer the World's Fair socked Broadway the first month or two, then business started to improve from August on. Current checkup indicates that attendance is better than last summer and three times better than the summer of 1938, a point that bolsters an optimistic outlook.

Defense Coin Will Help
Of great importance is the vast spending by the Government for defense. Citizenry has taken the new taxes on high up to now and, with the release of billions for armament, it is anticipated that money will be more fluid and amusements will benefit. This is the thought spreading through show circles, resulting in the development of confidence for 1940-41 and thereafter.

An especially long weekend surrounded the Fourth of July. With the holiday falling on Thursday, New Yorkers by the hundreds of thousands quit the city as early as Tuesday and stayed away until Monday. Sensing the exodus, some of the largest department stores closed down from Thursday on. Midtown cafes were deserted, especially during daytime, and every day was something like Sunday on Broadway. Many offices in the theatre zone were deserted, showmen going to the country show shops, the races, ball games and the Fair.

The week of the Fourth was paradoxical. Starting with morning rain on the holiday, balance of the day was cloudy and cool. That was a perfect break for theatres. In the legit division 10 out of 11 attractions gave matinees, some switching over from Wednesday, and there were standees at the more popular shows. Yet grosses for the week dropped.

Holiday Wk Grosses Off
Despite the flush holiday, takings were down at some shows as much as \$3,000 from the previous week, not surprising to those injured to the seasonal slump. Not one attraction registered capacity, whereas up to the Fourth at least two were drawing standees. At all performances, they being 'Life With Father', 'Empire', and 'Louisiana Purchase'. (Continued on page 44)

Miriam Hopkins Faces Charges at Equity For Cancelling Strawhatter

The Deertrees theatre, Harrison, Me., failed to open its season last week as scheduled. Bela Blau, who operates the summer stock spot, placing the blame on Miriam Hopkins, who was under contract for one date. Blau, in a detailed complaint to Equity, set forth many expense items totaling \$2,300, which he seeks to recover from the actress. Miss Hopkins had a regulation stock booking contract, calling for salary of \$750 for the week.

Under the rules, it was explained that the total amount a manager may recover in contract breach of the kind is the amount of the contracted salary. Miss Hopkins could claim that much were the situation reversed. It seems the actress notified the manager on June 21 that she was indisposed and would be unable to appear. Blau claimed it was too close to the opening to arrange for another show.

Blau contends that in cutting his season from nine to eight weeks it would mean a definite loss and

'People' Ending H'wood Run for Frisco Stand

Hollywood, July 9.
"Meet the People" moves to San Francisco July 22 after playing Hollywood since Christmas night, the longest legitimate run of recent years in this sector. Show originally opened at the Assistance League Playhouse and later moved to the larger Hollywood Playhouse. Geary theatre in Frisco has been leased by George Shafer for an indefinite run with the current cast intact. Meanwhile, a second edition of "People" is rehearsing for an opening here July 15.

Holde Differs With Gibson, Quits 'Jubilee'

Summary dismissal of his staff handling the front of 'American Jubilee' at the N. Y. World's Fair, Nick Holde, its general manager, resigned Friday (5). Differences of opinion with the laymen element in the Fair management, including Harvey D. Gibson, led to the withdrawal of John Thier, who was an assistant to Holde, but was among the letouts, was recalled to be the company manager. Holde is said to have drawn a salary of \$300 weekly with 'Jubilee'.

Holde represented the Fair in the controversy with Equity over the pay scales, which particularly concerned the big assemblage of chorines. Demand by Equity for time and a half for Sunday performances was finally dropped and base pay of \$40 weekly set, plus \$1 for all performances more than 23 weekly. Latter stipulation has not figured, because up to last week rain caused a number of performances to be cancelled.

Gibson appears to have taken the advice of Holde, whose show business experience is unquestioned, but they could not agree on various ticket selling methods. 'Jubilee' has a capacity of 5,600, but there was way to figure out how many tickets were sold for any one performance. There are 24 boxoffices on the grounds, none having contact with the front of the house, either by telephone or otherwise. There was always an expectation of a rush for seats and possible stampede. Only when capacity was registered were those handling the front relieved. Another point of difference was the issuance of contradictory orders, said to have come from Joseph Upchurch, who made the earlier dismissals.

Early this week it was announced that Holde and Albert Johnson, who staged the giant spectacle had joined to would produce next season. One is a musical with San Francisco during post-Civil War times as the background, Jerome Kern and Oscar Hammerstein being on the writing end. They also expect to revive 'Show Boat'. Johnson was mentioned planning to tour 'Jubilee' if an arrangement with the Fair management is consummated.

shorter period over which to spread the season's expenses. Manager stated that Miss Hopkins originally was to have appeared. Tomorrow and Tomorrow, but insisted on 'The Guardsman' after printing and advertising had been gotten out on 'Tomorrow'.

Manager's charges were sent the actress, who is in New York, but she has not explained her version of the cancellation. She is one of the name players listed for summer stock, but has not appeared on Broadway for some time, spending most of the year in Hollywood.

STATUS OF MET PREVENTS DATING

But NBC and CBS May Proceed On Assumption That Last Year Is Model for 1939-40

AGMA ADAMANT

The failure of the Metropolitan Opera Co. of N. Y. and the American Guild of Musical Artists to get together on the terms of a contract for next season submitted to the Met by AGMA, is causing serious repercussions in the concert world. AGMA in the meantime has refused to allow any of its members to negotiate with the Met for next season, until the ink dries on the dotted line. During the past week AGMA again notified its members by phone or mail, warning them that they may sign no agreements until the Met signs its (AGMA's).

The resultant situation has seriously effected the concert bookings for the fall, for Met artists, and its upstaging managers of these singers. The Met is usually given first call on a singer's services. Not knowing whether that company will desire the singer for the full season, or half, or a specified month, regular concert bookings cannot be set. The two largest concert managers are NBC and Columbia Concerts. Both organizations are proceeding on the theory that a contract will be signed eventually, and have been forced to accept concert dates on the premise that that the singer's Met engagements will be the same as they were last year. Should the Met desire singers for another date, chaos will be the result.

Most singers appear at the Met at moderate fees just for the prestige. Some singers, the important class refuse to accept a weekly basis with the Met, but claim (Continued on page 44)

Gillmore Takes \$5,200 Yearly Cut To Ease 4 A's Financial Strain; Equity Works Out Economy Moves

A solution to the financial situation of the Associated Actors and Artistes of America has been made and is believed to be workable. Starting July 26, Frank Gillmore, managing director of the Four A's, will receive \$100 less salary per week, an arrangement which he has graciously accepted, accompanied by stipulations of an unusual nature.

Gillmore, former president of Equity, has been getting \$13,000 yearly from the Four A's and under the new deal will get \$7,800. That sum will be paid him for the duration of his contract, which has three years more to run. In the event of his demise, it is to be paid to his widow or estate for that period.

Contrary to reports that he would step aside and accept a pension, Gillmore will remain as head of the Four A's, unless some other setup would permit his resignation—but the stipulated salary would be payable regardless. There was an undercurrent around Equity for some time that Gillmore faced a cut in pay, that being the only way the parent organization of the actor-artist unions could operate, and it is stated that the new arrangement was worked out by Equity committee on economy and efficiency.

Equity Steers Economy Course
Equity had the right to indicate the solution, since most of the Four A's affiliates stem from it. Also, Equity was one of the few unions which paid an extra assessment to the Four A's, stopping such remittances recently. And it was through the legit actors' association that the resignation of the Four A's was worked out, principally for the benefit of Gillmore.

Part of the plan for revitalizing the Four A's calls for further downward revision of expenses. It costs about \$26,000 annually to operate, principal outlay being Gillmore's sal-

ary. It's expected that when the present lease runs out on its offices, the Four A's will move into the quarters of that affiliate which could accommodate the outfit. Equity's building will probably be used. It was at Equity that the Four A's was formerly quartered. In fact, at that time it only called for one drawer in a desk.

Formerly, too, the officers of the Four A's were not paid salary. Affiliates paid the yearly assessment of \$1 per member, but there were few expenses and every so often a goodly portion of the money was refunded, it being the rule not to amass more than \$10,000. Four A's paid the per capita tax of 50c to the American Federation of Labor, that being its principal function. Since then the AFL tax was boosted to 75c which is the principal reason why the Four A's ran out of money.

Stagehands' Fight Costly
The actors won the fight with the stagehands a year ago, but it cost their organization plenty of money. Much coin was loaned the Four A's, mainly by Equity and the Screen Actors Guild. As there is no indication that the loans are to be repaid, it is likely that the obligations will be written off the books.

If the Four A's does not again go off on a tangent and revoke charters, such as it did when striking at the American Federation of Actors, it should be able to go along without financial embarrassment. The AFA revocation is held to have been the most ill-advised move made the Four A's and really resulted in the financial jam. It was done without the full assent of leaders in the various affiliates, a fact that has been rankling in their minds ever since. AFA matter precipitated the abortive strike of the stagehands, costing every actor union coin, but not the stagehands' organization.

Present setup of the Four A's was worked out by Gillmore after an arduous several years in the Equity post because of a militant minority, identified at the time as the Actors Forum. Half a dozen of the group was placed in the council with his assent, but that did not stop them from making proposals annoying to him.

When he switched to the Four A's post at the same salary received from Equity, Gillmore anticipated a more peaceful routine, but it did not work out just that way, the disenfranchisement of AFA causing the main rumpus. Withdrawals of Gillmore from Equity led to a return of the former policy of having a non-salaried president Burgess Meredith took over temporarily, but found the job too tough to handle. Arthur Byron stepped in and internal affairs of the association quieted down. Bert Lytell became acting president because of Byron's health and early this summer was elected for a three-year term.

Paul N. Turner, counsel for Equity and adviser for the Four A's, shares the latter's office and its operating expense. He is supposed to receive \$100 monthly from the Four A's, but is said not to have been paid. His principal revenue from the actor unions comes from Equity, where he receives a retainer of \$7,500 per year.

Bert Brown Recuperating

A. O. (Bert) Brown, prominent in Lambs club activities is recuperating on Long Island after a six-week siege of illness. He is a director and former Shepherd of the club and is on the board of the Percy Williams Home and Actors Fund. Lambs are seeking a new treasurer to replace J. C. Cuppia, who is ill. Lutter succeeded the late Robert L. Haggard and retains the post technically, but his resignation is in and will be accepted when another treasurer is chosen.

N. Y. License Commissioner Moss Opens Drive On Street Ticket Specs

A drive on street ticket speculation planned by Paul Moss, license commissioner for New York, who has issued a set of rigid regulations against that ilk, the rules also covering all Broadway agencies. He has the backing of Mayor La Guardia, who said that complaints about scalping around theatres, ball parks, Madison Square Garden and the Metropolitan Opera House had been registered. The mayor said the police would help in the enforcement and that he hoped to chase the specs from the city.

The commissioner is supposed to have assumed charge of the agencies under the new state law, which the ticket code limits premiums to 75c above the boxoffice price, but Moss has not contacted the brokers nor the managers directly. Statute has no such provisions for the ideas outlined by the commissioner, but the mayor is strong for eliminating exorbitant prices and claims that is the reason why theatre patronage has declined in recent years.

Moss' regulations require that every application for a ticket license must be accompanied by the fingerprints of the broker and the employees of each agency. All must be okayed by the license department, which will issue a certificate to all such persons and bear the photograph and signature of each. Another regulation aimed at street speculation, forbids any agency or employe to sell tickets at any other place save the premises licensed. Three specs were picked up outside the Polo Grounds last week and were fined \$10 each. The men are not known, but the theatrical district asserted that the regulations are

now in effect. Broadway brokers, however, are yet to be informed as to the status of their licenses issued by the state, which are dated to expire Dec. 31. They queried Moss whether such licenses are to be voided, although the new law makes no provision for such disposition and they still want to know whether they are to be rebated for half a year if the city issues new licenses. Another regulation prohibits one agency from buying tickets from another. Brokers do not understand the rule and cannot see what difference it makes so long as the 75c surcharge is not exceeded.

The new defense tax of 10% applying to all tickets priced at 21c and more, but which fixes 11% on agency premiums, has caused the agencies to arrange a mass of fractions of pennies. Where the result is 1/4 of a cent it is not collectible, but 1/2 cent or more calls for another cent. Brokers still say the extra 1% on premiums cannot total but a negligible amount.

It's not generally known that a bill was recently introduced in the city council of New York limiting agency premiums to 10%. It was set aside and reports are that it was a mistake. Whether such ordinance would supersede the state law is questionable.

Last season a ticket control bill was adopted by the council, but vetoed by the mayor. The ground that it was probably not constitutional. He appears to have changed his mind about the state statute. Brokers are figuring on testing the law in court, but apparently are waiting until it actually is in force.

"IS EVERYBODY HAPPY?"

Ted Lewis is happy with solid bookings extending well into this fall — and with his renewed association with "the agency of show business"!

The William Morris Agency is happy to announce its exclusive management of this internationally famous attraction, opening at Chicago's Chez Paree, July 18th!



To Milton E. Pickman: May I express my gratification and that of my organization for your splendid efforts during our association these past years, in which you have served as personal manager and representative.

My very best wishes for your future success.

Ted Lewis

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VARIETY

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'GOD BLESS AMERICA' A SAGA

Radio Squirrel Cage

Freelance radio program producer and agent last week expressed himself as getting more and more perplexed by the antics and thinking of the ad agency business. Here's how he put it:

The agencies keep saying what radio needs is new ideas. If you bring them a new idea, they want something that has been tested. If you give them something that's been tested, they turn it down with the remark that they don't want something that has been used.

Early, Important Musical Influx To B'way Seen; Jolson, Ed Wynn

Musical shows will be important fare rather early in the forthcoming season of 1940-41, according to indications. A flock of such attractions were expected on Broadway during spring, though the promise was not entirely fulfilled. Some shows bowed to n.g. boxoffice conditions and suspended until next month.

Brace of names to head the early musicals are Al Jolson, whose 'Hold On to Your Hats' opened a summer date at the Grand, Chicago, Sunday (14), to sell-out business, and Ed Wynn, who is readying a revue after being off the boards for about two years. His show will be named 'Boys and Girls Together,' previously titled 'The Funnies.'

Jolson is reported angling for the Winter Garden, where he scored so strongly years ago, but 'Hellzapoppin' is still in the chips and is likely to play there through fall. 'Hats' is likely to wind up at the 44th Street, where the warbling comedian also did plenty well some years ago. George Hale, co-producer of 'Hats,' is planning a musical on his own, to open on Broadway about same time as Jolson.

Low Brown and Ray Henderson, (Continued on page 45).

Hardwicke States

Chaplin May Appear In Brit. Charity Pic

Montreal, July 16. Possibility is that Charlie Chaplin may be among those to appear in the all-star, all-British production to be made in Hollywood for the benefit of the British Red Cross, according to Sir Cedric Hardwicke, here to make personal appearances at the first runs in connection with the Canadian Motion Picture Industry's 'Win the War' campaign Monday night (15).

Though pretty well tied up at the moment, presumably putting finishing touches to 'The Dictator,' Chaplin intimated to Sir Cedric that there was a good chance he would be able to find time somehow for the British film. Others scheduled to have prominent roles in the film, proceeds of which are to go to the British fund, are Laurence Olivier, Vivien Leigh, Ronald Colman, Charles Laughton, Brian Aherne, Merle Oberon and Greer Garson.

Vallee Still Yens To Be a Film Producer

Rudy Vallee's idea of becoming a film producer on the Republic lot, which was hot when he was without a radio show last winter, is not dead, merely slumbering, the orchestra leader declared in New York Monday (15). He may again look into picture possibilities when he returns to the Coast in the fall. Vallee is currently at the Strand, N. Y.

Switchboard Girls Give Out Music, Also Some Banter

San Antonio, July 16. Local patrons of night spots now order their selections in clubs by dropping their nickel in the phonograph and telling 'Betty,' the girl in the juke-box, what selection they desire. What's more, the voice banter with the customer and then, with a pleasing "thank you," starts the record rolling.

From special studios in the United Amus. Co. here, through specially (Continued on page 47).

EVEN CHORUS GIRLS GET THE WPA HABIT

Dance staggers in the small-time niteries around New York are having problems getting chorus girls. Chief complaint is that the chorines are turning down work because they're receiving unemployment compensation from the state, which is as high as \$16 per week for 16 weeks.

Chorines in the lesser spots usually get only \$25, or even less, per week. For the slight difference per week between niter salary and the states' remittance, they figure they'd rather lay off. Especially the summer.

IRONIC ABUSE OF IRVING BERLIN

Song, Unplugged Apart
From Kate Smith Buildup,
Both a Big Seller and a
New National Anthem—
All Royalties Set Aside for
Boy Scouts and Girl Scouts

8c ROYALTY, TOPS

By ABEL GREEN

New York-hating midwesterners have recently been lambasting songwriter Irving Berlin because of the restrictions imposed on 'God Bless America.' Last week a committee composed of Col. Theodore Roosevelt, Gene Tunney and Herbert Bayard Swopes revealed that from the very first day the song began to sell and took on the characteristics of a new national anthem, Berlin had donated to charitable purposes every cent of his royalties, and that the royalties had been raised solely to increase the size of the charitable fund. Berlin remained silent during all the sarcastic newspaper editorials and other abuse, directly or indirectly aimed at him, because his committee had to decide what organizations would get the funds. Silence was imperative to prevent the committee being swamped by advocates of every funds-seeking group in America.

For the record, as VARIETY goes to press, but the Milwaukeee (Continued on page 47)

'REPULSIVELY ATTRACTIVE'

Olivier's 'Cyrano' Typed—Korda's Pic With Leigh

Three-day flying visit to New York from the Coast by Alexander Korda last week resulted in a switch in production plans. 'Woman Hunt,' starring Vivien Leigh, which was next on the schedule, has been temporarily shelved for 'Cyrano de Bergerac,' with Miss Leigh and Laurence Olivier. Principal reason for the switch was to get Miss Leigh and Olivier together, fast in a suitable story.

Korda himself will direct the film from an adaptation prepared by Ben Hecht for Korda about a year ago. Shooting is expected to start within about four weeks. Vincent Korda, the producer's brother, started Monday (15) to design the production in Hollywood.

Problem of putting Bergerac's big schmoz on Olivier without making him repulsive has been solved. Morris Helprin, exec assistant to Korda in charge of production, said yesterday, it will not be as large as the noses on such classic Cyrano as Walter Hampden, but just large enough to make him repulsively attractive, Helprin said.

UFA Prez in N. Y. Frankly Details How German Pix Flourish in U. S.

'Little Bit of Heaven' For These Oldtimers

Hollywood, July 16. Gloria Jean, in her next Universal picture, 'A Little Bit of Heaven,' has a flock of uncles and one aunt, all of whom were top names in picture days of old.

Gloria's screen relatives for a week are Monte Blue, Pat O'Malley, Charles Ray, Fred Kelsey, Kenneth Harlan, Maurice Costello, William Desmond, Noah Beery, Sr., and Grace Cunard.

Prohibition Days' Tote Own Booze' Policy Pitt Click

Pittsburgh, July 16. Pennsylvania State Liquor Board has had a new headache tossed in its lap this summer. Need for aspirin was brought on by fact that number of night spots in Pittsburgh district have opened without booze licenses, advising customers to bring their own bottles.

'Willows,' popular Oakmont spot, was first to go back to the old B.Y.O.L. days and the policy's click at this place, under management of Furey Ross and John Maganotti, prompted others to follow suit. Boys are saving several hundred dollars for a license as well as cost of several bartenders, and claim they can make as much from ice and set-ups as they can peddling booze by the drink.

Liquor Board, however, isn't happy about the whole thing and has its attorneys delving into the law books to see what control, if any, it might have over such niteries. Board dis- (Continued on page 20)

7—Count 'Em—7 Radio Stooges In One Show

That great American institution, the radio stooge, may yet come into his own. Seven of the best-known kibitzers on major network shows are being offered agencies one packaged show.

Corralled to appear regularly, if the idea is sold, are Sam 'Schlepperman' Heirn, of the Jack Benny program; Pat 'Honey Chile' Wilder, of the Bob Hope show; Tom Mack, Milton Berle's foil; Oswald, of the Ken Murray program; Harry McNaughton, the 'Bottle' of Phil Baker's half hour; Bert Gordon, Eddie Cantor's 'Mad Russian,' and Patsy Flick, the Greek of numerous shows.

While Congress rants over a German newsreel and every second American is sniffing at his brother on the suspicion he's a Fifth Columnist, UFA, Inc., American distributing agency for the Nazis, goes on importing features and newsreels of exactly the type that caused such a furor in Washington last week—and 12 German theatres throughout the country continue calmly to exhibit them every day of their existence.

Actual shots of Hitlerian warfare, similar to those which Senators and Representatives viewed last Tuesday (9), are shipped to this country once a week by Clipper. Some weeks they get here, some weeks they don't. It depends upon whether or not air conditions make it necessary for the flying boat to stop at Bermuda on its westward crossing. If it does come down there, contraband officers at the British island see to it that German-language houses in U. S. either repeat the previous week's reel or substitute American-made shorts.

Reels, which run 800 to 1,000 feet, were coming over regularly until the Italians entered the war and discontinued sending their ships across, ac- (Continued on page 48)

'My Dogs Are Barking,' Frank Andrews, New Town Crier, Complains

Provincetown, July 16. 'Everything is fine except my dogs are barking,' was only comment of Frank Andrews, veteran actor, after finishing his first three-mile hike as Provincetown's new Town Crier. Selectmen named Andrews after interviewing group of applicants.

After initial jaunt around the sand- (Continued on page 47)

MIAMI BANKING ON— WINDSORS—AND HOW!

Miami, July 16. Announcement of appointment of Duke of Windsor as governor-general of Bahamas, and possibility of his passing through here with the duchess en route to the islands caused local hotel ops to fall all over each other in mad scramble to cable invites to couple to do some royal relaxing on the house. Telegraph office reported heaviest Lisbon traffic on record.

If the Duke follows custom of predecessors he will pay Miami two official visits each year, one during the All-American Air Maneuvers, and one to present the cup at the annual running of Bahama Handicap at Hialeah Park.

Nasaa figures arrival of Duke and Duchess great stimulus to tourist travel island has even known.

PIX BREED NATION OF CRIX

Farewell to Lohr, Hail to Trammell Give NBC Execs Strenuous Weekend

The National Broadcasting Co. said farewell Thursday (11) to its retiring president, Lenox R. Lohr and the following afternoon (12) gave a press soiree to its newly elevated head, Niles Trammell. Both affairs were socially strenuous.

To toast Lohr and present him with a hunting piece as a souvenir of esteem from his colleagues, the RCA-NBC executive family gathered at the St. Regis hotel in Manhattan. A good-natured josh was given over the loudspeakers when Bill Hedges called attention to the beautiful tone of the new RCA hand sets. He then pretended to tune it in. That was the cue for the gag broadcaster which was written by George Lowther.

Recorded a la "March of Time," the salute-spoof underscored the military engineer characteristics of Major Lohr. Chronicle started with his birth at which he displayed "typical obstinacy" by refusing to breathe. As the doctor slugged him (loudly) into reluctant respiration, the mother and father were urged to listen carefully for the major's first baby sounds.

His first words were: "where's my slide-rule?"

No laxatives—no emetics—no di. (Continued on page 20)

COUGHLIN SEEKS TIME FOR TRANSCRIPTIONS

Father Charles Coughlin wants to go back on the air Oct. 20. Letters inquiring about the availability of a Sunday matinee half hour have been received by stations throughout the country. The preferred period given is 4 to 4:30 p.m. The orations will be by the transcription route and the letter states that the scripts will be submitted in ample time for examination before broadcasts.

The letter also mentions a 52-week run.

Charlie Cochran Poetic Over England at Bay

Bray, Berks, Eng., June 21.

Things have moved pretty fast since I wrote you and much will have happened before this reaches you. We're on our own now—little old Britain against the world.

We are left, or shall be left alone.

The last trial dare to struggle with the foe.

'Tis well! From this day forward we shall know

That in ourselves our safety must be sought.

My missus and I are staying for a few days with a grand old friend

(Continued on page 20)

10 BEAUS FOR BRIGHAM

Touch of Glamour Added to Fox Film of Mormon Leader

Hollywood, July 16.

Ten wives have been added to the cast of "Brigham Young" at 20th-Fox to give the picture a touch of Originality. The script called for two helpmates, but after a sneak preview the studio execs called for 10 more, most of whom have been carried on the stock list for their eye-filling qualities.

Production of "Brigham" has been carried on in close cooperation with Mormon elders, but the recent decision to release the film as a road-show requires an added amount of ballyhoo which may cause disappearing eyebrows to be lifted in Salt Lake City.

The 10 new wives are Mary Astor, Jean Rogers, Esther Brodelet, Lucille Miller, Lilyan Forster, Camilla Johnson, Seese Johnson, Dorothy Dearing, Andre Rochien and Dorothy Jones, making an even dozen, which Young had for the time covered by the screen story.

Mediate Conn-Benny Suit

Hollywood, July 16. Harry Conn's damage suit against Jack Benny, pending for months in superior court, goes into arbitration July 29 before a board consisting of Jules Covey, representing Conn, George Cohen for Benny, and Senator Robert Kenny, a third and disinterested member.

Conn, formerly a gag writer on Benny's air program, charges he was wrongfully dismissed.

MIAMI STARTS HOTEL BLDG. SPREE

Miami, July 16.

Despite war scare, permits for constructing 20 new hotels have been issued at Miami Beach so far this summer. J. J. Farrey, building inspector, reports. Meanwhile plans have been completed and preliminary work started on four additional hotels.

When those under construction and those planned are completed, the ocean front will be virtually solid with flea bags far north as 43d street.

The 20 hotels for which permits have been issued will have a total of 1,400 rooms and will cost \$2,388,000. The four additional structures will push room total to 1,801 and construction cost to \$3,251,000. These four late comers are the Sea Isle, Cadillac, Neron and Raleigh.

Raleigh is owned by the Shore Corp., headed by Tom Cassara, former boniface of Club Continentale. Spot was peddled early this spring to Leon Enken and Eddie Davis, operators of the New York bistro, Leon & Eddie's.

About half of these joints are making provision for cocktail lounge or dining room, offering musical diversion.

During entire year of 1939 there were 47 hotels erected at Miami Beach, total cost being \$4,371,000.

'TOBACCO ROAD' FOR 20TH AGAIN REPORTED

Hollywood, July 16.

"Tobacco Road," according to reports, has about reached the saturation point on the stage and, with its closing, will be filmed by 20th-Fox. Studio is understood preparing yarn.

Jack Kirkland, the author, and Harry H. Oshrin, his attorney, who also owns a piece of the show, have held out against a film deal until the legit version "milked" completely dry.

Oshrin's office in New York yesterday (Tuesday) denied reports that "Road" would either close or be filmed.

Maeterlinck Arrives

Nazi invasions have stripped Maurice Maeterlinck of everything he acquired in a long lifetime of writing for the theatre. Arriving in New York tourists' class on a Greek steamer, the Belgian dramatist said he was relying on royalties from film version of "The Blue Bird" and other plays to keep him going.

Maeterlinck brought two new plays with him for possible American production. One of them, dealing with life in Belgium under German occupation, was a hit in London and put him permanently in the Nazi doghouse.

KNOW-IT-ALLS TIPPED BY YARNS

Best Sellers Give Them Advance Info and They Pick Every Picture to Pieces—Have Own Pet Ideas on Production and Casting

PLAYS SAFEST

By BILL BLOECHER

Hollywood, July 16. The picture producing industry is underwriting a nation of critics. It is building up, by its own selection of picture story material, a national hazard which has many of the possibilities of a boomerang, and few which will rebound to the betterment of the industry.

This is the opinion of one executive, whose analysis and opinion carry weight in the industry, and who prefers to remain anonymous. However, with the industry's welfare at heart, he feels justified in warning against certain long-distance aspects of the current film-material buying trend.

He levels his guns at the heavy swing to a combination of three film story sources he published novel—the produced-play-and-the remake. These three, he contends, comprise the bulk of Hollywood's announced output for the new season. Identity of the remake is frequently hidden by a change of title but, he warns, usually before the re-

(Continued on page 20)

MAE WEST MULLING 'DIAMOND LIL' REVIVAL

Mae West, reported returning to the stage for the past season or so, is said to be considering appearing in a revival of "Diamond Lil," a play on which she collaborated with Mark Linder and which was her outstanding success. It was presented by Jack Linder, a vaudeville booker, in 1928 and made a run at the Royale, N. Y.

"Lil" was filmed under the title of "She Done Him Wrong." The Linders received \$25,000 for their end, but contended that they should have shared 50-50, as with the stage play. They sued for \$1,000,000, but the case was dismissed. An appeal has been taken.

Linders propose trying out two plays in country stocks this summer. One is by Mark and called "Fourteenth Street," with Huber's museum freaks the principal characters. The other drama is "Dump Heap," authored by Mary MacDonald Axelson.

Comedian's Rah-Rah Wow During Omaha Address.

Omaha, July 16. Eddie Cantor drew roars of laughter and cheers as he alternated between gags and patriotic sallies as principal speaker of the Grand Lodge No. 6 district convention of B'nai B'rith in municipal auditorium. Present were 2,000 dignitaries and other members of the order, and local bigwigs.

"From now on," yelled Cantor as the audience broke into his talk with cheers, "every man's business must become his sideline, and his chief business be that of helping in the Government's defense program."

Some Cantorisms. "I'd rather live under an unbalanced budget than under an unbalanced dictator."

"Too many Americans take liberty for granted—like many men take their wives."

At Boys Town he embraced the (Continued on page 46)

Unsubtle Nazi Propaganda, or No, D.C. Defense Authorities Preferred Previewing Pix of Hitler's Might

Glorifying Hoosiers

Washington, July 16. Congressional hoo-hah over a German-made war film shown 'secretly' last Tuesday (9) at the House Office Building caucus room, blew up over the weekend into a general agreement that—although the sight of Panzer-divisions destroying peaceful countries might be painful—it was better to have U. S. solons take a look at what might be in store for this country.

Heralded by a good deal of hush-hush talk, the film (which has been attacked as a piece of Nazi propaganda—and still may have been intended for that purpose) impressed numerous members of Congress with the realization that America might take some tips from the parachuting, dive-bombing, tank and armored car blitzkrieging which was set forth in horrid fact in the picture.

The statement which is most taken for granted in Washington is that of Representative Ross Collins, Mississippi Democrat, who viewed the picture when it was shown 'a number of times' at the War and Navy Departments. 'If it is safe to be shown (Continued on page 46)

N. Y. exhibits at the time of the showing were told that deals must be made through UFA. Others immediately questioned whether UFA was registered as a propaganda agency in this country because the pictures so obviously were the ultimate in war propaganda for the German cause. Understood in Washington that UFA is not so classified in this country.

During the screening of the German invasion pictures, running about 40 minutes, theatre men recognized the films as being similar to the ones shown diplomats in Denmark and Norway by German consular officials. (Continued on page 19)

EAST DENIES COAST DEAL ON SHIRLEY-U

Hollywood, July 16.

Deal appears close to signing by which Shirley Temple will go into Joe Pasternak's fold at Universal. Numerous confabs have been held between the U producer and reps of the moppet who winds up at 20th with "Young People," now going into release.

Frank Orsatti, agent for Shirley Temple, admitted in New York yesterday (Tuesday) that talks with Universal have been going on for some time, but said "there is nothing definite, we have also been talking to many other people."

Matty Fox, v.p. and exec assistant to the prez of U, who's presently in New York, also said there have been talks but that he "doubted" anything will come of them at this time.

Rep 'Hit Paraders' Set

Hollywood, July 16. Frances Langford, Kenny Baker, Ann Miller and Hugh Herbert share marquee space in "The Hit Parade of 1941," which rolls Aug. 5 at Republic.

Sol C. Siegel, producer, assigned Maurice Leo and Bradford Ropes to write additional dialog to bring the script up to date.

METRO'S SUNNIE O'DEA

Sunnie O'Dea, dancer and comedienne in "Keep Off the Grass," has been signed by Metro after a screen test in N. Y. Deal handled via William Morris office.

GULF RENEWS GUILD SEPT. 29 TO JAN. 5

Gulf Oil has renewed for the Screen Actors Guild show for the coming fall, even though its option extended to the end of this month. Deal, as in the past, guarantees the Motion Picture Relief Fund \$10,000 per program, and runs from Sept. 29 to Jan. 5 with options.

Young & Rubicam is the agency.

FLYNN STAYS PUT

Hollywood, July 16. Errol Flynn penned a new contract with Warners for another year. His present job is the star spot in "Santa Fe Trail."

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RKO MAY GO UA POLICY

Offsetting the European Film Biz Downbeat, Other Foreign Sectors Show Favorable Returns

Despite the heavy toll taken by European warfare, with most severe losses expected in a month or two, several major companies this week admit healthy business pickups in numerous foreign fields in recent weeks. Whether these are large enough to overcome losses in Central Europe and heavy coin restrictions elsewhere is problematical, but it's rated an encouraging sign, nonetheless. One company reports some countries are running 20-33% ahead of last season.

Foreign Headache

With most U. S. producers realigning future pictures on budgets fitted strictly to the American markets, foreign departments in N. Y. are carrying on as usual with more headaches than customary because of the European war. The comparatively few remaining open markets require as large staffs as usual because of the added difficulties arising from the conflict. Biggest problem is getting foreign shipments through on schedule, devious methods being employed to route films around blockaded or war zones. Majority of employes are needed on tiling, shipping, ad-publicity, sales and legal work.

Two firms indicate boxoffice returns equal or exceeding record years in 12 to 16 foreign nations, preferring to keep the identity secret because of adverse legislation that follows whenever favorable business news is released. One major company reveals three European, eight Latin-American and four Far Eastern countries where past record years already have been topped, with the fiscal season several weeks to go. Company heads are inclined to minimize these gains because many are from comparatively small territories.

Holland 60% of Normal
Business is credited with being 60% of normal in Holland by four of the larger majors. Also, there are indications that business shortly may be on an even keel in France and Belgium. Still questionable whether German productions or French pictures made under Nazi supervision will supersede U. S. films in France.

Business continue doing business on close to normal scale in Sweden, Switzerland, Finland and Portugal. Several companies claim business is on the upbeat in Spain, although old pictures are being used mostly. There is an improvement in business also in Japan. In both of the latter, however, the coin is being frozen temporarily. A couple of major executives frankly admit they expect to get coin held in Norway and Denmark.

Developments in Spain are significant to a number of companies which maintain synchronization studios there. The Paris office, for most U. S. distributors, handled Continental Europe, the Near East, Asia and all Africa excepting South Africa. Future setup likely will be to ship prints to Bagdad and then by train into Hungary, Romania, Turkey, Greece and Bulgaria. If this route is not used, shipments may go to Lisbon and then via rail through France if transportation soon is restored close to normal.

Brazil, Argentine OK
An additional bright feature is the revelation that the flow of remittances from Brazil and Argentina has not been halted. So far, financial men with foreign departments of finance companies claim the only change is that distributors are required to get permits from native banks for shipping currency to U. S. This enables the two nations to control the flow of money, but, to date, most majors have encountered no difficulty in securing permits for shipments. Previously, it had been feared that coin withdrawals would be curbed in these countries.

Any upheaval in foreign nations also will enhance the earning capacity of U. S. majors possessing theatre operations outside the domestic field. Metro is leader in this regard, having 27 theatres in nearly as many key cities. Companies will have six in the Latin-Americans with the completion of two projected ones this year.

Sulky for Withers

Hollywood, July 16.
Jane Withers goes in for harness horse racing in her next 20th-Fox starrer, "Owning Up." Tooting footage will be shot at the Sonoma County Fair Grounds.
Currently moppet is working in "Youth Will Be Served."

DISTRIB, BUT ALSO OWNING THEATRES

Reportedly, Co. Would Actively Bow Out as a Producer—Pattern Itself After United Artists Unit Setup, Financing Perhaps, But Distributing Mainly

MANY INTERESTS

Within a year or sooner it is reported RKO may pattern itself after United Artists by becoming solely a distributing company owning a chain of theatres on which the valuation is placed high.

RKO, under such a plan, would remove itself from the scene as an active film-maker and depend for its output on producers individuals or companies financing themselves or, under certain conditions, obtaining advances from RKO for such purposes.

Such a move by the company, which is an outgrowth of mergers of the old Keith circuit, Film Booking Offices, Producers Distributing Corp. and the United Artists, the first in the industry to be taken following the organization 21 years ago by the UA company. UA was set up by four individuals who were dissatisfied with the production-distribution of their pictures at the hands of the then-existing film majors. They were D. W. Griffith, Charles Chaplin, Mary Pickford and Douglas Fairbanks.

Since that time UA has arrived at the point where it is the distributing agency for numerous producers, all of whom finance their own pictures, though through the years UA has frequently made necessary advances against film rental return on pictures.

RKO would no doubt do the same where agreement in such directions could be reached, it is believed, except that it would basically function much the same as UA in acting largely as a distributing outfit. Prior to assuming presidency of RKO George J. Schaefer was first v.p. of UA.

Many Units Already

More than any other company outside of UA, the RKO organization has been shifting toward separate producer deals though a producer like Orson Welles is financed by it. Others aren't, including Walt Disney, Max Gordon and Harry M. Goetz, the Gene Towne-Graham Baker unit, March of Time, and Harold B. Franklin. Last-mentioned is said to have been aided by RKO in the financing of the single on he has made for the 1940-41 program, "Villain Still Pursued Her." Other units with RKO but financed by it include Charles Laughton-Erich Pommer and Herbert Wilcox.

The company is reported to be discussing deals with additional producers. (Continued on page 20)

MRS. F.D.R.'S PROLOG TO SON'S BRITISH PIC

Special prolog will be spoken by Mrs. Eleanor Roosevelt for the first release by son Jimmy as a United Artists production. Picture, however, is not one of his own making, but one he acted as an independent producer in England. John Boulting: It's an anti-Nazi picture, labeled "Pastor Hall." British Grand National is currently distributing it in the British Isles.

Mrs. Roosevelt will do the prolog, it was said, because of "the timeliness and importance of the picture." It deals with the treatment accorded in the Reich to the famed Protestant minister, Pastor Niemöller, who's now in a concentration camp. Wilfred Lawson, Nova Pilbeam and Seymour Hicks are starred. Roy Boulting directed, from a story by Ernst Toller.

NAZI BLITZING STARTS TO K. O. BRITISH B.O.

Bombings of larger cities along the southwest and southeast coast of the British Isles has brought the shuttering of many theatres. Estimated by U. S. film officials that several hundred cinemas are involved in this first drastic closing of houses since the first few days of the European war.

Continued bombings of comparatively open cities in Great Britain is expected by picture executives to do heavy damage to all theatre business, already badly impaired by the threat of a Nazi invasion. What home office officials fear is that these continued bombings will bring a full theatre shuttering for the duration of the war.

This would be a body blow to foreign income of American distributors because 35-45% of total foreign business comes from Great Britain.

Although England suffered from bomb raids staged by Zeppelins in the World War, they never were as severe or wide-sweeping as current blasts from the skies.

DISNEY ON WAR SKED; B.O. NSG

Hollywood, July 16.
The Walt Disney staff is on a wartime footing with 200 dropped. Cartoons hard hit by collapse of the foreign market, with "Pinocchio" carrying only two foreign versions against "Snow White's" seven. Former grossed \$2,000,000 since its February release against a cost of \$2,500,000. "Snow White," costing \$2,000,000, reaped \$4,000,000 in its first six months with the world take to date around \$7,500,000.

Wayne's 'Outsider' Deal

Hollywood, July 16.
John Wayne and Republic revised their contract, which has three years to run, to allow the actor to do one outside picture per year. His assignment with Marlene Dietrich in "Seven Sinners" at Universal is the outside deal for this year.
Wayne reports July 20 at U for five weeks, after which he returns to the home lot to star in the Peter B. Kyne story, "The Big Bonanza."

Blank and Wilby, Par Partners, Coordinators in Picture Industry's Co-op on U.S. Defense Propaganda

Can't Untrack

Hollywood, July 16.
Joe Frisco's vocabulary is strictly in line with his equine thoughts. Other day he was standing at Hollywood and Vine, telling a friend he was opening at La Conga that night. Friend inquired, "where is it?" Joe replied: "Six furlongs down the street."

FILMS ON THE TRULY RURAL BANDWAGON

Not only is the rural market due to come in for more serious consideration from a distribution and ad-publicity angle, but this week indications loomed large that the farm population might even receive a better break in type of stories produced. A couple of companies have experimented on true-life rural yarns and others have been given suggestions regarding how the country patronage might be improved via typical home-town yarns.

While the western automatically is a must for many routine rural theatre operations, on certain days, at the same time the small exhibitor for years has regarded the boudoir-type of drama as no good for his patronage.

Basic thought behind plans to accord rural audiences a tumble is that as long as pictures are being produced primarily for the American market it would be wise to consider all types of patrons. As one film executive pointed out in his recommendations for future story plots, too many films have simply "smart" themes, are made to please the vanity of some star, or are patterned strictly to catch the fancy of the metropolitan audience. He contends that too often the great rural audience is overlooked entirely or depicted in decisive manner.

M-G DRIVE ON SMALL TOWN BIZ

Howard Dietz, head of Metro pub-ad department, is back at his desk in New York after confabbing at the Coast studio for past six weeks. Under new policy, pictures in small town first-runs will be more heavily publicized.

Plan results from increased revenues following experimental campaigns in behalf of "Mortal Storm."

WB Demes Spaeth's Suit

Warner Bros. Pictures, Inc., has entered a general denial in N. Y. federal court Monday (15) to the \$500,000 libel suit brought by Sigmund Spaeth, alleging that Spaeth has not the international reputation as a musician, that he claims he has, denies the alleged libel, and seeks a dismissal.
Spaeth charged the character of the professor in "Naughty But Nice," played by Dick Powell, maligned him and his reputation as a "tune detective."

A. H. Blank and R. B. Wilby have been named as coordinators for large portions of the country, including territories in which they operate, in the campaign of the picture industry cooperating with the Government on defense propaganda and patriotism. Both are large Paramount partners and will function in behalf of Par partners as well as independents in their areas.

Meantime, Leonard Goldenson, Paramount home office executive, declares plans are being worked out for other regions of the country in which it operates.

Blank will act as the clearing house on the defense preparedness movement for the midwest and the west in connection with the part to be played on Red Cross drives, recruiting, patriotic measures, etc. He was very active in this connection in the last World War and also aided materially through his large circuit of theatres in promoting the FHA (Federal Housing Administration) for the Government. Blank operates close to 100 theatres, and is a 50-50 partner of Paramount's.

Wilby, of the Kinney-Wilby chain, which is associated with Par in operation of 150 houses, will serve as the clearing house for the South, also including other Par partnerships and independents. He headquarters at Atlanta; Blank at Des Moines.

Blank, Wilby and others in the Par fold who will handle the campaign to help make the public defense-minded for other territories, will also clear information on what is being done to the Par h.o.
Blank is expected in New York in a week or so to discuss defense campaign plans and is also planning to go to Washington on the matter. He will devote the major portion of his time to the new task of coordinator for the west.

HURLEY'S PAR DICKER COOL, MAY GO METRO

Negotiations between Harold Hurley and Paramount calling for release by latter of pictures to be made and financed by Hurley himself, is reported chilled. Hurley, meantime, is dickering with Metro. A year ago when he was still at Par in charge of 'B' productions, Louis M. Mayer offered him a spot on the lot.

Par's former executive producer over the low-budgeters wants to make two A's and two B's under his own financing. Understood that one of the reasons his discussions with Par have cooled is that Par is no longer interested in any B's. Also, it has room under its policy for no more than a total of four outsiders, two of six planned already have been arranged for. These are two Boris Morros will turn out for Par release.

Murton Casting for Morros

Hollywood, July 16.
National Pictures (Boris Morros) Corp., currently filming "Second Chorus," signed Jack Murton as casting director.
Murton moved over from Frank Lloyd Productions, where he worked in a similar capacity for "The Howards of Virginia."

Cooling Off Period

Los Angeles, July 16.
Wayne Morris took first advantage of a new California law to file a petition in reconciliation court to prevent divorce action by his estranged wife, the former "Bubbles" Schinasi. Statute, adopted last December, prevents the filing of a divorce for 30 days, during which time the reconciliation court holds closed hearings in an effort to restore family peace.

'START DEFENSE TAX AT 1¢'

Barkeepers' Hoggishness in Michigan On Tax Gyp Reacts to Favor Pix

Detroit, July 16. Those new defense taxes are bringing about a peculiar situation in Michigan. It is reacting favorably to the picture exhibitors. Astute on the handling of those penny additions on theatre prices they early gained good-will here and throughout the state by the use of patriotic trailers which explained why the taxes were added, flew the stars and stripes and made it a defense rally which had the customers cheering and applauding. The public somehow gleaned the impression that going to the picture shows they were helping to buy Uncle Sam battleships and tanks, sorely needed.

Not so smart were the liquor operators in the night clubs and numerous beer gardens of Michigan. In fact, many an outraged guy has climbed on the wagon. The reason for this is that they gained the well-founded impression they were being clipped on the new defense taxes on every drink. While the brewers here absorbed most of the defense taxes and only passed only the equivalent of 1/4c on a bottle of beer, it wasn't enough for the vendors. Instead of upping the price of local beer from a dime to 11c, they went all the way to 15c.

Brewers
The reason that the public got wise to the clip is because this made the brewers sore. They ran ads in all the newspapers pointing out the slight increase they had made in price for the new taxes. Joe Public saw that the barkeepers were getting to him for an additional 4 1/4c per bottle under the guise of patriotism.

The brewers' special reason for running their ads to the general public is that when the vendors boosted the prices of local beer from 10 to 15c per bottle it put them in direct competition with the outstate brews. Local brewers had had the edge since their beer sold for a dime and beer imported from outside the State retailed at 15c.

Following up this clev the newspapers—using an added condemnation from the State Liquor Control Commission—revealed further clipping of the liquor spots. They showed the glass makers had a big boost in the sale of those thick short glasses—which look like an ounce and hold about half of that.

This let the local drinkers see that where the bartender had already been having a good thing in charging from 25c to 35c, a mixed drink and new taxes shouldn't have added more than a penny to his show was being cut nearly in half. Plenty of guys said nuts, and are doing their hoisting at home.

The public has grown wary of all the drinking spots—the revelations have cut biz even downtown—while the picture houses have their good will. It shows that in two of the ways to skin a cat—one is painless.

BOOTLEGGED 'BIRTH' BUFFALO SUIT AVERS

Buffalo, July 16. Complaint filed in Federal Court here by Thomas Dixon and Epoch Producing Corp. of New York against Film Classic Exchange this city charges that Charles Tarbox, owner of the exchange, made unauthorized copies of 'Birth of a Nation', which were distributed without consent of the plaintiffs. Dixon, author of the story, is now Federal court clerk at Raleigh, N. C. The complaint alleges that Tarbox infringed on the copyright filed in 1915 by D. W. Griffith, Dixon and Epoch. Damages and an injunction are sought restraining F-C from further reproduction and distribution of the prints which, it is stated, were made with knowledge of the copyright and without permission. Profits earned by Tarbox from the sale and distribution of the copies are demanded with damages and establishment of the value of the copyright which are stated to be in excess of \$3,000.

Penny Serenade

Philadelphia, July 16. Edward Dreisel, Superintendent of the Philadelphia Mint, has ordered 24-hour shift to step up the manufacture of pennies, the supply of which has been depleted by demands resulting from the new defense tax. Theatres in the Philly area stocked up with nearly 3,000,000 pennies in order to make change for the new levy. Virtually every house here has tacked the new tax on to the price of admission.

RKO SUES J.L. & S. OVER PALACE, CHI, DEAL

Chicago, July 16. RKO readying a suit against Jones, Linick & Schaefer for alleged breach of contract. When RKO closed the Palace here for the summer, deal was made with J. L. & S. whereby RKO would keep the Palace shuttered for a minimum of 10 weeks, and that during that time, J. L. & S. would pay the Palace's \$1,750 weekly rental, in this manner having access to the Palace's first-run product during that time for the J. L. & S. Oriental.

J. L. & S., however, failed to pay rental on the Palace after six weeks and reverted to its former 40c policy which eliminated its claim on first-run product. RKO now wants J. L. & S. to continue its rental payments on the Palace and is bringing suit to enforce such payment for the four weeks remaining on the agreement.

PATHE NEWSREEL'S FIGHT EXCLUSIVE

Obtaining exclusive rights to filming the Henry Armstrong-Lew Jenkins fight tonight (Wed.) in New York, Pathe will cover the tilt with Frank Donovan supervising the camera work. RKO will distribute the film nationally, making prints available for New York tomorrow morning (Thurs.) in New York and Friday (19) elsewhere.

A repeal of the Federal laws against shipment of fistic pictures in interstate commerce now makes it possible to ship the films anywhere excepting into states where local laws prohibit their showing.

Boom Days at Rep.

Hollywood, July 16. Heavy production gets under way on the Republic lot late this month, with the launching of the 1940-41 program of 62 pictures, the biggest schedule in the history of the valley lot. M. J. Siegel, production chief, returned from home office huddles to find nine stories ready for shooting and 18 more in various stages of preparation. Albert J. Cohen, head of the story department, has 26 writers at work. Not a camera turned at the Rep lot over the weekend, the first time the studio stages had been dark in several months. Roy Rogers' western star broke the idleness yesterday (Mon.) and 'The Girl From Havana' rolled today (Tues).

ST. LOUIS EXHIBS FEAR PRICE-CUTS

Prophesy Ruinous Admissions Slashing to Get Down to 20c (Tax-Free) Scale Unless All Amusement Tax Levies Begin at 1c

HOW IT WORKS

St. Louis, July 16. Besides circularizing Congress to amend the new Defense Tax legislation on the grounds that it is fostering price-cutting, the MPTOA of St. Louis, Eastern Missouri and Southern Illinois is asking that similar bodies throughout the nation join the move. At a meeting of the organization, presided over by Fred H. Wehrenberg, owner of a chain of nabes here, the following resolution was unanimously adopted:

'In a meeting the Motion Picture Theatre Owners of St. Louis, Eastern Missouri and Southern Illinois unanimously adopted a resolution urging that the Congress amend the new Defense Tax legislation by eliminating all exemption on theatre admissions, so that the tax shall start at 1c instead of 21c as at present, for the reasons hereinafter set out.

'Unlike the various items taxed under this new Defense Tax legislation, amusements are singled out for special treatment in that a lower bracket is untaxed, with the result that since this tax has gone into effect, many exhibitors have cut the admission price in their theatres they have charged for in years to drop below the taxable classification and thereby obtain a great advantage in luring patronage to their theatres over the exhibitor who patriotically responded to the call of his government.

Vicious Cycle
'Price-cutting begets further price-cutting, and the theatre operators represented by the Motion Picture Theatre Owners of St. Louis, Eastern Missouri and Southern Illinois are highly fearful that the law if continued as at present will result in a general demoralization of the object of the government to raise funds for rearmament purposes from this source.

To illustrate the point: the theatre operator who is charging 25c plus tax of 3c or a total of 28c per admission must now compete with the exhibitor who has unfairly cut his admission price to 20c to evade the tax and yet be running attractions ahead of the exhibitor charging 8c more per admission. Human nature being what it is, the bulk of the people will not wait weeks or even days to see a picture and then pay a higher admission price for the privilege just because the exhibitor collecting the tax is a patriotic theatre operator. As a result you can readily see that this exhibitor, in order to survive, will be forced to cut his admission price to 20c, and as this sort of action travels like a plague, ultimately the majority of theatres will be evading the admission tax.

In other words, the law at present seems to place a premium on 'chiseling' by unfair businessmen—action that threatens the entire price structure of the theatre industry as well as the success of the tax legislation, itself. And when this unhealthy condition spreads, it may result in many theatres going out of business, causing unemployment that can only add to the thousands now receiving government aid.

'Our organization represents the voice of 99% of theatre operators in this territory who are patriotic citizens and are happy to do their part in helping our government in its vast program of defense. And they are hereby asking the Congress to amend this law, and they pray that

(Continued on page 19)

NW Allied Opposes Upped Rentals, And Takes Militant Stand to Cut 'Em

Ignore Sales Drives

Minneapolis, July 16. Northwest Allied members, in convention here, pledged themselves to lay off sales drives. Leaders declared drives have become a 'nuisance' and that many exhibitors are 'bothered to death' and made 'nearly nuts' by the efforts of branch managers, salesmen and bookers eager to win cash prizes. It was asserted that to make commitments under the pressure of drives results in uneconomical operation of theatres. 'If we ignore the drives we'll have less of them,' it was declared.

Minneapolis, July 16.

Although H. M. Richey, RKO exhibitors' relations director, warned members that exhibitors will have to take up 'some of the slack' caused by loss of producers' foreign market income revenue, Northwest Allied here has taken a militant stand for lower film rentals. The organization did this after Richey, in his talk at the convention, asserted the loss couldn't come entirely out of production without a seriously adverse effect on film quality and that such a procedure would drive customers away and eventually put the exhibitor out of business.

Richey told the exhibitors they'd have to give more thought to the proposition of getting additional business into their boxoffice to help solve the problem. He further warned them that, under the consent decrees' terms, the job of running a theatre and a film exchange will be much tougher. 'It'll be a new business and exhibitors really will have to work, he asserted.

However, Richey's words apparently fell on deaf ears. A unanimously adopted resolution declared 'film for 1940-41 must be bought at rentals approximating 25-33% below last year's figures' view of economic conditions prevailing in this territory and the fact that grosses are lower with no apparent way of stopping their downward trend.' The convention put the exhibitors on record to adhere strictly to such a policy 'in order to survive in the theatre business.'

Moreover, Fred Strom, newly elected executive secretary, instructed the indies to 'buy collectively this year.' He said they should get the best possible deal from the salesmen and then pass the information along to him before signing any contract. After a study of the companies' offers in the various situations are promised to advise the exhibitor what course of action to pursue.

'Pass the Buck'
'Pass the buck to this organization,' said Strom. 'Don't get out on limb and be plucked.'

Selection of Strom, a dark horse, for the executive secretary post at a \$2,800 per annum stipend (\$50 a week) to lead the organization in place of the incapacitated W. A. Steffes, who was voted a \$15,000 a year salary in 1939 and who has retired from all activity because of ill health, came as big surprise. Strom, whose most recent position in the industry has been as a fill-in booth operator, but who has had some experience.

(Continued on page 20)

RECAP ON 'GONE' SHOWS BIG B.O. ABROAD

With 'Gone With the Wind' having completed runs or nearing completion in eight key cities of the world market, recapitulation made this week reveals the David O. Selznick opus as comparatively the same record-breaker in the foreign field as in U. S. Despite obvious adverse conditions in many countries, 'Gone' has played three to four times as long as the average picture in spots booked to date.

Picture just recently wound up 12 weeks at the Empire, London, making total of 25 weeks for 'Gone' in British capital city. Surprising development is that it, being brought back on July 26 to the Blitz, London, despite threat of Nazi invasion. Previously did five weeks at this house and got eight weeks at the Palace.

Next best showing was made at Sydney, Australia, where a total of 19 weeks were registered, eight at the St. James and 11 at the Liberty. St. James generally plays a film not longer than three weeks. 'Gone' also is in its seventh week at the Regent, Melbourne. Goes into the Metro and Wests, day-and-date, in Adelaide, starting July 24.

Instead of running the usual seven days at the Metro, Bombay, the picture has played 28 days while in Calcutta, it has run 21 days at the Metro, instead of the usual seven. In Manila 'Gone' went 22 days at the Ideal instead of the customary 7-9 days. Film is set for a repeat run in the same house next October. Although first prints are going to Latin-American countries in the next three weeks, no dates have been announced in any of key cities. Buenos Aires and Rio de Janeiro probably will be tried first.

RATOFF ON HIS TOES AT PAR WITH 'BALLERINA'

Hollywood, July 16. First producer-director job for Gregory Ratoff at Paramount is 'chiseling' by unfair businessmen—action that threatens the entire price structure of the theatre industry as well as the success of the tax legislation, itself. And when this unhealthy condition spreads, it may result in many theatres going out of business, causing unemployment that can only add to the thousands now receiving government aid.

Finally Out of Shell

Hollywood, July 16. Metro goes back to the Get-Rich-Quick-Wallingford-era to dig up 'The World Is My Oyster', bedded in the vaults for two years. Joe Mankiewicz is the producer, Leon Gordon revamping the story.

HIRLIMAN TO MAKE FILM IN FLORIDA

Miami, July 16. Coral Gables, which started out a long second to New York in the past winter's derby to grab film production from Hollywood, appears to be in the home stretch at the moment while the nag with Mayor LaGuardia up broke a leg on the last turn. Contracts are said to have been closed Saturday (14) which will have Florida's initial feature in production by the end of the month.

Pact is between George A. Hirliman, indie who formerly produced for Grand National, and Colonnade Pictures Corp., which erected a new studio at Coral Gables in the spring with no more sight of a possible tenant than the faith of Arthur H. Sawyer, vet film man, and the heavy coin a local bigwig could conjure up.

Hirliman's picture, 'his said, will be 'Adolescence', screen play by Arthur Hoerl from an original story by Lawrence Meade. Star will be Eleanor Hunt, with Leon Janney opposite. Feature parts will be handled by imports from N. Y. and Hollywood, while lesser roles will be filled with home talent, Louis Gasnier will direct.

Stage Show Plus Switched Billing Helps L. A. Par to \$14,000; 'Md.' Slow \$16,700, 'Love Back,' \$10,500

Los Angeles, July 16. Only one house, the Paramount, is topping the 10-grand mark this week...

Key City Grosses Estimated Total Gross This Week \$1,416,300

'SUSAN' BRIGHT \$30,000 IN HUB DUO

Boston, July 16. 'All This, and Heaven' is running about even with 'Susan and God' here...

Estimated Total Gross Boston (RKO) (3,200; 15-20-39-44) 'Sailor's Lady' (20th) and 'Hot Steel' (20th)...

'Hardy' Battling Seattle Heat Wave for \$8,500 Seattle, July 16. Unbroken heat wave, with scarcely a drop of rain in over a month...

Estimated Total Gross Indianapolis, July 16. A cool breeze, which hung around for several days, helped b.o.s. somewhat...

Port. Is Dull; 'Md.' Average at \$4,500

Portland, Ore., July 16. 'Maryland' is the only Broadway show in holding 'Andy Hardy Meets Debutante'...

Estimated Total Gross Broadway (Parker) (2,000; 35-40-50) 'Hardy Debutante' (M-G) and 'Captain Lady' (M-G)...

Bob Crosby-'Sons' OK 17 1/2 G. Wash.; 'Hardy' Big 18G

Washington, July 16. 'All This, and Heaven Too,' originally announced as a roadshow attraction...

Estimated Total Gross Capitol (Loew) (3,434; 28-39-44-66) 'Bob Crosby and the Sons' (M-G)...

Estimated Total Gross Loew's State (Loew's) (2,600; 10-33-44) 'Turnabout' (UA), four days, and 'Cross Country Romance' (RKO)...

'Comedie Francaise' Upping 'Curtain' To \$15,500 in Otherwise Dull Frisco

Broadway Grosses Estimated Total Gross This Week \$262,200

'HEAVEN' BEST IN CINCY AT \$16,500

Cincinnati, July 16. Mainspring in financing current combo take of major cinemas a shade above last week's is the hefty tug by 'All This, and Heaven Too'...

Estimated Total Gross Albee (RKO) (3,300; 39-47) 'Heaven Too' (WB), eight days. Big \$16,500. Last week, 'Safari' (Par), six days, \$17,000...

BETTE-BOYER'S \$7,600 MEANS MEMPHIS H.O.

Memphis, July 16. 'All This, and Heaven Too,' at Warner, is the week's big noise in this man's town. Boyer-Davis weepie will hold second week, which is no usual Memphis occurrence...

San Francisco, July 16. Town's quiet all around this week. Destined for top take appears to be 'Curtain Call'...

Estimated Total Gross Fox (F-WC) (5,000; 33-39-44) 'Love Back' (WB) and 'Flight Angels' (WB). Look for \$14,000...

Estimated Total Gross St. Francis (F-WC) (1,470; 33-39-44) 'Hardy Debutante' (M-G) and 'Fugitive Justice' (WB)...

Bob Hope's One-Day Omaha Showing Pulls 'Bay' Dual to \$15,000

Omaha, July 16. The Orpheum brought in Bob Hope, Jerry Colonna and other radio troupers as a stage attraction for one day...

Estimated Total Gross Orpheum (Tristates) (3,000; 10-25-40) 'Bay' (U) and 'Earthbound' (20th), plus Bob Hope, Jerry Colonna...

Estimated Total Gross Town (Goldberg) (1,500; 10-20-25) 'Ho, Ho, Ho' (Rep) Special attraction for one day...

BETTE-BOYER TORRID \$12,500 IN COOL INDPLS.

Indianapolis, July 16. A cool breeze, which hung around for several days, helped b.o.s. somewhat...

EDWARD SMALL presents

SOUTH OF

PAGO-PAGO

pronounced

PANGO-PANGO

Exhibitors call it...

PAY-GO! PAY-GO!

**Getting big 'PAY'
at the Box Office!**

**Crowds 'GO'
to see it!!**

WORLD PREMIERE JULY 17 AT LOEW'S STATE AND CHINESE THEATRES, LOS ANGELES

to be followed by immediate playdates in 50 Loew theatres including Syracuse, Rochester, Kansas City, Baltimore, Memphis, Dayton, Akron, Providence, Indianapolis, Houston, Boston, Columbus, Cleveland, New Orleans, Harrisburg, Wilmington, St. Louis, Richmond, Bridgeport, New Haven, Hartford, Atlanta and Louisville. More than 200 prints will be utilized in the next two weeks to meet the nationwide demand for playdates including Interstate Circuit, Texas; Shea's Great Lakes, Buffalo; Lincoln Theatre, Miami Beach; Fox West Coast, RKO and Warner's theatres.

NEXT ATTRACTION AT RADIO CITY MUSIC HALL

Released thru
UNITED ARTISTS

Hear the picture's hit song, "South of Pago Pago", sung to millions by Frances Langford on the Texaco Hour, CBS' coast-to-coast network, Wednesday evening, July 17th, 9 o'clock, Eastern Daylight Time. Top orchestras everywhere are plugging this smash tune, published by Mills Music.



BY ACCLAMATION!

Heeding the tremendous public clamor . . . **MARYLAND** is rolling up those holdovers! New York's Roxy just reports a 2nd week for the summer's biggest money-hit after first three days smash "Kentucky" records! And so goes the nation . . . as reports come in from 67 other pre-releases!

Day Minimizes Nazi Picture Threat To U.S. Companies in So. America; Par Official Cites Native Competition

It will be a long time before Nazi productions filtrate into South America on sufficient scale to provide strong opposition to American pictures, according to John L. Day, Paramount's manager in South America, who sailed Friday (12) tonight for his headquarters in Rio de Janeiro.

This is particularly encouraging to S. firms in view of the Nazi political inroads south of the equator. Day, questioned by VARIETY as to whether Nazi ideology could be incorporated into French-language pictures produced by German companies in Paris, was even highly repulsive of any immediate strides in this direction. He indicated that French productions currently are on a downbeat in Latin-America because many weak Gallic films had been dumped on the market, naturally hurting their popularity. French-made pictures were extremely popular and beginning to develop stern competition for American distributors when the European war started, he indicated.

Native Competition.
Day said the strides taken in Latin-America by native producers provide the greatest opposition confronting U. S. distributors, particularly in Brazil. However, he feels that stronger American product and the fact that many American distributors will ship only the ace product to South America in the forthcoming season will enable them to hold their markets.

Patrons in South America have become such ardent boosters for American pictures that it will require only the best sort of screen fare from competitors to cut into the U. S. business, Day stated.

American films have managed to reach their present popularity even despite the fact that titles are superimposed on the pictures, he stated. Dubbing has proved unsatisfactory in most Latin-American countries because they have not been acceptable to native audiences. There is the additional factor that it costs \$10,000 to \$12,000 to dub a single feature.

Day came to New York several weeks ago for huddles with John W. Hicks, Jr., Par's foreign chief.

Peru, Paraguay OK
Washington, July 16.
American films dominate the market in Peru and Paraguay by a wide margin, according to the U. S. Department of Commerce motion picture division, which recently compiled statistics under the supervision of Nathan D. Golden, chief of the bureau. In neither country is competition felt from German productions.

In Peru and on a lesser scale in Paraguay the French-made film offered stiff opposition during 1939, but the improvement of Argentine pictures offered the chief competition to U. S. distributors.

Fear New Exhibitor Tax In England May Spread To All Entertainments

London, July 16.
New entertainment tax on films, expected to yield nearly \$40,000,000 annually, may ultimately spread to other entertainments. Film tariff applies to all cinema theatre seats costing 5c or more. Previously, all admissions up to 3c were untaxed, but presently outlined film entertainment tax will be virtually doubled.

Outcome of taxation of lower-bracketed theatre tickets is that admissions will be increased.

Pix for Kids Only

Mexico City, July 16.
Organization of a pic company for the exclusive production of children's films has been started by a group of businessmen of Orizaba, Vera Cruz, industrial center.

Child players only are to be employed. The enterprise is expected to get going about Sept. 15.

BAD FLYING WEATHER STALLS LAWRENCE

Ludvig Lawrence, Metro's European manager, was delayed in reaching New York yesterday (Tuesday) as scheduled because of bad flying weather. His Atlantic clipper plane was slated to arrive in the morning but was called back to Horta, Azores. Clipper carrying Lawrence left Lisbon Monday (15) and had taken off from the Azores port on schedule. Lawrence is coming over to report to Arthur Loew, head of Metro's foreign department, regarding conditions in Europe. He is accompanied by Mrs. Lawrence and his son. Arthur Field, N. Y. office representative in Europe and No. 2 man on the continent, is due in some time this week via boat.

French Pix Seen Replaced in U. S. By Latin Product

Foreign-language film distributors in the U. S. handling French productions report an adequate supply of comparatively new French-made features in this country but are inclined to view the 1940-41 season pessimistically. They believe the future of the foreign language picture market in U. S. may depend on Latin-American production. More than ever before the Latin-mades will be shown in American theatres in the forthcoming season, they aver.

There are about 25 unreleased French-made features in the U. S., all produced within the last two years. Many distributors claim that the quality is about the same as in recent years. However, the almost complete production stoppage in France due to the war would be responsible for the void of French films in the immediate future. A concurrent pickup in Spanish-language pix is seen.

Indie foreign-language pic distributors claim they are still receiving British-mades although the number has recently decreased. Majority of the distributors describe the present season as typical of a dull summer period.

Aussie Vaude Eyes Radio to Fill Dearth of Talent From Overseas

Melbourne, June 28.
Scarcity of overseas talent is forcing vaude scouts to lookseek the radio field for homebrew acts. Radio copped plenty of locals when vaude had plenty of imported fare on hand, but now it's a different story, brought about by war conditions and governmental edict that imported players must leave earnings in this zone for the duration of hostilities.

Among radioers presently playing for Tivoli Theatres are Mal Vercoe, Jim Gerald, Rhythm Girls, Lou Toppiano, Peggy Brooks, Colin Crane, Hawaiian Club Stars, Mrs. Olmes and Mrs. Herwhistle, Alec Kellaway. Imported talent on same bill includes Bob Parrish, Stalac Bros. and Pearl, C. Ray Smith and Rudy and Latosa.

Sydney Signs Radioers

Sydney, June 28.
Local radioers booked for the Tivoli circuit in this spot next month to bolster a few U. S. acts include Jack Davey, Kitty Blues, Uncle Tom's Gang, Rhythm Boys, Al Thomas and Tier and Agar. U. S. acts presently spotted here are Ann Suter, Gilbert Bros., Van Strattons, Barbara Blane.

Tivoli execs point out that the radio idea is just a tryout during importation lull.

20TH-FOX SHIFTS

Lomba Due in N. Y. from Venezuelan Acting Mgr. Post

E. F. Lomba, 20th-Fox foreign department's homeoffice rep, who has been acting as manager in Venezuela, arrived in N. Y. last week, following the appointment of Edward Cohen as manager in that country. Cohen formerly was manager in Ecuador. K. B. Knust, formerly with 20th-Fox office in Panama, has been moved up to become manager in Ecuador.

D. B. Lederman, company's manager in the Philippines, came into New York last week on furlough. He arrived on the Coast late last month. Del Goodman, company's manager in the Far East, is slated to arrive on the Coast from China July 25, but won't come on to the home-office until later.

Film Tastes Know No Boundaries in Ceylon, Says Visiting Exhibitor

San Francisco, July 16.
With possible exception of Mickey Rooney, whose style has 'em-baffled, ticket-buyers of Ceylon go for just about the same stars and pictures that capture the fancy of U. S. audiences, according to Abraham Gardiner, native operator, who passed in San Francisco just before Clipping to Hongkong. Enroute from Rotary convention in Havana, Gardiner said twin-bill headaches were unknown in his territory, his 14 houses being strictly single-bill. Using an average of 208 selected pic per year, he buys all major U. S. product and supplements it with native-mades. Only other outside celluloid used is an occasional British feature.

In addition to his 14 showcases, operated under handle of Ceylon Theatres, Ltd., Colombo (capital of Ceylon) exhibit has 12 portable tent cinemas known as Imperial Traveling Talkies playing month stands in the hinterlands at low admish.

Native product, he said, is improving, with approximately 200 features per year coming out of half a dozen Hindu studios. Of this about 75 are in Eindustani, 35 in Tamil and the balance in Marati, Telugu, Punjabi and other dialects. These 200 films have potential audience of 350,000,000 people. Field for Hindu pictures outside India is nil, exhibit stated. A few play Trinidad and the Fiji Islands, and several have been exported to London as curiosities, playing the Academy there.

Average first-run playing time in Colombo is one week, few films stretching a second. U. S. flicks are shown as delivered with no translations.

British Exhibs May Pledge Theatres As Shelters to Refugees

London, July 2.
Although not yet definitely established, Cinema Exhibitors Assn. has indicated many of its membership will turn over their theatres for use as refuges to folk rendered homeless through air raids on Britain. Theatres in those areas designated as within safety zone will cooperate in the scheme.

A suggestion in one northern area is that duplicate keys to the cinemas be lodged with police headquarters, to expedite the succor scheme in event of sudden emergency.

SUIT OVER 'SERENADE'

Arthur Ziehm, Inc., filed suit Monday (15) in N. Y. supreme court against Leo Films, Inc., seeking an injunction to prevent distribution by the defendant of the French film, 'Serenade,' starring Lilian Harvey.

Plaintiff claims to have acquired exclusive distribution rights in the U. S. from the producers, Societe Symphonie Film of France, on Aug. 11, 1938.

Aussie Exhibs Warn American Pix Vs. 'Threatened' Product Cut, Point Up Market's Increased Importance

METRO, PAR INVOLVED WITH BRITISH CENSORS

London, July 16.
Three U. S. pictures have run into censorial difficulty here recently. British censors ordered alterations in 'Waterloo Bridge' (M-G) so that no tinge of prostitution appears in yarn. Censors also ordered Paramount to change the title of 'Those Were the Days' to 'Good Old School Days' because a British film had used the former tag.

No mention of God was permitted in 'Susan and God,' Metro winding up by calling it 'The Gay Mrs. Trexel' for distribution to British accounts.

Holds Pic Tastes In Great Britain Altered by War

By MORI KRUSHEN

Montreal, July 16.
'Shadow of War' which has been hanging over England prior to and during the present conflict has altered tastes of moviegoers to extent that certain types of first-rate American films which would, under normal circumstances, ring up heavy grosses, have either flopped or registered only in spots in the British Isles. So says Roland Gillett, who arrived from England about three weeks ago, in charge of production of '49th Parallel' for which exteriors are being shot in Canada for Ortus Films, London.

Gillett referred specifically to films of the 'social significance' type but also placed some other films of the sombre kind, among the biggest grossers last year in U. S., but not in England, in the same category. As in the U. S., Britain is at present in no mood for dramas depicting the seamy side of life, no matter how artistically done.

Theatregoers in Great Britain, according to Gillett, are by an overwhelming majority swinging to the 'escapist' type of screen play. Entertainment rather than the story which points a moral or teaches a lesson is, according to response checked at picture houses, the standard by which the b.o. must be measured and almost any kind of film, British or American, which fulfills the primary essentials of entertainment is assured of profitable play dates.

Gillett is not keen on the purely propagandized type of film. He believes that films made in the Dominions or in England should reflect something of the way of life in the British Commonwealth of Nations but should primarily be made with an eye to entertainment values.

Fans in the provinces in England are still faithful to the recognized, old-time English stars, according to Gillett, and picture business continues despite war activities.

Expedition from England, consisting of technical crew and performers, will remain here for the next three months shooting exteriors in every province of the Dominion, from Nova Scotia to British Columbia. Two units, one in the east and the other in the west, are now working with instructions out of the Montreal office.

Elisabeth Bergner, Leslie Howard, Raymond Massey and Arlion Walbrook are to be starred in '49th Parallel,' with possibility that another prominent actor will also be featured. Massey is on hand but questionable if Miss Bergner, Howard or Walbrook will come to Canada just for the exterior shots.

Upon completion of shooting in September, the expedition will return to England to make the interior sequences. Michael Powell is director-in-chief of '49th Parallel' which was authored by Emeric Pressburger. Film will be distributed in Britain by General; American release not yet set.

Sydney, June 28.

Intimation that U. S. producers intend to cut down on product to Australia, following 50% coin freeze, plus added burden of exhibs' 25% right of rejection of U. S. pix and higher landing charges, is already creating headaches to those exhibs knowing that only a continuance of U. S. product can maintain theatre operation here successfully.

Not so long ago the Film Council of Australia, comprised of powerful exhib interests, pleaded with the government, via its economic adviser, Sir Ernest Fisk, not to impose any restrictions on the importation of U. S. pix. The plea was granted, but, as was fully expected, the government, following huddles with the Motion Picture Distributors Assn., made the 50% freeze measure operative immediately.

Irksome as this freeze may be to U. S. producers, nonetheless, with fading Europe markets, Aussie exhibs believe that this territory will soon be the most important to the U. S. outside of its own domestic sphere, and that any product cut would prove harmful to the producers in the long run, especially as the freeze measure was brought about solely because of war conditions.

Suspicious of Move

Many exhibs see in the product cut a move to force the government of New South Wales to exit the 25% right of rejection and attempt to increase rentals to offset frozen coin. It's learned that the Motion Picture Exhibs' Assn. is watching the situation very closely, and that any such moves would be brought before the government immediately.

Those exhibs, disbaring politics, are of the opinion that favorable trading conditions can be continued with U. S. pic interests on a square-deal footing, and that Aussie screens are just as important to the U. S. as U. S. product is to the exhibs, and that, if handled correctly by sincere execs, the position covering both rejection and freeze could be reviewed to present a more equal distribution than that presently operating.

Forced Change

Exhibs foresee, should U. S. producers limit product, a forced change in the Aussie entertainment field, with a wider bid made to introduce homebrew talent, plus more extensive use of orchestras and musicals in place of U. S. 'B' pic. Public desire presently is for dual bills, but exhibs declare that the public could be educated in time to accept single features. Previously stage shows, and that in the long run the U. S. producers would thus be the losers.

Australia has approximately 1,560 pic theatres dependent mainly on U. S. product, and representing an investment of about \$120,000,000. It's indicated that some 5,000,000 people attend films every week. Since it takes quite a goodly amount of fare to keep this total of theatres going, especially in recent times, the 25% right of rejection is seldom taken full advantage of. A quick get-together on a 'play-the-bill' both ways angle is seen by major exhibs as the best safeguard to stop product headaches.

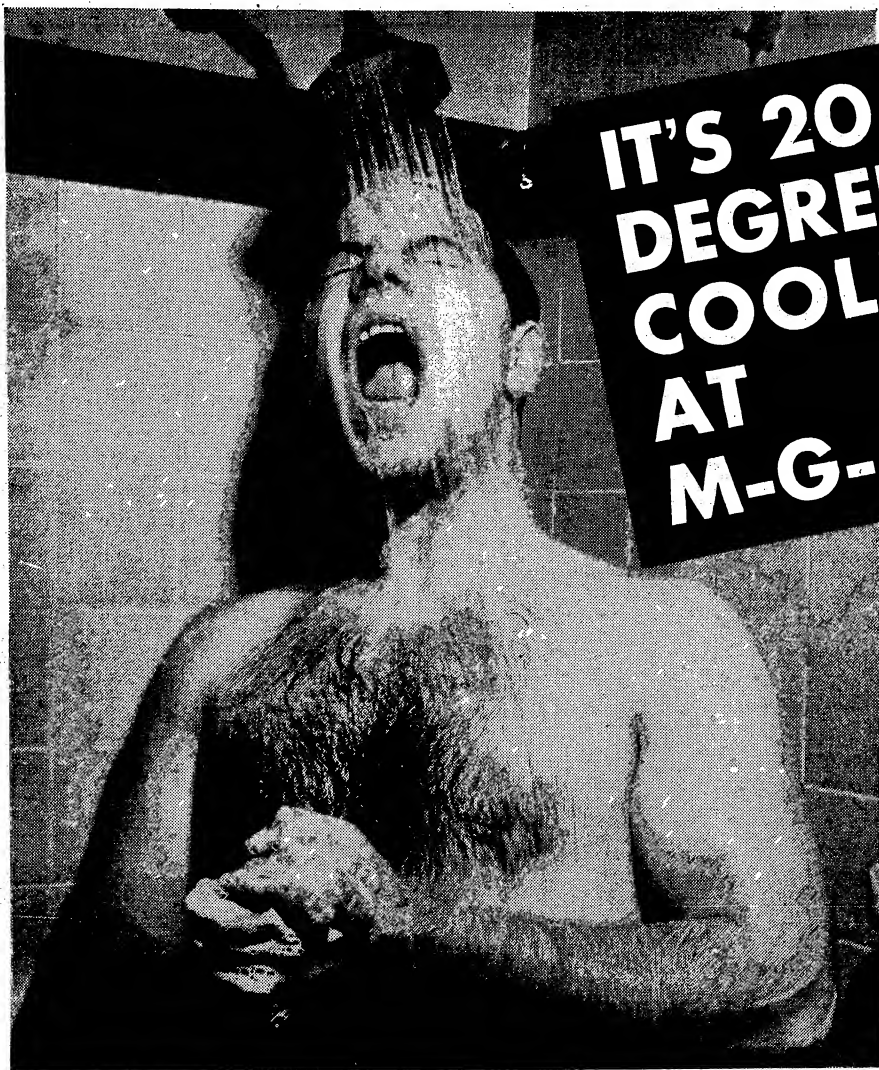
An added curb being considered by the government is taxing U. S. pix on earnings instead of footage, as presently.

Politicos are said to be highly in favor of new arrangement after securing inside figures on earnings gotten with U. S. product around this territory.

U. S. Cuts Down

Several U. S. majors already have cut down on the number of features being shipped to Australia. Others expect to follow with a systematic selection of features best suited for Anzac markets. Previously the full program was shipped.

By sending in only strongest features, it is hoped the American companies will provide such a strong lineup that Australian exhibitors could not afford to take advantage of 25% rejection clause.



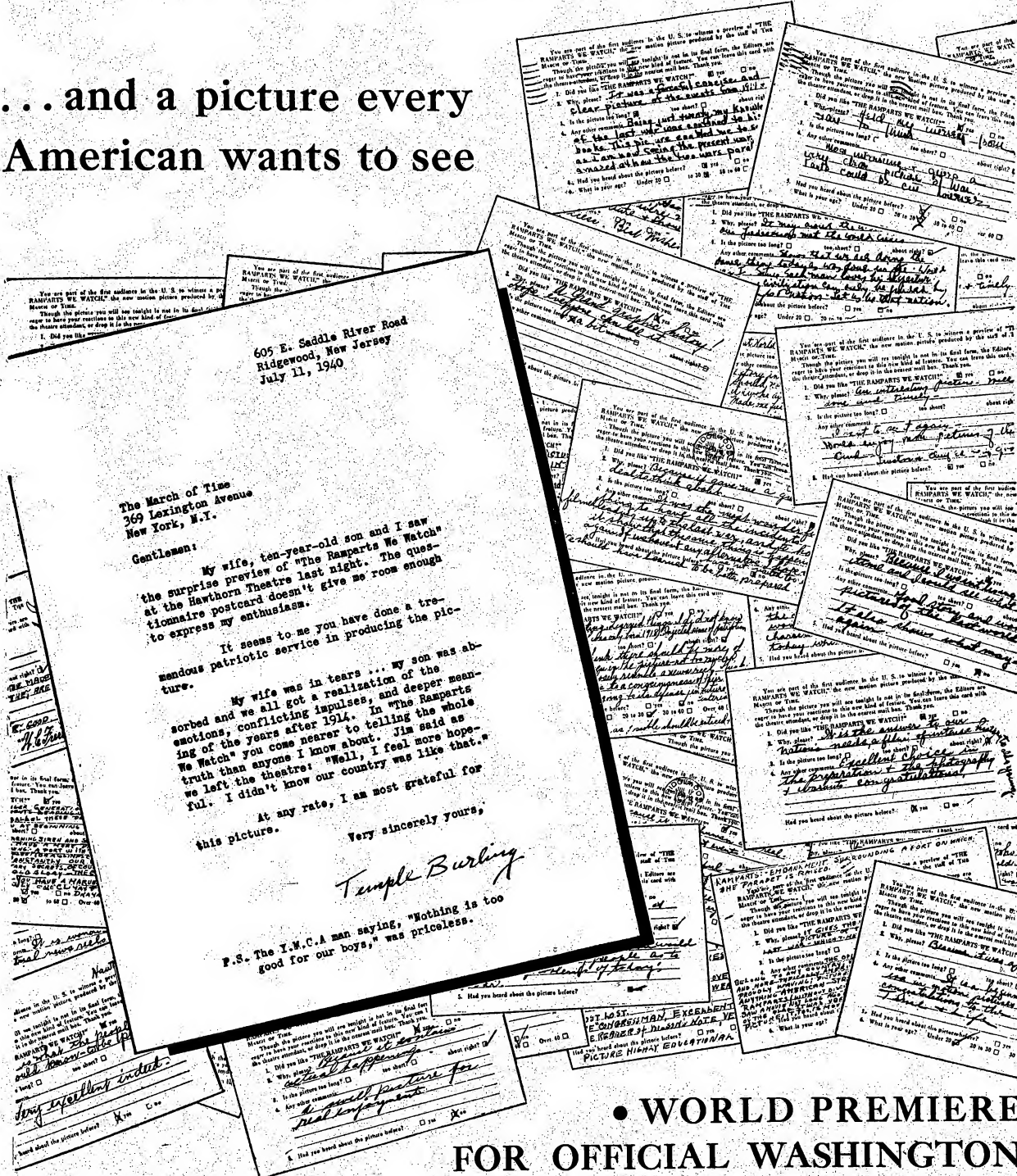
(continued from first column)

LISTEN to that guy yodel!
SURE he's an M-G-M exhibitor!
HE'S got hair on his chest!
MAYBE he doesn't sing so pretty,
BUT he sings
LOUD!
"NEW Moon" is one reason—
"ANDY Hardy Meets Deb"
IS another reason!
THE customers are delighted to see
JEANETTE MacDonald and
NELSON Eddy together again,
AND the combination of
MICKEY Rooney and Judy Garland
IS sure-fire!
HOLD-OVER business!
SO watch your bookings please!
KEEP on singing Mr. Showman—
YOU'RE doing your share to bring
COMFORT and relaxation
TO the public!

IT helps keep America
SANE and sensible.
M-G-M is singing too!
"PRIDE and Prejudice" is another
SWEETHEART
GREER Garson, Laurence Olivier
ARE great in it.
"BOOM Town" exceeds
THE rosiest hopes. Terrific!
GABLE, Tracy, Colbert, Lamarr—
WHAT a cast!
ALL summer long we've got
GREAT entertainments for
YOUR eager public.
AND what a Fall line-up!
ISN'T it just plain common sense
TO get set with M-G-M
FOR 1940-41 and enjoy
THAT happy feeling!

A SAGA OF MODERN AMERICA

... and a picture every American wants to see



605 E. Saddle River Road
Ridgewood, New Jersey
July 11, 1940

The March of Time
369 Lexington Avenue
New York, N.Y.

Gentlemen:
My wife, ten-year-old son and I saw the surprise preview of "The Ramparts We Watch" at the Hawthorn Theatre last night. The questionnaire postcard doesn't give me room enough to express my enthusiasm.
It seems to me you have done a tremendous patriotic service in producing the picture.
My wife was in tears ... my son was absorbed and we all got a realization of the emotions, conflicting impulses, and deeper meaning of the years after 1914. In "The Ramparts We Watch" you come nearer to telling the whole truth than anyone I know about. Jim said as we left the theatre: "Well, I feel more hopeful. I didn't know our country was like that."
At any rate, I am most grateful for this picture.
Very sincerely yours,
Temple Burling

P.S. The I.M.C.A man saying, "Nothing is too good for our boys," was priceless.

• WORLD PREMIERE
FOR OFFICIAL WASHINGTON
JULY 23rd at RKO KEITH'S

"THE Ramparts We Watch"

A NEW KIND OF FEATURE PICTURE ... PRODUCED BY THE STAFF OF THE MARCH OF TIME

Balk at Consent

Continued from page 4

the theatre-owning majors in any such assent, unless particular exceptions were included pertaining to their future business policies.

OK on Other Aspects

On questions of joining with other defendants in subscribing to an industry arbitration setup for adjustment of trade practice complaints, the three 'independents' were willing to go along with the others. Since the beginning of the conferences, however, they have withstood pressure to join in the plan by which blockbooking and blind selling is to be abolished and a new order of selling, following trade showings, established as an industry practice.

It is the contention of Columbia and Universal that neither their production nor distribution organizations is geared to make or sell films by the five-group method. Success of such a plan, they declare, lies in spacing heavier budgeted pictures throughout the year so that at least

A film is available with each group of five. Both companies also assert that their present policies are fair and equitable, permitting selective contracts in many situations where they have found it profitable to permit an exhibitor to make a choice of films for first runs, releasing the balance of the program for subsequent houses.

When consent decree conferences were resumed last Wednesday (16) a Government attorney voiced dissatisfaction with the progress of the work. In the general discussion which followed, he further intimated to the film company group that any agreement reached by the negotiators would be subject to review and approval by certain independent exhibitors who have heretofore occupied the position of complaining witnesses in the anti-trust action. This declaration led to emphatic objection by the film company attorneys. Paul D. Williams, special assistant attorney general, withdrew from the meeting, although other Government counsel remained. It is said that Williams, who is the trial lawyer, communicated by telephone with Thurman Arnold in Washington and, as result of the conversation, Arnold came to New York on Friday to review the situation.

Reports that Arnold would ask the court to resume trial proceedings on Monday (15) were dispelled when the time to ask for further adjournment arrived. J. Stephen Doyle, Arnold assistant, asked Judge Goddard for an additional week, expressing the opinion that progress in obtaining consent decree was assured. After the formal motion, Judge Goddard called Doyle to the bench and conversed in whispers for several minutes. At the conclusion of their talk, the motion for adjournment was granted.

There is persistent report at the Federal Court Bldg. that the program for the consent decree will be put to final test during the current

week. Adjournments have been extended weekly since last June 7, four days after the trial action started. The request of amnesty came just before the Government was ready to call its first witnesses.

Should negotiations be terminated it is anticipated that trial would be resumed the week of July 29, with summer adjournment set a few days later. Taking of testimony would void the protective features of the Sherman anti-trust act as applied to the defendants. Loss of the civil action would likely entail them in heavy individual damage suits. The trial would resume Oct. 1.

Estimates of the duration of the action are from six to eight months. Subsequent appeals, in case of a Government victory, would carry the proceedings one or two years longer.

Studios' Relief

Continued from page 2

and Walter Wanger and Hal Roach at their independent quarters.

Employees of film exchanges, theatres and supply houses held a similar meeting under the chairmanship of Charles F. Skouras, listening in on a relayed message from the studio drive headquarters.

Meanwhile the Warner Club, sponsored by Harry M. Jack and Albert Warner, is financing the transfer of more than 2,000 children from England to the United States. The refugees are sons and daughters of Warner employees in the United Kingdom. The Warner club has a membership of 25,000.

Old Gold's Fast Coin

Pickup for Red Cross

Spot pickup of coin for the Red Cross, projected on last Friday's (12) broadcast of the Don Ameche-Old Gold show in an innovative tieup with 10,000 Western Union offices throughout the country, raised \$4,018 for war relief within 20 minutes. Red Cross workers were spotted in all WU offices and on a signal from Irene Rich, who sounded the appeal, donations were gathered in by phone call. Before the program signed off, WU wired in the beneficiaries from all points.

Red Cross officials are hopeful of picking up another \$50,000 as a result of the Old Gold appeal. Sponsor dispensed with all commercials, except the intro, in favor of the mercy campaign.

Philly's Miss-Out

Philadelphia, July 16. The drive by the Philly film industry to raise \$1,500 for an ambulance for the British Red Cross has flopped.

One anonymous donor among the flimites put up \$500 if the balance could be raised by others in the industry. After nearly two weeks less than \$200 more was raised and the original \$500 was returned.

Reason given for the failure of the drive was that most of the men in the industry had already contributed heavily to the American Red Cross.

Nix Nazi Pix

Continued from page 3

fiers prior to the actual invasion of those two countries. Just how they affected viewers at that time has been told by American scribes who were in Norway at the time.

Originally much of the same material is reported to have been offered American newsreels but none would touch, it because the Germans insisted that the U. S. reel editors could not alter the sound track or edit so as to switch the general import of the pictures.

Idea behind these invasion films, in the opinion of those who saw the subjects, is to impress audiences on the invincibility and force of the Nazi military machine. Subject is so edited that casualties on both sides are ignored as the Hitler war machine steadily grinds forward.

Same picture is reported to have been forwarded to exhibitors in Balkan countries free more than a month ago, ahead of latest warlike movements in that region. Such a propaganda picture, described as technically well done by those who viewed it, is possible via the German government because the Nazi army is so organized that each division has a motion picture and still unit, according to newsreel men familiar with this setup.

Frisco Nabes, Averaging 30c, Plan 35c Gate

San Francisco, July 16. General upping of b.o. prices is on the horizon for San Francisco, with actual step in that direction said contingent upon expected fall business upturn. First runs are pretty well satisfied with current downtown level of 40c, but nabes assertedly aren't doing so well with 30c tap. Strong pressure from nabes and exchanges is being exerted to nudge first-stringers up to higher level, with district houses themselves expected to make simultaneous advance to 35c.

Despite agitation in this direction, S. F. is one of the healthiest spots in the nation, in opinion of George Ballentine of Fox, prominent on film row here. Ballentine points out that there isn't a 10c run in town and seats selling at 20 or 25c are limited. He looks for a general hike to 50c this winter, however, with heavy allocation of U. S. funds to defense industries in this area as a stimulus. Only exception to the 40c rate is United Artists (Cohen), already asking 50c.

Exchangeite admits delimiters would think twice before moving up, with nabes able to offer two A pictures plus giveaways for 30c. For this reason, district jump of a nickel undoubtedly would occur in union. There has already been discussion as to whether the new nick should be 50c including or plus tax, if and when it happens.

Film row boosters of upped gates also point out that if public wants to see a picture it'll be on hand, regardless of price, location or other considerations. Sidelight, so far as nabes are concerned, is fact that no side-street house can claim to have a district of its own. City is so compact that districts overlap, and bulk of residents are equidistant from two or more houses. Where district they are in depends which way they turn from the front door.

Defense Tax

Continued from page 7

such high-minded devotion to the good of all will not be left unanswered.

Cutting to Dodge Tax Switches Clearance

Detroit, July 16.

A swift nipping of the move to reduce theatre admissions here to escape the new Federal defense taxes is being made through the local exchanges. The problem came up when two more nabes followed the first in cutting their admissions 5c to get out from under the tax collections.

The exchanges countered by indicating that this would mean later availabilities on pictures for all the houses dropping under the usual 25c admission in the nabes. Latest houses to cut their scale were the West and the Harmony, which followed the President.

STORY BUYS

Hollywood, July 16.

RKO bought Bartlett Cormack's yarn, 'How's Your Map?'

Metro acquired screen rights to 'Bolivar, the Passionate Warrior.'

Producers Corp. of America purchased 'The Good Life,' novel by Clara Clemens Gabriulowitsch.

Warners purchased 'Affectionately Yours,' by Fanya Foss and Allen Leslie.

Lindsay Parsons bought 'My Home Town,' by Lester Friedman, for production at Monogram.

Bernard Schubert acquired screen rights to 'Leaders' Duncan's autobiography, 'My Life,' from Majestic Pictures.

'Dark Is the Night,' by Jay Dratler, bought by Columbia.

'Century Pictures' acquired 'Trading Post,' a novel by Milton Krims.

TITLE CHANGES

Hollywood, July 16.

'March of Crime' became 'The Secret Seven' at Columbia.

'Knutie Rockne—All American' is release tag on 'The Story of Knute Rockne' at Warners.

'Hit Parade' became 'The Hit Parade of 1941' at Republic.

Thanks for the memory, BOB HOPE!

Despite the Torrid Weather of Mid-July in St. Louis—Despite the All Star Baseball Game—Despite the Tremendous Competition Afforded by the Municipal Opera—You and your Crew of Comics Have Given Us

ONE OF THE ALL TIME RECORD-BREAKING WEEKS IN THE HISTORY OF THE FOX THEATRE, ST. LOUIS!

Attendance Figures Chalked Up By You Firmly Place You Alongside KAY KYSER and AL PEARCE—Two Other Well-Known Gents!

Thanks, too,

for the Grand Co-operation you and JERRY COLONNA gave so graciously to our staff!

Congratulations!

Gratefully FANCHON & MARCO SAINT LOUIS

P. S.

SINCE YOU OPENED YOUR PERSONAL APPEARANCE HERE WE HAVE BEEN DELUGED WITH REQUESTS FROM OUR PATRONS FOR RE-ENGAGEMENTS OF MANY OF YOUR PICTURES!



YOLA GALLI

RAINBOW ROOM, NEW YORK

4 WEEKS

JUNE 23RD - JULY 26TH

YOLA GALLI Comedienne & Singer

Rainbow Room, N. Y.

Yola Galli has been around, notably in London and Paris revues. She's back in New York by way of the Copacabana Casino, Rio de Janeiro, and the Brazilian influence is what gives her an entirely new aura for America, capable for presentation in ritzier, vaudeville, or almost any place.

A personable blonde with a warm personality.

Comedienne has fortified herself further with a canny change of pace in her material. She can play the class and the mass joints with equal appeal.

VARIETY—Issue July 3, 1940

Per. Mgt.: HATTIE ALTOFF

C. R. A., Ltd.

MANY ACCOUNTS SWITCHING

Long Distance Trucks to Advertise

Biow agency is working on a show of institutional character for the American Trucking Association. It's to plug the distance hauling business. Network will be recommended. Account was added to the Biow list last week.

Cincy Reds on Crosley Shortwaver; Very Popular With South Americans

Cincinnati, July 16. According to letters reaching Crosley headquarters daily from Mexico, Cuba and all South America republics, 50,000-watt WLWO, which has been operating experimentally on high frequency the past three months, is making itself heard and appreciated over other foreign stations, chiefly German, that have been directing propaganda that way. Additional response from listeners in Alaska attest the fact that the same beam encircles the globe.

So satisfactory have been results thus far that the FCC will likely authorize permanent individual programming for WLWO in the immediate future.

Jim Shouse engaged Henley C. Hill, a native of Brazil, to do special announcements in Portuguese, and Aristides Nodarse, of Cuba, to do the Spanish interpreting on WLWO airings. The station carries most of WLWO's regular programs, night and day, and also broadcasts of the Cincy Reds' baseball games originating on WSAI. Latter were included in the daily schedule after test broadcasts proved that South Americans are interested in baseball to a surprising degree.

Half-hourly station breaks are announced alternately in Spanish and Portuguese. Both Hill and Nodarse do from one to two news broadcasts daily in those languages. When notables from the lower countries visit Cincy, they are interviewed on WLWO by either Hill or Nodarse. Latest of these was Wednesday (10). Nodarse chatted in Spanish with Caroline Segura, who sang the lead in 'Tosca' with the Cincinnati Summer Opera Company that night. Sunday night broadcasts of the opera, fed by WLW to NBC, are also carried by WLWO.

PLEASURE PIER PUTS ITS WFGP ON RADIO

Atlantic City, July 16. WFGP, owned and operated by Frank Gravatt's Steel Pier, will go on the air Saturday night (20). Announcement can be surprise here, since no advance notice has been made. Harry Zoog is in charge. This is only station in U. S. that has its tower over the ocean. Other station here, WBAB, owned by A. C. Press-Union Newspapers.

Bringing Michel Ferry To Montreal From London

Montreal, July 16. Michel Ferry, European commentator for Station CKAC, is being brought back to Montreal from London to handle French-language commentary for station here. Ferry covered the battle front in Flanders and at Dunkirk in course of his duties.

Was formerly stationed in Paris and later switched to London.

Comtois Leaves Federal

George Comtois has resigned as radio director for the Federal agency. He was with the firm for three years and had handled the Sinclair tieup with CBS' early evening world news roundup.

Betty Jean Hainey, child actress in 'All This, and Heaven Too', film, now permanently in Stanco wax series, 'Career of Alice Blair', which McCann-Erickson records in Hollywood.

'LOCAL PAPERS' COPY

That's the Clue to Mutual Inter-views of Democrats

Chicago, July 16. Mutual following the local papers please 'copy' idea in interviewing delegates to the Democratic convention now in session here. Lester Gottlieb as far as possible is picking delegates from towns where Mutual has affiliates.

Spencer Allen quizzes them on a 'Parade of Delegates' from the Stevens Hotel.

Ill. Women's Symphony On CBS for Libby-Owens; Price Is \$6,000 Weekly

Chicago, July 16. One of the biggest radio program deals set in this territory will put the Illinois Women's Symphony orchestra with Izler Solomon conducting on a coast-to-coast Columbia wire starting September 23 for the Libby-Owens-Ford Glass Co. Placed through the U. S. Advertising agency of Toledo, the Women's Symphony will ride each Sunday at 4-4:40 p.m. Central time from a public broadcast in the Civic theatre.

Price is reported at \$6,000 weekly for the Symphony plus special vocal guests. Understood that U. S. Advertising is arranging tie-ups on the show with all musical colleges, schools in addition to close cooperation with women's clubs and arts clubs throughout the nation.

It marks the first radio venture for the L-O-F firm which had been looking for a suitable air show for many years. Deal was set through the Columbia office in Detroit and the Columbia Artists bureau.

Doc Pratt Joins Rose At Walker-Downing Agency

Pittsburgh, July 16. Russell (Doc) Pratt, for many years connected with station KDKA, has been hired by Walker-Downing agency here as a special radio merchandising representative. Pratt originally came here from Chicago and has written, produced and starred in a number of commercial shows locally, in addition to a flock of sustainers. Understood he'll build programs for special clients. Bill Rose remains in charge of Walker-Downing outfit's radio department, with Pratt scheduled to work in close association with him. He'll take up his new duties Aug. 1.

Tucker-Baker Renewal

Bonnie Baker and Orrin Tucker have been renewed by Lucky Strike for their second 13-weeks on the Hit Parade (CBS). Rest of the personnel remains as is, namely Barry Wood, Bea Wain and Mark Warnow.

Steve Willis to WJNO

Providence, July 16. Stephen P. Willis, manager of Station WPRO, who on Aug. 21 will take over a similar post on Station WJNO, Palm Beach, Fla., was given a farewell dinner by members of the staff Monday (15).

Civic and business leaders of the city attended.

N.Y.C. AGENCIES SUFFER LOSSES

J. Walter Thompson Among Hardest Hit — Loses Fleischmann Yeast — Fels Naphtha Walks on Young & Rubicam Due to Lever Brothers Link

OTHER CHANGES

Casualties in account losses or territory reductions were abnormally heavy in the New York agency field last week. J. Walter Thompson was the hardest hit. Not only did Emerson Drug go to Benton & Bowles but Standard Brands took away the Fleischmann Yeast account and gave it to a Park avenue agency, whose name is being kept shrouded for a few more days. The Fleischmann shift will involve 'I Love a Mystery', which is slated to resume the NBC-blue this fall.

Fels Soap has broken away from Young & Rubicam and the incident is believed to be tied up with the reported designation of Y&R by Lever Bros. the agency for its new Swan Soap, an intent competitor of Ivory (Procter & Gamble). General Baking has taken part of the Bond bread account from B.B. & O. and given it to Ivey & Ellington, of Philadelphia. The assignment takes in the Pennsylvania and Maryland districts. The baking combine recently underwent a change in major stock ownership, officers and directors.

Benton & Bowles has been appointed the new agency for Columbia Phonograph Corp. Ward Wheelock previously had the account.

JOE AINLEY SETS UP OWN PROGRAM FIRM

Chicago, July 16. Joe Ainley, setting up his own production organization, continues as supervisor of the 'First Nighter' programs which he had been handling for Campana as radio chief of the Aubrey, Moore & Wallace agency.

Now listed as the Joseph Ainley company, organization will also handle production and writing on 'Story of Mary Marlin' and 'Stepmother', with other shows slated to be added and offered in the autumn. Ainley has brought in Charles Penman as assistant.

Renfro Valley' From WLW For Dixie as 'Boat' Sub

Chicago, July 16. Freeman Keyes is making a new set of program and time arrangements for some Brown & Williamson tobacco products. On August 5, Keyes and his Russell M. Seeds agency will shift the 'Show Boat' show for Avalon cigarettes from NBC-Blue to NBC-Red and will ride 8:30-9 p.m. central time with a repeat on the coast on 11 o'clock.

Show will not be fed to the south, however, with the NBC-red stations in the south to get a new show tagged 'Renfro Valley Folks' which will originate at WLW, Cincinnati and will be in the interests of Big Ben smoking tobacco.

Walter O'Keefe Appeals

Walter O'Keefe is taking an appeal from the unfavorable verdict he got in his \$54,000 damage suit against Young & Rubicam. A N.Y. supreme court justice had several weeks ago held that the agency was not liable for an alleged overlapping portion of the O'Keefe contract when the Packard show folded in 1937.

The Appellate division, first department, is where this issue will now be argued.

Makes Frisco's KSFO a 'Farm Station'; Dellar Exploits Area's Leading Biz

AL NELSON'S AT HOME

It's a Salad Affair—Blaise Frisco Takes Note.

San Francisco, July 16. NBC's Al Nelson, hosted 20 grocery men, home economics experts and the press with turkey and trimmings in his executive offices (11) in behalf of Wesson Oil, 'Hawthorne House' and food broadcasts in general. With Glady's Cronkrite, web's home-ec director, greeting the guests, members of 'Hawthorne House' cast entertained. Quarter-hour chunk of the proceedings was aired via KPO.

Center of attraction was a salad bar set up by Chef George Mardikian of the Omar Khayyam restaurants, in line with the account's current campaign on salads, as explicated by firm's division chief, John Dawson, guest of honor. Lavishness of feed—including Armenian pastries and rice baked in grape leaves—and fact that network boss risked his own private carpet for the shindig garnered comment even in blaise Frisco.

McKee & Albright's New Business Dept. Under Herb Korholz

McKee & Albright agency of Philadelphia will shortly open New York new business department in charge of Herbert Korholz. Latter recently opened the agency's first office in Hollywood, out which the Rudy Vallee Sealtest program is produced by Vic Knight (until Ed Gardner takes over).

Korholz will open the new biz section in mid-August upon his return from a vacation which he will spend training jumpers for merchant J. C. Penny and Sidney J. Weinberg, of Goldman Sachs. Latter is the owner of the famous jumper Bruce, named for Jim Bruce, a v.p. of National Dairy, a McKee & Albright account.

Vague Kenora, Ontario, Station Puzzles Radioties

Winnipeg, July 16. Canada's number one mystery station is easily CKCA, Kenora, Ont. Opened about a year and a half or two years ago, this set-up has been a complete daze to local station and agency officials with nobody appearing to have a complete and straight story.

At the time of its opening, CKCA was jointly owned by Starrett Airways and Gray's hotel, with the Hon. Peter Heenan, Ontario Minister of Lands and Forests, filling in in an obscure manner somewhere in the dim background, although no direct mention was made of the fact at the time.

Jerry Bourke, old-timer of Canadian radio, was brought in to manage the station from Winnipeg. Shortly after that Bourke disappeared from the scene to be replaced by George Titus, old-time newspaper and radio man, also brought in from Winnipeg. Also imported at the time was Clinton Godwin, formerly of CKX, Brandon, to handle the announcing chores. Then Titus reappeared in Winnipeg and it was reported Godwin had taken over running the station as a one-man show. This week Godwin vanished to reappear with CKPR, Fort William, and it is reported Bourke is back in again as manager.

The station started out with a large size staff and no prospects of any commercial revenue. Just where this staff has gone is another mystery, but it is known the station is now running as a one-man show. Studios built in the Kenora hotel have been closed within the last few weeks with entire operation being conducted from the transmitter plant.

Gracie Barrie set for a guest on Rudy Vallee's Sealtest show Aug. 25.

San Francisco, July 16. KSFO, San Francisco's CBS outlet, is now entering its sixth month of shot-in-the-arm treatment and the patient is doing well according to Dr. Hooper's graphs. The hypo is being administered by Lintina Dellar, best known here as home-town boy who brought the fattest calf with him. Brought here last Feb. 1 by owner W. I. Dumm, Dellar found a situation where one exec was trying to do everything from selling to filing. First move was to expand payroll to set up a complete sales staff, after which he moved in on programming.

One of the inaugural efforts was campaign to capture the largely ignored agricultural audience (the area's number one industry) espily within the KSFO range, north, south and east of the metropolis. Result, KSFO now opens for biz at 5:30 a.m. six days a week with an hour-long Farm Journal m.c'd by Bill Adams, former public relations director of California State C. of C. in attempting to get up-to-date news and market service, which means something in the sticks, Dellar has used the show to bring the state's rural papers into the KSFO fold, a move designed to back-ground journalistic support for radio if and when needed. Angle is to air a special afternoon edition of the 'Farm Journal' every Saturday at 12:30, 30-minute shot being turned over to a different editor each week who conducts the show as he sees fit. Naturally the home town folks dial en masse.

Typical of those appearing are Paul Leake of the Woodland Democrat, who also happens to be collector of customs for the port of San Francisco; Horace Thomas, editor of the veteran Marysville Appeal Democrat; Wood Peters, publisher of the Concord Transcript, etc. Incidentally, the rural fans per martian music on their day break stanza.

Second major program innovation was establishment of 'Your California' series. Special events crew, headed by R. W. Dumm, son of W. I., has been outfitted with pack transmitter and a portable recording outfit. Every week the boys visit some unusual or out of the way spot and record commentary, with sound effects, on the ground. Show runs 15 minutes but they cut as many discs as they feel like; later in studio re-recording the pack transmitter and a portable recording outfit. Every week the boys visit some unusual or out of the way spot and record commentary, with sound effects, on the ground. Show runs 15 minutes but they cut as many discs as they feel like; later in studio re-recording the pack transmitter and a portable recording outfit. Every week the boys visit some unusual or out of the way spot and record commentary, with sound effects, on the ground. Show runs 15 minutes but they cut as many discs as they feel like; later in studio re-recording the pack transmitter and a portable recording outfit.

Roving recorders lost a \$90 mike when one of the boys tried to air his reactions from an aquaplane—and landed in the drink.

WRVA FOLLOWS KSTP IN MUSIC SETTLEMENT

CBS pickups were restated Thursday (11) following the ironing out of the disagreement between WRVA, Richmond, Va., and the local union. CBS bands had been off the air 10 days all told.

NBC returned broadcasting of band remotes two days earlier (9), after 11 days of substitutions. That situation was smoothed after KSTP, Minneapolis-St. Paul and the musicians local there got together and wiped out disagreements.

Spa May Use Radio

Chicago, July 16. Goodkind, Joyce & McCann agency here has gotten the Mudavia Springs account, and is understood readying a midwest ether coverage set-up for the Indiana spa.

Wholesome—Like An NBC Page Boy

The Stage Directions for 'No Program Tonight' Very Colorful—It's Experimental Drama

By ROBERT J. LANDREY

The torch of 'experimental radio' is a low but perpetual flame that burns in rehearsal studios at odd hours, especially in summer. It was burning, for example, in 3-C at NBC Saturday afternoon (13) as Albert W. Williams and John La Touche,abetted by a swarm of in-actors and she-actors, prepared to broadcast their evening one program in the series known as 'The Listener's Playhouse.'

As the group 3-C romanced with, and maybe made, radio progress the RCA building was nearly empty. The neat innumerable rows of studios and offices were locked, deserted and chaste for the weekend. The NBC salesmen were away golfing, swimming, yachting, rhumbaing, or otherwise contacting commercial clients. The men with the brass helmets were temporarily out of sight, gone off to contemplate the demanding character of farewelling and welcoming NBC presidents. But 3-C were putting around with radio history.

Writer-Directors

In the past season or so NBC has watered and spaded and weeded and moved about for better sunlight those sustainers which were not to prestige. In 'The Listener's Playhouse' the plan calls for the creation by NBC of three writer-directors who, alternating once every third week, will concentrate on experimental radio works. The three are Williams, La Touche and Ronald MacDougall. Of these La Touche is untrained in direction for the moment, so he stood last Saturday afternoon behind Williams at the push-button microphone to familiarize himself with experimental ways of bringing out the creative interpretive spirit in he-actors and she-actors.

Williams has a droll approach to his performers. He talks to them through the loudspeaker in terms of bright images. To Ian McAllister, doubling momentarily as a bellhop, Williams suggested: "Read that line wholeheartedly like an NBC page boy!" McAllister needed no further direction. The sound effects man was encouraged to give a little more oomph to the bird whistle effect. "Like a drunken nightingale," was the suggestion.

When a babble-of-voices effect called for the full company to hum "Stars and Stripes Forever," author La Touche broke in to urge one of the girls not to render the patriotic anthem so satirically.

The script was running short, so some lines were improvised at a couple of points by the actors. "Okay," said La Touche, "but I'm not going to share my royalties."

Radio actor native humor tends to find its magnetic pole in the daytime serial. Some of the suggested lines would have been very funny, either on NBC or in Vaudeville, but certain cracks are just between us girls. If you know what we mean, and we think you do.

No Ghosts in Closet

Although Williams kept emphasizing that there should be no waste of 'good AFRA time,' the spirit-of-rehearsal of an 'experimental' program is quite different from the relatively firm behavior at many commercial rehearsals where the fun is frequently spoiled by the presence behind glass of the man who is paying for the program.

La Touche's contribution to experimentation bore the title: 'No Program Tonight; or The Director's Dilemma.' In it a radio leading man halted suddenly in the midst of a flowery speech and announced, "I can't do it... I just can't do it." This man was, inevitably, Dwight Weist. Who but he would be on a single guess—playing the part of a radio hero? The name of Dwight Weist shows up in radio cast credits like Frank and Anne Himmert in author credits. In fact, putting Weist into this particular role almost sounded like satire on the satirist.

The sudden stoppage of the continuity paralyzed the Descriptive heroine, who in sotto voce urged that the show must go on. She was, answered the leading man, a slave to convention... not so the script which was, conclusively, an attack upon too much convention, too much

tradition in the standard ways of broadcasting.

"The director, impersonated by Norman Lloyd, rushed into the scene in panic, tried to restore discipline, to halt the actor's revolt against his nauseous lines, 'You're an actor, not a critic,' he shouted. The actor responded his larynx had simply refused to proceed. It had taken enough punishment.

Appealing first to the engineer and then to the sound man to say something, the director was informed that they can speak only through the gadgetry of their professions. The engineer showed what he can do to a voice, although lacking one limit—experiment flared because author, directors, actors, musical conductor (Tom Bennett), and panelman are all puttering around with echoes and filters, ups, fades, and vibrates. (Ed Whittaker, who ordinarily services Phil Spitzky's Hour of Charm for General Electric, has this engineering assignment.)

La Touche has chosen sudden aberration among radio actors as a springboard for some remarks on the prevailing confusion of modern men. Who are they? What are they? Why are they saying these things? doing these things? It suggested a phrase which the French use—*deja vu*—which implies an eerie sense of having been in the same circumstances before, a feeling of detached unreality, halting the tide of present consciousness.

Of course it may be asked: who listens to programs of this nature? To what extent are their messages intelligible or effective? What is their significance as additions to radio technique; to the opening up of new, more striking ways of saying things on the air? Will such sustaining experiments eventually influence and improve radio production generally?

F.O.B. Hollywood

In the past there has been a certain amount of radio program experimentation. Much of it at CBS. Some of it at NBC and elsewhere. A conspicuous result has been that several radio author-directors have gotten jobs in Hollywood film studios. Which does not seem of overwhelming importance to the progress of radio itself.

What the experimentalists undoubtedly need is a method of getting recognition within the broadcasting industry. Meantime the experimental flame, while low, burns steadily in the rehearsal studios at odd hours.

INFO, PLEASE NEARLY SOLD

"Information, Please" was reported yesterday (Tuesday) as on the verge of being sold either to Campbell Soup or to Lord & Thomas for one of the latter's accounts.

"Information's" present contract with Canada Dry expires the first week in November. Dan Golenpaul, owner of the show, has been asking \$8,500 a week, as compared to the \$6,500 Canada Dry offered him on a renewal contract for a straight two years.

Gerald Cock of BBC Slashes Red Tape

Stations Get Speedy Okay on BBC. Rebroadcasts—34 Longwavers Use London Stuff

Washington, July 16. Stations wishing to rebroadcast British Broadcasting Co. programs can do business under a 'temporary agreement' with the New York offices of the British radio combine, according to Gerald Cock of the Manhattan-based office. Since applications directly to the London offices result in 'inevitable delay,' Cock has advised the National Assn. of Broadcasters at Washington that requests filed by station managers or equally important officials with the New York headquarters will result in im-

Robert Brown Returns To WBBM, Dawson Aides

Chicago, July 16. Robert Brown has returned to Chicago and takes over once more as program chief of WBBM-Columbia. Brown was on the Coast sipping the Wrigley 'Gateway to Hollywood' and Gene Autry shows.

Stu Dawson, who had been filling in, continues as Brown's aide and assistant.

VICK USING 158 STATIONS

Vick will use 158 stations for its campaigns on National, Topical and Vick's Cough Drops this fall. Contracts are going out this week from Moore International, agency on the account, though the campaigns are not dated to start until Sept. 15. With about \$400,000 involved in time and talent costs, the Vick campaigns for the coming season aren't basically any different from what they were last season. Most of them will use news, market baskets, women in the news programs, musical clocks and hillbilly formulas.

Only area that is still open on the Vick bookings in the west coast. The setup will be either the Pacific red or the CBS Pacific link. The dicker in this instance includes the program. Vick's station list nationally is somewhat more extensive that it was last season.

WNBH ENGINEERS TO JOBS BY MOTORBOAT

New Bedford, Mass., July 16. WNBH, 250-watter, owned by E. Anthony & Sons, local newspaper publishers, began construction last week on new transmitter to be located on Cape Sable, Fairhaven, in New Bedford harbor. When completed in late fall, engineering staff will have to motorboat it from mainland.

Capehart's New Biz

Ft. Wayne, July 16. Packard Manufacturing Co., with temporary offices the Cal Wayne building, Ft. Wayne, Ind., has been organized by Homer E. Capehart, former local manufacturer who founded the Capehart Corporation, for large-scale manufacture of phonographs, automatic musical instruments, and accessories. Capehart plans to locate the factory in Ft. Wayne if a favorable site can be found.

Designing and engineering of the musical instruments for home and business establishments is now in progress (at the O.K. Machine Co., Inc., this city). Sample instruments and accessories are being made, as well as tools and dies. The company has obtained a number of patents on its devices.

Capehart organized the Capehart Corporation in Ft. Wayne in February, 1929, and opened it until 1932. He later became a director and first vice-president of the Rudolph-Wurlitzer Co.

Helen Nugent, WKRC's Old-Fashioned Girl, sings the role of Mercedes in 'Carmen' this week with the Cincinnati Opera Company at the Zoo.

From the Production Centres

IN NEW YORK CITY

Hal James, spot radio program manager for Compton Agency, spent weekend in Toronto and Montreal to oversee Procter & Gamble French and English programs handled by Compton Agency. Mary Louise Anglin, radio program buyer for Compton Agency, left last week for a two week cruise to the West Indies.

Ed Gardner got the McKee & Allbright producer assignment on the Rudy Vallee-Sealtast show, starting Aug. 1. He will even perform, with his 'Aroh' character replacing Maxie Rosenbloom. It's on a week to week basis... Sandy Barnett, producer of the Lux Theatre series for J. Walter Thompson, was in New York last week on a home office visit... Dorothy Mallinson makes the second production man on CBS staff. Formerly a director with the Gardner agency in Chicago, she's pinch-hitting for Orrie Hancock, who's on vacation, on 'Grand Central Station,' 'Life Can Be Beautiful' and Campbell's 'Short Shore Stories'... Herbert Jacobson is doubling from World Broadcasting System p.a. to television production at NBC. Did a program last Tuesday (9) which ranged from Carveth Wells to Korean, Hawaiian, Mexican and whatnot folk terpsy... Tom Buchanan's missus, see Josephine Sampers, the melodist of the current tune, 'Six O'Clock' which Mills Music, Inc., is publishing. Irving Ciesnar did the words... Cornwell Jackson, of the Hollywood talent agency of Berg-Altenberg, in New York last week with business, afthought... Charles Motta, who formerly directed Lido-American programs for the Reiss agency, has joined Forjoe & Co. station reps. He'll specialize in the small language market... Bert Squire is now with the J. W. Pepper agency as radio director... New Yorkers aren't as fond of roller skating as they are of ice skating, the Rocketellers discovered when the ice rink in Radio City, on the Plaza, which was converted during the spring to roller skating, had to be converted again, back to a restaurant, as formerly roller skating may be tried again in the fall when the weather gets cool, but, in any event, the ice will go back in during the winter. Ice skating, while not highly profitable to Radio City, is figured as good promotion and exploitation.

Columbia's 'The People's Platform' will originate outside U. S. mainland this week (20), the point being Havana, on the eve of opening of the conference of Pan-American governments.

Harry Von Zell is again announcing 'We, the People' after several weeks on the Coast with Fred Allen show. Mary Lewis draws 'byline for fashion news on Transradio Press morning broadcasts over Mutual... Ted Husing is now questioning the sports experts on 'Choose Sides,' CBS sustainer. Program has been shifted from a Sunday to a weekday night spot... Henry McLenore, sports writer of United Press, was the original quizzer.

IN HOLLYWOOD

It's still all to the merry on the Al Pearce show despite substitution of The Merry Macs with Helen Carroll for Marie Greene and Her Merry Men. Macs deal for 13 weeks with options, indicating they may have, using their last for Fred Allen... Irving Reis found material in the recent Red Cross colossal for a yarn and sold it, to Bill Robson for the 'Amechev' sponsor on Old Gold. He had to do with that phony (later made good) donation of \$5,000 from Miami which sent Irene Rich to the Florida City for the pickup. Reis used it as the basis of a palooka offering the co. he could meet up with a picture star... Platters have gone out to agencies featuring Rosemary De Camp and Elliott Lewis in 'Voices in the Crowd,' new dramatic series auditioned at KNX... Van Newkirk, Don Lee's program chief, will prof it at University of Southern California in the fall on radio technic... Tony Stanford basking in the sun for a few weeks. Ashmead Scott's 'Blondie' series for Camels moved into its second year... Gale Page prefers radio and beautiful repasts to film, and forming script for 'The Millionaire' for the kilowatts. Dietary restrictions imposed by the studio proved too wearing on her health... Meredith Willson drew his first picture scoring job, Charles Chaplin's forthcoming satire on dictators... Les Mahwinney, time news editor at KNX, now with Burridge Butler, station and Arizona Farmer at Phoenix... Al Pearce added to his holdings by buying up 10,000 acres of stock country up north... Hal Beck of NBC and Hal Block, gag writer with Burns and Allen, more confused than ever now that they're both toiling at Radio City.

Jack Sayers checks off the CBS publicity staff (20) to take over head publicity duties on the Coast for Young & Rubicam. He succeeds Bill Stuart, who is being held east by the agency... Knox Manning will soon off in Frank Capra's new opus, 'Meet John Doe. He will play himself, a radio commentator... Radio gag is getting quite a bang out of the antics of a mild name in the biz who let go a lusty squawk when she espied her phiz in a drug store window at the bottom of an art display. Her manager demanded top position or else. Widow dresser chose the 'or else'... NBC gave Charles Holland, Negri tenor, a half hour program of his own along the Coast. Protege of David Broekman, he was unknown before piping up on the recent Red Cross show... Carlton Morse resting up for a month from his producing-writing labors on 'One Man's Family'. He'll pass the snafu in the picture art stars by the northern peninsula... Fulton Lewis, Jr., did one broadcast from KHJ while here has also surveyed the aviation industry... Bob Carver again dish up the news on KNX for Meneaus... Sandy Barnett, Lux director, east on vacation and discussions at J. Walter Thompson on next fall's setup. George Welles and Harry Kerr, scripters, lolling for eight weeks at Lake Tahoe... Bernie Smith, KFL-KECA press head, making his first call on New York. Bud Edwards, production manager, going along to do the pointing... NBC gang gave the Annadale course in Pasadena a rough going-over. John Swallow made a hole-in-one—one hour.

IN SAN FRANCISCO

How to do a man-on-the-street show and take a vacation at the same time was revealed by Scott Weastley, KROW production manager, who didn't want to shatter an unbroken five-year record. He recorded 10 sidewalk pickups ahead of time... he sails his boat, Little Lili, up the Sacramento river... John Pottery, newscaster on KROW, has turned film secretary, scripting a documentary which he'll use this fall in school and club lectures... KSPF has grabbed off permanent and exclusive line to Mark Hopkins, formerly held by Mutual-KFRC. Gives Columbia both the Mark and the Palace, two of the top hotel pickups. Web's head-quarters in latter hotelery... Line DeLars has also broken out with rash of 83 painted displays... Judy Deane, Will Aubrey, Ira Blue, Cliff Engle and Patricia Lynn of NBC and Frank Cope and Ralph Brunton of KJBS-KQW already on list for participation in Radio Day (19) at Salinas Rodeo... Pacific Greyhound donates bus which leaves at 8:30 a.m... talent will appear at Kiwanis luncheon before attending tedeo and again at dinner following... 'red' record will be private cocktail party hosted by radio officials... troupe die back home at midnight, according to Crew Captain Kay Barry. St. Francis Drake hotel, which set precedent by dropping cover charges and inaugurating 50c luncheons, does something else new this area: by taking spot announcements on NBC to advertise the fact... placement of commercials includes station break immediately ahead of regular Tuesday and Friday evening NBC band pickups, and participation in Ann Holden's women's program... Gladys Cronkite, NBC home-e-e director, hosted 250 guests (11) at salad bar in web's executive offices... Marie Houlihan, CBS press rep, vacationing.

PRECAUTIONS ON LINGUALS

Heartens Canadian Broadcasters

Conservative Senate Leader Provides Powerful Voice Where Least Expected

Montreal, July 16. Broadcasters throughout Canada were almost stunned by surprise by the unexpected defence of a 'free radio' made in Parliament by Conservative Senate leader Rt. Hon. Arthur Meighen last week. Last thing that stations looked for was championship of their cause from this quarter.

Criticism of Government policy and news services, however, was made by Senator Meighen along broad national lines rather than with relief of any particular group, business or section of the country in mind.

Meighen stated he had information that the Government intends to see that no independent news agencies get access to the radio in Canada, with even the CBC to be restricted in this respect. He said, further, that he had good reason to believe that all news will henceforth be put out by the Canadian press four times daily after being edited by Government officials.

Said the Rt. Hon. Mr. Meighen: 'If we keep on the way we are going the propaganda under the despotism of Germany will not be any more thoroughly controlled than it is here.'

What is going to be the result of taking control of everything that goes over the radio—that is to say, using that one agency, (C.P.), an agency that sits down side-by-side with the Government every day and, indeed, draws large sums of money from it?

'It just means that nothing will go over the radio which is not exactly colored to suit the administration.'

Meighen expressed alarm and intense skepticism about the Government's statement about the struggle to get accurate information to the people,' Meighen warned to watch out whenever a statement like that is made. Said he: 'The struggle is just the opposite. Everything that goes over the radio in that way will be controlled and supervised and edited by the Government.'

The Senate leader warned that after censorship of radio censorship of the press would inevitably follow. He added that while there is today a measure of censorship with strict regard to war news there is also a lot more censorship.

'When you control everything that is said over the radio,' declared Meighen, 'and following that edit the press, the liberties left are not very much worth preserving.'

The Meighen view on radio censorship has long been held by some newspaper publishers in Canada who have repeatedly warned fellow members of Canadian publishing associations to stop egging the Government onto radio. Tolerant, more far-sighted publishers have always feared their campaign against radio might eventually boomerang with severe restrictions on freedom of the press.

Broadcasters have tried by all means to get majority Canadian publishers to take the long view, but without success.

The statement made by Meighen in the House of Commons about the Government's proposed use of Canadian Press is at variance with what broadcasters were led to believe following their meeting with Transport Minister Howe last week. Station men were inclined to be optimistic about the news situation then, with understanding that Government might relent and permit sponsored newscasts to continue.

Frazier Hunt's Clicko

Frazier Hunt did two sustaining sessions on NBC recently as a news commentator and was hired for Krenli's newscast on Mutual as a result. McCann-Erickson is agency. He subs for Gab Heatter who is resting.

They Should Know

Fort Worth, July 16. KFJZ has found a local sponsor for its daily broadcasts of 'Crime and Death Takes No Holiday.' Program is a safety broadcast and besides pointers on safety, the names of victims of traffic accidents are read on the broadcast while a 'death bell' tolls.

Bankroller for three broadcasts per week on KFJZ will be the American Auto Salvage Co. dealers in wrecked and second-hand automobiles.

BUCK OFFERS TO ATTEND N.A.B.

Gene Buck has written Neville Miller, president of the National Assn. of Broadcasters, offering to attend the N.A.B. convention in San Francisco, August 5, and face the broadcasters to reply from the platform to any question on music-radio relationships. 'He hasn't had a reply as yet.'

Buck is going to Frisco next week for the annual shindig of the Bohemians and would stay on until the N.A.B. conclave.

SARATOGA SEASON'S RADIO ADVERTISING

Schenectady, N. Y., July 16. Radio end of Saratoga track advertising, handled for fourth consecutive year by Leighton & Nelson, will bring 12 stations into use, mainly for dramatized announcements. The number of spot plugs, ranges from 26 to several hundred, while a morning musical clock will unwind over WOKO, Albany. Stations in the setup are: WGY, Schenectady; WTRY, Troy; WSYR and WFBL, Syracuse; WIBX, Utica; WHEC, Rochester; WOKO and WABY, Albany; WDRS, Hartford; WAAE, Boston; WBRK, Pittsfield; WNBX, Springfield, Vt.

WGY, first transmitter employed to plug August racing season at the Spa, was not included last year, due to an old NBC rule. WTRY was not in operation then. WBRK is another newcomer for Spa hookup.

Other media, such as newspapers, class magazines, etc., will be utilized, too. Broadcasting from the track will be on the largest scale in history. The three major networks, NBC, CBS and Mutual, are making plans for regular pickups. Originally there were twice-weekly broadcasts via Mutual and later CBS. Local stations may come in on a daily basis.

Saratoga Association expects largest attendance in history, due to installation of pari-mutuels and reduction of admission.

New Blurbs on KYW

Philadelphia, July 16. KYW disclosed the following new spot announcement business.

- F. G. Vogt & Co., meals.
- W. H. Constock Co., Morristown, N. Y., liniment.
- American Chicle Co., Long Island City, gum.
- Brown & Williamson (Wing cigarettes), New York.
- Manhattan Soap Co.
- Quaker Oats Co., Chicago.
- Phlico Distributors, Commonwealth of Pennsylvania (highway safety program).

N.A.B. SEEKS TO DISCOUNT GRIEF

Some Foreign Language Stations Inclined To See Trade Association 'Borrowing Trouble,' But Broadcasters Act to Show Good Faith in Washington

JULY 25 CONFAB

The National Association of Broadcasters has called a meeting to take place next Thursday, July 25, at the Ritz Tower hotel in New York City for the purpose of organizing an exchange of ideas among and about foreign language radio stations. The N.A.B. position that forewarned is forearmed and that while there is no particular 'problem' the general delicacy inherent in the use of alien tongues during war time tension is reason enough for holding a meeting.

'Some foreign language station operators in the New York area were inclined Monday (15) to think the N.A.B. might be 'borrowing trouble' and unnecessarily focussing attention on linguals. The foreign market is profitable and the stations carrying any considerable volume thereof would be embarrassed and pained to lose it. These broadcasters are also inclined to resent stations that make a big dramatic gesture in barring foreign language programs when they really haven't got enough to make any difference.'

50 Linguals

About 50 American stations carry a fair amount of foreign language programs. Italian and German are the predominant tongues spoken. This cuts straight across America's democratic prejudice against the European dictatorships (Polish is fairly common on midwestern stations. Scattered Yiddish, Greek, Spanish and Portuguese are sectionally noted.)

Translators are widely employed by multi-language stations to check manuscripts to keep out objectionable programs. However, the theoretical danger of the foreign language announcer ad libbing without anybody in the studio being capable of checking the script has reportedly given persons in Washington goose pimples. It is distinctly a Washington-inspired confab that the N.A.B. has called. Not that the Federal Communications Commission has taken, or necessarily will take, any position against linguals. Most of the broadcasters are extremely careful at present.

There have been no recent examples of propaganda trouble although some three or four years ago there were disturbing developments on Long Island and Ohio stations and some revelations of that time are now being recalled. The Nazis have in the past shipped over radio discs ostensibly consisting of innocent Wagnerian music but sometimes there were pro-Nazi remarks that bobbed up at different points in the unspinning.

S. F. Unperturbed

San Francisco, July 16. War jitters have had little effect on foreign-language broadcasts here, according to survey of stations deriving major chunk of revenue from multi-lingual shows. Bay area carries heaviest skeid of such programs in the west. Three to five hours daily are devoted to Italian-language shows by three stations, all heavily sponsored.

KROW, Oakland, carrying L'Italia Daily News program 5:30 to 7:15 p.m. daily and the Italian American hour 7:45 to 9:15 p.m. daily, switched all wordage to English when Mussolini marched. Squawks of sponsors were louder than those of listeners, so sked was thrown back into Italian again and nothing happened. Similar experiences reported at KLS, Oakland, carrying approximately two hours of Italian daily, and KRE Berkeley. KLS system is to spot

Neville Miller, James Fly Disagree On Best Way to Integrate Radio With National Defense Problem

Radio's Oldest Salesman?

Milwaukee, July 16. Ben Wolf, star salesman of WEMP, who is called by C. J. (Chuck) Lanphier, station manager, 'the oldest salesman in the youngest ideas in radio, will celebrate his 73rd birthday anniversary on Aug. 4.

Station staff has chartered a steamship for a gala moonlight excursion on Lake Michigan as a complimentary tribute to the veteran time seller.

WEBS SENDING BIG MOB TO N.A.B.

Columbia will have a slightly bigger delegation than NBC at the National Association of Broadcasters convention in San Francisco the week of Aug. 4. The trek will be pretty well scattered, with some flying and others going by train. Miles Trammell, NBC's new prez, has to remain in New York for the NBC board meeting of Friday, Aug. 2, so that he will have to take a sleeper plane the following night (3).

CBS contingent will consist of Edward Klauber, Meff Runyon, Herb Akerberg, Don Thornburgh, Joe Ream, Ed Cohan, Johnny Karol, Harry Butcher, Gilson Grey, Jap Gude, Steve Fuld, Kelly Smith, Howard Meighan, Jack Van Volkenburg, Meyle Jones, Earl Gammons, A. E. Joselyn, Harold Fellows, and A. D. Willard, Jr.

NBCites will comprise of Trammell, Edgar Kobak, William Hedges, A. L. Ashby, Frank Russell, Don Gilman, Sidney Strotz, O. B. Hanson, John Norton, Sheldon Hickox, Koln Hager, Vernon Preble, Lloyd Yoder and Kenneth Berkeley.

Jennings Seeks Program For New Drene Budget

Chicago, July 16. Kastor agency here has okayed a 30-minute slot for Procter & Gamble on the NBC-Red, taking 7:30 p.m. on Saturdays. Exact starting time not set but likely to begin with time change. Product will be Drene.

Robert Jennings, Kastor agency radio chief, is now negotiating for a show for this spot.

WKBN, Youngstown, O., added to those carrying the 'My Son and I' program on CBS for General Foods; and the 'Musical Game' broadcast each Sunday for Philip Morris.

foreign-languagers opposite big network shows, reasoning they can't compete anyway whereas expatriates would rather hear their own language than Jack Benny. Seems to work.

Occupying even more air space are Portuguese programs on KRE, KROW, KLS and KSN in San Francisco, aggregating four to six hours daily. Postulag is neutral so these programs draw no complaints except from occasional listeners who mistake the language for something else. KRE also carries a few stanzas in Spanish.

Only Chinese program in N. S. is claimed by KSN. It's aired direct from Chinatown from 10 to 11 nightly and is solidly sponsored. Features request numbers by Chinese artists, although all numbers sound identical to occidental ears. Station's lingual broadcasts rounded out with regular Yiddish half-hour weekdays.

Washington, July 16. Division of opinion developed over the weekend as to whether the radi industry should have a representative on the new National Advisory Defense Commission (led by William S. Knudsen) or separate Government board should be set up to handle communications problems in the short-of-war emergency. Opposing camps are headed by Neville Miller, president of the National Association of Broadcasters, who advocate adding a communications expert to the existing defense board, and Chairman James L. Fly, who is planning for a Communications Defense Committee—which he is already setting up.

Prospects for a squabble are seen in the tug-of-war which is developing over who is going to take over the job of guarding against the Fifth Column and the Trojan Horse—not to mention the far more serious problems which would result from the U. S. being drawn into the war.

A proposed executive order (suggested by Fly) which would include representatives of the State, War and Navy Departments and the FCC is being held up at the White House, while rumors are in circulation that opposition has developed against permitting a regulatory agency (the Commish) to intrude upon defense planning. On the other hand, it is argued that appointment of a single individual to the National Advisory Defense Commission would not be feasible, since no person could cope with all angles of the radio industry, (commercial, point-to-point, radio-telegraph, telegraph, cable, telephone, etc.).

At his press conference last week, Fly soothed the industry with a statement that there was no cause for alarm and reminded broadcasters that popular sentiment called for the leaving of private operation in private hands so that broadcasting will continue to function as now performed.

'There is no reason in the world,' Fly declared, 'that broadcasting should not go on absolutely unimpeded. Any suggestion that there is any problem there is far-fetched and quite inaccurate and not fair to broadcasters.'

No intention on the part of the Government to burden or hamper the normal operations of the industry, short of U. S. participation in the war, according to the Commish chairman, and anyway our Government isn't qualified to take over broadcasting.'

Even if war should come, Fly predicted, the Government would restrict itself to things which were, in particular, rather than all-embracing, in character.

MILT SAMUEL 'FLASH' NOW IN 500 STORES

San Francisco, July 16. KPO-KGO Photo Flash, news picture service for window display which Milt Samuel, NBC pa., started a year ago, has now reached the point where it involves 500 retail stores, numerous regional news and several programs. It was turned out a point-of-sales contact in behalf of food accounts on the two stations. 'Photo Flash' features each week at least four pictures of NBC talent, with these appearing mostly on food commercials, although the connections is not disclosed in the captions. For a point of attention, there's usually a piece of art on the gammy side.

WRVA SPIELER IN N. Y. Richmond, Va., July 16. Erwin Dartington, WRVA announcer, off to N. Y. for a six-week stint. To pinch-hit for vacationing Ralph Edwards, who's again in the St. Paul (Compton) daily script show.

Wrigley Gum a Multiple-Station Buyer of Spots in New York City

Business in New York is holding up well. National spot has recorded several small but consecutive gains, and the local picture is even better.

Postal Telegraph offices in the metropolitan area are displaying posters plugging WHN's Cinderella, the gal who chatters between platters on a late evening request hour.

WNEW: Vanti Pa-Pi-A, through Erwin, Wasey, 52-week renewal of 'Make Believe Ballroom,' quarter-hour strip across the board.

WHN: Waldorf Clothing, through Rosen-Edison, station breaks. Key Preparations, through Taylor Associates, six quarter-hours weekly.

WMCA: I. J. Fox, through Lew Kashuk, 60 announcements weekly, 23 weeks. Egofoam Shampong, through Bob Wheaton, five-min. programs.

Manhattan Soap Co., through Franklin Brück, 50 announcements. Sudbury Labs, through Mason L. Ham, 50-word spots.

Rodeos, Resorts, Politics All Boosting Seattle; National Spot Up 4.5%

Seattle, July 16: Station managers hereabouts are purring at constantly rising local business which, at the moment, is helped by big chunks of coin from politics, summer resorts and nearby rodeos.

With the local situation well in hand, managers are shooting for contracts from national advertisers. What's more, they're getting 'em.

Table with columns: Network, Local, National, Total Units, Spot Units. July 13 compared to July 6. Shows an overall increase of +0.9%.

Coca Cola Hears Dorsey

Tommy Dorsey was auditioned by Music Corp. of America for Coca-Cola last week. Dorsey is now doing a summer run in the Pepsi spot on the NBC-red.

Table with columns: Network, Local, National, Total Units, Spot Units. July 13 compared to July 6. Shows an overall increase of +1%.

EIGHT-WEEK TREND OF STATION BUSINESS

(For All Markets Regularly Reported by 'Variety')

Table showing NATIONAL SPOT data for weeks ending May 25 to July 13. Values range from 61.6 to 69.9.

Table showing LOCAL data for weeks ending May 25 to July 13. Values range from 91.1 to 91.6.

Table showing NETWORK data for weeks ending May 25 to July 13. Values range from 95.1 to 90.5.

Table showing TOTALS data for weeks ending May 25 to July 13. Values range from 248.0 to 242.4.

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SPOT SPURTS 9.4%

Baltimore Not Badly Off in the Summer Time.

Baltimore, July 16. Still quiet and uneventful here. Some action shown in slight upturn in national spot count but continued slipping not for other classifications.

WFBZ: Superflex Heater, three announcements a week through McCann-Erickson (Cleveland).

Table with columns: Network, Local, National, Total Units, Spot Units. July 13 compared to July 6. Shows an overall increase of +9.4%.

Armament Money Good for L. A.; Lew Weiss Sees Sharp Fall Spurt

'Salute to—' (For Cash) Runs Up KRRT Tally

Large local gain helped by KRRT's series of 'Salutes' to towns in Cowles Stations' trading area.

Des Moines, July 16. Large local gain helped by KRRT's series of 'Salutes' to towns in Cowles Stations' trading area.

Table with columns: Network, Local, National, Total Units, Spot Units. July 13 compared to July 6. Shows an overall increase of +2.9%.

Los Angeles, July 16.

Fact that the categorical units are not showing sharper fluctuations is hailed as a good omen in this frequency belt.

Substantial increases are noted at Don Lee headquarters (KHJ) where Lewis Allen Weiss is predicting a sharp upswing with the coming of cooler weather.

KFKI: Seven Up Bottling, through Glasser agency, 208 daytime signals, 52 nighttime signals.

WKRC'S SINGING SAM E. T.'S HELPS CINCY

Cincinnati, July 16. Time sales took a step forward last week, slight drop in network units being overbalanced by local and national spot additions.

Table with columns: Network, Local, National, Total Units, Spot Units. July 13 compared to July 6. Shows an overall increase of +0.2%.

Panama Pacific Line Uses Blurbs on KFRC, Frisco

San Francisco, July 16. Quiet week on San Francisco's radio front saw all three categories sag somewhat, marking the end of network units' long and steady climb.

Table with columns: Network, Local, National, Total Units, Spot Units. July 13 compared to July 6. Shows an overall decrease of -7.6%.

KFRC: Forest Lawn Memorial Park, through Dan B. Miner, 26 participations in 'Art Baker's Notebook'.

KFWE: Hollywood Turf Club, through Milton Weinberg, 80 one-min. spots.

Table with columns: Network, Local, National, Total Units, Spot Units. July 13 compared to July 6. Shows an overall decrease of -2.9%.

Write, Wire or Phone

YOUR NEAREST VARIETY OFFICE

To Reserve Space in the 1940-41

VARIETY RADIO DIRECTORY

NEW YORK 154 West 46th St. BRyant 9-8153

CHICAGO 54 W. Randolph St. Central 4401

HOLLYWOOD 1708 No. Vine St. Hollywood 1141

John Karol, research counsel for CBS, in Cleveland to address high-school gathering yesterday (Tuesday) of 60 local agency men being partied by WGAR.

Leighton & Nelson, Schenectady agency partners, on first vacation since formed. Nelson to Cape Cod, Winslow (Tiny) Leighton, in Wisconsin.

BURNS UP AT SET-MAKERS

CISLER OF WGRC FILES PROTEST

Thinks Radio Manufacturers Unfairly Neglect Broadcasting — Calls It Base of Their Prosperity — He Attended Philco Meeting, Uninvited, and Got Plenty Incensed

WRITES N. A. B.

By GEORGE WIEDERHOLD

Louisville, July 16. Apropos VARIETY'S 'Bureau of Missing Business,' in which have been discussed various types of business which were not using radio, such as department stores, etc., and attempting to analyze just why and wherefore the various and sundry lines were not represented to any great extent among those sponsoring radio programs, S. A. Cisler, general manager of WGRC, New Albany-Louisville, has become concerned by the comparative absence of radio receiving set advertising on radio stations. Recently a local radio distributor (Philco) scheduled a sales promotion meeting for its dealers in this area. Cisler attended the confab, uninvited, and burned up plenty.

During the course of the meeting, he observed that factory reps went into great detail on the methods of merchandising, advertising, etc., displaying layouts and mats to be used in the campaign, and putting strong emphasis on local newspapers in pushing the line. Nothing about radio. Yet, argues Cisler, each radio listener is a potential purchaser of a replacement set.

Works Both Ways

Cisler resolved that he would run some spot announcements, designed to be of service to radio set owners. His thought was that, if the distributors and dealers could not be helped by radio advertising, then by the same reasoning, they could not be harmed by a simple announcement, which might help the listener and set owner to select the radio receiver best adapted to his needs. He therefore formulated the following announcement, but before running it, wrote all local distributors calling attention to the announcement which he intended to run. The letter of transmittal follows:

Gentlemen:
Enclosed is a copy of an announcement WGRC is ready to put on the air.

I would appreciate any suggestions you may have from your own merchandising standpoint as to both the letter and the announcement.

We are setting up an office of radio information to pass out suggestions to listeners puzzled over what radio to buy. We do not feel that there has been the degree of co-operation between the manufacturers and the broadcasting industry that is warranted, and many sets on the market are quite unsuited for satisfactory service and have no provision for the new frequency modulation system which will be in use shortly. WGRC is applying for one of these stations as soon as the opportunity is allowed by the FCC rules and regulations.

Please advise your reaction to the general situation.

Cordially,
S. A. CISLER,
General Manager.

The announcement referred to in the foregoing letter follows:

Attention, listeners. Before you buy ANY SO-CALLED NEW RADIO SET for 1941 consider these points:

1. Has it an attachment for frequency modulation? This new method of broadcasting will be in Louisville soon. Don't buy any radio without this facility. Sets without it will be obsolete next year with the advent of frequency modulation.

2. Avoid buying very small sets with poor quality of reproduction. Good reproduction involves a good

loudspeaker of sufficient size and an amplifier of good quality.

3. Don't buy a radio on price of cabinet.

4. When in doubt about any radio please call the chief engineer of WGRC. He will be glad to advise you what sets are good buys and which ones are not.

WGRC SELLS NO RADIO SETS. We are only interested in seeing that every listener gets full value and buys a set that will not become obsolete in a year.

New developments in radio are coming along. Be careful of sensational advertising. Check the facts. Call WGRC or write. The information is free.

Immediately upon receipt of the letter and copy of the announcement, reps of local distributors called on Cisler and asked him to withhold

airing the radio set stuff, saying it would be disastrous to their business. However, Cisler was unable to see eye-to-eye with them on that point, and proceeded to write a letter to Arthur Stringer, N.A.B., Washington, D. C., asking his opinion and filing an official expression of dissatisfaction. That's where the matter now rests.

Max Marcin Whodunits Replace Biow 'Rhymo'

Phil Morris is replacing its Rhymo game on CBS Sunday nights (8:30-9) with a series by Max Marcin tagged 'Crime Doctor.' First of the whodunits will be aired Aug. 4.

Listeners will participate in the guessing, with \$50 paid for the best letter. Biow Co. is the agency.

South Americans Like Film Gossip; Johnson Wax Shortwaves It on NBC

WBZ Four Join Heidt

Boston, July 16. The Smarties, WBZ quartet, heard since last fall on the Jordan Marsh Hour, have left that station to join Horace Heidt's Pot o' Gold Show in Detroit. From there they continue with Heidt to Chicago and thence to the Coast where they will appear in a picture with the Heidt band.

The quartet members are Donna Wood, George Jackson, Eddie Jones and Jim O'Brien.

Hollywood, July 16.

'Speaking of Glamour,' Hollywood gossip program of Frances Scully, who doubles in NBC publicity, has been bought by Johnson wax for short-waving to South America. It's first DX sale recorded here, although film colony is supposedly among best themes for Latins.

Script is mailed weekly to New York for translation into Spanish and narration on the beam out of N.Y. to the Latin countries.

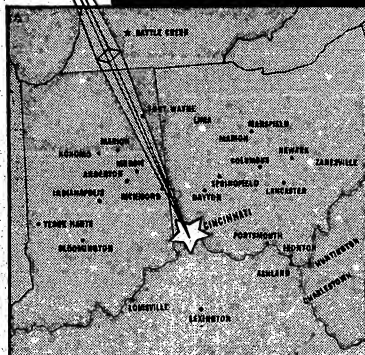
WAKENS LISTENER'S WANTS

... and brings them in to buy. That's what a WLW advertising message does in Battle Creek. It's only natural that The Nation's Station should move merchandise way up there in Michigan, for it is a regular listening habit in Battle Creek just as it is in almost two score of other rich trading centers within its primary area. And local retailers in all of them are quick to climb aboard this band-wagon of clearly expressed consumer preference for WLW-advertised brands.

REPRESENTATIVES: NEW YORK—TRANS-AMERICAN BROADCASTING AND TELEVISION CORP., CHICAGO—WLW—230 N. MICHIGAN AVE.

BATTLE CREEK, MICH.

EIGHT hours from Cincinnati by train
and split seconds by WLW.
Population—1939 43,572
Retail Sales—1939 \$25,213,000*
Wholesale Sales—1939 5,869,000*
Per Cent of Nation's Buying Power (Trading Area) .6648*
Radio Homes—1938 (Calkins Co.) 21,190
*Estimated by Sales Management.



WLW THE NATION'S most Merchandise-able STATION

'MEET MR. MEEK'
With Frank Seadick, Jack Smart, Adelaide Klein, Doris Dudley, Ian McAllister, John McIntyre
Comedy Serial
28 Mins.
LIFEBUOY (LEVER BROS.)
Wednesday, 7:30 p.m.
WABC-OBS, New York
(William Esty)

Much confusion preceded the unveiling of this comic strip, and the initial installment (10) gave evidence of the thing not yet being out of the woods. As it now stands, the script leans mostly in the direction of low-down slapstick for its laughs. It's Muggie and Jiggs all over again, but with latest carbon copy of 'Bringing Up Father' going in for such toney gas as 'Stretch my ears and call me Gable.' About the only solid laugh that emerged from the opening stanza had to do with an episode in mountain-climbing instruction staged on a roof and the expected finish to this gag situation, the pompous instructor going absent-minded and taking a pratfall to the ground.

When the program gets straightened out it should develop into acceptable family fare. Particularly, with the kids, if the stress continues to be laid on going boom and other such difficult figments of the imagination. The plots and characters, judging from the introductory chapter, will be easily recognizable to even the lowest stratum of listener. In the family of the henpecked Mortimer Meek there's a brother-in-law (Jack Smart), parasite, wisecracker, and coddled by Meek's shrewish wife (Adelaide Klein), Peggy, the daughter (Doris Dudley), is sympathetic to the old man. Meek has a cronny (Ian McAllister) who likes to fish, and for the pompous guy with the sikhat there's the father of Pezzy's boy friend, as played by John McIntyre. None of the performances is especially inspired, and that's in keeping with the theme, set of characters and general scripting. On the other hand the director, Don Bernard, paradoxically was not so skillful job with the materials at hand.

Those concerned with the series had no little difficulty getting set on the title of the show and the first name of the central character. Among the latter proposed but abandoned was Eustace and Algernon. As for the title, it had been previously announced first as 'The Adventures of Mortimer Meek' and then as 'The Life of Mortimer Meek.' This makes the Esty agency's second alliance with a family soap, the other being 'Blondie' (Came). 'Meet Mr. Meek' doubles on the plug from Lifebuoy soap to Lifebuoy shaving cream, with Dan Seymour as the salesman at the mike. The soap copy emphasizes the B.O., extra-refreshing and hot weather angle, while for the shaving cream the Esty agency borrows a bit of pavement from its Camel copy, namely, you get a 'zing and a lift' from using the product. Something different during the

FREDRIC MARCH-FLORENCE ELIZABETH
'The Gentleman from Indiana'
Play
30 Mins.
Sustaining
Monday, 9:30 p.m.
WABC-OBS, New York

Following CBS' Summer Forecast Number one, The Raymond Paige Battle of Music, a switch to Hollywood brought in the second half hour, a bit of acting packaged under the proposed label, 'The American Theatre'. It is the sales slant of this offering that the series, if and when sponsored, would draw upon American literature relating to the development of the 'way of life' the pioneers founded and we must now defend 'to loosely quote a pre-performance curtain speech by (March), Emerson Hough's 'Covered Wagon', Owen Wister's 'The Virginian', James Cooper's 'The Deer-slayer', are among the pencilled-in works.

James Houseman adapted and directed 'The Gentleman from Indiana' of Booth Tarkington's list. It unraveled satisfactorily, but was pretty routine 'plot' for radio at this late date. Romantic stuff was played up for characterization, but fundamentally it was the crusading editor against the crooked politicians. Edward G. Robinson does it better.

Considered as run-of-the-mill radio drama, the sample was professional. It would probably get its due share of listeners, the number swollen by the name talent. But as a case of getting to the grassroots of mid-western Americanism, it made the passes rather than achieved the substance.
Land.

'WITH PAT EZRA'
With Pat Barrett, Cliff Soubier, Fran Allison
Comedy
30 Mins.
E. J. REYNOLDS
Saturday, 10 p.m.
WEAF-NBC, New York

'Station E-Z-R-A' (Esty) is now sponsored by R. J. Reynolds. Superficially, it's an odd choice for the furtherance of Camel sales, but possibly reflects a plan to pick up off-the-path listeners. Pat Barrett (from Chicago) continues to operate the notion 'powerful little five-watter down in Rosedale.' It's a quaint notion, this good-natured spoofing of a hick radio station and has in the past produced some good chuckles.

First program on the NBC red Saturday (13) at 10 p.m. was spotty, notably the burlesque quiz biz. With the Hebe dialect angle also close to the danger line, although it was vague enough to perhaps escape.
Land.

soap plug is the background voice that tells of the temperature reports of various cities throughout the country. It's the only original touch throughout the 30 minutes. Odec.

'BATTLE OF MUSIC'
With Raymond Paige orchestra, Albert Spalding, Frankie Myers, Joe Venuti, Fredda Gibson, Gordon Ford
Novelty
30 Mins.
Sustaining
Monday, 9 p.m.
WABC-OBS, New York

This was number one in the summer 'Forecast' series which the Columbia program department is presenting as public auditions, with the hope that one or any two of the sponsors (presumably to sponsors now on CBS, as CBS itself has few open time segments to sell anybody). 'The Battle of Music' was concocted by Raymond Paige and its choice by CBS as lead-off program in the series may underscore a conviction—and plausible—that it's the most readily available package of the 14 programs comprising 'Forecast'.

While the jazz versus opera sort of thing has been exploited in vaudeville and elsewhere for the past few years, the present one, though novel and a modern commodity. This is largely due to the basic conception being smart and the production tight. George Faulkner has provided a Roland-Trippe socky in clarity and punctuated throughout with polite comedy touches. He and George Zachary, who directed, showed themselves as being in it for the long run, a remarkable accomplishment for an audition performance.

The surprise of the program is Albert Spalding, a virtuoso on the violin, who is the liveliest and the novelty foundation of the programs. It allows Paige to pivot on the podium, now directing the fine music stuff, then on 'Iram Iram Iram Please.' It was good showmanship and good fun when Spalding offered a lush concert hall solo to be followed by 'Iram Iram Please.' Meantime, the swingers were defended by Frankie Myers, a fugitive from 52d street, and so described.

The patter of the highbrow against the lowbrow forms the backbone of the programs. It allows Paige to pivot on the podium, now directing the fine music stuff, then on 'Iram Iram Iram Please.' It was good showmanship and good fun when Spalding offered a lush concert hall solo to be followed by 'Iram Iram Please.' Meantime, the swingers were defended by Frankie Myers, a fugitive from 52d street, and so described.

All in all, it adds up as good radio stuff of the 'radio' type, in the production formula that is practical and essentially no tax on comprehension.
Land.

Follow-Up Comment

G. W. Johnstone, radio director of Democratic National Committee, in a CBS interview with Announcer Clarence Flicker, 'Iram Iram Iram Stadium, said there had been 'tremendous improvements in technique' of broadcasting a national political convention since the war, which was held in the Democratic conclave in old Madison Square Garden. Johnstone stated his job then—it was his second national convention but the first air-covered—was to 'publicize' 'Iram Iram Iram' which 'we found ourselves. Started with a budget for 10 days, and wound up by being 'knocked silly,' due to convention running three weeks.

Percy Faith, as guest conductor of the Carnation Milk Company's 'Contented Program' over the NBC-Red, turned in an enthusiastic performance in the lush style he developed as a CBC leader in Toronto. Faith comes to the Carnation program 'with an excellent record built through these pick-ups. He injected new lights and colorings to the Carnation symphonic orchestra, giving it a virility and vivacity that it formerly showed only spasmodically. Has caught the basic aim and spirit of this long-lived program and showed a shrewd musical insight as to the type of musical construction that will be universally pleasing.

Louis Armstrong, on 'We, The People,' told a touchingly human story of receiving a battered, old cornet as a Christmas present when he was a boy in a New Orleans orphan asylum, of its starting him on the way to musical fame, and of his annual Christmas visit, with the band, to the institution, which presents the cornet he has played the past year, to the likeliest youngster. Negro jazzist, introduced as 'Satchel Mouth' and played with an earnestness, sincerity and naturalness that registered 100%. Closed with a hot tune.

Edmund Taylor, CBS' Paris-that-was correspondent, has a message to the United States, and he told about it most absorbingly in one of the regular Columbia news round-ups last week. The collapse of France, due to the weakening of morale and confusion and defeatism, was confirmed. He thought the morale in England was stimulating and heartening by contrast, and hoped the Germans did not stage the raid during tea time.

'HIRE A HALL'
With Lee Grant Orchestra
Money-Raising Novelty
Sustaining
Monday, 9 p.m.
WMCB, New York

WMCB broadcasts this one from the auditorium at the Johns-Manville building on the New York World's Fair grounds. Time is sold to singers and others (in a plug to a night club to allcomers) at the rate of \$3 a minute, 50¢ extra for each additional minute of the Lee Grant orchestra used for accompaniment. The donations go to the Red Cross.

Here is an excellent production idea (a twist on stunts which WJSV, Washington, and other local stations have used), but the initial presentation was marred throughout by the lack of class. It was not carried through with the necessary smartness. First of all the auspices brought in the Peters Sisters, a professional trio, and Ella Shields, each of them and given a plug to a night club. Allen Prescott, too, seemed to be a guest m.c. for the plug. It was audience participation on a basis of pre-arrangement. Or sounded that way, which is equivalent to the fact. The program was noisy. No other word can characterize the blare of the Lee Grant get-together. It was especially bad routine to announce the program, give a hint of its nature, then launch into an interminably prolonged bit of unmotivated, unmelodious jive. Older people to some extent would be automatically eliminated by the music.

The notion is droll of having amateurs pay for the privilege of being heard on the air. Doubtful if the buying of extra musicians will mean much. And it may confuse. The program will be as good or as bad as the way it's run and it was run in slovenly fashion during the first try.

That Lewis Brown, president of Johns-Manville, interpolated talk, three times referred to 'WMCB' need not be taken too seriously, except that it seemed typical of the lack of quality production supervision. The cheapness of the night club teups practically tarnished the whole stunt, the failure to draw out any real spontaneous comedy, the awkwardness of collecting the money and introducing the people and the general meaninglessness of the entertainment, in contrast to the sense of importance Bowes infuses into his acts, for example). It's still a good idea.
Land.

'DRESS REHEARSAL'
Duffins-Local
Sustaining
Thursday, 9:30 p.m.
KFO, San Francisco

Anybody around NBC who has a plot in his system, can work it out on this stanza. Most of the urge to date has come from producers, although Announcer Bill Wood and Jim Pool of the press department have each delivered an admirable opinion. Not a workshop half-hour, spot is purely a release for pent-up scripts, if they'll pass at all. Show caught the whole idea and flowed from the brain of Fred Hegelund, production manager. Thin Man idea revealed novel twist in having killer prove to be gal masquerading as a male, although plot development via banter between private dick and sophisticated secretary emerged somewhat involved.

Same show is used as break-in for neophyte talent, hopefuls being auditioned for roles. Couple of top spots usually carried by pros, in this case Monty Mohn and Ann Loos, to keep things from bogging. As a show-case for mining writing and dramatic talent, it's O.K. From a

'LABOR COURT'
With Samuel Zack
Arbitration Novelty
30 Mins.-Local
Sustaining
Tuesday, 9 p.m.
WMCB, New York

The one-time Good Will Court of A. L. Alexander, who has since had a program called A. L. Alexander's Arbitration on WJLN and the more recent Good Will Hour of John J. Anthony have fostered, at Donald Flinn's station, a conviction that there's gold in radio broadcast of legal or quasi-legal hearings. Certainly it remains a truism of humanity that the prisoners at the bar, the claim and counter-claim of legal dispute has a strong, inherent natural kind of drama. This may be admitted apart from any question of whether exploitation of the emotions and problems of ignorant and underprivileged people is a contribution to good radio, good democracy or good taste.

'Labor Court' did, on its initial appearance, generate some genuine listener engrossment. The case was petty. It involved a \$15 a week clerk-janitor for a stationery-candy store whose owner made \$25 a week or so from the establishment. Case had a certain everyday, down-to-earth humanity about it. And there was comedy in that the falling out between employee and employer was caused by a demand that the clerk-janitor wheel the baby around the block. The clerk went to arbitration that the \$200 bonus allegedly due him from his ex- boss.

As the testimony unfolded, the controversy took on amusing side lights. Additional drama was provided by the guest attorneys who quibbled about rules of evidence, although Zack kept reiterating that arbitration ignores courtroom rules of what is or is not admissible. There was one clash that was pretty sharp, if on the level, and the auspices insist the whole proceedings are strictly McCoy, unrehearsed and unstaged.

Whether this sort of exposure of working conditions and wages (80 hours a week for \$15) of the lowest income level contributes, as claimed, to a better understanding in the sense suggested is dubious. The high-sounding ideals of arbitration enunciated at the program's start were in sharp contrast to the rather nasty questions put to the litigants by the guest counsel, and the general tendency to ascribe the lowest motives on both sides. The lawyers did most of the talking; the arbitrators very little. Lawyer-like eagerness to win the case rather than get at the fairness or justice was far more prominent during the hour than the asserted, but underestimated, wisdom of the arbitrators (Zack plus two changing guests each Tuesday). This threw the whole moral proposition out of focus, especially as a full hour's attention to the program brought to the listeners this thud-like disappointment: 'Tune in next week for the decision of the arbitrators.' This, to say the least, is not playing fair with the listeners.

All of the foregoing comment may be beside the point, which is to provide a cheap form of natural controversy suitable for sponsorship. The chances are this program will be acceptable to the lower IQ levels. It is at least as plausible as other courts of its kind.

The picture of humanity which such programs paint is not pretty.
Land.
listening standpoint, grab-bag drama also holds prospects of the unexpected. Easy enough to move on if latest offering doesn't catch fancy.
Wern.

NOW! WHILE VACATIONISTS ADD \$15,000,000 TO SOUTHERN COLORADO'S PURCHASING POWER

YOU CAN ADD KVVOR TO YOUR CBS LIST at \$50 PER HOUR
Evenings—Lots Earned Discounts

● Penetration... coverage from within the rich Colorado Springs and Southern Colorado market... now available to CBS advertisers using the Mountain Group at the unprecedented low cost of \$50 per evening hour less discounts earned. Daytime rates are even lower! For details of this amazing buy, ask CBS or The Katz Agency, Inc.

KVVOR Colorado Springs
CBS Station for Southern Colorado

THE OKLAHOMA PUBLISHING CO. THE OKLAHOMA AND TIMES THE FARMER-STOCKMAN • WKY, OKLAHOMA CITY • KLLZ, DENVER (Affiliated Management) REPRESENTED BY THE KATZ AGENCY, INC.

YOURS—ON A SILVER PLATTER
THE MARKET WITH
more money
TO SPEND

Year in and year out, the prosperous WTIC market ranks with the nation's best. The latest figures show this grand market more than ever at the top of the heap today.

Last year, for instance, the 420,895 families in our primary area alone had—and spent—84.3% more money per family for consumption goods than the national average.* Their per family purchases even topped the remainder of better-than-average New England by 10.9%!***

Here's a market that can and will buy your product—lots of it. WTIC gives you this big, convenient, billion-dollar market literally on a silver platter!

*National Resources Committee
**Printers' Ink Market Explorations

WTIC 50,000 WATTS

Inside Stuff—Radio

Lucky Strike Hit Parade (CBS) of last Saturday night (13) was the first to make use of the revised system for surveying the data upon which the ratings are based. Greater weight is now being given to best sellers, as compiled from jobbed and retailer sources, and none at all to requests of band leaders. Lora & Thomas, agency on the account, reported that an analysis of the differences produced by the new system as compared to the old showed the juxtaposition was actually negligible. What would have been No. 4 became No. 3, while Nos. 5, 6 and 7, under the new method, became the Nos. 7, 6 and 5 tunes.

When Lum and Abner and Andy Devine failed to appear on the Roma Wine quiz and interview show over 38 Mutual stations from S. F. Fair (6) assembled and air fans were told it was because they had been forced to make extra appearances in the California Coliseum where they were doing a four-day stand. What really happened is that although guest shot had been announced a week before and confirmed in writing, comics didn't realize until last minute type of product sponsoring the half-hour stanza. Boys reportedly balked on grounds affiliation with the mellow beverage might not be so sweetly accepted by their followings.

Dr. James Rowland Angell, educational counselor of NBC at 25G's per annum, is, according to a recent biographical sketch of him mailed to the press, honorary member of The Order of the Past Participle, an exclusive company of one-time college and university presidents who continue to function actively after retirement; Angell formerly headed Yale University.

Life mag in its July 15 issue gives WLS, Chicago, plenty of attention by way of an article and picture. It's all captioned, 'Hayseed Humor and Showmanship Makes WLS Leading Farm Station'. Photos include Uncle Ezra, star of the Barn Dance, flannel nightshirt, Staff Preacher Dr. John Holland baptizing a baby over the air and a square dance on the station's 'Home Talent Barn Dance'.

Mrs. Wendell Willkie was induced to go on KLZ-KVOR for an interview last Thursday (11) from the Broadmoor hotel, Colorado Springs, after the Republican candidate's wife had consistently turned down mike appearances in the east. Waubillaun Lahay, who handles the 'Woman's Angle' program for the stations, did the inducing and interviewing.

Tor Hollongquist, of Stockholm, Sweden, is a new aide of Dr. Frank Stanton at CBS. Statistical chap spent three years in U. S. originally on a Swedish government grant, dividing this time between a magazine, a research house and a university. Before returning to Sweden some time ago he arranged to return and join CBS.

NBC has the jump on CBS in the release of the results of a listener survey on all counties as obtained through a mail check. Columbia has been working on one of its own for some time, but it won't have the thing ready for release until September. CBS claims that before launching the study it did a lot of preliminary testing.

WCCO, Minneapolis, has to date pulled over 44,000 requests for a joke book that the Northrup King seed and feed account offered during its 7 a. m. 'Almanac of the Air'. With each request for the gag and limerick folio has come either a Northrup King label or sales slip.

VICTOR ASKS DISMISSAL

Stockholder Suit Alleges 1928-32 Stock Manipulation

The Victor Talking Machine Co. applied to the N. Y. supreme court Monday (15) to dismiss a stockholder suit against it, General Electric, Westinghouse Electric, NBC, RCA, and 30 officers and directors of RCA. Action which seeks hundreds of millions of dollars in damages, charges waste and mismanagement, and is being brought by 12 minority stockholders of RCA. Victor is included in the second cause of action. It is charged that General Electric, Western Electric and RCA in 1928 decided to purchase the stock of Victor, and RCA effected the sale for \$22,500,000. Prior to the sale, it is alleged the directors of these companies traded in Victor's stock, greatly inflating its market value. After investing \$9,500,000 in Victor, it was decided to re-sell the company's stock which was done in 1932 for \$32,000,000. Shortly thereafter the stock was greatly written down, and the three purchasers thus had the assets of Victor for several years without paying anything for them, it is charged. An accounting is sought. The request for a dismissal is based on the fact that Victor was dissolved in 1934, that the company is not located in N. Y. state, thus precluding supreme court jurisdiction, and that no relief is sought against it.

Wichita Falls Gets G.A.

Wichita Falls, Tex. July 16. Station WKFT, here, was given the go-ahead signal by the Federal Communications Commission to install a new transmitter, a directional antenna, and increase power from 250 watts night, one kw. day to one kw. night and five kw. day. Station operates on 620 kilocycles, unlimited time.

WNOX, Knoxville, has launched a new educational "WNOX Summer School," on a daily schedule with Kenneth E. Huddleston as the director. University of Tennessee and several Government agencies are cooperating.

Radio Daffodils

San Francisco—So that Dave Young, KHJ, Los Angeles, announcer, could attend the San Francisco exposition Don Lee shifted a commercial, Dr. John Hiss Clinics, to this area. KFRC ran a line to a local clinic, with Young carrying on his interviews with patients while the doc did the bone twisting. The program, 30 minutes of patter in which patients describe their aches and subsequent gratitude, was for the occasion given a state-wide release.

Duluth—WEEC's staff announcer, DeAlton Neher, while covering the Goodman Wonder Shows, took a dare and rode a midget auto around the wall of a almost perpendicular motordrome with a lion seated beside him. He kept broadcasting throughout the ride.

Amarillo, Texas—The light atop the KGNC antenna mast has been named the Don McNeil (Breakfast Club m.c.) Beacon by John Ballard and citizens of this community. Beacon was dedicated by shooting off a shotgun shell loaded with bacon and toast.

Miami—As part of exploitation campaign launched by WKAT to celebrate affiliation with NBC blue Monday (15), 50 New York and Chicago ad execs were dispatched white cages containing live blue kittens, with attached card reading, 'The KAT goes blue'. Kittens cost \$10 apiece and were dyed blue with non-injurious chemical.

Lincoln—Kenneth Golden, former KOIL radio singer, has been feuding with the undertakers of Nebraska of which profession he is now a member. They object to him singing free when requested to do so by relatives of the deceased. This is unethical says the trade association. 'Is it more ethical,' answered the former radioite, 'to charge the family \$10 for a singer but only give \$2.50 to the singer?' Judge ruled in favor of Golden.

New Bedford, Mass.—Maybe it's his front name that gets 'em. Maybe it's just the trend of the times. Francisco Olivera, who conducts the Portuguese Hour locally, got two fan letters this week, both addressed: 'Dictator, Portuguese Hour, Station WNBH.'

Test: Are You Awake?

Tuscola, Ill., July 16. WDZ is testing a five to six a.m. program, which it started several weeks ago, to find out whether the period has commercial possibilities. The device is inexpensive giveaways such as artists picture, with the appeal direct mostly to listeners in the more distant areas. The pre-dawn hour is filled with hillbilly entertainment, popular music and news.

OLD WBZ TRANSMITTER AS AN FCC MONITOR

Boston, July 16. WBZ, now back in the hands of its original manager, Westinghouse, will open its new 50,000-watt transmitter in Hull, Mass., July 27. After the new station has been put in operation the present transmitter in Millis, Mass., will be taken over by the FCC for use as a monitoring post.



FIRST in advertising in Chicago for eight straight years



For more information about WBBM, one of the sixteen CBS 50,000 watt stations, inquire of Radio Sales: New York, Detroit, St. Louis, Charlotte, N. C., San Francisco, Los Angeles

MIDWESTERN KEY STATION OF THE COLUMBIA BROADCASTING SYSTEM

Payroll Traffic

Boston—Eddie Lee, WEEI singer and emcee, joined WBZ staff Monday. He will handle an early morning stint called 'Breakfast in Bedlam.'

Kay Ivers, local night club singer, is also a new WBZ staffer, being heard thrice weekly.

Salt Lake City—Gene Halliday is added to the KSL Production staff—formerly of sales staff, same station.

Troy, N. Y.—Cecil Walker is now handling publicity as well as some announcing for WTRY. Andy Kinbacker continues as news editor.

Toledo, O.—Anita Carvalho, formerly with WTOL, Toledo, becomes director of women's programs at WOOD, Grand Rapids, Mich., after Aug. 10.

Carl Nelson, has been named chief announcer at WTOL. Bernard Young has been added to the announcing staff.

Chicago—Stanley Levey, formerly with sales on WIND, Gary-Chicago, added to local sales staff of WBBM, Chicago.

Chicago—King Parks has been

brought into WBBM-Columbia here as new promotion man. Formerly with the Register & Tribune in Des Moines.

Wichita, Kan.—Vic Rugh, announcer formerly with KMOX, St. Louis, joined KFBI as sportscaster.

Utica, N. Y.—Michael Carlo, formerly writer and announcer for Leighton & Nelson, Schenectady agency, is now with WIBX.

San Antonio.—KABC staff has Beatrice Berry and Hardy Harvey in sales staff. Harvey comes from KBKT, Big Springs, Texas.

Miami—Phil Harris, former KYW, Philadelphia, sports gabber, pinching hitting for vacationing Jack Kofeod on WIOD's Pabst newscast.

Boston—Stephen J. Manookian steps into public relations job at WORL, replacing Marjorie Spriggs who went to the WBZ and WBZA press department.

Lethbridge, Alta.—Fred McDowell, of CJOC, has left for British Columbia to become Okanagan representative for General Foods.

New York—Tom A. Hudson joined WMCA announcing staff. Formerly chief announcer of KFJZ, Ft. Worth, and introduced Elliott Roosevelt on the latter's programs.

Pittsburgh—Two vacancies created recently on WWSW announcers' staff have been filled by a couple of newcomers to radio, Robert Cochrane, of Stubenville, O., and Roger McGovern, of Pittsburgh. They are replacing Bob Merryman, who shifted to a berth at KDKA last week, and Ollie O'Toole, recently signed by Horace Heidt to double as a mimic in latter's stage show and as a spieler on his 'Pot o' Gold' program.

Denver—Hugh B. Terry, manager of KVOR, Colorado Springs, added to commercial manager; Derby Sproul, program manager KDKA, to KLZ as production manager; Wau-billau, LaHay, formerly of WHB and KVOR, back to KLZ as continuity editor; Mark Scrieber, sports announcer, and Earl Ferguson, added to KLZ sales staff; Henry B. Thorpe, formerly of KOIN, a new newscaster on KLZ, and added to the news staff at KLZ is W. M. Harrison, Jr., whose dad is managing editor of the Daily Oklahoman-Times, Oklahoma City.

New York—Marjorie Duhan joined WOR program department as secretary to Mitchell Benson. While at the Yale Drama school, she was a scripter for WICC, New Haven. She replaces Lucille Brophy. Latter is wife of Harold MacDougall, NBC staff writer.

Temporary announcers added to the staff for the summer at WOR include Robert Colby, formerly a junior announcer at NBC, and Frank

Dunne, formerly at WJRD, Tuscaloosa.

Salt Lake City—Edward McCallum, formerly manager of KYA, San Francisco, and more recently manager of the Salt Lake City Branch of KLO (Ogden), is now with KUTA, this city.

Milwaukee—Conrad Rice, former manager of station WJMC at Rice Lake, Wis., now at WEMP as news-caster.

Vancouver—Two more have been added to the staff of the Canadian Broadcasting Corp., at its Vancouver offices. Jack Peach, formerly staff announcer at CBR and also connected with dramatic work, has been appointed director of special events for B. C. division. William J. Herbert, former announcer, has been penciled in to handle news broadcasts and also publicity.

San Antonio—New faces at KABC include Bill Brazil and Travis Cavanaugh behind the microphones; June Hagen in the continuity department; Mary Blair in the Traffic department and Wyman Ramsey in the Sales department.

Philadelphia—B. A. McDonald, former member of WFIL sales staff, was appointed to KYW sales force last week by Griffith B. Thompson, sales manager. He succeeds Jack De-Russy, transferred to NBC's New York office.

Mort Lawrence is relief announcer at WFIL during vacation period.

Arnold Nygren has been appointed permanent chief engineer at WFIL. He has been acting chief since the resignation of Frank V. Becker six months ago.

Louisville—New additions to WGR, New Albany-Louisville staff are Gene Ferguson, salesman and m.c. for an early morning participation show. Ferguson comes to the station from a sales post at WCSC, Charleston, S. C. Addition to the announcing staff is John Conrad, formerly with WSAB.

D. Kendrick has appointed I. Heaton as manager of his WINN, new station atop the Tyler Hotel. Wayne Hatchett, engineer, has returned to Kansas City, and William Lowery has taken over full operating duties. Morland Murphy has been made production manager of the station, and W. C. Sedgwick, formerly with WGR, is new on the announcing staff.

Cincinnati—David G. Taft, son of the owner of WKRC, has joined the station's sales promotion staff. His brother, Hulbert, Jr., is the general manager.

ULMER'S TYLER STATION OFF

Washington, July 16. KGKB, Tyler, Texas, was muted last week when the Federal Communications Commission tentatively affirmed its revocation order against the transmitter. One of seven Texas stations under 'control' of Rev. James G. Ulmer, former Texas minister, the tortuous financial dealings of KGKB were unscrambled last April when Commissioner George Henry Payne and George Porter, assistant FCC general counsel, held hearings on the station's alleged misdoings on the home grounds.

In a 16-page proposed finding, Commish concluded that Ulmer had 'falsely reported... from time to time' the ownership of 250 shares of capital or voting stock in the East Texas Broadcasting Co., licensee of KGKB as belonging to Mrs. Minnie B. Ulmer, his wife. Actually, it was stated, Ulmer controlled and exercised voting rights in 1,000 shares of the papers—even, though it was stated that 250 shares were 'voted personally' by Mrs. Ulmer.

It should be noted here, however, that Ulmer's alleged 'errors,' insofar as they indicate that Mrs. Ulmer owned and voted certain shares of stock, were consistently made, the FCC pointed out. 'Such consistency does not denote carelessness on Ulmer's part, but indicates rather that he exercised caution to conceal vital facts from this Commission.'

Seattle delegation to Vancouver, B. C. Pacific Coast Advertising Club Association last week: 'Tubby' Quilliam and Archie Morton, KIRO; Peter Lyman, Hugh Felts, Bert Fisher and Florence Morrell of KOMO-KJR.

Hamilton, Ohio, Station Is Sorta Mysterious

Hamilton, O. July 16. Articles of incorporation filed by local attorneys last week in behalf of Butler Broadcasting Co., first clue of radio station to be established here.

Oscar Kronenberg, who came here from New York to look after details of incorporation, left town in a cloud of reticence and local attorneys maintain Sphinx-like attitude.

TRADE COMMISH SIZES UP RADIO COMMERCIALS

Washington, July 16. Further data on the investigation of radio, newspaper and magazine advertising conducted by the Radio and Periodical Division of the Federal Trade Commission were released Monday (15), to show that 22.2% of 15,390 radio continuities broadcast by nation-wide networks, examined during the first six months of 1939, were 'marked and referred for further investigation.' An earlier release (April 13) analyzed the situation by percentages, without giving total quantity of doghouse radio ads, magazine ads and newspaper ballyhoo.

In all, 334,532 commercial radio continuities were ogled by the Trade Commission during the first half of 1939, it was stated this week. Medium-powered regional stations—airing 150,192 of the programs—pected by FTC sleuths—got off with the remarkably low percentage of 3.3 on programs held for further investigation.

Jack Stewart's Contract

Kansas City, July 16. Jack Stewart, general manager of station KCMO, has a new pact to continue for five years in his present capacity. Deal was negotiated with Tom L. Evans, station president, and Lester E. Cox, vice-president. It had been in negotiation since June 1, but was completed last week. Since Aug. 1, 1939, when he joined the station, Stewart has been working under a month to month arrangement.

Concurrent with the announcement of Stewart's contract Clarence Brazel, business manager, stated that the closing of the KCMO fiscal year May 31 showed an increase of 41% in volume of business over the previous year. Increase was garnered in 10 months since Aug. 1. In first six months of 1940 station has written \$140,000 worth of business against \$79,000 total volume for 1939. Month of May, 1939, was also the largest month's biz in the history of the station.

Before joining KCMO Stewart was sales director of WFIL, Philadelphia, from 1935 to 1939.

Wilder WTRY Is Growing

Troy, N. Y., July 16. WTRY, which Harry A. Wilder put on the air April 15 as Troy's first commercial station, has jumped the number of accounts from 10 at start to about 80.

Increase has been steady during radio's off season and pace will probably be accelerated with coming of the fall.

CAPE COD GALS GET A TIME EXTENSION

Washington, July 16. Debut of two women radio station operators—Helen W. MacLellan and Harriett M. Allen, of Osterville, Mass., was postponed last week when modification of construction permit was granted by the Federal Communications Commission. Instead of the July 1 opening, the Cape Codders will be permitted to hold up the proceedings until Oct. 1.

Novelty of a transmitter—WOCB—under complete 'petticoat'-rule has not been crossed off the books, Commish declared. The ladies are merely being given an extension of time in which to make preparations for their big moment. Station, operating on 1210 kc., with 250 watts, will be located at Yarmouth, on the Cape.

PETER PANDA
"Only One of His Kind in America"



PIONEER

- Founded in 1922, CKAC—America's pioneer French transmitter
- is THE radio station in Montreal and the Province of Quebec, where 70% of the population speaks French.
- A pathfinder in this UNIQUE bilingual region for 18 years, CKAC has more listeners and sells more time, goods and services than any other station in its listening area.
- Follow the leader—reach the RICHEST single market in Canada thru CKAC.
- "Only One of His Kind in America"

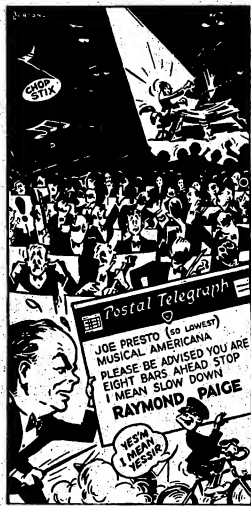
CKAC

MONTREAL

"Canada's Busiest Station"

A CBS Affiliate

U. S. Rep.: JOS. H. MCGILLIVRA



WBAL

means business in Baltimore

Something NEW!

on the Blue

WJHP

JACKSONVILLE, FLORIDA
250 WATTS — 1290 K. C.

ON THE AIR JULY 15th

- ★ 24-hour Associated Press News Service 18 newscasts per day.
- ★ Only Jacksonville station with affiliated newspaper... shows and artists will be publicized daily in the JACKSONVILLE JOURNAL.
- ★ WJHP's 1290 Kilocycles is a regional frequency (giving better coverage)—and is located on the dial between the other two Jacksonville stations.

NBC BLUE

WJHP

JACKSONVILLE FLORIDA

H. G. Wells, Jr., General Manager
Represented nationally by JOHN H. PETERSON ASSOCIATES
WM. K. DORRAN, Manager, 225 West 39th St., NEW YORK CITY
CHICAGO — DETROIT — ATLANTA — PHILADELPHIA

Lively Showmanship

WINS LARGER AUDIENCES

in the

INTERMOUNTAIN MARKET

FOR

KDYL

The POPULAR Station

Salt Lake City

Representative
JOHN BLAIR & COMPANY

NBC
RED NETWORK

WFIL, PHILLY, HAS UNIQUE TIEUP

Philadelphia, July 16. With an eye toward next month when new frequencies become effective and many householders will be compelled to have their radio sets overhauled, Station WFIL on Friday (12) closed a deal with the Philadelphia Radio Service Men's Association, whereby the 275 members of the group are to plug WFIL exclusively while contacting their customers. In return the station will give the repair men gratis advertising via the air and other media.

The agreement stipulates that WFIL provides:

1. One weekly program (15 to 30 minutes) with station to pay for time, talent, production, etc.
2. Free publicity to clubs, organizations, etc.
3. Advertising on trolleys and buses (cuff).)
4. Billboard advertising (cuff).
5. Use of PRSMA insignia in all direct mail advertising.
6. Special broadcasts and talent.
7. Aid in PRSMA promotions and advertising.

In return the PRSMA is to:

1. Use WFIL window displays in their shops.
2. Showcase cards plugging WFIL special events.
3. WFIL inserts in mail advertising.
4. WFIL folders to be left at home of customers.
5. Use of WFIL on all push-button sets on display.
6. Call special attention to WFIL frequency to all customers.

Originally the National Association of Broadcasters had tried to get a collective agreement between the service men and the stations, but WFIL insisted on an exclusive arrangement.

COAST NEGRO PLAYERS IN RED CROSS B'DCAST

Hollywood, July 16. Combined talents of Negro performers were concentrated in an hour broadcast from KFWB last Saturday night (13) to accelerate donations to the Red Cross. Manning Ostroff, production head of the station, handled the show.

Lineup of players included Bill Robinson, Clarence Muse, Ruby Elzy, Louise Beavers, Peters Sisters, Hattie Noel, Dandridge Sisters, Cordell Hickman, Charles Holland, Alfred Grant, Eddie Thomson, War Perkins, Willie Best, Frank Withers, Ivan Browning, Libby Taylor, Ben Carter, Four Toppers, Plantation Singers, Four Dreamers, Herb Jeffries, Tommie Moore, Lil Randolph, Rhythmettes, Paul White, Mantan Moore, Monte Hawley, Joe Crawford, Four Hot Shots, Lew Payton, Jeni LeGon, Bertha Powell, Billy McClain, Shelton Brooks, Sr., Jessie Cray, Jimmy Asendio, George Gardner's choir, Dudley Dickerson, Troy Brown, Jr., Bud Harris, Art Tatum, Fred Skinner, Marcus Hall, Gilbert Allen choir, Harvey Brooks, Paullyn Gardner and the orchestras of Eddie Davis, C. L. Burke and Ernest Whitman.

Hedlund Players Doubling

Hartford, July 16. Three members of Guy Hedlund players at WTIC have graduated into berths at WNBC, Hartford-New Britain. They are Floyd Pattee, announcer; Ed Begley, announcer; and Ralph Klein, continuity. Latter replaces Jack Sullivan who has left for the Coast. Former two were members of the acting company at WTIC. Klein authored and acted. All still remain with Hedlund.

Arthur Bergman, formerly with WSPR at Springfield, Mass., has joined the staff as mikeman for the summer.

Hulbert Taft Starts Early Cincinnati, July 16. Hulbert Taft, Jr., general manager of WKRC, Mutual affiliate, leaves July 22 for the NAB convention. He will drive to Denver and fly from there to San Francisco. On the return trip he will be joined in the Colorado capital by Mrs. T.

Fall River Sale Pends

Fall River, Mass., July 16. Staff at 1,000-watt WSAR, Fall River, is reported jittery, pending FCC approval of license transfer to Fall River Herald-News. Paper put down binder May 10, expects word from Washington shortly. No confirmation on purchase price, but reported to be \$135,000.

Herald-News, only newspaper in city, is owned by Kelly-Smith Co., newspaper reps also handling some national spot accounts for radio.

Kansas City—Louis MacAdams has joined KCMO sales staff in charge of local sales under Jack Stewart.

MacAdams is out of St. Louis where he managed his own advertising agency.

Papers Play Down Stunt Because of Sponsorship

New Bedford, Mass., July 16. In tieup with Red Sox and Bees baseball broadcasts out of Boston over Colonial network, Atlantic refining is running baseball schools for kids in cities and towns on broadcast circuit. Stuffy McInnis, famous old first-sacker, and Jack Coombs, former star pitcher for the Athletics, conducted diamond classes at public parks here all last week.

Local newspapers mixed suggested feature stories on old-timers and mentions of school because of 'commercial ties'. The papers, Standard-Times and Mercury, also own and operate the radio station, WNEH, which carries the Atlantic baseball broadcasts.

Broadcasts Anti-Defeatism Show Every Day at CFCF, Montreal

Montreal, July 16. Inspirational program to aid the war effort, written and delivered by James A. Shaw, manager of Canadian Marconi station CFCF, will be spotted across the board starting this week. Its a 15-minute stanza entitled 'Thought Barrage,' intended to combat defeatism by enlisting audience support in concentrating on eventual British victory.

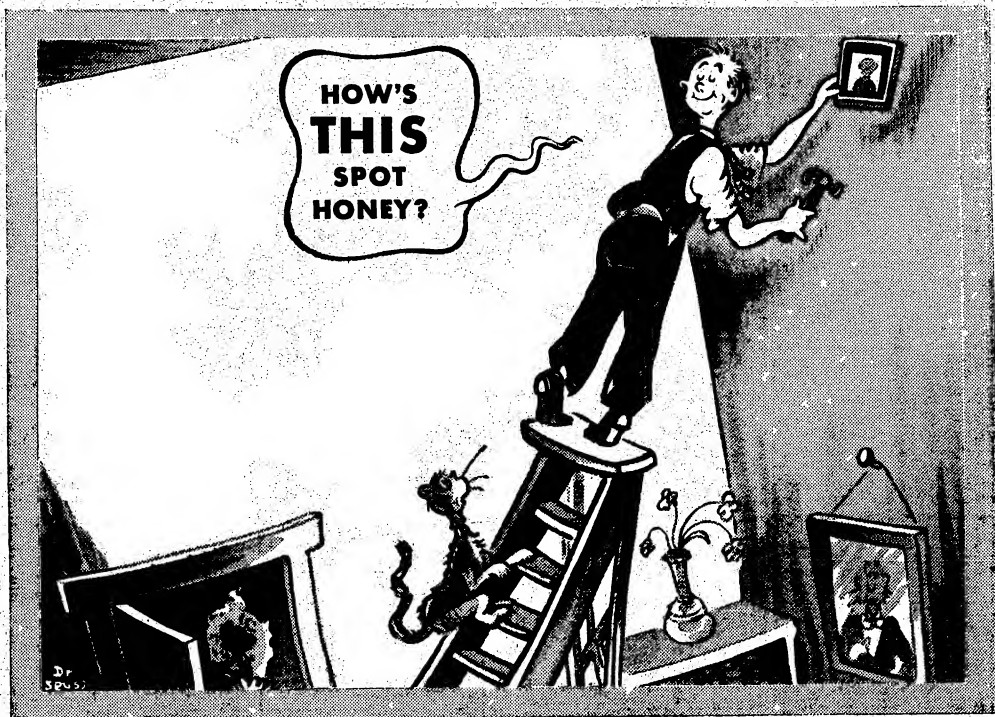
Cumulative psychic effect designed to inspire confidence among listeners as to outcome of the war. Talk will be limited to five minutes with musical

cushions of similar length preceding and following the 'Thought Barrage.'

Shaw is a World War vet with legit background.

Rosenman's Promotion

Philadelphia, July 16. Alex Rosenman, member of WCAU's sales crew for the past 15 years, has been upped to commercial manager of the station. Bob Latham has been named to fill vacancy left by Rosenman's promotion.



Pick the VITAL Spots!

Hang your Sales-Picture where it will get a REAL AUDIENCE!

Don't take our word for it. Proof is in performance. And one example of the way these 15 vital stations perform for advertisers is this:

A clothier in Troy, New York, recently used WGY to help "up" his sales. Result—men from 238 communities throughout WGY's vast territory traveled to Troy for clothing. The man's business

was quadrupled! Profit for advertisers is the reason these 15 vital-to-sales spots have been used by advertisers more extensively this year than ever before.

Completely represented by NBC, these stations offer you a ready-made spending audience—one you can reach at low cost! One, or all, of these stations are available to you.

WABC	50,000 Watts—660 kc.	New York
WABC	50,000 Watts—760 kc.	New York
WABC	50,000 Watts—670 kc.	Chicago
WABC	50,000 Watts—870 kc.	Chicago
WABC	7,500 Watts—790 kc.	San Francisco
WABC	30,000 Watts—680 kc.	San Francisco
WABC	5,000-1,000 Watts—930 kc.	Washington
WABC	300-250 Watts—630 kc.	Washington
WABC	50,000 Watts—790 kc.	Schenectady
WABC	50,000 Watts—830 kc.	Denver
WABC	50,000 Watts—1070 kc.	Cleveland
WESTINGHOUSE STATIONS		
WABC	50,000 Watts—990 kc.	Boston
WABC	1,000 Watts—990 kc.	Springfield
WABC	10,000 Watts—1020 kc.	Philadelphia
WABC	50,000 Watts—980 kc.	Pittsburgh

NATIONAL BROADCASTING COMPANY
A Radio Corporation of America Service

The NBC Spot Specialist in New York, Chicago, San Francisco, Boston, Cleveland, Washington or Hollywood, will give you full information on any or all of these NBC Represented Stations. *WABC and WMAJ will also be operating with 5,000-watts day and night

SENATORIAL COURTESY TAKEN CARE OF, COLIN EMERGES OKAY ON STOCK QUIZ

Committee Listens to Lengthy Explanation of Paley Group's Buy-Back of Paramount Interest in CBS — Web Peppers Monopoly Report

Washington, July 16. Repeated complaints about "errors of fact and unwarranted interference" in the Federal Communications Commission's chain-monopoly report put Commissioner Thad H. Brown, plus the two other investigating committees and their staff aides, directly on the spot Wednesday (10). Protests came from Ralph S. Colin, general counsel, and John J. Burns, special attorney, of CBS at the third Senate Interstate Commerce Committee hearing on Brown's fitness for another seven-year term on the regulatory body.

Appearing on the stand to explain the CBS-Paramount stock transactions in 1929 and 1932, Colin at once was placed on the defensive because of his denunciation of Senator Charles W. Tobey of New Hampshire, leader of the attack on Brown, but later got in the committee's good graces and contributed materially to embarrassing the veteran Commissioner. In the end, he had apparently convinced the solons there was nothing wrong to the CBS repurchase transaction by which network insiders netted handsome profits and cast serious doubts on the veracity of the chain-monopoly findings.

Colin's Complete Retraction

Before he got through, Colin made a complete retraction of previous CBS accusations that Tobey had maliciously sought to hurt CBS and William S. Paley in condemning the Paramount deal at an earlier hearing. At the beginning, after Tobey had read at length from the FCC document and reviewed Colin's statement, the network lawyer stood firmly behind his press statement that the New Hampshire senator showed "ignorance" of true facts or was deliberately "trying to harm or injure" Paley. When other network observers realized the lawyer

was jeopardizing valuable good-will and infuriating other lawmakers, Colin eventually was advised to apologize.

The Colin statement was rapped as "unfair" and "unjustified" by Senators Burton K. Wheeler, committee chairman, Clyde Reed and Wallace White. Tobey showed deep resentment, declaring the CBS exec was seeking to "blast" the committee's, as well as his own, reputation. Harsh words were nullified by the closing scene when Colin explained for the record that based on facts developed during last week's session, he was "wholly willing to withdraw any statement charging malice" which prompted Tobey's criticism of CBS.

Both Colin and Burns put into the Senate archives specific complaints about the handiwork of the chain-monopoly investigators. Colin was placed under oath, because Tobey explained some of the testimony might prove of great importance during subsequent proceedings. But Burns testified from the sidelines without ever taking the witness chair.

Principal Complaints

Principal complaints were directed at the FCC committee's findings that Columbia spent \$1,163,000 out of its capital to buy back a tiny proportion of its stock, that the re-purchase "impaired" the financial soundness of the company and that Paley profited unethically, if not illegally.

While Colin and Burns insisted the operations were simple and direct, solons had some difficulty in following the movement of the CBS and Par paper. Tobey, for instance, was puzzled by explanations that the deal was where "everybody made money" and once remarked that the values on the CBS stock were "a figment of the imagination." Wheeler also appeared bewildered for a time, though he observed after lengthy explanations that there might have been some bad judgment but he couldn't see any criminal action occurred.

The simple and pure transaction as explained by Colin resulted in profits to some of the CBS insiders because the network under Paley's management had "turned the corner" while Par stock fell with the stock market crash. Going back to 1929, he explained that Paramount felt television was in the offing and it was deliberately "trying to harm or injure" Paley. When other network observers realized the lawyer

While acting collectively, the CBS insiders sold to Paramount in their individual capacities, and the corporation was not a party to the deal at the outset, he emphasized. The consideration was similar to that which Par gave in other purchases, chiefly for theatre properties, with the base price \$5,000,000.

To Tobey's remark that the value

was artificial, Colin noted that in 1928 CBS was "still losing money" but under Paley's command seemed to be practically on solid ground. A price of 10 times the earnings was not out of line, he argued. At the time, Par stock was around \$72, he added.

The film company said it would issue 56,823 shares in payment for the CBS paper, promising that if in two years (by September, 1931) Columbia had earned \$2,000,000 it would buy back its own stock at \$85. Conditions were fulfilled, with Par paper going down to a very low level about \$10 share, Colin remarked, and the CBS holders decided to exercise their rights. They did not then, however, hold all of the 58,000 shares, two of the starters having unloaded, and the remaining 15 accounted for only 47,484 Par tickets.

The Columbia group put its paper back to Paramount around March 1, 1932, the deal representing a little over \$4,000,000, committee was told. But the deal, Colin noted, not desiring to deplete its own cash position, decided to sell "some assets of its own." These assets were the 63,250 shares of CBS A stock.

No Market Price

There was no market price for Columbia paper, Colin agreed, although he personally had bought some at a price he couldn't recall. Repurchase negotiations, he explained, resulted in a tri-partite agreement, to which the network as a corporation was a party. This agreement was that a price of \$5,200,000 was fixed on Par's half interest in Columbia, equivalent to \$82.21 per share. Of the 63,250 pieces which the film company held, the network bought \$14,156 for its own treasury at a total of \$1,163,860. The 15 CBS holders still having Par stock bought with their own funds the remaining 49,094 shares for \$4,036,017.

Entirely independently, the 15 Columbia investors sold half of the stock they got from Par to a syndicate headed by Brown Bros. Harriman at \$82.21, the same price which Par got, he explained. This was cited as a fair "test of value," answering implications that the price was unduly inflated. Tobey inquired, "However, whether it is not a reasonable hypothesis that the holders paid that price because the holders advised the syndicate that the company was willing to hand over that amount. Colin could not agree, observing he never had seen any transaction between two people that would convince a third party and adding that CBS had earned \$18.50 a share in the year ending 1932. This was a very conservative valuation," he contended, and the stock which the company bought is today three times the figure paid.

No CBS Sufferers

None of the CBS stockholders—even those not taking part in the repurchase deal—suffered, Colin said. In answer to FCC committee complaints, he pointed out that every owner's stock was one-ninth more valuable, because 11% of the total was put in the company treasury and earnings therefore did not have to be distributed as widely. During discussion of values, Colin said Columbia's book value now is about \$7.92, while the stock is selling for \$18; before the most recent market break, it was selling at \$24 with a book value of around \$7.50, he observed.

Questions about the degree to which CBS worth hinges on licenses were raised by Senator Matthew M. Neely. Colin said he could not maintain that the equity would be destroyed if the FCC refused to grant licenses, but the stock value certainly would be reduced. He remarked the net holds only eight operating permits and "we might conceivably continue as a network even without its own stations. Earnings of the M & O plants, however, contribute substantially to total corporate revenues, he said. So that any "reprimanding" of CBS for the Par deal by revoking or denying licenses would "injure" the stockholders.

After this account by Colin, Chairman Wheeler said one of the issues before the Senate group is whether Brown was to some degree responsible for giving Congress and the public an inaccurate report. He said he could not "any reason why the commissioner's nomination

Sidewalk Reporters

San Francisco, July 16.

Sidewalk interviews are becoming more of an adventure every day—ask Mel Venter, whose hair is streaked with gray. KFRC quizzer asked femme "What do the letters G.O.P. stand for?" and she quipped back "Gone Out Permanently" while Mel shriveled. On same show question "Who said 'Nothing is certain but death and taxes?' drew this stinger: "Dios!"

On another show, woman remarked she had just bought 10 dresses. "What would a woman want with 10 dresses?" retorted Mel. Dame never batted an eye as she answers "Ten hats."

should be rejected because he failed to prevent renewal of CBS station licenses but that if statements in the chain-monopoly report are "entirely wrong" there is a grave question "whether he is fit to act as commissioner."

Colin Charges Errors

In what was almost a paragraph-by-paragraph analysis of phases of the chain-monopoly report, Colin charged numerous errors, while Brown, questioned frequently by Tobey and others what reply he could make, stuck to his guns in most instances. The CBS attorney said the repurchase deal was not a "private transaction," denied that six of 10 directors were "beneficiaries" of a deal in which corporate funds were used, emphasized the money repurchase came from the surplus account, not out of capital, so there was no impairment of the corporation; termed it "immaterial" that 12 minority owners did not take part in the Par transaction; and pointed out that there were 14, not 12, who owned none of the Paramount paper.

If the officers took money from the treasury to put over a deal that benefited them personally, such operations would be "fraudulent," Wheeler observed. Tobey commented he had described the operation—as reported by the FCC—as "heinous." Colin agreed such condemnation probably would be deserved if the deal had occurred in the way the Commish probers reported, but he insisted the FCC group was wholly in error. Some of the cash came out of the individuals' pockets and some from the company exchequer, the stock bought with corporate cash went back into the treasury, he declared.

Criticism of the FCC trio was uttered by Senator Wheeler. He said if Colin's explanation is correct there have been gross misstatements in the chain-monopoly report, adding that "there have been too many loose statements."

Paley's Million Explained

The way Paley made his \$1,000,000 profit was legitimate and easily comprehended, Colin argued. Wheeler was a little dubious, though, Colin contended the profit came simply from the fact that he bought into CBS in 1928 when it was running in the red and sold some of it three and a half years later when it was a good earner. The committee chairman remarked that by buying the paper back from CBS, Paley did something different from holding the paper while it gained in value. He said the "thing that shocked me is the idea he used company money" in making that profit.

Brown's inability to answer several questions about the statements in the report irked Tobey. After Dequincy Sutton, Commish economist, had supplied a number of facts, the New Hampshire solon asked sharply, "Don't you know what's in it?" The harassed Commish member pointed out the summary of evidence was produced by the staff and if it

FCC STAFF IN WAR TENSION INCREASE

Washington, July 16.

Lastest walls, to take care of war-room employees, are being readied by the Federal Communications Commission, it was stated last week. Because of the close watch which is going to be maintained on communication channels and the additional checking on "unauthorized and illegal" radio messages expected under the prevailing war tension, several hundred new workers are going to be put on the payroll. It is reported. These will include about 400 engineers and approximately 100 additional employees in other branches. All will be plucked from Civil Service, according to the current rumor.

Colin also misled the two other committee members.

Warning that he intends to file a detailed brief, Burns protested the FCC radio message figures about CBS and NBC in a way that distorted facts. Also, he yelled, the probers reached conclusions that cannot be justified by the evidence. The special counsel informed the Senate group he hopes to demonstrate the report's "unreliability as a guide for action by the Commission."

The two network attorneys naturally quarreled with the FCC committee's conclusions about network options on station time and the unfairness of exclusivity clauses. They admitted some of the facts but replied the Commish looked at only one side of the question. If stations are willing to sign up with webs, there must be compensating benefits from the relations which were disregarded or overlooked by the probers.

Another going-over for Brown is due after the recess and the Democratic caucus. Tobey also announced he expects FCC Chairman James L. Fly on hand to throw light on various aspects of Commish activities and short-comings, commenting he by no means is finished quizzing the President's nominee and there are many other issues he intends to explore.

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AMERICAN SOCIETY OF COMPOSERS, AUTHORS AND PUBLISHERS
THIRTY ROCKEFELLER PLAZA
NEW YORK CITY



July 15th, 1940
No.....3331

TO ALL OUR MEMBERS:

The Society has decided to publish the story of ASCAP for the information of the vast army of music lovers and music users inside and outside the entertainment field.

The story will cover the "who, what, why, when and where" of ASCAP, and all the names, dates, facts and places. It will tell the story of the inspiration which brought about its creation. It will also contain complete information about its plans, purposes and policies; and the achievements of its personalities. It will also outline the many fields in which our music renders service, together with the details of that service, past, present and future.

We hope to make it a comprehensive "Who's Who" of our members; a factual and authoritative source of information; and a ready reference for the innumerable individuals; and cultural, educational and business organizations which are interested in music in America.

We are bringing it out as part of the celebration of our 25th ANNIVERSARY. We have selected VARIETY as the publishing medium, because of its wide coverage in the entertainment and newspaper fields.

No writer member will be required to place any advertisement, as the Society has already arranged to take ample space to set forth the achievements of its writer members.

VARIETY will tell this story of "Who's Who in Music," by ASCAP, in their issue published Wednesday, July 31st.

Yours very sincerely,
AMERICAN SOCIETY OF COMPOSERS,
AUTHORS AND PUBLISHERS

Gene Buck
GENE BUCK
President

ASCAP EDITION
VARIETY—JULY 31.

ASCAP'S 1ST PRESS SESSION

ASCAP Cools Down Publishers On That Complaint to FCC About CBS; Still Burning at Web's Tactics

Executive council of the contact employees union has under consideration a proposal that some drastic move be made against CBS for the network's alleged "discrimination" in the airing of songs belonging to ASCAP members. Professional men urging that their union go so far as take the matter up with William Green, president of the American Federation of Labor, from whom they hold a charter. The suggestion advanced is that Green be asked to use his offices in bringing the situation to the proper authorities in Washington.

The members feel that their jobs are being seriously jeopardized by Columbia's alleged tactics of forcing ASCAP numbers off CBS sustaining programs, usually at the last minute, and substituting for them tunes published by Broadcast Music, Inc., in which the network along with many others in the broadcasting industry has a stock interest. Leaders within the contact-employees' union take the position that as long as CBS has a licensing agreement with their employers the network has no legal or moral right to hamstring them or their jobs.

One form of retaliation suggested last week by some professional men was the elimination of WABC, CBS' New York key, as a major station in the compilation of network programs with WOR. Mutual outlet, substituted. So far the recommendation has made little headway. It has been suggested by the leaders of the union that the contactees wait a while longer to see how far CBS carries its campaign, and if the situation becomes intolerable, then make the switch.

No Washington Trip
Threat of a group of publishers early last week to bring their grievances before the Federal Communications Commission became dissipated when ASCAP let it be known in an indirect way that any such move would not be expedient. Publishers later agreed that CBS was engaging in these "heckling" tactics with them in the hope that the ASCAPites would be stung into taking some action which might rebound to their own disfavor. There will be no retaliatory moves on the part of the publishers. If the contact employees' union wants to do something, it will have to be on its own account and not with the cooperation of the publishers.

LOWER BRIDGE TOLLS AS CONCERT LURE

Buffalo, July 16.
Franco Autori and Buffalo Philharmonic will take a crack at all-fresco symphony starting tomorrow (Wednesday). Will move to state park at Grand Island, tossing in all sorts of inducements to get the hearers.

Patrons taking season strip of six tickets will get lowered bridge tolls. Music lovers can take a dip in Niagara before the concert. Beer and pretzels will be hawked. Duet cats at 50c for reserved seats, 25c otherwise.

Paley Insists on Rest For Ailing Wallerstein

Edward Wallerstein, president of the Columbia Phonograph Corp., whose health declined badly following a severe heart attack, has been ordered by William S. Paley to take a long vacation. Despite his rundown condition Wallerstein had insisted on maintaining regular office hours.

Fred Williamson Quits

Fred Williamson, Frederick Bros. band dept. exec, resigned from that organization last week. No reason for the move. He has no definite plans.

E. B. MARKS IN TALKS WITH BMI

E. B. Marks is making a strong effort to work out a deal with Broadcast Music, Inc., for the licensing of the small performing rights of his catalog. Pub of this dispute has the questions raised about Marks' suit claims to many works in his list.

Sidney Kaye, CBS counsel and BMI v. p., has been in frequent conversations with Marks about the latter's offer of wholesale assignment of his rights on an agency basis. Cole's assignment is for 10 years; \$20,000 a year for the first three years and \$70,000 a year for the succeeding seven years. This contract is cancellable, providing Cole, formerly affiliated with the Society of European Stage Authors and Composers, has received as much as \$25,000 from BMI.

KAMMENS CLAIM LIFT BY MARKS, RCA, ET AL

Jack and Joseph Kammen, doing business as J. & J. Kammen Music Co., filed suit Friday (12) in the N. Y. federal court against Edward B. Marks Music Corp., Gregory Stone, Lester O'Keefe, and the RCA Manufacturing Co., Inc., claiming the infringement of their song, "Beigelach, Kolit, Eisglack" written by Joseph Kammen in 1929, in the defendants' "Who'll Buy My Bublikhki" or "The Pretzel Vendor's Song." Marks published and the other two authored "Bublikhki."

It is asserted that RCA was given the right to make recordings of the plaintiffs' song, which it did. The defendant's song was also recorded, and is asserted to be an infringement. An injunction, accounting of profits, and damages is sought.

Dailey Booked Ahead

Frank Dailey's Meadowbrook, Cedar Grove, N. J., is set for musical fare, with a few exceptions, into the beginning of 1941. Tommy and Jimmy Dorsey will both do return shots. Former is set for Oct. 8 for four weeks. Jimmy for Nov. 19 for six. Al Donahue is current, but will be replaced tomorrow night (Thursday) by Cab Calloway. Benny Goodman was originally set for five weeks beginning Sept. 3, but whether or not the date will be filled isn't known. View of Goodman's doubtful status. He's presently in Mayo Clinic, Rochester, Minn., being treated for sciatica. If not he'll be replaced by Glenn Gray. Jan Savitt or Bob Crosby will fill the space between Jimmy and Tommy Dorsey.

LASTS NEARLY 4 HRS. IN NEW YORK

Billy Rose and Irving Caesar Fling Some Sharp Questions Whereupon the Interior of Long-Closed Organization Gets Impromptu Unveiling—Buck Sees Dept. of Justice as Cat's-Paw for Radio

VERY FRANK

What Gene Buck, president of the American Society of Composers, Authors and Publishers, stated broke a quarter-of-a-century precedent in ASCAP annals—that of a press conference—turned out Monday (15) in New York City to be a heated and frank discussion of the music business' current imbroglio with the broadcasters. Chided by Irving Caesar, one of the four on the "radio committee" of ASCAP, now concerned with negotiations with the stations, for "not being the fighting Gene Buck that I know; for manifesting a height of understanding," the ASCAP president then went into the background of the Society's differences with the National Assn. of Broadcasters.

As result, what was to have been a casual let's-meet-and-get-acquainted cocktail party on Monday afternoon (15), started at 3:30 in the afternoon and was at its peak after 7 p.m., despite Buck and John G. Paine, ASCAP general manager, fearing they were taxing the newspapermen's time and patience.

However, as the open-forum discussions progressed Buck, Paine, Caesar, Billy Rose, Gerald Griffin, inquisitive newshawks and others developed an informal, round-table palaver on what were the issues involved.

Buck keyed the idea that ASCAP was an open-door; that there was no smoke-screen attached to it; that the radio, music and other newspaper columnists and reporters present would undoubtedly be getting lots of press stuff from the broadcasters on what's what, and that he thus wanted them to see for themselves what ASCAP stood for. The Society's board room was the meeting place.

Goaded by Caesar and Rose to open up, Buck went into the Arizona arrest and constant legislative attacks; Paine reviewed what ASCAP wanted for its music; how much more and why; how the alleged 5% of the commercial billings had only averaged 2 3/4%; that ASCAP feels

(Continued on page 34)

SEC Requirements a Delaying Factor in BMI-Metro Dicker; Deal, If Any, After Frisco Meet?

Magro to Carl Fischer

John Magro has joined Carl Fischer, Inc. as advertising and publicity manager. He was formerly with Mills Music, Inc.

PRESENT BMI DEAL RECALLS '32 SUIT

Interesting bit of background connected with the deal now pending between the Metro interests and Broadcast Music, Inc., for the former's music catalogs is the suit which Metro filed against the American Society of Composers, Authors and Publishers in the N. Y. supreme court in August, 1932. The suit, which never was tried, charged ASCAP with being a monopoly and a "music trust" and asked for an accounting of the Society's income and royalty distributions. It also petitioned for a reclassification of the Robbins Music Corp., the lone catalog which Metro controlled at the time.

The action, which was handled by Julian T. Abeles, who initiated the present deal with BMI, was described at the time as having a two-fold purpose. Metro wanted to make sure that the Society wouldn't again reduce the Robbins firm's rating. Also Metro, as a major theatre operator, was interested materially in the seat licensing terms of the new contract then under discussions. The producer's latter interests far surpassed those as a publisher and the court action, it was figured at the time, would serve as an implied double protection.

The Robbins firm had been demoted from Class A to Class C, but the catalog was restored to its former status in ASCAP some time before the suit was filed. Later the Robbins firm obtained representation on the ASCAP board of directors.

BOBBY MELLIN'S TITLE

Bobby Mellin now holds the title of general manager at Mercer & Morris. Joe Santly is professional manager.

Dept. of Justice Queries Pubs

Asks Seven Questions, Including Info on Any Previous Complaints Against ASCAP

U. S. Department of Justice's latest investigation of the American Society of Composers, Authors and Publishers has reached the questionnaire stage. Mimeographed copies of such a detailed inquiry was received last week by publishers that are, and are not, members of ASCAP. The mailing to ASCAP pubs was apparently a mistake and due to the investigator's use of a dated industry list. Number of the firms polled had in the meantime either become members or been merged with companies in the ASCAP roster.

Among the information that the questionnaire seeks to obtain is: 1. Whether the firm has an affiliation with other performing rights societies. 2. What was the firm's classifica-

tion if it has been a member of ASCAP. 3. Whether the publisher has ever complained that his business was hurt by ASCAP in any way. 4. Whether prior to admission to ASCAP "broadcaster, orchestra, etc., had refused to play a publisher's numbers because he was not a member of ASCAP. 5. Whether the publisher has ever made application for membership to ASCAP and what was the result. 6. Whether on applying for membership the publisher was told what his qualifications would have to be. 7. Whether writers and composers have refused to let a publisher have their works because he was not an ASCAP member.

Board of directors of Broadcast Music, Inc., yesterday morning (Tuesday) entered into what was forecast as an all-day session on the matter of purchasing the Metro Robbins catalogs and other questions pertaining to the broadcasting's activities in the music business. Slated for reading and discussion was the contract draft covering the purchase of the catalogs. Also the legal problems surrounding the deal, and the means of financing the Metro proposition.

A member of the BMI board declared last week that there probably won't be any commitments made for the Metro catalogs until after the convention of the National Association of Broadcasters in San Francisco the week of Aug. 4. He explained that it would be necessary for BMI to apply to the Securities Exchange Commission for enlargement of its stock issue. BMI might have to wait, he said, for 30 days after it files the papers.

BMI's present stock issue is limited to \$1,500,000. The contracts which BMI has with its pledges expires next April and in order to take care of the Metro buy it would be necessary to secure this same membership or pledges for another three years. On the other hand the Metro deal could be consummated if CBS and NBC elected to put up the cash between themselves and look for reimbursement to future contributions of BMI stockholders when and if the refinancing of BMI materializes.

\$100 Loan In 1934 Base Of \$6,000,000 Action Against ASCAP In N. Y.

Suit for \$6,000,000 damages was revealed Monday (15) in the N. Y. supreme court against the American Society of Authors and Composers, and Southern Music Publishing Co., Inc. Action was brought by Perry Bradford as surviving director and stockholder of Perry Bradford, Inc., and as assignee of Ethel Bradford, doing business as Bradford Music Publishing Co., as assignee of Gus Horsley and Ethel Balkom, doing business as the Aeme Music Publishing Co., and as assignee of Gus Horsley and Iris Thompson, as the Blues Music Co. Action was revealed by the filing of a demand for a bill of particulars by the plaintiff.

Bradford charges that on Feb. 13, 1934, he was loaned \$100 by Southern Music to be repaid in 60 days. For security, Bradford gave Southern 39 songs, and granted it the rights to collect royalties on the songs. Later on but after the 60 days period, Bradford claims to have offered the \$100 and asked the return of his \$100 but the defendant refused, he claims.

On this charge, \$1,000,000 is sought. The second cause of action against ASCAP claims the Society collected royalties from the 39 compositions, and \$2,000,000 is asked. Lastly it is charged that ASCAP and Southern entered a conspiracy to deprive the plaintiff of his rights to the songs. On this charge, \$3,000,000 is asked.

Adelle Norella and Nino Nanni have been added as vocalists with Joe Frassetta's WIP house band (Philly).

Rose Refuses to Pay Abe Lyman; Petrillo Gives Him Until Sept. 2

After a stormy session in James Petrillo's office at the American Federation of Musicians' N.Y. headquarters, attended also by retired quarters, Joseph N. Weber, the Abe Lyman, and Billy Rose salary dispute was left unsettled. Rose, who had a \$100,000 bond up, refused to hand over the 10G in settlement of Lyman's \$28,000 contract, and offered \$5,000 instead.

Petrillo said that rather than send it to the International, they were all coming to New York Sept. 2 and unless the matter was privately adjusted in the interim that body would make a final decision. Rose was attended by Arthur Garfield Hays, his personal attorney. Hays stated that the union was 'my lawyer' and presented his case to Petrillo, Weber, et al. The bandman went into the proposition he got \$2,500 from Rose at his Casa Manana gallery on Broadway and that the only reason he accepted \$1,400 for the N.Y. Fair spot in Rose's Broadway Coast was up for exploitation values, figuring on three wires a week via NBC, which weren't deeded him, and the fact it would also be a vacation. Lyman and the boys leased homes at Great Neck and other towns near the Fairgrounds.

He played and paid four weeks and is owed 20-week run of the Fair, which is a 24-week season—at \$1,400. Rose stated he had sold the place to Nobby Blair and others. Later Rose's general factum and the 'sale' was questioned by the musicians' union officials.

Petrillo took Rose to task when he said he was a 'big user of music' by observing that when he (Rose) wanted to cut his Aquacade band from 22 men to 15, the union insisted on 50, but compromised on 30. 'And if I'd been in town,' said Petrillo, 'I'd have made you use 50 men in that big Aquacade.' An alleged differential to Noble Sissle for rehearsal time at Rose's Diamond Horseshoe also was brought up. It must be settled this week, or else, said Petrillo.

Rose is alleged to have cracked about 'a gun to my head,' and Lyman openly voiced that before Petrillo and the others, whereupon the showman stated he referred to Lyman, not the union.

VLADIMIR GOLDSCHMANN BECOMING A YANKEE

St. Louis, July 16. Vladimir Goldschmann, baton waver for the St. Louis symph orchestra, has taken out his first U. S. citizenship papers and expects to obtain his final papers here, his adopted home. A native of France, Goldschmann has been coming to the U. S. for the past 10 years, entering on a visitor's visa. In order to prevent any mixup since Germany has taken over his native country Goldschmann went to Canada recently and had the American Consul at Windsor obtain his quota number from the French government. This required four days.

Fearing his entry to the U. S. might be delayed by immigration authorities letters were prepared by Mayor Dickmann, Alexander Fraser, chairman of the symph exec. board, and the State Social Security Commission but they were not necessary as the U. S. Consul approved his visa. Goldschmann, now visiting in the east, will return next fall for his 10th consecutive year as conductor of the local symph.

MRS. KRAMER'S NOTION

May Acquire Suburban Spot to Supplement Hotels

Mrs. Maria Kramer, owner of the Edison and Lincoln hotels, New York, is mulling the thought of building or buying Westchester or northern New Jersey spot for name bands, similar to the one located at Cedar Brook at Cedar Grove, N. J. During the past several weeks she has been circulating through those sections looking over sites. She's a band fan, personally supervising the selection of bands for work in her spots. Charlie Barnet at the Lincoln and Gray Gordon at the Edison are current.

Bomb Rips Dance Hall

Cleveland, July 16. Some 300 dancers missed being blown up by only 15 minutes when a time-bomb placed under Chippewa Lake Park's ballroom exploded last week, causing \$5,000 worth of damage. Luckily, it went off after the dance hall had closed at midnight, not injuring anybody. Explosion buckled and tore big holes through the dance floor, destroying a lavatory in which it apparently had been hidden, and badly damaged a grocery store and barber shop on the ground floor.

Parker Beach, park owner, could furnish no motive for the mysterious bombing.

THEATRE DATES GAIN LUSTRE FOR BANDS

Theatre dates are the aim of road traveling bands this year more than ever before due to the instability of the one-night trail. Jam toward picking up all week theatre dates is based on the minimum of headaches encountered, while the single day stands this season are full of 'em. With cold weather and rainy weather combining to skid the daily commitments way off their feed, bands this hot stretch are telling each other of the number of theatres they have booked, not the length of single day stands in the bag.

Most bands would rather play theatres, anyhow but a tough stretch such as the current one the advantage emphasized. One nighters require a jump every day, packing up, riding, losing sleep, making for heavy wear and tear—the men, and pyramiding expenses. Transportation is an important item in band operation. Theatres on the other hand, require a move once a week. Too, the booking office-commission slice is only 10% for one-nighters. Means a band has to gross more each week to wind up with the same net that theatre date brings. And, according to bookers, it's hard to get proportionately more one-night money for a band worth a certain amount in theatres, in order to net them the same amount, no matter which field is played. Example of heavy leaning toward theatre stands is the Sammy Kaye band which is on the road for 20 weeks this summer prior to returning to the Commodore hotel, New York, in the fall. Of the 20 stanzas Kaye is playing 16 weeks of theatres.

Name Bands for First Time at Cal. State Fair

Sacramento, Cal., July 16. For the first time since its inception, the State Fair running for 11 days from Aug. 30, will have name bands as the chief lure. Fox Case, CBS special eventer in Hollywood, as chairman of the attractions committee, has booked through Music Corp. Kay Kyser, Orrin Tucker and Horace Heidt, who will appear in that order. Bandmen, who have broadcasts during their stand here, will remote them from a special auditorium on the fairgrounds. Other talent booked includes Rufe Davis, The Danwills, Howard Nichols, and a chorus of precision steppers. Don Forbes, Richfield Reporter of radio, emcees the entertainment features.

Raymond Scott to Chicago

Chicago, July 16. Raymond Scott orchestra has been set for the Panther Room (College Inn) of the Sherman hotel starting on Aug. 2 and running through to Labor Day. Placed through Columbia Artists, this will be initial tryout or personal appearance for Scott. Chicago of enviro s.

Goodman Goes Waltz

Benny Goodman band, bouncers deluxe, has recorded its first waltz. Tune one called 'Nostalgia.'

It was written by Robert Stoltz, the Viennese writer of 'Two Hearts in Three-Quarter Time.'

Goodman Retains Nucleus For Later Reorganization; Others Mull Shaw Offer

Disposition of the manpower of the Benny Goodman band, which broke up after the completion of a stand at Catalina Island, Calif., Sunday (14) because Goodman was forced into Mayo Clinic, Rochester, Minn., for treatment for sciatica, will probably see part of it shifting to Artie Shaw. Latter is reported as having offered places in the new popular band he's building to five of Goodman's men. Johnny Guarnáñez, pianist; Jerry Jerome, tenor sax; Vernon Brown, trombone; Nick Fatool, drums; and Les Robinson, alto sax, are those said to be shifting to Shaw. Robinson was part of the original Shaw band which the latter walked out on at the Pennsylvania hotel, New York last Fall. Goodman entered Mayo Saturday (13). He left his band Tuesday (9).

Final breakup of the Goodman outfit was the second attempt he made to disband it. Several weeks ago the sciatica hit had been bothering him for months drove him to give the group notice, but it was later rescinded when the ailment eased. According to his present plans, Goodman will definitely be back in the band business by Sept. 1, if the treatment he undergoes at Rochester and a subsequent rest help him to attain any semblance of physical normalcy.

In order to make it easy to rebuild, several of his key men and Helen Forrest, his vocalist, are being kept on salary through the layoff. Toots Mondello, ace alto saxist and Ziggy Elman, trumpet, are returning to New York. Elman was originally scheduled to lead the band during Goodman's enforced absence, but the plan was abandoned when no response could be roused in buyers.

Republic picture, 'Hit Parade', for which Goodman had been signed is already in the works.

Offer to Pinchhit

Hollywood, July 16. Three band leaders volunteered to act as guest conductors for Benny Goodman's band at Catalina while the king swinger is at the Mayo clinic at Rochester, Minn., for diagnosis and treatment of a sciatica ailment. Carl Hoff led off, followed by Kay Kyser and Artie Shaw. Latter took the last two days of the island stand, Kyser took along his vocalist, Ginny Simms.

Republic is holding up its super filmusical, 'Hit Parade of 1940,' pending definite word of Goodman's condition. Contingency contract calls for cancellation of the band in the event Goodman is not in shape to report by Aug. 11. Band is on four weeks vacation. Alternates for the Goodman spot in 'Hit Parade' are Bob Crosby, who'll be at Catalina in August, and possibly Glenn Miller.

DANCE SHED NOBODY LIKED NOW AN ARMORY

Buffalo, July 16. Big, steel-arched Broadway Auditorium, more realistically termed 'the barn,' which has echoed to everything from the turkey-trot to the jeep, will echo soon to feet marching. Spot is to be converted into base for anti-aircraft unit.

All the name bands have played there, though some of them unwillingly. Old-style, barnlike interior has no perfect sounding shell, and what went into the pa. system usually came out harsh. Residential section also has drawn away from area in recent years, leaving it largely in undesirable neighborhood for dance fans.

Floor, soon to rumble to gun and searchlight batteries, was partly stone, of which even the most avid shagger warbles. Everyone is hanging a wish for relief in turning it over to the National Guard.

Relic of Speakeasy Era Survives To Become Top Song for Robbins

Orrin Tucker One-Niters

Orrin Tucker orchestra starts its first string of one-night dates in the east, since the 'Oh Johnny' episode, shortly after completing its current three-week stay at New York Paramount. Band will take a short vacation then tee off the singles at Hershey Park, Hershey, Pa., July 31. Follow with Lakewood Park, Mahanoy City, Pa., Aug. 1; week at Hipp theatre, Balto, 2-8.

As yet tentative are stands at Pottstown, Pa., Aug. 9; Steel Pier, Atlantic City, 11; Carrolltown, Pa., 12; and Fernwood Park, Wilkes-Barre, Pa., July 13. Harry Moss, of MCA, set 'em.

ARTIE SHAW MUST PAY GAC COMMISH

James C. Petrillo, American Federation of Musicians prez, has ruled that Artie Shaw must live up to his contract with the General Amusement Corp. and clear all his bookings through that organization. Order requires Shaw to pay GAC commissions on all dance, theatre and radio dates for the next two years. General Amusement complained to Petrillo after Shaw was booked on the Burns and Allen program (NBC-Spam) by the William Morris office. Shaw was being booked by GAC when he walked out of his contract with the Pennsylvania hotel, N. Y., last year.

Sammy Kaye one-nighter at Pittsfield, Mass., recently will serve to illustrate a spread on the single stand end of the band big being run by Pic Mag. Latter shipped a photographer with the crew to record all the points including from bus ride to the date through preparations, actual hop, packing, etc.

'Maybe,' being plugged as the No. 1 song by Jack Robbins, date back to 1923 and the speakeasy era when it became known among table singers as 'the buck song,' due to its straightforwardness as a dollar tip getter. Alla Flynn and Frank Madden, entertainers at Elkins's hideaway in New York's Fordham section, wrote it. They were sort of Van-and-Schenck team and they printed up their 'Maybe' song privately, selling copies to other singing writers and entertainers for anything from \$1 to \$5. It was a surefire torcher for the bar trade, somehow, and the entertainers eventually started bootlegging it, not paying Flynn and Madden any fee. In 1935 Rialto Music Co. printed it and sold 10,000 copies in one year. In 1936 Dick Robertson on Dance waxed it and it sold well via the coin-machines. This determined Robbins to give it a real ride.

Flynn one day was asked what he made on the song by one entertainer who figured up that the 'buck song's' \$1 tips over a period of three years had meant some \$3,000 or \$4,000 income. The songwriters then decided to publish it.

HOUSE BAND CASTS DOUBTS ON TOURERS

Milwaukee, July 16. Steve Swedish and his orchestra, now in their third season as house band at the Modernistic Ballroom at State Fair park, have been attracting the dance fans in such numbers that management is wondering if its policy of bringing in a name band one day a week isn't a waste of money. Except for Dick Jurgens and Russ Morgan, the local outfit has brought in bigger net returns than visiting celebrities.

'Already booked, however, for the near future are Lawrence Welk, Wayne King, Leonard Keller and Tony Martin. Swedish has the knack of switching his technique to match that of the guest band at will, and dancers say his copies are so true that they cannot tell from ear which they are listening to.

he Went crazy

... trying to pick a program of hits, until he found the safest way to select songs: THE ROBBINS WAY... proven the most consistent publisher of hits.



I'M STEPPING OUT WITH A MEMORY TO-NIGHT

By the writers of "Music Maestro, Please"

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Philly Nitery Op Appeals Ruling On Payment of Compensation Taxes

Philadelphia, July 16.

Frank Palumbo, operator of a club in Little Italy and two spots in seashore resorts, filed an appeal Friday (12) with the Unemployment Compensation Board of Review seeking to reverse the board's ruling that makes night club operators liable for the payment of unemployment compensation taxes for musicians.

Palumbo, through his attorney, Charles Solt, declared that the board's ruling which made payment mandatory on musicians other than so-called 'name bands' was unconstitutional. In addition, Palumbo contended musicians were contracted for a given period through their leader, and therefore the latter should be responsible for the tax payment.

Stephen Stahlnecker, chairman of the board, promised an early hearing and decision because the ruling is important to virtually all local nitery owners, who already in hot water due to non-payment of Federal Social Security taxes.

Originally the State Unemployment Compensation Board ruled that bandleaders were liable for the unemployment taxes. Then last October three musicians who worked at Palumbo's Philly spot—Bobby Morro, Morris Grossman and Ray DeLaurentis—appealed and the board upheld them, reversing its original stand. Palumbo's appeal is trying to upset that ruling.

Under the board's present interpretation of the law, only 'name' bandleaders, who guarantee salaries to musicians, whether they work or not, are liable for tax levies.

Meanwhile, Federal Internal Revenue agents were getting ready to spread their campaign for the collection of social security levies against niteries following their raid on the Anchorage last Tuesday (12). The spot was taken over by a Federal-Court receiver for failure to pay more than \$3,000 in Federal taxes. Federal Judge Harry E. Kaldor ordered the receiver, B. Joseph Kelly, to continue its operation to determine whether it could be run at a profit. On Wednesday (10) Kelly reported that a week's trial had shown a \$250 loss and Judge Kaldor ordered the spot shuttered to conserve its assets pending reorganization.

Kelly said that newspaper stories about the Internal Revenue raid had hurt immeasurably. In addition, he said, patrons could not telephone to check on whether it was open because phone service had been cut off because of non-payment of bills.

Diosa Costello Delayed

Diosa Costello, starred at La Conga (N. Y.) nitery past two seasons, arrived from a Cuban vacation on Monday (15) after being stalled there due to wartime shipping suspensions. She was to have been back sooner in time to open at Loew's State, N. Y., this week. Beverly Roberts substituted.

Double Loss?

Philadelphia, July 16.

B. Joseph Kelly, receiver testifying in Federal Court against the closing of the swanky Anchorage, said the total receipts for July 3 were \$1.

The patron, Kelly revealed, was himself. 'I bought a couple of drinks for a reporter,' he said.

BURLEY AWAIT'S LA GUARDIA TALK

Concerted action of New York's burlesque theatre operators, the International Alliance of Theatrical Stage Employees and the Brother Artists Assn. to get the city administration to remove its ban on the word 'burlesque' is presently waiting for an audience with Mayor La Guardia. A get-together of the various factions was first held a couple of weeks ago at the Astor hotel, N. Y.

Theatre ops maintain that inability to use the word burlesque has considerably hurt business; stagehands and burley performers are siding with them in the hopes that a revival of the tag will mean more playing time and therefore more employment.

Burlesque as a marquee lure was banned a few years ago by License Commissioner Paul Moss, following numerous complaints and a couple of raids on smutty shows. Since then the burlesque shows have chiefly been called 'Follies,' which the theatre ops claim is an inadequate description of the entertainment and not understood by out-of-towners.

Ruby Newman's Nitery Clipped \$1,700 by Thugs

Boston, July 16.

Magnolia Casino, operated by Ruby Newman, bandleader, was held up yesterday morning (Monday) and employes were forced by four bandits to hand over about \$1,700 in receipts. Another \$100 was taken from the persons of the 18 employes roused out of bed by the thugs. Ruby Newman was not personally involved, since he has a summer cottage a short distance away from the Casino.

The bandits made a getaway by shooting their way through a police barricade on the road out of Magnolia, near here. None of the Casino employes was injured.

TA BENEFIT POLICY REMAINS UNSETTLED

There's been no final action as yet, but it's evident that the American Guild of Variety Artists and the American Guild of Musical Artists are still seeking revision of the present Theatre Authority setup. Last plan these two unions sponsored, which was mixed by other affiliates in the Associated Actors and Artistes of America setup, would have placed formulation of the benefit policy strictly in the hands of a Four A's committee, with the TA board merely handling disbursements of the charity coin collected from such shows.

Hoyt Haddock, AGVA's executive secretary, is anxious to achieve TA revision in order to stop the 'free show' racket. He claims TA passes too many of this type of gratis performance by actors. AGMA is of a like opinion.

Upholding TA is Equity, Screen Actors Guild and the American Federation of Radio Artists. A committee of all the Four A's affiliates is still trying to arrive at a formula acceptable to all.

ADAMS REOPENS NEW'K VAUDER

A. A. Adams, who went for over \$350,000, 'hill' off of the burlesque opposition from Eddie Sherman and Sam Stiefel in Newark, N. J., last year, reopens the Adams (formerly the Shubert) in that town as a vaudeville Aug. 30. This was the house which Sherman-Stiefel operated in opposition to Adams' Paramount, and ironically, Adams has engaged Sherman to book the house.

Formerly, A. & B. Dow did all the vaude booking for Adams in Newark. Sherman cuts another notch in the same versus the Dows when he resumes booking the Majestic, Paterson, N. J., Labor Day week. Dows took this house from him last spring.

In last year's vaude battle in Newark, featured by Adams' Paramount pitting name bands plus pictures against what was then the Shubert, also operating with name acts, but sans pictures, the Sherman-Stiefel combo dropped around \$200,000. They finally withdrew and, in order to forestall a similar situation in the future, Adams bought the house, refurbished it and reopened it under his own management. It didn't work out, however, and the finally closed it, his ledgers showing more than \$500,000 on the debit side for the experience.

The battle reached its peak when Artie Shaw played the Paramount against Benny Goodman at the Shubert in the top band. Goodman was then the top band and Shaw was challenging him for it. Shaw subsequently became the No. 1 band. He since has been replaced by Glenn Miller.

Sammy Sofferin Back At New Detroit Stand

Detroit, July 16.

Police and the State Liquor Control Commission here fail to see eye to eye on the return of Sammy Sofferin, whose swank Powatan club was closed Feb. 1, to the business. He has just bought the Wonder Bar in downtown Detroit with the sanction of the usually tough state commission. He opened last night (Monday).

His former spot, one of the oldest niteries in Detroit, was closed on charges that gambling was permitted and that liquor was sold after the 2 a.m. deadline.

In giving the Powatan's operator another chance, Orrin A. DeMass, chairman of the liquor control, said, 'I'm interested in correction, not crucifixion.' Deputy Police Superintendent William J. Heidt refused to ok the liquor permit. After the state board, with the higher authority, gave the okay, Police Commissioner Fred D. Eaman said, 'I don't know where this fellow Sofferin gets all his prestige.'

Bill Jordan opens his Bar of Music in Los Angeles today (Wed.).

Bert Wheeler pulled out of Earl Carroll's Hollywood revue on the Coast and opens at Loew's State, New York, July 25.

Balto Local Show Set

Baltimore, July 16. Annual local show, 'Stardust Revue,' produced by the Hippodrome in conjunction with the Baltimore News-Post, will be presented July 26, with run of two weeks a possibility.

Staged by H. Ted Routsou, of the Hipp staff, with dances by John Lonergan brought in for the stint, layout will feature eight local acts, a line of 20 and six showgirls selected from surrounding communities to appear in a flash finale. Current edition will be sixth bi-annual effort to date.

Philly EMA Deal With AGVA Permits Agents To Take Up to 33 1/3%

Philadelphia, July 16.

Agents here will receive commissions ranging from 10 to 33 1/3% under an agreement worked out Friday (12) between committees representing the Entertainment Managers Assn. and the American Guild of Variety Artists. The question of commissions was the major hitch that was holding up the signing of the AGVA franchise by the agents. Tom Kelly, AGVA biz agent, had demanded that agents' fees be limited to 10%, while the latter pointed out that their State licenses allowed commissions ranging up to 50%.

The final agreement was in the nature of a compromise. Agents will be allowed fees of 10% for theatres and for niteries under normal conditions. When securing work entails added time and expense, they will be allowed up to 20%. Commissions for jobs at private clubs and parties will be 33 1/3%.

By setting a 10% minimum on commissions, the agents hope to drive out of business chiselers who, according to reports, have been booking acts for as low as 50 cents a throw.

NEWARK LAW BARS 'MIXING' IN NITERIES

The city council of Newark, N. J., has passed a law aimed to eliminate 'mixing' in niteries. The Statute makes it a misdemeanor for any employee in a nitery or cafe in Newark to sit at tables with patrons and partake of refreshments. There's nothing in the law, however, to prevent 'em from sitting with guests if they don't drink.

Law in nitery is first to bolster the American Guild of Variety Artists' drive to eliminate 'mixing' of performers and chorines with patrons in niteries. All of AGVA's contracts with such spots carry a nix on such extra-curricular work by members.

Nixon First Pittsburgh Nitery to Go AGVA

Pittsburgh, July 16.

Nixon Cafe has signed a closed shop contract with American Guild of Variety Artists, first nitery under the line here. Minimum of \$60 weekly for principals was set at Tony Contorli's spot, one of downtown's leading dine-and-dance places.

Negotiations are now going on with several other leading cafes, and AGVA officials expect a number of early okayays as a result of Nixon's action.

AGVA here, incidentally, is burning up at a couple of promoters who have announced a picnic next month 'sponsored' by local night club entertainers. Union officials have written to newspapers telling them affair is 'for private gain of a few individuals' and isn't connected in any way with either AGVA or any local group of entertainers.

Expect Racetrack Will Hypo Camden Niteries

Philadelphia, July 16.

Operators of night spots and roadhouses in the outskirts of Camden, N. J., may experience a boom if plans for the building of a racetrack at the airport site go through. Application for permission to build and operate the track was filed last week with the New Jersey Racing Commission. It was entered by Jersey Downs, a corporation which holds options on the defunct Camden airport and part of an adjoining golf course.

The project is said to have the backing of Mayor Frank Hague, of Jersey City.

PA. TELLS MCA IT MUST BE LICENSED

Philadelphia, July 16.

Anthony Sharkey, state agent in charge of enforcement of the booking license law, stated Saturday (13) that he had mailed an application for a Pennsylvania license to the Music Corp. of America and expected MCA to sign up shortly. This marked the state's first major blow in its fight to force out-of-state agents to obtain licenses since the law was passed more than three years ago.

Sharkey declared that once MCA was licensed he would go after the William Morris agency, General Amus, Corp. and other large New York offices. He warned that he would force cancellation of their acts here unless they paid the \$100 license fee.

A week ago Sharkey claimed he had forced withdrawal of Dixie Dunbar from the bill at the Club Ball because she was booked by MCA despite the fact her contract had a week to run. It was the first action of this kind taken by the State in its licensing drive.

Three New York agents have already signed up, Sharkey said. They are Elmer Day, Al Norton and Frank Worth.

Sharkey discounted reports that a former Attorney General had declared the booking license law unconstitutional because it interfered with interstate commerce.

I have an opinion from Deputy State Attorney General M. Louise Rutherford which states the law is definite on the point that every employment agency doing business in this state must be licensed, Sharkey said. 'If these offices are contractors and not employment agencies, as some of them claim, they must be registered in Harrisburg as such. It's significant that no booking office is so registered,' he added.

Saranac Lake

By Happy Benway

Saranac Lake, July 16.

Snapshots at the Will Rogers: Joy Navarre, singer, shot in from Boston for an o.o.; Rose Clark, ditto; Bill Chase and Dick Moore are one year older; cars representing 17 states were checked at the Rogers during the holiday; every time Eddie Dowd Shea is sighted he writes a new song—this time it's 'I'd Give It To the World to Call You Mine'; Spanish-American war vets are convining here; Iris Grabilles and Irene Bennett are out of bed for meals; Eddie (Carlton) Ross here for x-ray routine and fishing; John ('Mickey') Shea visited by his sister, Letty Kelly; Harry Newcomb bed-siding his frau; Harold Rodner and Herman Levine mitting and o'ing th' gang; Elenore Perrina got okay for all meals out of bed.


Carleen Knight, Dolly Davidson and Rose Clark, ex-Rogersites, came in for checkups and left with okay.

Jack Hirsch, who alternates between Boston niteries and the Actors Colony here, has applied via Canada for a job as ambulance driver in England.

Tom Campbell, Philadelphia boy who was connected with the Sena Amusement Corp., a new arrival. A nifty gesture is the many boys and girls at the Rogers taking time out to make different articles for the American Red Cross.

A. B. ('Tony') Anderson, manager of Pontiac theatre here, was selected Commodore of the Saranac Lake Boat and Waterways Club. Write to those who are ill.

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AGVA'S NAT'L CLOSED SHOP

AGVA'S CRISIS

American Guild of Variety Artists, set up last summer as a reform union in place of the disenfranchised American Federation of Actors, is in itself now in need of urgent reforms if it is to survive. It's rife with factionalism within the New York local, particularly the executive council, and a continuance of this for much longer will definitely doom the vaude-nitery performers' organization.

Much of the charges being flung back and forth by the pro and anti-administration factions can't be proven, but are still ugly enough to jeopardize continuance of the union. They can only lead to complete loss of confidence by the rank and file in both the present leaders and those who are trying to get in the saddle.

Both sides in the bickering maintain they have only the interests of AGVA at heart. It's their patriotism to the cause, they say, that's driving them to demand certain reforms.

If this is so, then their patriotism can take a constructive track that would further and save the union. Both sides can end the battle by leaving the battlefield.

In other words, the 'patriotic' executive council and all of the paid officials of the N. Y. local should welcome a 'recall' vote. This is possible under the union's constitution if one of the council so petitions.

AGVA's birth was under fire and in haste. Since that first emergency election the members should have had plenty time to think, and it's up to the members to try and achieve the necessary purge by voting out the current factionalism and electing unity.

The membership might go further. By electing more representative performers, than are now on the board, to decide the policies of the union. This will take plenty of pressure, inasmuch as vaude actors have always been disinclined to help themselves, but it's worth the try.

There's no question that the present bickering is scuttling a union over which nearly every performer in every branch of the show business was ready to go on strike last September. Many name performers at that time gave their time and effort to win the battle against the stagehands. Since then, however, they've dropped out of the picture and let AGVA shift for itself.

It's time some of these names again took an interest in AGVA—a working interest—if they don't want to see last summer's experience go completely to waste.

Occasional Pit Shows New Idea At Mich., Det.

Paramount and the United Detroit Theatres, headed for Par by Earl J. Hudson, will continue to book stage shows now and then, but not as a regular diet for the Michigan, Detroit. Next show will be headed by Gene Krupa, Andrews Sisters and Red Skelton, July 26.

Policy will be remodeled after that in force at the Par, N. Y., with the whole show to be played on the pit platform. Bob Weisman, managing director of the N. Y. Par who devised the so-called pit-band policy, is going to Detroit today (Wed.) at the request of the h. o. to lay plans for its installation. He will be back Saturday (20).

Michigan, Detroit, recently played Bob Hope.

Fabiani Drops Ice Show Idea for Philly Rink

Philadelphia, July 16. Ray Fabiani has dropped the idea of presenting an ice show at his newly-constructed open air rink. Fabiani had been dickering for 'Ice-caped' and several other skating troupes, but was unable to agree on terms. His rink is on the site of the old Phillies ball park. The 'Ice-caped' unit has been rehearsing at the local Arena preparatory to opening July 19 at the Convention Hall in Atlantic City.

BURT DOING PROMOTION

Former Chief Keith Booker in Chi Doing Hotel Work

Glenn C. Burt, once the head Keith Booker in Chicago, is now doing promotion work for the Planters hotel in that city.

When a booker, Burt's 12-week route was one of the best-paying playing stretches out of the windy city.

HORACE HEIDT SUES TO RESTRAIN LE AHN SIS.

Horace Heidt, orchestra leader, filed suit Saturday (13) in N. Y. supreme court against Virginia, Miriam, Jean, Maree and Helen Mohr Ahn, the first four being singers, the last their mother; the Beachcomber Restaurant, Inc., Monte Proser, Walter Bachelor and J. M. Goddard seeking injunction to restrain the N. Y. nitery from employing the singers. Heidt claims an exclusive five-year contract with the Ahns (professionally Le Ahn Sisters) entered into Oct. 13, 1939. He asserts the singers have been his band since Sept. 1939, and continued until June 26, 1940, at which time they entered into a four-week contract with Proser to appear at the Beachcomber, making their first appearance there on July 2. Heidt asserts that during the past year he spent \$10,437 on the singers in salaries, voice lessons, clothes, etc., all of which will be lost unless the court upholds his exclusive contract with them. No damages are sought. Bachelor and Goddard, along with Proser, are among the Beachcomber's management.

Dandrige Sisters opened at the Sphinx Club, Hollywood, with Tommy Reilly as m.c.

MAJOR CIRCUITS VIRTUALLY OK IT

First Time Such Prestige Accorded a Vaudeville-Talent Union—Runs Until Sept. 1, 1943—5% Booking Fee Stands

TENTATIVE ACCORD

The American Guild of Variety Artists is well on the way towards gaining closed shops in virtually all of the country's vaude houses; a tentative agreement having been reached Friday (12) with all of the major circuits and some of the most important indies. With little exception, the deal permits a status quo of the present operation of vaudeville houses, including retention of the 5% booking fee, but will give AGVA the prestige of gaining contracts that no other vaude talent union has ever been able to achieve. It'll run slightly more than three years—until Sept. 1, 1943.

There's only one possible hitch in the contract as presently set up, this being the union's minimum daily pay for theatres playing stage shows less than a full week. AGVA is asking a minimum of \$10 net per performer for each day and theatre operators have pointed out that this would make the stage shows in such cheaply-operated houses too expensive. Majority of houses playing such bills now pay only \$100 for the complete show, which includes a profit to the booker and stager.

One-Show Concession

AGVA, however, has offered one concession to those theatres playing shows only one night a week, and that is a minimum pay of \$7.50 per performer. These houses have been in the habit of paying \$5 tops.

Otherwise, the deal sets minimum weekly salaries of \$80 net for principals, \$50 for assistants, \$40 for chorus and \$30 for supernumeraries, which is a fancy name for audience stooges. These minimums are predicated on a 30-show week for those getting the minimums. Maximum show week in the key houses is set at 36, with the performers getting the minimum wages receiving pro rata pay for all extra shows up to 36. Theatres get a major break in the deal, however, by the clause which permits all performers getting over \$72 per week to play 36 shows, after which pro rata pay begins. In the nab the theatres, though, this is cut to 30 performances.

It's pointed out by circuit bookers that key houses rarely play more than 36 shows a week, and that nabes seldom go over 30-show seld. These buyers also point out that act's salaries are rarely less than \$60 per performer, which means that the major theatres will be put to little extra cost.

AGVA apparently gave plenty ground in order to get a deal. Originally, the union demanded elimination of the 5% booking fee and a 28-show week.

Agreement as to how stands was drawn up by Hoyt Haddock, executive secretary, and Henry Jaffe, counsel, of AGVA, and a committee of bookers including Sidney Pietsmont, Loew's; Harry Mayer, Warner Bros.; Harry Kalcheim, Paramount; and Bill Howard, RKO. It's being sent to all of the major circuit heads and indie theatre operators for final perusal before signing.

Oomph Revue on Tour

Los Angeles, July 16. Twelve-week tour of the 'All Girl Oomph and Glamour Revue' currently at the Paramount theatre here, is being booked by Fanchon & Marco. Trip takes in San Francisco, Portland, Seattle and other Pacific Coast towns. Show consists of the Rita Rio all-female band, Marion Martin, Lyla Lys, Flo Ash and Sylvia and Clements.

Intense Factionalism Marks Meeting Of N.Y. AGVA; Quorum Fails to Show Up; Communist Charges Renewed

No Bargain

Discussing a singer who was personalizing a department store, as a come-on, in connection with a commercial merchandising tieup, a patron is supposed to have asked the floorwalker:

'Where is Joe Tenor performing—in the basement?'

'No, lady,' the floorwalker supposedly replied, 'he's not in the basement; that singer's no bargain!'

AGVA Demand For Leon-Eddie Rating Increase Pending

American Guild of Variety Artists' demands on Leon & Eddie's, New York nitery, to reclassify it as an 'A' spot and raise salaries to \$60 minimum for principals and \$40 for chorines, are now in abeyance until Haddock, AGVA's executive secretary, returns from the Coast. He left Monday (5) and will be gone two to three weeks.

Counsel for Leon & Eddie's, Moses Polakoff, last week sent Haddock a stinging letter, accusing AGVA of unfair tactics by putting pickets in front of L. & E., although negotiations were going on at the time between Haddock and the nitery's operators. This was the night of June 28 and Haddock admits that a mistake was made. He says he called the pickets off a half-hour after they started to parade, but Leon & Eddie's feelings had already been hurt.

In view of this, Polakoff advised Haddock that he was rescinding an arbitration agreement which had been signed while the strike was in effect. Henry Jaffe, attorney for AGVA, informed Polakoff, however, that the agreement had been signed by both sides and would have to be mutually abrogated. This AGVA is unwilling to do.

Haddock is later reported to have pleaded Eddie Davis and Leon Enken, the spot's owners. Latter are now applying to Local 802 of the musicians union to reduce the spot from 'A' to 'B' classification, which would mean much lower salaries. If this is done, Davis and Enken say they'll employ more musicians than presently with Cugat. Control figure on the film has been set to determine a holdover beyond a fortnight. Par goes three weeks with its current show; 'Ghost Breakers' and Orin Tucker-Bonnie Baker, closing Tuesday (23); 'Untamed' and Louis Armstrong, plus Ethel Waters, have been set for one week, starting the next day.

Xavier Cugat Set With 'Syracuse' At N. Y. Par

The Paramount, N. Y., has signed the Xavier Cugat band to come in July 31 with 'Boys From Syracuse' (U), on which a deal was made a week ago with Jules Levey, its producer. Band and picture are in for two weeks, with option for a third with Cugat. Control figure on the film has been set to determine a holdover beyond a fortnight. Par goes three weeks with its current show; 'Ghost Breakers' and Orin Tucker-Bonnie Baker, closing Tuesday (23); 'Untamed' and Louis Armstrong, plus Ethel Waters, have been set for one week, starting the next day.

Par has obtained Allan Jones and Irene Hervey (Mr. A. Jones) for the show with Cugat, plus Ray Bolger.

The first anniversary membership meeting of the New York local of the American Guild of Variety Artists, held at the Edison hotel Sunday (14), drew only 35 members of the union, which was only about half of the quorum required by the constitution. Therefore, it was unofficial to all intents and purposes. Instead, it turned into a verbal melee of charges and counter-charges, most of which hinged on the alleged Communistic elements on the local's board and in paid positions.

Dick Barclay and Ben Haskell, both members of the board, flung most of the charges. Barclay named Hoyt S. Haddock, national executive secretary; Jean Muir, who was exec sec for a time previous to Haddock's appointment; Phil Irving, exec sec of the N. Y. local; Charles Arno, Thelma Flowers, Hazel Scott, Michael Lewis, Bob Reinhardt, local board members; Ken Howard, national representative now in charge of the Los Angeles local, and most of the N. Y. office staff as Communists, fellow travelers or sympathizers. When Miss Scott asked Barclay why he named her, he said it was because she had helped upset the reinstatement of Arthur Shields, organizer, who was originally dismissed two weeks ago, by casting her vote with the board group he claims is Red or pink and Haddock-dominated.

The intense factionalism of the N. Y. local has been brewing for several weeks now and boiled over at the Sunday meeting. Haddock asked Barclay point blank:

'You don't want me in this job, do you?'

'No—because you are incompetent and spending money like a drunken sailor.' Haddock then asked Barclay (Continued on page 39)

COAST AGENTS TEPID TO ANY ARA HOOKUP

Hollywood, July 16.

I. Robert Broder, Artists Representatives Assn. counsel, is returning east, abandoning for the time being his plans of affiliation of the Coast agents with ARA.

Bookers here showed lack of interest, but Broder will keep alive the move by mail contacts, etc.

Tom Patricola Wins Verdict Against 'Jr.'

Canio Muliero, nitery and burley terper, agreed before Justice Felix Benvenega in N. Y. supreme court Monday (15) to cease using the name Tom Patricola, Jr. Action followed the filing of a complaint by Tom Patricola, who declared he had no offspring and had warned Muliero against continued use of his name. Michael Owens, Muliero's agent, also signed the court stipulation.

Muliero produced for the judge a copy of a magazine put out by the Ned Wayburn School for Dancing in 1930, in which there was a picture of him receiving a medal from Patricola for his adeptness at imitating the vet dancer.

Femme Impersonation Unit Tops Det. Runs

Detroit, July 16.

A femme impersonation show has the longest night club run here. Currently celebrating his 30th straight week at the Fontaine, Del LeRoy, who sings, dances and costumes the revues put on by Karyl Norman. Show has come through the winter season and is still running strong, with three others also rounding out seven months in the downtown spot. Francis David, Gene LaMonte and Bobby Dell.

Variety Bills

THIS WEEK (July 12) NEXT WEEK (July 19)

Numerals in connection with bills below indicate opening day of show, whether full or split week

Loew

NEW YORK CITY State (18) Niles Troupe Ethel Shuttis George Beatty Russ Morgan Ore

WASHINGTON Capitol (19) Rhythm Troupes Oxford Boys Jackie Heller The Colston Chlerio & Tomasiu

Paramount

NEW YORK CITY Paramount (17) Orlin Tucker Ed Bonnie Baker 4 Bodyguards Stapletons Les Cheelis

BUFFALO Buffalo (19) Ted Lester Bob Hannon Nina Allen

Warner

NEW YORK CITY Franks & Armstrong Ruddy Rales Ore Bob Heller Anna & Arno Redding 2 Sylvia Gentlemen Songsters

WASHINGTON Earle (19) Betty Bruce Jeannie Lanier Gae Foster Girls Yeast Singers

Independent

NEW YORK CITY Music Hall (18) Jan Pierce Madeline B Karson Bill Marguette Myron Steffin

CHICAGO Chicago (19) Glenn Miller Ore

World's Fair

NEW YORK CITY State (18-20) Jack & Jill Carr LaMar & Lopez Carr Family

CHICAGO Chicago (19) Glenn Miller Ore

American

NEW YORK CITY State (18-20) Frank Linton Watson Marjot Brandner

CHICAGO Chicago (19) Glenn Miller Ore

Cabaret Bills

NEW YORK CITY Armando's Frank Mandella Ore Eleanore French

CHICAGO Chicago (19) Glenn Miller Ore

Verailles Nicholas D'Amico Ore...

LOS ANGELES

Biltmore Bowl Carol Wynne Gwynne...

CHICAGO

Ambassador Hotel Dor Dorben Glas Herby...

Richardson & Carson S... Villapigue Raymond Cole...

LOS ANGELES

La Canga Joe Friccio Chiquita...

CHICAGO

Dor Dorben Glas Herby...

Marci Clara Louise Betty Lou Catherine Harris...

LOS ANGELES

Stevens Hotel (Continental Room) Griff Williams Ore...

PHILADELPHIA

Hoffman Elmer Hoffman Percy Morgan Clein Williams Ore...

Bob Kirk Eddie Jack Boale & Peggy...

LOS ANGELES

Wayne & Kenon Jack Hutchinson Laumont & Dolores...

PHILADELPHIA

Montgomery's Vicki Cooper Jane Mitchell...

Lunnatic Billie Jack Boale & Peggy...

PITTSBURGH

Anchorage Sid Dickler Ore Arlington Lodge...

DETROIT

Book-Castell Hotel Bunchy...

Wright Club Grand William Boylston...

PITTSBURGH

Don Andrea Warren & Durkin Gloria & Ray...

DETROIT

Mayfate June Daye Ted Lanning...

Claims to Have Proof

Mrs. Hazel Huffman, who was an investigator for the Dies Committee, investigating un-Americanism, has suggested an open meeting during which she would disclose information regarding radicals in show business, inclusive of actors and authors. Just what organization is to sponsor the session has not been disclosed, since it is assumed that most groups in the theatre might aim to dodge the responsibility. That Mrs. Huffman knows show business is attested to by showmen with whom she conversed.

She declared that Congressman Lambertson was virtually correct in identifying the seven Equity councillors as being Communist, but said she did not supply the information. Had she been asked, Mrs. Huffman added, she could have named 10 other Equities, although whether they are of the association's council was not stated.

Mrs. Huffman explained that any number who belong to the Communist party do not carry cards identifying themselves as such. She would like the Federal Bureau of Investigation to have representatives at the meeting, although it is believed that this governmental agency is already well supplied with information. Mrs. Huffman has complete files of her work, and claims she can back up her statements. That some in Equity are informed of Mrs. Huffman's activities is indicated, it being reported that the association made complaints to Washington about her.

During the existence of the WPA Federal Theatre Project the investigator scrutinized the background of those charge and states most were definitely radicals, including Hallie Flanagan, the national director. Mrs. Flanagan, she says, attended certain courses in Russia, along with others whom she appointed to key positions in FTP. Mrs. Huffman added that Mrs. Flanagan virtually gave her credit for "working the WPA theatre project."

It's believed that the Congressional committee which struck out of the FTP from the relief bill obtained its information from Mrs. Huffman's records, but some of the legislators made exaggerated statements.

Stagehands Receptive to Sun. Legit; Managers Now Expect Equity OK

Once again Sunday performances of legit shows are being sought by the managers. They are using a somewhat different approach. Instead of putting it up to Equity, the stagehands were conferred with and the union's representatives were receptive to the plan, which calls for playing Sundays and dropping Monday nights. State law permits this, but the deckhands formerly followed Equity's lead by stipulating double pay, technically nullifying the statute.

First of the new Sunday conferences was held at the League of New York Theatres last week. It was figured that if the stagehands assent, Equity is likely to do likewise, since the actors' leaders recently indicated they favored giving Sundays a thorough try for the period of a full season. It would then be clear whether such performances would make longer engagements possible and, if so, solve one feature of the unemployment problem. Believed, too, that there would be no difficulty from musicians, who, like stagehands, work Sundays in other theatres.

The idea of staggering shows on Broadway was discussed during the conference, some attractions playing Sundays and others holding to the usual Monday to Saturday schedule. Showmen are of the opinion that, by staggering the shows, attendance would be more concentrated rather than scattered, with a general switch of the whole list to be made later if deemed for the best. It is assumed the sell-out hits would remain Saturdays, since there is no attendance problem, Sundays being designed to affect attractions not so strongly in demand.

If Sundays do eventuate for the coming season, it is the intention of showmen to amend the present law which stipulates 24 hours rest per week for players appearing on Sundays. The provision is discriminatory, since it does not apply to any other types of attractions other than legit, nor to sports, such as baseball. Legit people not infrequently appear in vaudeville theatres, not only playing Sunday but going on two or five times during the day. There is no legal limitation in regard to radio appearances either, but for some curious reason those who play such engagements have refused to vote in favor of Sundays when the matter comes up in Equity.

If Sundays come to Broadway and some attractions play a seven-day week, assuming that the statute will be changed, actors would receive an extra eighth pay for the ninth performance, as in Chicago and other Sunday towns.

Last season, when Sundays looked possible, the stagehands inched the idea, mostly because peeved at Equity's stand. Change of viewpoint by this union is therefore regarded as a favorable indication that the Sabbath idea will finally be tried.

Hollywood Music Box Back as Legit Stand

Hollywood, July 16. Five-year lease on Hollywood Music Box was taken over by the Hollywood Theatre Alliance. Site recently was dropped as a remote spot by Columbia Broadcasting.

New contract gives the Alliance two theatres. The Hollywood Playhouse is being used for the second edition of 'Meet the People.'

Only Durante May Stick With 'Grass' For Aug. Reopening

Although there was some doubt about the reighting of 'Keep Off the Grass,' which suspended at the Broadhurst, N. Y., recently, the revue is still listed for resumption Aug. 19. A later date may be named, depending on when Jimmy Durante is available, the comic having gone to Hollywood on a picture engagement. A flock of cast replacements is likely, and Durante may be the only one of the name players to reappear.

States to depart definitely are Ilka Chase, Larry Adler and Virginia O'Brien. Latter was brought east from 'Meet the People,' but was less effective with the numbers assigned her here than in the Hollywood revue. Ray Bolger, who was topped with the Schnozzle, is in doubt about reappearing in 'Grass.' The show definitely closed so far as contracts were concerned and all players are free to accept other engagements.

Before 'Grass' stopped, ostensibly to avoid July dullness, a salary cut was to have applied to the cast. There was intense feeling against Miss Chase and Adler, who refused to slice their pay, and the chorus was so worked up that they sent her a letter bluntly placing the show's folding at her doorstep. There were other angles involved in the proposed cut, however.

MILW. STAGEHANDS EASE UP ON LEGIT

Milwaukee, July 16. Stagehands in an effort to encourage legit attractions to play more than three days here, which has been the customary length of a local engagement in recent seasons, has rescinded its rule that members must be paid a full week's wage for anything over three days work.

Thus, from now on the union members will be paid for four days if they work four days, or for five days if they work five days, which is regarded as something of a break for the legit houses.

Ask Lee Shubert Quiz In 256 'Maritza' Suit

Application to examine Lee Shubert before trial was made to the N. Y. supreme court Monday (15) by Wilmer & Vincent in connection with their \$25,000 suit against Shubert Theatres Corp.

Plaintiffs charge breach of an agreement entered into May 5, 1924, whereby they granted the defendant the right to produce 'Countess Maritza.' It is charged that Shubert sold the film rights to the opera for \$250,000, of which the plaintiffs were to receive 10%, which has never been paid. The answer is a general denial, and a request for a dismissal.

EQUITY CONFAB TO CONSIDER 'ONE-UNION'

A special meeting of Equity's council has been called for Friday (19) for the purpose of considering the plan for one big union, which would virtually fuse the talent unions affiliated with the Associated Actors & Artists of America. Discussion will take in the report of the committee which digested the 124 page Reis report, said to team with statistical data.

While a majority of Equities evidently favor the one-union idea, a major problem has arisen, for legiters would be required to pay higher dues, regarded as being out of proportion to the benefits which might be received by Equity. The \$18 annual dues would be doubled, according to the outlook for the re-union management set-up, and the amount may even be higher. While other affiliates have higher dues, especially the Screen Actors Guild, where one class of membership pays \$100 yearly, it seems doubtful that Equity's people would vote in the increase for legit.

There's also said to be considerable opposition to the one-union idea from some of those in salaried positions with the various affiliates. They see the merger and naturally curtailed staff as probably putting them out of jobs.

SET BARRYMORE 'CHILDREN' TOUR

Production plans of Richard Aldrich & Richard Myers, who were active last season, are rather indefinite at this time, though they are considering grand services. Only certain activities is to again tour John Barrymore in 'My Dear Children.' Show will play a return date in Chicago starting Sept. 2, being booked at the Grand Opera House for four weeks.

'Children' played 35 weeks at the Selwyn in the Loop, last season, engagement being sensational and Chicagoans indulgently taking to the star because of his ad-libbing and the belief that he tipped. While he was visitor to numberless thirst parlors, it was reliably reported that he imbued the weakest of highballs.

Loop date was interrupted twice when Barrymore was indisposed, and there was a rumour when he insisted that Elaine Barrie, his wife, be replaced. Doris Dudley stepped into the part, but early in the New York date at the Belasco Miss Barrie went back into the cast. 'The switch came after the star was forced abed by nervous exhaustion. Attendance did not reach expectations thereafter and the run was considerably under anticipations. After the Chicago date, several midwestern dates drew excellent grosses because of the attendant publicity and may duplicate that showing next season.

Aldrich & Myers' 'Margin for Error' will not go to the road, one company having covered the key stands while the original played Broadway. 'Margin,' however, is being used by any number of summer stockers.

An ancillary receivership was instituted (Continued on page 44)

Communist Charges Equity's Worst Blow in History; Repercussions May Lead to Resignations From Council

'5th Col.' With Tone, May Resume on B'way

'The Fifth Column' is slated to resume late next month or early September, with Franchot Tone again in the leading part. Return date is expected to be limited with a tour to follow. 'Column' was presented by the Theatre Guild at the Alvin, show moving to the Broadhurst when 'There Shall Be No Night' opened. Engagement was curtailed because Tone contracted a throat ailment.

'Column' was written by Ernest Hemingway, with B. F. Glazer adapting it. Understood that Metro is interested in obtaining the film rights, but no deal has been summated as yet. Glazer is currently on the Metro lot working on the screen version of John Steinbeck's 'Tortilla Flat.'

Mixed Opinions Arise Over Lionel Stander Quitting Jolson Show

Lionel Stander left the cast of 'Hold Onto Your Hats' at the end of its two-week opening run at the Cass here. He was replaced by Russ Brown.

Ostensible reason given for his leaving the new Al Jolson show was that he had previous picture commitments which he had believed were cleared. Instead, it was said, he couldn't duck them and so was due at 20th-Fox for picture work on July 17.

However, also back of the Stander departure was the critical belief that he not only had been miscast, did not have a part suited to the personality he had built up but was just playing a stooge to the rest of the cast. A great share of his role was feeling things to the other comics.

Critics here had noted one peculiarity in the casting of Stander in semi-romantic, semi-straight role. He figured in a triangle in which he, a pretty robust guy, figured as the effete easterner while the slimmer Jack Whiting was the rugged westerner. It just didn't come off.

TRUCK-AND-TRAILER LEGIT THEATRE CO.

San Francisco, July 16. Billing themselves the Roadrunners, group of Stamford grads is scheduled to set out this week in what's claimed to be the only truck-and-trailer theatre of its kind.

Side door of trailer will let down, furnishing 20-foot stage, 15 feet deep, and forming solid end of portable tent housing folding seats. In travel, trailer will double as ladies' dormitory. Truck includes compartment housing complete switchboard set. Balance is devoted to bunks for men, storage for seats and props.

Barnstormers tried out at Los Gatos and staged initial public performance of 'Yes, My Darling Daughter' on vacant lot in Palo Alto. Troupe now ready for the road, hitting such hinterland spots as Carson City, Fallon, Lovelock, Winnemucca, Ely, Twin Falls, Ketchum, Poacello, Preston, Logan, Provo, Rock Springs and Brigham.

Lads and lassies are their own carpenters, electricians and tent-pitches. J. P. Cahn is president of Roadrunner Productions with others of the troupe of 11 including Fred Clark (who appeared in George Abbott's production of 'What a Life!'), George Wood, Virginia Sharpe, Margaret Wood, Tony Cefaratti, Harry Duheim, Gene Callanon and Jack Dawson, sec-treasurer.

Repertoire of company embraces 'Daughter,' 'Christopher Bean,' 'King Lady,' 'Night Must Fall' and 'Special'

Charges of Representative William P. Lambertson, Kansas Republican, naming six members of Equity's council as Communists, seems the worst wallop the actors have taken since the association was formed. Repercussions around Equity attending the denials of those named may be far-reaching and may lead to at least some resignations. That congressmen has no intention of withdrawing his statement, printed in the Congressional Record, is quite evident from his reply to the demand that he furnish proof of the charges and the source of his information.

It is believed that the charges may definitely affect the standing of some of those allegedly involved, whether substantiated or not. A strongly worded protest was sent to Lambertson over the signature of Paul Dullzell, executive secretary-treasurer of Equity, who asked for proof or public retraction. Association's officers, however, feel that the situation is a matter for the council to handle and not themselves individually. It's pointed out that the Communist Party is recognized since its candidates are on election ballots, and that a recent New York supreme court decision ruled that it not libelous to call a person a Communist.

Even the commotion in actorial ranks continues. There are many who have come to the defense of the players involved. Some were members of the Actors Forum, which, over a period of five years, gave Equity's leaders plenty to think about. They declare themselves liberals, not radicals, and take credit for improving the lot of the actors. So many changes in regulations were introduced by the group that the managers became alarmed and have since been seeking cessation of policy changes.

Forum's Reforms Among the reforms obtained at the instance of the Forum were pay for rehearsals; limitation of rehearsal hours after many seasons of a week; dismissal of managers; cutting the free rehearsal days of probationary period from seven to five days; elimination of the junior minimum pay of \$25 weekly, making a uniform minimum of \$40; and raising chorus pay from \$30 to \$35 weekly.

More experienced members of Equity claimed that managers were cheating by giving juniors jobs in order to keep down the payroll. First a rule kept the managers to a 10% limit of juniors in each cast; later the present regulation was adopted.

It is true that the Forum was discredited on more than one occasion during association meetings. Group took it without comment and, when the time came, was cheerfully and tensibly dissolved, but still claim (Continued on page 43)

'PINS' PAYS CHORINES \$2,000 IN OLD CLAIMS

Unlooked for claims on behalf of the 'Pins and Needles' chorus, amounting to slightly more than \$2,000, have been paid by Louis Schaeffer, managing director of the Labor Stage. When 'Pins' produced the show, Coin was paid to more than a dozen chorines; most of whom also did bits. One claim was around \$300. There were others who understudied, but did not receive extra pay, while some chorines were paid \$30 weekly instead of the \$35 minimum. Management was unaware of the contract violations and paid off as promised. Schaeffer turned over the books on 'Pins' so that Chorus Equity could check the claims.

'Pins' is playing three weeks' stock houses operated by J. J. Leventhal and will also appear in some country show shops. For the summer stock showing show will use stock jobbing contracts and the rules for such engagement call for lower minimums than for production contracts. Where admission is not more than \$1.10, rate for the chorus is \$25 weekly, and \$30 if the ticket top is more. Same applies to junior bookings new contracts will be required, with the usual minimum applying.

No Crowding by Barnyard Belascos; Notices Posted by 12 Summer Spots

The bleating around the country stock spots is not from walling sheep but from panicky rural managers...

It's not a professional secret that there is no important money in the summer sticks, despite big strides made in recent years...

Murder in The Slacks

One of the formerly lively summer stocks to post notice is at Marthas Vineyard, Mass., but there a definite reason...

First summer stock to stop is the Starlight, Pawling, N. Y., which fared well for the past eight years...

At Ridgefield, Conn., operated by Philip Carr, notice to close this week is up and the spot goes dark unless business picks up...

It is about the same at White Plains, also in the extensive county of Westchester, where Julian Olney has the theatre...

The Bar Okay

At Suffern, N. Y., where Walter Armitage is presenting show, business is plenty good at the new bar installed...

And yet there are 11 new plays listed as being tried out in the summer places this week and a dozen are carded for next week...

To some extent, Equity requirements, with the permanents at a minimum of \$40 weekly, may be responsible...

Comedy Has B. O.

This is a year for light comedy revivals, few tryouts, plenty of legit stars and no sombre stuff in the New

England strawhats. Managers are pleased with their subscription lists, which are generally more substantial than they have been in many a year...

As an example of what they're up against, the Keene Summer theatre, Keene, N. H., recorded a temperature of 33 degrees the other night...

Prospects are very encouraging most managers say, with their surrounding resorts doing a good trade because of no-foreign-travel conditions...

Film stars are scarce this year, but legit stars are found all over the circuit. Gertrude Lawrence, Ethel Barrymore, Helen Ford, Violet Heming, Ruth Chatterton, Otto Preminger, Cornelia Otis Skinner, Constance Collier, Fred Stone are some of the names in strawhat lights...

'Heat' Tour

Intimate revue, 'Crazy With the Heat,' is being prepped in New York by Kurt Kasznar, former Viennese producer...

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Communists Continued from page 41

that their actions were for the benefit of fellow actors. Latest move is to raise the minimum pay to \$50 and that may come shortly.

'Dullzell's letter to the Kansas declares that Equity is not dominated or controlled by Communists, and requests that Lambertson furnish satisfactory proof of his contentions...

'We call upon you to comply with what is set forth in the resolution condemning the Lambertson charges, passed by council last week and enclosed, or publicly retract this unfair stigma...

Hewitt's Denial Representative Lambertson of Kansas has made two statements in the Congressional Record...

As a loyal American citizen, I shall be proud to testify publicly before any branch of the United States Government to answer and to prove the falsity of any and all charges alleging that I am a Communist...

In the Congress of the United States and give voice to slanderous statements like those it is claimed you made and have been echoed by the press and radio throughout the country...

'Widow', 1st Memphis Operetta, Okay \$6,000 Memphis Open Air Theatre, local summer musical strawhatter, crossed estimated \$6,000 last week with 'The Merry Widow'...

Chicago, July 16. Grand reopened last night (Monday) with 'Hold On to Your Hats', the Al Jolson musical...

'Father' Gets \$13,000 in Chi; Jolson Opens Chicago, July 16. Grand reopened last night (Monday) with 'Hold On to Your Hats', the Al Jolson musical...

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Minneapolis, July 16. Leo R. Murray, manager of the Lyceum, legit' roadshow house, announces that 10 shows already have been booked for the ensuing season...

'Ladies in Retirement', Miller (16th week) (D-940; \$3.30). Final four weeks are announced, imported meller then going to the road...

'Life with Father', Empire (36th week) (C-1,095; \$3.30). Topping the straight play survivors by wide margin, stand last for all performances...

B'way B.O. Eases Off Further, But Purchase, 33G, Hellz 21G, Still Big

'Margin' 4G in A. C.

Atlantic City, July 16. Garden Pleasure, the first Broadway show of summer season, Margin for Error, grossed approximately \$4,000 for week ending Sunday (14).

'MAYTIME' OK 12G IN L'VILLE

Louisville, July 16. 'Maytime', fourth of a six-week series of summer operetta successes by the Shuberts, ended a successful week Sunday (14) with an added show...

Leads were Nancy McCord and Robert Shafer, whose voices were favored by the success of the Sigmund Romberg operetta. Betti Davis and Robert Betts also registered in the vocal department...

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Estimates for Last Week

'DuBarry Was a Lady', 46th St. (32d week) (M-1,375; \$4.40). Business eased off further during second week in July, but totals not materially unlevel of the Fourth period...

'Ladies in Retirement', Miller (16th week) (D-940; \$3.30). Final four weeks are announced, imported meller then going to the road...

'Life with Father', Empire (36th week) (C-1,095; \$3.30). Topping the straight play survivors by wide margin, stand last for all performances...

'The Male Animal', Cort (27th week) (C-1,064; \$3.30). Has been slipping, but should improve, same being credited for other surviving hits around \$7,000...

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OBITUARIES

MRS. RICHARD MANSFIELD
Mrs. Beatrice Cameron Mansfield, 72, widow of actor Richard Mansfield died July 12 at her summer home in New London, Conn.
Mrs. Mansfield, known as Beatrice Cameron on the stage before her retirement 42 years ago, had played leading parts in nearly all her husband's plays. She began her career in 1886 when she joined Mansfield's company, making her first appearance with him that year at the Madison Square theatre, New York. In 1891, she divorced her first husband, George R. P. Phoebus, and married Mansfield. She remained with his company until 1898 when she retired. Since 1932 she had been directing and reading plays, mostly from her husband's repertoire, at the Christodora House, settlement house in New York.
Mrs. Mansfield's only son died at the age of 20 in 1918. Her burial will be in Gardner Cemetery, New London, beside her husband and son.
SIR DONALD FRANCIS TOVEY
Sir Donald Francis Tovey, 64, composer, conductor, an professor of music at Edinburgh University since 1914, died in Edinburgh July 11, a few days before his 65th birthday.
Tovey was one of the best present-day authorities of music. He gave his first series of concerts in 1900 in London, followed by others in Berlin and Vienna. Besides numerous compositions, he authored many concertos and the opera 'The Bride of Dionysus'. He wrote profusely on music and contributed many essays and biographies to the Encyclopaedia Britannica.
His visits to the United States were in 1925 and 1928 for concert tours.

IN MEMORY OF Our Dear Friends ED - TOM - GEORGE MINER Barney and Gertrude Gerard

In an interview in Los Angeles, in 1928, he described jazz as a 'musical narcotic that would die in three years.'

ROBERT WADLOW
Robert Wadlow, 22, whose eight feet, nine and one-half inch height drew for him the distinction of being the tallest man ever known to modern science, died Monday (15) in Mainstone, Mich., following complications arising from an infected foot.
Wadlow, who had appeared in outdoor shows, suffered an infection of the ankle recently, allegedly received from a brace that he wore. Only recently he had appeared at the New York World Fair. He first went into show biz in 1936 and in 1937 joined the Ringling circus, with which he was an outstanding attraction.
Surviving are his parents, four brothers and sisters, all of normal size.

CLAUDE C. BARTRAM
Claude C. Bartram, one time well known juggler and showman, and VARIETY's first London correspondent over 30 years ago, died recently in a South Wales hospital after a short illness.
A Canadian by birth, he went to London about 40 years ago where he performed in the varieties. He had been with the juggling act of Albertus and Bartram in America before going to England, and had been closely associated with the formation of the Variety Artists Federation there. He at one time was also editor of The Performer, London show biz paper.

DANIEL J. QUINLAN
Daniel J. Quinlan, 77, retired legit actor, died July 12 after an operation in Elmira (N.Y.) hospital.
Quinlan, who also worked in minstrel shows, played with McIntyre and Healy and the Al. C. Fields minstreis, in addition to his own company of Quinlan and Wall. He lived in Elmira for the past eight years coaching amateurs in stage productions, after retiring from stage work in 1932.
Widow, Elmira College drama department head, and six daughters survive.

DONALD LATHROP
Donald Lathrop, 52, succumbed to a heart ailment Monday (15) in London, where for years he had been well known as a character player.
In 1909, Lathrop toured the United States with Maxine Elliott in 'The Borough of the Gods' and 'The Interior Sex,' and 17 years later returned to

New York to be seen on Broadway in 'The Merry World.'
'Love from a Stranger' and 'Fire Over England' are among a number of British films in which he acted.
JACOBS TUSHINSKY
Jacobs Tushinsky, 54, violinist in the NBC symphony orchestra under Arturo Toscanini, was killed July 11 in an auto accident in Rio de Janeiro while on his way to play in the last of the orchestra's tour of 16 concerts in South America. Tushinsky had been an NBC staff violinist for the past nine years.
Widow, four sons who are musicians and a daughter survive.

SAM MYERS
Sam Myers, 68, former exhibitor and house manager for Martin Beck, died in Los Angeles July 13. Deceased operated the Palace, New Orleans; State-Lake, Chicago, and Egyptian, Hollywood.
He was inactive in recent years except for exec post with Federal Theatre Project in L. A. Widow survives.

WILLIAM J. KELLY
William J. Kelly, 39, operator of the WB theatre, Lawrence, Mass., died in Mercy hospital, Springfield, Mass., after a brief illness contracted while visiting his mother in Springfield.
Kelly, a native of Springfield, was widely known as a boy actor.

JOHN A. MCCARROLL
John A. McCarroll, 47, stage manager for Stanley-Warner theatres in Camden, N. J., died Saturday (13) at his home in Pennsauken Township, N. J.
Surviving are his widow, three sisters and two brothers.

GEORGE WILEY
George Wiley, 66, died July 16 in Buffalo. Wiley was manager of the educational film department for F. C. Pictures Corp. of Buffalo for the past four years.
Widow survives.

GETRUDE LENNOX
Getrude Lennox, 60, well known stage actress early in the century, died July 11 in Mercy hospital, Chicago.
Her husband, John Lewin, survives.

BERNARD SEGAL
Bernard Segal, 72, screen actor, died July 9 in Hollywood after a long illness. His last role was in 'Wells Fargo.'
Surviving are three sons, Otto, Herman and Richard, studio technicians, and a daughter.

RICHARD VON ZACKOBIEL
Richard Von Zackobiel, president and manager of the Romy Theatre, Inc. in Milwaukee, and for 20 years active in the picture business, died July 9 of a heart ailment at his home in that city.

Mrs. Vincent Lawrence, wife of the screen writer, died July 10 in Hollywood. Also surviving are two sons and a daughter.
'Hap' Ward, Jr., (John Thomas O'Donnell), 41, died at the Will Rogers Memorial hospital July 9 after an illness of nearly two years.

Wife of Eddie Paul, Paramount Pictures' music director, died in Los Angeles July 13.
Mother, 79, of Dave Vine, stage comedian, died July 14, in N. Y.

MARRIAGES

Evelyn Wolk to Lige Brien, in Pittsburgh, July 14. He's manager of WB's Prince theatre, Amb. Ave., Pa.
Henrietta Rosenberg to Dr. I. in J. Littman, in Pittsburgh, July 14. Bride's with Sophisticated Ladies trio on WCAE, Pittsburgh.
Elsaine Klander to Bon Shield, in Winchester, Va., May 23, just announced. Bride's with Kinder Sister trio on KDKA, Pittsburgh. He's an announcer at same station.
Vivienne Mandelbaum to George W. Brandt, July 14, in New York. He's son of William Brandt, of Brandt Theatres, with which firm he's also connected.
Elizabeth Henning to Robert Paige, in Los Angeles, July 14. He's a film actor.
Dorothy Sittel to John McCormick, Hollywood agent, July 15 in Las Vegas. Fourth try for groom, formerly married to Zita Johann and Colleen Moore.

Blitz Pic in Wash.

(Continued from page 3)
there, it is safe to show to Congress, Collins says.
Collins arranged for the Congressional screening, although he was called out of town on the night of the opening.'
While several representatives, including Joe Starnes, Alabama Democrat and a member of the Dies Investigating Committee, and J. Buell Snyder, Democrat of Pennsylvania, raised the contention that the picture was 'pure propaganda,' a majority of the lay-makers who saw the sneak-preview agreed that considerable valuable information could be garnered from action-shots of Nazi warfare. The Army and Navy, it was argued, might take a cue from the convincing showing of German troops in action.
Metro's Liaison
Origin of the film was muffled in mystery. Instead of pinning the production of the picture on UFA, it was stated that it was not certain where the newsreel had originated, that News of the Day (Hearst-Metro) had made it available to the Army and Navy and to the Congressional audience.
Boeing department of the House released a statement by Snyder (chairman of the House War Department Appropriations subcommittee) to the effect that 'such a film never should be shown in America.' Although he was not present for the Capitol Hill 'preview,' Snyder had seen the picture before and tagged it as German propaganda. 'It can be used for nothing else,' he said. 'This talk about it being shown to impress upon us our necessity for arming is nonsense.'
'Do we need any German propaganda film to make us appropriate for defense?'
Ed Hatrick's Details
Picture which caused all the furor in Washington last week was an untitled newsreel released through UFA to News of the Day in this country. UFA, which was the Hearst outfit, explained in 'New York yesterday (Tuesday)' it was not released by UFA, Inc., American distributors of German film, but by German UFA and shipped directly by Clipper from the Reich to his company, Hatrick said.
He declared that similar reels are available to any American distributor and that News of the Day gets them fairly regularly. (George Nitze, prez of American UFA, stated that his outfit receives similar reels, which are exhibited German theatres throughout the country. (See story on page one).
Hatrick said there is a possibility that some clips from the reel shown in Washington, or a later one, will be included in a regular News of the Day release. He explained that when he first saw it, he thought it an excellent pictorialization of how a mechanized army operates and mentioned this to some U. S. Army and Navy officials, who asked to see it. During one of the screenings for these officers, Hatrick added, Ross Collins, the Representative who arranged the Congressional showing, asked if he could have it for members of the House and Senate Military Affairs committee. Hatrick agreed on the condition that the film not be exploited, and so the rumpus began.
Stills from the reel, Hatrick said, had been printed in virtually every newspaper in the country even before last week's showing. It is all of actual events, starting with the German invasion of the low countries, the Hearst g.m. explained, and propagandistic only to the extent that it was censored.

BIRTHS

Mr. and Mrs. Jeanne Juvelier, son, in Chicago, July 5. Mother is dramatic radio performer.
Mr. and Mrs. E. Weiner, daughter, in Pittsburgh, July 12. Father's UA branch manager in Pitt.
Mr. and Mrs. Bernie Weinberg, son, in Hollywood, July 8. Father is an ad agency exec.
Mr. and Mrs. Carl Dozer, son, in Pittsburgh, July 6. Father's on staff of WCAE, Pittsburgh.
Mr. and Mrs. Jack Andrews, daughter, July 10, in Los Angeles. Father is film writer.
Mr. and Mrs. John Payne, daughter, July 9, in Los Angeles. Father is film actor; mother is Annie Shirley, film player.
Mr. and Mrs. James Sarno, daughter, July 13, in Hollywood. Father is in Metro's publicity art department.
Mr. and Mrs. Russell Hayden, daughter, July 15, in Hollywood. Mother's former Jan Clayton. Both parents film players.

German Pix in U. S.

(Continued from page 1)
According to George Nitze, mid-manager and cheerfully-cooperative president of UFA, Nitze remarked, incidentally, that he had taken advantage of the general knowledge that Italy would enter the war to stock up about 20 feature pictures, or enough to last him until March, 1941, via the last few of UDU's boats to make the crossing.
No Nazi Subsidy, but—
UFA, Nitze maintained, is a New York corporation which is bound to the Reich neither financially nor through any direct supervision. It's only tieup, he said, is a contract by which it distributes in this country films made by UFA—Universum-Film Aktiengesellschaft (Universal Film Corp.)—most important producing outfit in the Reich. Nitze declared he didn't know whether Universum-Film was state-operated or not, but it is no secret, of course, that Herr Goebbels' propaganda department leaves few very much less important media than films get by untaunted.
Nitze's tieup with Universum-Film Aktiengesellschaft is so close that the name of his corporation, UFA, is derived from the initials of the German outfit by permission granted when the U. S. firm was organized in 1924. Nevertheless, UFA also distributes films of other German makers, Tobis, Bavaria and Terra.
UFA imports about 40 features a year. In addition to the newsreels and 'educational and scientific' shorts, Great majority of the features and briefs are from Universum-Film, Newsreels, of course, are a monopoly of the Ministry of Enlightenment, etc. First-class features play the German houses three weeks and, many films play two weeks, which makes the 40 pictures imported each year last out the 52 weeks.
Other German Distributors
Not, however, that operators of German houses are restricted to buying from UFA. That's by far the largest distributing agency in this country, but there are a number of others who live on the crumbs. Most important are Casino Films, an adjunct of the Casino theatre in the Yorkville section of Manhattan, and Charles Unger, also of Yorkville. In addition there are a number of minor distributors of all sorts of films who pick up on a casual basis, now and then by getting bookings for German pictures for a day or two in houses which do not regularly play them. UFA and the other importers of German film give these indie a rake-off on such engagements.
Henry Kaufmann is one of the last-mentioned type. It was he who got himself questioned by the Federal Bureau of Investigation a couple months ago as the result of an ad he put in Jersey newspapers in connection with the showing of UFA's 'Westwall' at a Passaic house. To build up a mailing list, he offered a pass for each six German names sent him. Newspapers thought he was getting together a roster of potential Fifth Columnists, but nothing came of the investigation. Kaufmann is Jewish.
Nitze emphasized that UFA is strictly a commercial outfit which must fall or survive on the profits it can make. It gets no subsidies, he said, and for that reason: 'We are not here for propaganda, but for business.' He declared that he avoids propaganda pictures—although this would seem a little difficult—by carefully selecting every picture before he buys it for distribution. The less propaganda the better the business picture does, he said. All pix are exhibited on percentage.
Bix Better, This Year
Crosses have been better this year than at any time during the past two years, Nitze declared. The war, he said, has revived interest of Germans in their fatherland and they are particularly anxious to see films with native locales. B.os about two years ago, he admitted, took a terrific dive. They were just coming up again last September when the war broke out and they once again took a mighty slip. September and October were the worst months in history, the distrib said, but the upturn has been very heartening since then. UFA is now just about breaking even.
Outfit, which recently moved to the RKO building, Radio City, from a larger site at 729 Seventh Ave., to reduce expenses, is staffed with three combination stenographer-bookkeeper plus Nitze and Ernest Eisele, the v.p. Frederick Fasse, secretary, is the only other corporate

officer. He is not active in the management. List of stockholders could not be divulged, Nitze said, although it is on file, of course, at Albany.
'No Propaganda?'
As proof of the lack of propaganda in the pictures, Nitze pointed to the fact that the New York Board of Censors, to which they must all be submitted, has never made a deletion because of subversive action dialog. (It's pointed out by other sources, however, that that is not the purpose of the censorship laws in N. Y.) Films recently brought over have no English subtitles. Inasmuch as virtually all the patronage is by German-speaking people, who complain that the titles only get in the way, Nitze said, and inasmuch as they must be put on in Germany, and add greatly to the cost of the film, he has eliminated them. Nitze branded as preposterous recent reports that the English titles did not always coincide with the dialog, which was allegedly subversive.
What he will do when his current supply of features runs out next March, Nitze declared, is something to which he has given no thought because he is certain that the war will be over by then. Pressed for a solution to the problem in the event the conflict is not concluded, Nitze ventured an offhand guess that prints might be flown to Sudu America and from there to this country, or directly to this country, in the same manner as newsreels are at present, except that the cost for a full-length picture would be prohibitive.

Top Teutonic Houses
Twelve houses, seven in the vicinity of New York, play German pictures at the time they play the Casino, Garden and 96th Street in Manhattan; the Wagner and Mozart in Brooklyn; the Hindenburg, Irvington, N. J.; the Transfer, North Bergen, N. J.; the German Kino, Chicago; Radio theatre, Milwaukee; Little German theatre, Buffalo, and Princess theatre, San Francisco. Houses run from about 300 to 600 seats.

What virtually breaks Nitze's heart is that cities with such heavy German populations as Philadelphia (about 50,000 German and Austrian born) and St. Louis (26,500 German and Austrian born) can't support a theatre for the Fatherland's films. New York's German and Austrian-born population is about 375,000; Milwaukee's, 46,000 and Chicago's, 125,000.

Aside from the regular theatrical business, Nitze declared he picks up meager coin from German clubs and organizations, which occasionally sponsor showings in towns where there is no German theatre, and from schools and colleges which use the films in connection with their language courses.

Openings of new German pictures in New York are ignored by all papers but the Times and News which continue to review them regularly.

Cantorisms

(Continued from page 3)
famous Father Flanagan and photos shot at him yelled: 'Hurry up, much as I like Father Flanagan, he's no Myrna Loy.'
Cantor in A.C.
Atlantic City, July 18.
Eddie Cantor, who arrived here Saturday (13) on a weekend stop-over between Omaha and New York, where he starts preparing a new show, observed that people of the U. S. should 'get serious.' He said they should think seriously about hates, and their threat to America. 'We've got to start now—this moment,' said Cantor, 'to see things clearly. We have had it too soft, but unless we wake up it won't be that way long... Every man, woman and child you see on the Boardwalk today will be called upon to make some sacrifice.
'Ve got to forget talking about five-day weeks, and no work on Saturdays, because the dictators are working seven days a week—and nights, too, figuring out what they can do to us. Anti-Semitism is only one of their schemes—it says 'you hate me because I hate you.' And then what happens—a country is broken, easily conquered. It's too bad the anti-Semites can't see it works both ways.

A Famous Star... Active-Lather Beauty Care

"Lux Soap Active-Lather Facials make me sure about my skin"

HERE'S A TIP from a Hollywood star as lovely as she is famous! Beautiful Joan Crawford uses a complexion care she can be *sure* about—ACTIVE-LATHER FACIALS with gentle Lux Toilet Soap. The rich, ACTIVE lather of this fine white soap removes dust, dirt and stale cosmetics *thoroughly*, leaves your skin feeling exquisitely soft and smooth—looking so *fresh*!

Get 3 cakes of the beauty soap of the stars and begin your daily ACTIVE-LATHER FACIALS. Depend on them for a quick beauty pick-up during the day—ALWAYS as a complexion care before you go to bed. You'll love the wonderful, *protecting* care Lux Toilet Soap gives your skin.



Joan CRAWFORD

in Metro-Goldwyn-Mayer's "Susan and God" Now Showing Locally

Joan Crawford



Take Hollywood's tip: Try ACTIVE-LATHER FACIALS for 30 days



FIRST PAT ACTIVE LATHER LIGHTLY INTO YOUR SKIN



RINSE WITH WARM WATER... THEN COOL. ACTIVE LATHER DOES A THOROUGH JOB



NOW PAT THE FACE DRY. IT FEELS SOFTER... SMOOTHER. SEE HOW FRESH IT LOOKS!

9 out of 10 Screen Stars use Lux Toilet Soap

SCREEN

RADIO

BANDS

STAGE

VARIETY

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PRICE 25 CENTS

RADIO COSTS UP \$7,000,000

'Stay As You Are While We Sniff Your Drinks'—New Kind of Raid

Pittsburgh, July 23.

Something heretofore unheard of around here, an 'open investigation,' was staged by State Liquor Board agents at Bill Green's Terraced Gardens, Pittsburgh's most prosperous outdoor dance spot, early Saturday (20) morning. At least a score of investigators and half a dozen State Police dropped in on the spot in an effort to obtain evidence that minors were being served alcoholic drinks.

Once before, couple of years ago, Green was charged with peddling booze to kids but escaped that time with a 90-day suspension of his license, which he cleared up with the payment of a \$900 fine.

Some 400 couples were at Green's when an agent stepped to the band platform and announced through the loudspeaker that 'an open investigation' would be held. He said there would be no dancing and asked all patrons to remain at their tables. Then the agents and State Police went from table to table taking statements from those patrons they suspected were under 21. Each was asked his name, age and address. Then bar patrons were similarly

(Continued on page 45)

'FATHER' PAYS 1,000% PROFIT TO BACKERS

According to Oscar Serlin, 'Life With Father,' which he produced at the Empire, N. Y., last fall, has earned 1,000% profit for those who invested in the production. Show is now in its 38th week and the earnings do not include those of the Chicago company, which is in its 24th week at the Blackstone, a dark spot outside the Loop until 'Father' arrived. Principal backers are John Hay (Jock) Whitney, said to have put up \$15,000, and Howard Cullman. Production budget was \$25,000, which was never entirely used up.

Stated that an offer of \$350,000 for the picture rights was rejected, as was a bid of \$100,000 for radio rights. Stock and amateur rights have not yet been considered.

2 Film Shorts Tell Brit. What to Do If Invaded

London, July 23. Threatened invasion of England by the Nazi military forces is treated in two shorts made by the Ministry of Information this month at Denham studios. 'Calm attitude of British people even in the face of the Hitler might' is reflected by the title of one short, 'Miss Gibb Goes to the Door.' In this film, the public is told what to do if suddenly confronted by Nazi parachutists, via Practical demonstration. The other short is called, 'A Call To Arms.'

Drunk Dunks

San Francisco, Sept. 23. Considerable commotion upset Aquacade Friday (19) when a drunk in the front row leapt onto runway and attempted to force a chorine to take a drink, both tumbling into pool. Gal, with awkward costume trapping her, would have drowned except for quick assistance from a couple of swimming performers.

Drunk also would have expired if attendants hadn't reluctantly rescued him.

FREE CIRCUS AS AID TO TOWN'S MERCHANTS

Bluffton, Ind., July 23.

Local merchants have completed arrangements to have the Robbins Brothers Circus appear here Thursday (25) to give three free performances, at 10:30 a.m., 2 p.m., and 8 p.m. The circus will present 12 acts at each performance and each performance will be open to the public without charge.

Merchants will have a 'Dollar Day' merchandising offer in connection with the event.

Filmers as N.Y. Targets Of Racetrack Touts; Use Phoney H'wood Lure

Film players are becoming targets for a new racetrack tout gag, worked in such a manner in passing on tips that it would appear the inside info comes from directors or producers in Hollywood.

Last week when Patricia Morison and Brenda Joyce were in New York they were sought out as easy victims by a tout who no doubt picked out one race at Empire and passed a different horse on to each party contacted.

With Miss Joyce, under contract to 20th-Fox, the tout called and said that he was a good friend of Gregory Ratoff's and that latter had asked him to pass on a hot tip to the actress. The same guy got in touch with Miss Morison, a Paramount player, and for her the info came direct from Ernest Schoedsack. They were given different horses and additional nags in the same race no doubt were handed out to others.

The tout wanted the actresses to pass him a good-sized bet which he

(Continued on page 39)

BURDENS OFFSET VERY BIG 1939

Federal Communications Commission Audits the Broadcasters' Intake, Which Was Substantially Better Than 1938 and Comparatively Out-Shines Magazines and Newspapers

UNIONIZATION

The American broadcasting industry, while continuing, during 1939, to increase its net profit from advertising sponsorship, fell under the shadow of mounting overhead for the first time. The cost of operation went up 7.9% on the year, largely due to the introduction of unionism and to rising payroll and other fixed charges against management.

The networks, as distinct from all radio (705 stations), gathered 54% of the gross revenues but only 38.2% of the net profits. Local radio was up 28% on the year.

Advertising agencies collected \$17, (Continued on page 22)

Balloon Idea Good For Studios Until Tourists Got Hap

Hollywood, July 23.

Red balloons, floating over studios to ward off aviators, have rid the industry of one sort of pest, but have brought on another. Tourists. The first idea was an agreement between film producers and aeronautical authorities to prevent the noise of low-flying planes from rattling down on the sound tracks in outdoor scenes on the back lots. The idea was good in its way, but it backfired.

See-Hollywood agencies, toting tourists about town, leaped at the red-balloon idea and used it as a come-on for visiting school teachers, firemen and members of the Ladies' Shakespearian, and Bowling club from Schlesingererville, Wis.

BBC Plans Anti-Hitler Propaganda Via U. S.

The British Broadcasting Co. may hire a German-speaking American commentator to broadcast out of the United States by shortwave. BBC would pick up the transmission in England and speed it along the way to Germany.

Idea that it was an American speaking, not a Briton, would, it is thought, have greater weight with the Germans, who know little about the anti-Hitler feeling in the U.S.A.

Italian Attempt to Organize Boycott Of Toscanini in Buenos Aires Fizzled

'Goldbergs' to Hitler

Announcer over CBS last Friday afternoon (19) explained that Hitler's speech to the Reichstag was being broadcast through the courtesy of Procter & Gamble.

The relinquished time is normally filled by 'The Rise of the Goldbergs.'

'GONE' ON RADIO PRICE-TAGGED \$25,000 A WK.

Hollywood, July 23.

Radio deals for 'Gone With the Wind' are still being broached to David O. Selznick but none has gotten past the producer's quoted price. Latest applicant from an agency froze up fast after getting the figure, \$25,000 per half hour program for 13 weeks, with the original cast thrown in.

Previously Selznick asked \$85,000 for the radio rights, with the buyer to make his own player deals over the quarterly stretch. First quotation was \$100,000.

George M. Cohan Writes Song Warning Dictators That 'This Is Our Side'

What he calls the first 'really patriotic song I've written since 'Over There'' will be introduced by George M. Cohan on the Cities Service radio show (NBC-red) Aug. 2. Song-writer-performer's new anthem is titled 'This Is Our Side of the Ocean' (lyric reprinted herewith by copyright permission of Cohan and his publisher, Jerry Vogel).

Actually it's his second patriotic song since World War I, but radio's negative attitude on his 1939 paean 'We Must Be Ready,' kept that tune more or less of a secret. The American public's general stance on world affairs, however, may not create the broadcast stymie for 'This Is Our Side of the Ocean,' whose lyric follows:

Rat-a-tat-tat-tat. The cannons are at it for fair.

Over there, ev'rywhere, there.

Nations are reeling, And mothers are kneeling in pray'r (Continued on page 47)

Arturo Toscanini and 100 men returned Monday (22) to New York City from a concert tour of South America. They brought in a tale of how in Buenos Aires the Italian Embassy attempted to organize a boycott against the American symphony group as (1), a protest against Yankkees and (2), a slap at the liberal-minded conductor. The effort failed miserably because, as one resident of Italian extraction put it, 'politics is one thing and Toscanini music something else.' There were 600-odd guards at the Colon theatre to prevent any demonstration at the first concert, but there was no need for them. It was an artistic ovation all the way. Meantime, the German ambassador attended as a spectator.

It was the Colon theatre, incidentally, which revealed the greatest showmanship. By installing extra seats and selling standing room, this house made money on the concerts. Elsewhere it was mostly a prestige glad-to-come-near-breaking-even proposition. The Colon offered Toscanini a job to conduct operas next year, but he declined.

In Rio de Janeiro, Brazil, and (Continued on page 45)

FORGET 'UNCLE SCHNOZ,' NOT CLASSY ENOUGH

Mamas don't want their kids learning bad English via radio, whether from Jimmy Durante or anyone else—or so advertising agencies apparently fear. 'Uncle Schnozzle' show for moppets, starring Durante, which agent Herman Bernie has been peddling for several months has failed to find a sponsor and is being ditched.

Ad agencies all nixed the show because of fear of squawks from women's organizations and parent-teacher associations. Idea of the 15-minute strip was to have Durante murder both English and facts in explaining things to a group of nephews and nieces.

Ghost of Jessel's Kin Walks in Court Set-To

Los Angeles, July 23.

The ghost walked in the legal action between George Jessel and Edward Resnick, 10%er, in Superior Court, but it wasn't George's ghost. It was the shade of his great-great-uncle, Sir George Jessel, who sat on the Crown bench in England, back in 1875, and spoke as follows through Resnick's attorney, Albert Marks: 'When men of mature intelligence enter into a contract freely and voluntarily, it shall be held sacred and enforced by the courts of justice.'

The current scion of the Jessel family believes in his great-great-uncle's dictum but denies the charge that he owes the agent \$3,000 or any part of it.

Yorkville Sees a Dull Nazi Propaganda Film and Knocks Itself Out Cheering

By HERB GOLDEN

It was noon on Friday (19) and the lengthy queue in front of the boxoffice chattered impatiently. German as it waited for the blonde cashier to get the roll of tickets adjusted on an old-fashioned hook. The line waiting for the window to open was made up largely of Deutsche frauenaugen and was growing constantly longer as knots of two and three men poured out of a couple of beerstubs across the street, and the throng of natives to it. Small merchants from numerous shops with German lettering on their windows still further swelled the crowd.

Finally the line began to move, quickly filling the 500 seats in the house. Part of the crowd stood in the rear. More waiting, more guttural chatter, and finally the picture started. It was the great "Feldzug in Polen" ("Campaign Poland"). Chancellor Hitler's picture flashed on the screen and the house roared its approval. Foreign Minister von Ribbentrop and the Reich, was greeted with boos.

All this might have taken place in a suburb of Berlin. But it didn't. It was hardly two miles from Times (Continued on page 47)

Two Pic Versions Of 'Arise' to Fit Mood Of Nazi Attitudes

Hollywood, July 23.

Paramount is filming two versions of 'Arise My Love' at the same time to avoid censorship in countries which maintain a neutral or complacent attitude toward Nazism. Other studios are planning to follow the same system, in pictures that might cause international complications. In the original script, by Charles Brackett and Billy Wilder, Hitlerism is handled without pulling any punches. Then the players do a revised version, with the dialog toned down to avoid offense to Nazi sympathizers. Studio execs have not yet decided whether to release both versions in this country.

'Chin Chow,' Last War's Click, Reopens in London

London, July 23.

With most of the London theatres closed, and 'Rebecca' and the Old Vic with Shakespeare the only legit plays running, thwarted first-nighters flocked to the revival of 'Chu Chin Chow' at the Palace. Show, which was a hit in Majesty's five years during the last war, had been touring for some weeks before deciding to risk a West End presentation. Rosalinde Fuller is the fiery, vengeful desert girl; Lynn Harding, despite his 72 years, gives a forceful characterization of the title role created by Oscar Asche, author of the book, while Jerry Verno is a surprise success as the drunken Ali Baba. Music and settings are as litting and attractive as ever. With so little competition, this venture might win out.

Can't Scare Us Off

Hollywood, July 23.

Despite lean takings by pictures treating with the Nazi scene or war horrors, Columbia is going ahead with production of 'I Joined the Band'.

It goes on Ralph Cohn's production slate.

Walter Lang's 'Alley'

Hollywood, July 23.

Directorial job of 'Tin Pan Alley', a saga of the popular song business, goes to Walter Lang, who recently piloted the John Barrymore picture, 'The Great Profile', at 20th-Fox. Filming starts Aug. 26, with Alice Faye in the top femme role.

SAILINGS

July 31 (New York to Galveston), Peggy Scheutermann (Siboney).

Oscaring Their Own

Hollywood, July 23.

Ebony oscears go to Hattie McDaniel and Ben C. Carter for their work in 'Gone With the Wind' and 'Maryland'. Awards are the first to be made by the Colored Motion Picture Academy through Thomas Griffith, local representative of the National Association for the Advancement of Colored People.

Ceremonies are slated for Aug. 15, with Bill Robinson as emcee.

Coughlin-Hitler Skit In 'Pins' Revue Causes Hisses at A.C. Opening

Atlantic City, July 23.

A disturbing situation developed at the Garden Pier theatre last night (Monday) when several people attending first showing here of 'Pins and Needles' took offense at a final comedy skit, which poked fun at Father Charles E. Coughlin. Every sketch drew loud applause, but the last one showing Coughlin, with a swastika on one shirt-sleeve and Adolf Hitler's countenance on the other, caused an outburst of hisses and boos, especially when reference made to his 'Little Flower Shrine' in hotelsing.

When the skit first began, patrons started to leave the theatre, and before it was over what appeared to be 100 objectors had departed. Those who remained, however, applauded loudly.

The number was called 'The Harmony Boys' and depicted Coughlin as U.S. Senator Robert Reynolds of North Carolina and Fritz Kuhn as the 'Harmony Boys', played respectively by Wally Caste, Berni Good and Harry Clark.

The touring Broadway show is scheduled to remain here all week.

RUBY KEELER TURNS IN NOTICE TO JOLSON

Chicago, July 23.

Ruby Keeler has handed in notice of her intention to quit her role in 'Hold On to Your Hats' currently at the Grand Opera House here. Notice has not yet been accepted, however, by her ex-husband, Al Jolson, producer and star of the show, as Miss Keeler has a run-of-the-play contract. It's understood, though, that an agreement will be reached for her to leave at the close of the Chicago engagement, now set for Aug. 11.

Earl Hesy is in Chi to see the show and may replace Miss Keeler. Vass Family is also reported wanting to quit because assignment is not important enough. Jolson is seeking a femme trio to replace them.

ARRIVALS

Jack Powell, Rosita, Harold Smith, Mrs. Hugo Speck, Ludwigy Root, Victor Lusinski, Waverly Lawrence, Elias Lapiniere, Arthur Field.

Milw. Festival Pulls 1,250,000 in 8 Days; Great for Carny, Murder on Theatres

Milwaukee, July 23.

Truth of the old gag that one man's pie another man's poison was never more definitely demonstrated during this town's seventh annual Midsummer festival just ended. Attendance reached a record total of 1,250,000 persons over the eight-day period, which meant that a goodly percentage of that number steered shy of theatre box-offices, dropping grosses to the lowest figure ever touched, even during the darkest days of the depression.

But to the Beckman & Gerity carnival, which had the concessions at the festival this year, the event was a lifesaver. All season the carnay had been running into bad weather breaks, denting the bank roll un-

OLIVIER-LEIGH TO WED IN CANADA THIS FALL

Toronto, July 23.

Upon completion of one more picture together, Vivien Leigh and Laurence Olivier will be married in Canada early in the fall, after which Olivier will sail for England to enlist in the Royal Air Force. Actor made the announcement when here with Miss Leigh for joint personal appearances at Toronto theatres in connection with the film industry's patriotic campaign to sell War Savings stamps. The wedding will take place in Toronto or Vancouver, he said, as Miss Leigh smilingly confirmed the decision.

Both are taking an active part in securing accommodation for evacuee British children and announced that a tract of land had been purchased near Vancouver for home for the inmates of the Actors' Orphanage in London and for other actors' children to be sent over from Britain. Vancouver was chosen, Miss Leigh said, because it was the British city nearest to Hollywood.

A.C. CLUBS TOLD TO CENSOR SHOWS

Atlantic City, July 23.

Mayor Tom Taggart served notice on local niemy operators last week that they must censor their own floor shows, also. He indicated, without quite saying so, that what is allowed in one neighborhood may not be allowed in another and added:

"Performers and proprietors will not be allowed to go beyond the line of decency, and if they don't know what that line is—it is going to be too bad."

Mayor Taggart ordered Dorothy Henry to stop doing her 'milk dance' in the Wonder Bar at the corner of Arctic and Kentucky avenues. Miss Henry, direct from Leon & Eddie's in N. Y., was reputed to have 30 gallons of milk sprayed over her apparently nude body during each dance.

Even under previous administrations, night clubs have been made to govern themselves according to their neighborhood. Clubs next to the Boardwalk are usually allowed to go the limit.

No 3d Termer for Morgan

Hollywood, July 23.

Ralph Morgan announces he will not stand for a third term as prexy of Screen Actors Guild.

Edward Arnold is being mentioned as new head of the organization.

'U' Pact Nell O'Day

Hollywood, July 23.

Nell O'Day signed a term contract at Universal and continues as the femme lead in Johnny Mack Brown's series of westerns for 1940-41.

Next picture "The Man From Cheyenne."

IT'S SAFER IN ENGLAND

Arthur Treacher's Mother, in Bomb Zone, Warns Son About N. Y.

Saratoga Spring, July 23.

Arthur Treacher is a big man now—six feet four and a half—with an international reputation for his butter roles in films. But he's still his mother's 'little boy'. She's 77.

His mother is in England, he recounted at the New Worden Hotel during his stay here. They've turned the bathroom of the home into a bombproof shelter. Bombs have dropped from German planes within eight miles of the home.

But she writes me, Treacher said, "that she hears I am in New York. 'do be careful of the traffic,' she warned me."

Hold Your Fire, Men

San Francisco, July 23.

If the Bohemian Clubbers at their encampment late this month, on the Russian River hard by, can get the tenants of the Pelican camp to sing in the same key with arms around each other, all will be harmonious as in years gone by. Trio under suspicion of rifting the lute, quartered under the same roof, are Gene Buck, prexy of American Society of Composers, Authors & Publishers; Niles Trammell, president of National Broadcasting Co., and his host, Don Gilman, NBC western division chieftain.

The rules committee may impose a tabu on the discussion of music in the Pelican camp.

Lambs' Annual Wash an Orgy Of Charlie Horses, Gifts and Laughs

By JOE LAURIE, JR.

Sunday (21) the Lambs held their annual Wash at East Islip, L. I., the beautiful grounds of the Percy Williams Home. It was a far cry from the first Lambs' Wash which was held in 1875 at the Bayside, L. I., home of the late Cray Greene. Then three carriages sufficed to carry the merry-makers, but last Sunday a special train carried nearly 300 Lambs and their guests to East Islip, where they were met by busses and private cars which carried them to the expansive lawns of the Home.

There they lined up and Jean Paul King, for the Lambs, presented a big American Flag to the Home. As it was raised everybody stood at attention and sang "The Star Spangled Banner." The visitors were welcomed by A. O. Brown, ex-Shepherd, who heads the directors of the Home. Then the gang broke ranks and made a dash for the refreshment tent.

It wasn't very long before everybody was over the grounds getting their Charlie Horses for the coming week. There were many events on the card for the older members and for the non-athletic contingent, such as spelling bees, dart throwing, pitching silver dollars; also horseshoe pitching and quilts. These were the non-Sloan Linniment contests. Younger men had sack races, three-legged races, obstacle races, potato races, 100 and 50-yard dashes, and bicycling against time.

There was a 50-yard dash for the A. K.'s in which Jack Norworth acted as rabbit, but the older dogs passed him on the 10-yard line. Then there were golfing events, pitching, driving with cotton balls, and hole-in-the-contest, all on the Home's nine-hole course. Also a tug-of-war and baseball game that was called "the third inning on account of too many laughs." The gang still able to walk adjoining to the swimming pool for diving, relay race and greased watermelon event. By that time everybody was ready for a splendid dinner that was served in the Club.

After the feast everybody adjourned to the lawn in front of the house, the spacious open porch of which served as a stage, and the show was on. King, the radio announcer, who was the Colie of this year's Wash, was introduced by Fred Waring, Shepherd. King then started giving out prizes to the winners of all events, over \$2,000 in cash and gifts. For the first time in the history of a Wash, gifts were presented to all the guests of the Home, electric razors for the men and bottles of perfume to the women.

Show, arranged by R. H. Burnside, had to be cut. Fred Waring and his Glee Club opened followed by yours truly, in a comedy story about old time vaudeville, in tutn followed by Ray Perkins, who talked, sang and played piano.

Gaxton's Protege—Moore

Bill Gaxton was then introduced, who in turn introduced a protege he picked up who turned out to be Victor Moore. "Via made a serious speech and the boys gave him an ovation. It was getting dark, so the Glee Club sang "The Lord's Prayer," which was introduced at the last outing and is now a ritual.

Yes sir, the Lambs were washed and the flock of tired but happy clubmen took it on the 'lamb' for home.

It was a great affair, in fact the greatest Wash that was ever held. They all ARE.

Guild May Get Jane Cowl, Joan Crawford for B'way

Hollywood, July 23.

Jane Cowl, currently touring the strawhats in 'Captain Brassbound's Conversion', may do the revival on Broadway in the fall for the Theatre Guild. Deal isn't final, but has been tentatively set.

In case that goes through, the Guild hopes to get Joan Crawford for the lead in 'Limbo' which Miss Cowl revised and in which she had been mentioned as likely to appear. Miss Crawford is known to be anxious to do a Broadway show.

N. Y. to L. A.

Robert B. Andrews, Gene Buck, Eddie Cantor, Humphrey Doulens, Carol Irwin, Andre Kostelanetz, D. B. Lederman, Mary Mason, Bartlett Cormick, Ben Miggins, Lill Pons, Jimmy Saphier, Peggy Scheutermann.

L. A. to N. Y.

John Conti, Bette Davis, Frances Farmer, Stewart Fulkner, Harry M. Goetz, Nana Goliner, S. K. Lauren, Thomas Little, Hugh Martin, Anne Nagle, George Raft, Taft Schreiber, Cress Smith, Sam Weisbord, Bert Wheeler.

COAST GUILD'S SKED READS LIKE WHO'S WHO

Hollywood, July 23.

So many marquee names have been drafted for the three-week stage program of the Theatre Guild of Southern California that they have to be announced in alphabetical order.

Cast consists of Binnie Barnes, Constance Bennett, Nigel Bruce, Gladys Cooper, Lillian Kemble, Ernest Cossart, June Duprez, Douglas Fairbanks, Jr., Reginald Gardener, Muriel Hutchinson, Elsa Lanchester, Morton Lowry, Herbert Marshall, Basil Rathbone, Rosalind Russell, Henry Stevenson, Dame May Whitty, Roland Young and Blanche Yurka.

Starting Aug. 5, the Guild is putting on Noel Coward's 'Tonight at 8:30', a cycle of nine plays in three series, each series to last a week.

Alan Campbell's Flyer As an Actor Again

Alan Campbell, recent years confining himself to writing, made a bright return to the stage last week in a small part in 'Our Betters,' at the Bucks County theatre, New Hope, Pa. Plans no further acting gifts.

He and his wife, Dorothy Parker, are summering at their farm at Buckingham, Pa., near New Hope. Fate has no telephone, as it is too far from any regular lines for phone company to install poles and a line, even though the Campbells offered to pay the cost. Couple even tried to exert pressure on the company through friends in Washington, but to no avail.

TUNING UP AMERICA

Maurice Wilson Sees No Further Brit. Film Production Until Hitler Is Beaten

With completion of two pictures now in work in England, no further production can be expected there until Hitler is taken care of, Maurice Wilson, chairman of Grand National Pictures, Ltd., declared in New York Monday (22). Wilson arrived from England last Wednesday (17) to negotiate American distribution deals for three of his films.

Wilson said the only films in production are one by Gainsborough at Shephard's Bush Studios, London, and 'Major Barbara,' Gabriel Fascali's picture, at Denham. Nevertheless, he declared, business is actually better than the same months last year in many sections.

He asserted he has personal knowledge concerning the Odeon circuit, one of England's three biggest, which controls 300 houses in all parts of the Isle. Odeon's total gross during May and June was considerably better than the same period of 1939 although these were good normal months last year, Wilson stated. B.O.s were off in coastal areas, but this was more than compensated for inland territories.

Three films for which Wilson is seeking American release are being shipped from England today (Wednesday). They are 'You Will Remember,' with Robert Morley and Emyln Williams; 'Under Your Hat,' with Jack Hulbert and Cecily Courtneidge, and 'Room for Two,' with Frances Day and Vic Oliver.

Wilson said his staff has not been depleted by war drafts and is functioning normally. He declared there had been no special demands for film producers to cooperate in the war effort in making propaganda or other pictures. First film man summoned in this regard was Sydney Bernstein, managing director of the Granada circuit, who was called in only last week to assist the Information Ministry.

BUDDY ROGERS LAYING DOWN BATON FOR 20TH

Houston, July 23.

Buddy Rogers, bandmaster, will become Buddy Rogers, actor, on August 1, he revealed, while playing an engagement at the Plantation here. Rogers flew to the Coast Sunday night (21) at the close of his Plantation engagement, and is due back to Texas to open at the Baker Hotel, Dallas, July 25. At the end of a week's engagement there, he will lay down his baton and return to Hollywood where he is under contract to 20th Century-Fox.

Johnny Morris, drummer-composer, will take over the band Aug. 1. Morris was in the throes of building a band of his own last year when he gave it up to join Rogers.

Rogers has played to near-capacity crowds on week nights and to capacity crowds on weekends during his engagement. Plantation's capacity is 3,000.

HENIE'S PLANS

In on One Ice Show. Heading for Another, and 'Sun Valley' Pic

Except for minor consultative work on casting and production, Sonja Henie declared last week her interest in the ice show which opens at the Center theatre, N. Y., Sept. 15, is wholly ancillary. She will not appear in the show, and her activities in connection with its production will be limited by the necessity of rehearsing her own revue, which will open on the Coast in mid-October.

Her next picture assignment, Miss Henie said, will be in 'Sun Valley' for 20th-Fox, probably in February. She is presently summing up with Dan Topping, whom she recently married, at Easthampton, L. I.

Now YOU Wait

Hollywood, July 23.

Pictures waited so long for Orson Welles to get started that it became a Hollywood legend. When a belated thespian arrived home, the conjugal query was: 'Who d'ya think you are—Orson Welles?'

At long last, Orson is helping himself to a chuckle. His first picture, 'Citizen Kane,' is all scripted and ready to shoot, but there is no room for it on the RKO lot, with eight other companies at work. Now Welles waits, at least until next Tuesday (30) when he's been promised studio space.

UA May Bankroll Muni-Dieterle Producing Unit

Strong possibility that Paul Muni and William Dieterle will form some sort of producing unit which will work at United Artists in the wind.

Muni and Dieterle, who directed him—in some of his top pic, are understood to have had several confabs with UA execs before their withdrawal from their Warner Bros. contracts last week. Murray Silverstone, UA chief, refused to deny or confirm the Muni-Dieterle affiliation Monday (22). He's considering a trip to the Coast, however, in about a week and it is understood that the deal by which the player and director would come to UA will be one of the principal reasons for the visit.

Whether Muni and Dieterle would form their own producing organization, obtaining financing through the aid of UA, or would work on (Continued on page 47)

Local Detroit Boy Making Good Under Bob Hope's Direction

Detroit, July 23.

A kid stowaway among those high school reporters who drop back-stage to interview the stars is getting a professional break here. His name is George O'Leary, 14, and in the eighth grade.

When high school reporters interviewed Bob Hope on a recent visit here, the lad cut himself into the group. He made quite an impression on Hope—the kid is a good hooper, been studying for years—with the result that he was spotted for a few appearances with the Hope troupe. The Michigan theatre took notice and now the lad has been signed for the house's anniversary show starting July 26 with Gene Krupa's orch.

Best of all, Hope was so impressed by the kid he is making a sort of protegee of him and Paramount stage executives will drop in during his appearance here to catch his turn.

Sam Coslow Dickering For Glenn Miller Orch

Sam Coslow, co-head of Voto Dictionaries (Jack Votian), an RKO unit, is dickering with Glenn Miller for 'Never a Dull Moment' (tentative title), forthcoming musical with a South American background. Theke treats with a U. S. band that takes the carioleons by storm.

'Dreaming Out Loud,' Lum and Abner film, is their first and a second L.-A. (three in all) goes into work soon.

FLOCK OF STAGE, FILMUSICALS DUE

Show Biz Veers From Drama To Lighter Things as a Counter-Irritant to the War—Over 75 Pix With Songs or Music Due

20 B'WAY MUSICALS

America will have plenty of opportunity during the coming season to forget the woes of war if present plans of film and legit producers materialize. A veritable flood of musicals both from Hollywood and on Broadway, is promised to keep thoughts on the afflur things of life. Show business—after some sad experiences with drama recently proved that audiences are getting their fill of such fare in daily headlines—is determined to stick to the lighter things, and musicals will play a big part in such a trend.

According to present schedules, the film industry will turn out something over 75 tunefilms or pictures with songs during 1940-41. At the same time, the more nebulous program of Broadway appears to hold in the neighborhood of 20 musicals, in addition to the three now running.

Titling the number of musicals on next season's Hollywood slate is the (Continued on page 47)

Eddie Cantor to Prod. And Star in Musical By Unknown Writers

Eddie Cantor will co-produce and star in a show on Broadway in the fall, he said Monday (22) in New York. Play, yet untitled, was written by two college boys and a youngster employed by the city of New York, all novices, the comedian declared. It is a comedy into which three or four songs, as yet unwritten, will be inserted as specialties for himself.

Show, of which Al Lewis will be co-producer, will open in Boston in mid-September and come to New York two weeks later. Casting is now being worked out, with debate as to whether a Hollywood or Broadway name will be used to supplement Cantors.

His plans to produce 'Sweet Land of Liberty' musical with an all-Negro cast including Bill Robinson and Ethel Waters, have been dropped, Cantor said. He explained that the script pokes fun at the White House, which, he feels, 'in this hour of danger is sacrilegious.'

Comedian will plane to the Coast from New York early next week.

REVERSE ENGLISH

Strawhat's Brushoff to Film Scouts Helps B.O.

With story and talent scouts for major film companies regularly besieged with invitations to summer theatres, barn outfit at Suffern, N. Y., took the opposite tack this season. It wrote to each company informing them that their Daniel Bobs were definitely not wanted and that the pass list was being suspended.

Purpose of the ban, according to the letter from Walter Armitage, Broadway legit player, who operates the summer house, was to keep the scouts from grabbing away from him both plays and people showing promise. He intends, he told VARIETY, using the script and casts on Broadway in the fall, when he makes his debut in regular production.

If Armitage's little stunt was a bit of psychology and there have been a few suspicious people—it worked. There have been more scouts than usual to the house this summer—and each of them has paid admission.

Foreign Status Will Further More % Deals in H'wood, Thinks Wanger; Airs Ideas on Ads, Polls, Musical

Jes' Formal

Formalities, apparently, must be observed at the Waldorf-Astoria, N. Y. Wanger mugged called up on Monday (22) and asked for Eddie Cantor. Voice of the operator replied coolly: 'I'll ring Mr. Edward Cantor.'

Widespread change to a system whereby virtually all producers, directors, writers and stars will be working on percentage instead of salary will come about in two years if the present foreign situation continues, it was predicted by Walter Wanger last week. Producer, long an advocate of the percentage system, said that the state of the world market makes it impossible for studios to take the entire rap for bad pictures. Cost must be spread out among those responsible. On the other hand, same people will make more coin on good pictures.

In addition to the foreign angle, Wanger declared that his experience with the 'profit-sharing' system proved that talent did a better job because it felt it carried a greater share of responsibility. 'Wanger said he has been in favor of percentage deals for two years and among those with whom he has had such contracts are Fredric March for his appearance in 'Trade Winds' and John Ford, who produced 'Stage Coach' and is now turning out 'Long Voyage Home' under the Wanger banner.

Wanger was in New York four days earlier, but has had Murray Silvers (Continued on page 45)

Swarm of Stars On N.A.B. Special Salute Aug. 3

Although plans are still incomplete, the National Assn. of Broadcasters' dedication 'to the freedom of American radio,' to be aired Aug. 3 from the New York and San Francisco fairs, will probably include an unprecedented array of name guests. Program to run 60 minutes, will be aired on the eve of the N.A.B. convention in San Francisco.

List of those who have agreed to appear includes Rudy Vallee, Major Bowes, Kate Smith, Lowell Thomas, James Melton, Francis White, the Revellers, Gertrude Berg, Colonel Stoopnagle, Phil Cook, Lanny Ross, H. V. Kaltenborn, Tommy Riggs, Graham McNamee, Ted Husing, Dorothy Gordon, Morton Downey, (Continued on page 47)

Shuberts Lose In WB Injunction Plea Over Actor Richard Ainley

Select Theatres Corp. (Shubert) lost their plea for a temporary injunction against Warner Bros. and Richard Ainley, actor, Thursday (18), when Justice Edward J. McGoldrick in N. Y. supreme court denied the plea on the ground that subsequent to the application, the suit had been transferred from the supreme to the federal court. Suit charges breach of contract and asks \$100,000 damages from the film company.

Select signed Ainley to a year's pact at \$300 weekly July 22, 1939, with options for the next four years. The option was picked up June 8, 1940. About that time the plaintiff entered negotiations with Metro for Ainley's services and closed a deal at \$1,000 weekly for 40 weeks for the first year, plus a graduated scale which would bring his salary to \$2,500 weekly if retained at the end of three years. Warners, however, signed the actor to a year's contract at \$600 weekly for the first 26 weeks, and \$850 weekly for the balance of the year. Metro has been threatening to cancel its proposed contract for Ainley's services if the WB controversy is not straightened out soon.

2 'Major Barbara's'; Clean One for U. S.

London, July 9.

Shooting of 'Major Barbara' at Denham is on a two-wy schedule, due to the spicy tone of some of G. B. Shaw's dialog. Stuff 'jake for this side, but scenes where wordage is rough' had producer Gabriel Pascal calling the players' back for re-takes on sound to meet the white-washing of the Will Hays boys when 'Barbara' meets the U. S.

Another angle is that much of the original cockney would be blah to a Yank audience.

JANICE LOGAN (PAR) STRANDED IN PARIS

Chicago, July 23.

Janice Logan, Chicago girl, last seen in 'Dr. Cyclops' (Par), is stranded in Paris without funds, according to information received here by her parents, who have appealed to Washington officials for information.

Miss Logan left for France three weeks ago ostensibly to wed a French newspaperman, but no word has been received since, except that she reached Paris and requires money to get home.

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HIGH-COST PIX OF DUBIOUS B. O. SOCK BEING CLOSELY WATCHED BY H. O. EXECS

Doesn't Mean Red Light Will Curb Big Budgeters Entirely, But Greater Dollar Insurance at Box-office a Must Right Now

The red light is up against costly productions which show a passing chance of returning their negative costs. It does not mean there will be a sparsity of expensive features for the 1940-41 season, but it does mean that excessive-cost vehicles are being watched as never before.

Consensus is that present dollar cost in production should be reined in, but that costs should be carefully realigned so that the dollar buys more in the way of sure boxoffice. It's all in line with the desire for more care on costly productions. The warning has been issued that the big task confronting the film business is to bring the de luxe picture within the realm of possible returns obtainable in the domestic market alone. The success with which different companies realign their costs is likely to be reflected in the next six months' earnings reports.

Old argument that it can't be done has been discounted both by high executives and financial experts. They merely point to the number of costly pictures in the past that have panned out all right without even considering the foreign field.

Entire idea is to make the dollar buy more, and not to overlook elaborate films. Thus if a big major company is able to turn out a 50-cent raw production for \$300,000, where before it cost \$1,200,000, the organization is expected to make strides with a revised producing setup. Difficulty in the past, in the belief of financial men, is that there were too many high cost pictures of poor quality as measured by their reception by the public.

No trouble is anticipated with cheaper pictures of obviously lesser quality because they are budgeted so low that a distributor can even show a profit on moderate domestic returns. It's the high-budget babies that are going to prove a headache in ensuing months.

Moderate Budgeters

The originally budgeted \$400,000 picture which winds up with an outlay of \$600,000 are the ones being watched closely in the east. Top officials blame this upon errors of judgment as to stars, story and lack of initial preparation. Only difference is that there will be no big foreign return to offset these mistakes. False notions of some producers regarding the possibilities of extended runs also have been given a thorough going over recently in the east. Just because a picture is an epic means little to the exhibitor who won't go for running it six weeks instead of three. Idea of financing these runs also has been exaggerated, it was revealed, because the average exhibitor insists upon reduced percentage terms if asked to carry a film along in hopes of securing added revenue.

Opinion among exhibitors in the east is that they will go for extended runs on a picture warrants it. At the same time, they admit, it is bad business to pull off a production when it is doing business. Most exhibitors claim that no distributor is going to ask for an extended run if the production does not warrant it. Along the same lines, survey recently made shows that forced runs seldom net the distributor much additional coin. The 35% picture may go for three weeks but if forced for additional weeks, the exhibitor will seek a percentage rental reduction and will get it.

Also the question as to whether too many extended runs don't cut into subsequent run business has been raised. Certainly no more people see the film when carried along in the first-run house because this cuts into attendance for the subsequent run theatre. Besides the matter of admission prices today is not vastly different between some first runs and subsequent runs with matinee scales nearly level.

This leaves the matter of increased revenue per picture largely a matter of whether economic conditions improve sufficiently to justify higher percentage deals. The issue of extended runs also hinges on what the picture is doing at the boxoffice, and is something that can't be judged by how much was spent in making the picture.

A. H. BLANK TO D. C. ON HIS U. S. GOV'T DUTIES

A. H. Blank, co-ordinator for the western theatres on the Government's defense preparedness campaign, leaves today (Wednesday) for Washington to confer on plans in connection with it. He states he will return to New York before going back to Iowa, where he makes headquarters.

Among other things, Blank saw 'Land of Liberty' yesterday (Tuesday), which it is reported Metro will physically distribute throughout the country. Picture, made by Cecil B. de Mille and financed by the majors, is a full-length, free attraction at the N. Y. World's Fair Federal Bldg.

Extra Loses Fur And Thereby Hangs a Suit

Los Angeles, July 23. Eve Lynn, an extra, won the first round in a suit against Metro that may set a precedent in Hollywood. Municipal Court overruled the studio's demurrer in the girl's suit to collect damages of \$565 for a fur coat lost on the Culver City lot last February when she was working in 'Two Girls on Broadway.'

Miss Lynn claims she removed her coat, under orders from a director, to appear in a certain scene, and could not find the garment when the scene had ended. She asks \$335 for the loss of the coat, plus its rental value of \$3.25 a day. Possession of the fur, she asserts, made it possible to accept special clothes calls at \$16.50 a day instead of the ordinary \$3.25 for extras.

Cost of Wrecking Bio's Steelwork Saves Studio

Unusual steel and concrete construction of Biograph studio in the Bronx, N. Y., has saved it from housebreakers' hammers. Empire Trust Co., which controls the property, was on the way to having the four-story structure torn down a couple of months ago but has changed its mind since discovering how much it would cost. Studio will likely go back into film production as a result.

George B. Trigg, head of Empire's real estate department, declared Monday (15) that a number of deals are on the fire for lease or sale of the building, including several with major companies. Most interested, however, he said, are producers of commercials and shorts.

Empire will in no way aid in the financing of any producer who takes the studio over, Trigg said. Bank during the winter had entered into several deals for participating in the financing of feature production at the studio, but backed out before they were consummated.

'Finger' for Leonard

Hollywood, July 23. Metro handed Robert Z. Leonard the producer-director chore on 'Third Finger, Left Hand,' as his next on the Culver City lot.

Lionel Houser wrote the story and drew a new contract.

Tax Slogan

Philadelphia, July 23. J. M. (Pop) Graves, manager of Stanley-Warner's Grove theatre, in Willow Grove, has coined a slogan to take the curse of the new Federal tax. It's printed on a sign over the boxoffice and reads: 'Movie Pence for Our Defense.'

UNIVERSAL'S RECAP PLAN NEARLY READY

Universal's contemplated recapitalization plan, work on which started several months ago in accordance with the announced proposal of executives, is nearing completion, according to Wall Street. Possibility of early presentation of such new capitalization proposition to the directors and stockholders for approval is reported back of the remarkable strength. Universal shares last week. Universal preferred rose 10 points in two days while both the common and certificates for common stock showed unusual strength for the present dull market.

Earnings of the company for the third quarter ending this month also are credited with being about in line with previous operating estimates. It showed more than \$1,000,000 net, even after writing off \$5,000 per week because of foreign losses, for the first six months.

Recap proposal was suggested by the management in order to simplify the corporate structure, leaving few shares outstanding, and possibly paying up some proffered divvy arrears. Whole idea behind proposition is more economical operation by the company.

Roosevelt, Silverstone Clearing Up Details to Expedite 'Pastor Hall' Pic

Dispute over the screen rights to the unproduced play from which 'Pastor Hall' was made will not delay release of the film, James Roosevelt, owner of American distributing privileges, declared Monday (22) in New York. Murray Silverstone, chief of United Artists, which will do the actual distribution, confirmed Roosevelt's statement.

Roosevelt and Silverstone both expressed the certainty that a satisfactory agreement could be reached with the estate of Ernest Toller, who wrote the story. Leslie Kirsch, attorney for the Toller administrator, and William Fitelson, counsel for British Grand National, from whom Roosevelt bought the American rights, met in a lengthy confab yesterday (Tuesday) in an effort to straighten out the difficulties. George Garfield, the Toller administrator, maintains that Charter Films, Ltd., producers of the picture, never purchased title to the 'Pastor Hall' story. Charter is an indie outfit operated by John Boulting and financed by British GN to produce for their release. Picture was exhibited throughout England without a squawk.

Kirsch declared that he will start no legal proceedings to halt distribution of the picture, at least until current confabs are concluded, but that the estate will 'protect its rights.' Less than two weeks ago, he said, July 12, reps of GN were still trying to buy the screen rights,

O'DONNELL'S PUGS, OIL

Showman Running Between Fighters and Oil Wells

A theatre operator most of the time, Bob O'Donnell, of the Interstate circuit, also has other varied interests, latest of which includes oil. He had few ventures previously, but gave him up and now his ring investments are Jimmy Webb, a light-heavyweight, and Arthur Dowell, a welter, both of whom are coming along nicely. O'Donnell slipped into New York quietly last week to see the Jenkins-Armstrong fistic tilt.

Reporting on his oil well in Texas, O'Donnell stated that it is a 4,000-barrel well, but that it does not produce a day. It cost \$30,000 to drill, but this was handled separately. O'Donnell has six others with him on the 75-acre tract on which the well is located, including Ned Depinet, v.p. and general sales manager of R.K.O. Each put in \$2,500 and figure to get back the initial investment within a year. Four additional wells are to be drilled on the property.

DUVIVIER AND GRAETZ AWAITING RENE CLAIR

While Julien Duvivier, French director, remains in New York huddling with Paul Graetz, president of Transcontinental Films, regarding several features to be made in Hollywood this year, who trouble is holding up the arrival of Rene Clair, French producer-director.

Both directors with Graetz planned to hop off to the Coast this week but this plan temporarily has been abandoned pending further word from Clair. Presently proposed to make four features, each director producing and megging two, in Hollywood; with French yarns translated into English and made with Parisian technique. Transcontinental handled the production of several features in France before the war halted operations.

Equity Strawhats Mean Better Pix Recruits This Yr.

Strawhat prospects for the screen are better than usual this season, with film talent scouts attributing this to the fact that there are more summer stocks operating with Equity okay. While none of talent executives would admit this is the best year for new picture faces, they do say it looks better because 1939 was so drab.

Majority of picture companies have an average of four prospects under consideration, but won't nounce them until brought to New York at the close of their strawhat season for screen tests. An exception Metro which has signed Marjorie Simmons, ingenue lead in Ivoryton, Conn., stock. Judith Brown, a neophyte with the same group, is being given the once-over by M-G-M. Miss Simmons originally was spotted by Al Altman, Metro eastern talent executive, while she was in a Boston beauty contest. Milton Siefel, producer at Ivorytown, is presently grooming her for screen work.

Paramount has made the usual methodical search for new faces among the strawhatter ranks, but has not optioned anybody or screen tested any newcomers so far.

Twentieth-Fox has four or five prospects already singled out but will not announce their names until brought in for tests. Company has a hopeful in Joan Newton, who was placed through the company in the stock unit at Keane, New Hampshire.

Universal this year is looking more for new play possibilities than new players.

L.A. DENIES PETITION FOR 'WIND' TAX CUTS

Los Angeles, July 23. David O. Selznick's petition for a reduction of valuation for tax purposes of his picture, 'Gone With the Wind,' was denied by the County Board of Equalization. Selznick had asked that the assessed valuation on the original negative be reduced from \$433,705 to \$130,145.

Selznick had claimed that the assessment was discriminatory because it had been the custom to reduce the tax charge on original negatives after the picture had been distributed. He placed the original cost of the negative at \$4,073,000.

Contention of John R. Quinn, county assessor, was that the picture had returned a gross income of \$12,402,463 and still playing to crowded houses with a probability of breaking all records for film profits.

No board action was taken on the petition of Loew's, Inc., for a reduction in the value of its 14 color prints of the picture from \$66,570 to \$4,200.

England's Break With France Reacts on RKO

London, July 23. Bill Siström is back from his Hollywood trek complete with scripts for first two of RKO's product here. Now he can't use 'em.

Due to the break with France, Danielle Darrieux and Michèle Morgan are out, necessitating a complete realignment of RKO production, as screenplays had been shaped to fit the Frenchy talent. Siström's immediate chore is to find both stories and stars for his British films, a not-so-easy stunt these war days if subjects are to be maintained at the distribution standard originally intended.

Anne Nagel Again In 'Green Hornet' Serial

Hollywood, July 23. Anne Nagel becomes the cliff-hanging gal in 'The Green Hornet Strikes Again,' a sequel to last year's 'Green Hornet' serial at Universal. Ford Beebe, director, starts shooting Monday (29) with Harry MacRae producing. Identity of the male lead is still as mysterious as the 'Hornet.'

Other News Pertaining to Pictures

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MASTERMINDING THE FUTURE

Average Film Cost: \$300,000

Despite every effort at economy in the past six months, when producers were informed of the drastic cuts made into foreign revenue, the average cost of a major film feature for 1939-40 season, just ending, will be about \$300,000, or approximately 5% above the preceding season. This average is compiled from about 350 features made by the eight major companies.

Where some majors have been able to hold down the average budget per picture to about \$170,000, the most expensive production outlay figures as about \$500,000 per feature. Several companies figure the average cost per feature at \$300,000 to \$350,000, the eight sizing down to \$300,000 as average.

Labor costs and outlay for equipment and raw stock, plus wages, made it impossible for producers to scissor costs. Where strides have been made, it was revealed, is in the budgeting of minor features obviously designed solely for double-bill setups. There may be even further reductions on this score in the coming season.

The \$300,000 average cost per feature is in contrast to the average cost of major company productions back in 1932, depth of depression. Then the average was \$100,000.

National Theatres (Fox-W.C.) Plan For Employee Pensions Still Hot

Proposed earlier this year, with much research done meantime with a view to determining feasibility and methods of operation, the pension plan of National Theatres is still in work and, it is said, may be finally decided upon within a month from now. Developments of the past couple months have not tabled the thought of some adequate and workable plan. National being eager to carry it through if at all practical.

The circuit embraces around 500 theatres, including the Fox-West Coast, Fox-Midwest, Fox-Intermountain and Fox-Wisconsin groups. Affiliated with 20th-Fox, which controls a major interest in National, its president is Spyros Skouras and home offices are in New York. Chase National Bank has the minority interest in National.

One of the questions that are unsettled in connection with adopting a plan is whether it should take in everyone, including the home offices, etc. A problem arises where help such as usher, for instance, are hired for short periods at a time or are relief men, etc.

National is reported to be going into the situation very thoroughly from all angles and is collecting much information and data on pensioning in search of some plan that could apply for a theatre organization like National.

M.P. RELIEF'S \$100,000 H'WOOD HOSPITAL GIFT

Hollywood, July 23. High officials of the film industry were among the 200 who turned out for the dinner at the Cedars of Lebanon hospital to celebrate the donation of \$100,000 by the Motion Picture Relief Fund. It came originally to the fund from the Will Rogers Memorial Association, and will pay for the upkeep of 10 beds in perpetuity.

Among the speakers were Will Hays, Harry M. Warner, Lemuel Goldwater, president of Cedars of Lebanon, and Jean Hersholt, head of the Relief Fund.

COIN POURS IN

Lone Pine, Cal. Cleans Up On Location Troupes

Hollywood, July 23. Citizens of Lone Pine, Cal., are in a financial position to fold up the town for a summer vacation, all because of the flow of Hollywood gold to them that hills.

20th-Fox spent \$70,000 there on food and lodging alone for its "Brighton Young" troupe for three weeks, and an appreciable sum for the sustenance of its "Wacky Cisco Kid" company. Meanwhile, Harry Sherman bought couch and bedding for his western outfit. In addition, a large part of the male inhabitants of the town drew cash as atmospheric thespis.

'Dinah' Might Change Her Mind But Not U

Hollywood, July 23. 'Dinah' is the next of Universal's series of features carrying popular song titles.

Picture is based on a story previously titled 'Don't Give Up the Girl' by Maxwell Shane, who is writing the screenplay. Jack Gross is producer.

U WELL AHEAD ON 1940-41 SKED

Running jump into 1940-41 production has been achieved, by Universal. Studio has eight pictures in cans for September and October release and one other on which shooting has been completed. In addition, with dates coming in, it moved forward the release date of 'Boys From Syracuse' from Aug. 9 to July 18, and 'When the Daltons Rode' from Sept. 6 to July 28.

On the rack awaiting release are 'Mergie,' 'Hired Wife,' 'Bagtime Cowboy Joe,' 'Argentine Nights,' 'Mummy's Hand,' 'Spring Parade,' 'Leather Pushers' and 'Man From Cheyenne.' Shooting is finished on 'Little Bit of Heaven.' Also complete is 'Sewing With Bing,' two-reeler on golf with Bing Crosby, which will be issued Sept. 4.

BAGNALL OUT AS PARAMOUNT STUDIO MANAGER

Hollywood, July 23. George Bagnall resigned yesterday (Monday) as vice-president and executive studio manager of Paramount. Henry Ginsberg, general manager, moves into the berth vacated by Bagnall after five years with the company.

Bagnall, who came to Paramount from Fox and was elevated to studio manager four years ago, takes a Canadian vacation before negotiating another studio deal.

The Old Two-Timer Back

Hollywood, July 23. 'Dr. Jekyll and Mr. Hyde,' originally slated for production by Metro in London, is being shifted to the Culver City plant, with Victor Saville producing on a \$1,000,000 budget.

Robert Donat, held in England by the war, will be replaced by an American star, whose name is still under cover.

PROD. PLANNING, BIGGEST PROBLEM

Most Monumental Collective Task of the Film Biz Right Now Is to Anticipate World Events and Business Trends—Nick Schenck's Statement Key-notes General Uncertainty

THEATRES IN SPOT

Production planning, budgeting, cost control, sales requirements and the question of what to spend or how much not to spend have combined into the most monumental collective problem that the film industry and its leaders have ever known. The difficulty in reaching a decision as to just what to do, meanwhile continuing operation along the soundest possible lines, is something that not only the producer-distributors are facing but also a factor that is upsetting the theatres. This is true of the larger as well as the smaller operators.

Although going ahead with scheduled programs announced earlier in the year, as Nicholas M. Schenck recently stated in behalf of Metro, a combination of circumstances has upset the apple-cart for all producers and theatre operators to the extent that there is no way of setting up or going by figures' with any sense of reasonable assurance that they can be properly adhered to or depended upon.

Distributors say that they know what domestic requirements are as a result of the decrease in income from abroad but what they do not know as clearly as in former years is whether these requirements can be met. Some companies set sales quotas to shoot for, others don't. Disturbed markets abroad have also upset amortization tables and made it more difficult to arrive at the proper allocation on negative costs, while meantime it is increasingly mind-racking to try to figure out just what the domestic market may be expected to yield.

At the source, in production, the question is whether to pour more into pictures in expectation that they will earn more, or to pull in the reins for fear that the average maintained on rentals in past years will decrease rather than fetch a higher level.

Theatres Also in Dark

On the theatre side of the fence the problem is doubly as disconcerting because of world conditions, unrest, uncertainties, the lack of assurance as to what the economic state of affairs will be during the coming year, tottering grosses and, finally, the consent decree proposals.

The buyer, accordingly, doesn't know just how to buy to protect himself. On the other hand, he must have film to continue in operation. Should he cut costs of operation further? Should he buy now or wait? Should he prepare for loss of a consent decree or won't that go through? These, and myriad other questions are being asked but finding the answers is tougher than ever before. Operators frankly admit it.

A halt on production programs to the extent that the companies will not go through with complete schedules as announced is believed very likely in spite of the fact that none of the majors are stating they may do this. Many theatre operators are ready to gamble the producers will slow down to see what happens, revising their programs downward, but, also, that an acute shortage may be ultimately felt unless playing time on available film can be lengthened.

As such cooperation as is dared is being extended the distributors in connection with setting the best dates for the better pictures and allocating additional time, but

(Continued on page 18)

Theatres Worried Over Excess Profits Tax; Has Not Yet Been Worked Out But Will Be Severe

'Perfect Booking'

St. Louis, July 23. Kiddies were barred last week from the Fairy Androme, a west end nabe, when a triple feature program included 'Paroled From the Big House,' 'How to Take a Bath' and 'Five Little Peppers at Home.' This is one of the few instances when the young 'uns have been barred from any house in town.

Film now sarcastically called the program 'perfect booking.'

Awaited with much apprehension in the film industry is the new excess profits tax which has not been worked out by Washington, but which, it is feared, will strike a blow especially at theatres from the largest chain down to the smallest independent. Worry is all the more intensified now because of the fact that President Roosevelt has asked for a steeply graduated excess profits tax. This is over and above the income tax.

It is believed among attorneys and tax sources in the film industry that there probably will be no action on such an additional levy on profits until after the election but that it will be placed into effect in 1941, retroactive on all profits shown for this year (1940). Because of this likelihood, the business is placed in the position of being unable to know what will happen to earnings that are now being made but which, in 1941, may be dug into deeply.

That a stiff fight will be put up by the film industry when a bill on excess profits is being drawn up is promised, notably by picture companies which operate the theatres since the latter are regarded among spokesmen as much more vulnerable to damage than any other form of commercial endeavor that can be mentioned. Fear is felt, also, by theatre-going organizations because of what might happen to stores and business that rent from theatres, providing revenue direct to owners.

Canadian System

Some hope is held out for a compromise between the Government and the industry which would provide for patterning the excess tax after Canada's system. In Canada an excess is paid only when the profits go over the average shown for the prior four years. It is thought by persons informed on the subject that such a plan would be the most equitable, with the tax (not graduated) to be applied to the excess of earnings of the taxable year over the average earnings of a specified period of normal prior years.

(Continued on page 20)

DE SYLVA REVERSES SELF AND SIGNS WITH PAR

Hollywood, July 23. B. G. (Buddy) de Sylva, currently reading 'Panama Hatlie,' a musical comedy by himself, Cole Porter and Herbert Fields, which is due on Broadway early in the fall, has signed a producer contract with Paramount.

Prior to returning to New York last season, DeSylva produced for several studios, notably 20th-Fox, for whom he turned out successes in which Shirley Temple was starred. Kid actress is mentioned for 'Hattie,' along with Ethel Merman, currently in his 'DuBarry Was a Lady,' on Broadway. He also made product with RKO and Universal.

A B'way Surprise

Report from the Coast that Buddy DeSylva had signed a producer agreement with Par, was a surprise to him. He told friends here that he did not care to return to Hollywood, in fact would not. Explanation may be his friendship with William L. Baran and Henry Ginsberg, of the Par outfit, and it is likely that he can write his own ticket as to material and talent. Interference on other lots caused him to lose interest in studio activity.

DeSylva has a batting average of 1,000 since he turned producer last fall. His two musicals, 'Louisiana Purchase,' Imperial, and 'DuBarry,' 46th Street, being standouts.

NEW GOLD RUSH

Plenty for Novelists, Without Digging, in H'wood

Hollywood, July 23. Theme song for novelists is 'California, Here I Come.' Out of the current 10 best sellers, seven have been bought by film producers and three are under negotiation.

Sold over the mountains are 'How Green Was My Valley,' 'Wild Geese Calling,' 'Chad Hanna,' 'Mr. Skeffington,' 'King's Row,' 'Quietly My Captain Waits' and 'Nights in Bombay.' In the dickering stage are 'Stars on the Sea,' 'The Bird in the Tree' and 'Before Lunch.'

Par's Extensive Theatre Acquiring And Improvements in Northwest Based on Better Biz Expectancy

Minneapolis, July 23.

Optimistic over the coming season's outlook for theatres in this territory, the Paramount circuit has embarked on a \$150,000 program of theatre acquisitions and improvements. The circuit is taking over a new St. Paul neighborhood house now in the course of construction. It just has purchased the Paramount, St. Cloud, and Garden, Hibbing, Minn., and it recently acquired the Palace here on a 10-year lease and the World, a sure-seater Minneapolis house, on a partnership arrangement. Another partnership arrangement, pending involving the St. Paul World.

Through the World deal here, the Minnesota Amus. Co. (Par) became a partner of W. A. Steffes who, until his illness, was leader of the independents in this territory and one of the bitterest foes of producer-distributor ownership and operation of theatres. It is expected, the St. Paul World comes into the chain, it also will be a partner of Bennie Berger, owner of one of the territory's biggest independent circuits, Steffes' side-kick and also a hard fighter against producer-ownership of theatres.

In addition to the acquisitions, Par also announces extensive remodeling and improvements for six theatres—the Garden, Hibbing, Garrick and Lyric, Duluth, Moorhead, Moorhead, Grand Mankato, and Broadway, Winona, Minn. Possible inclusion of divorcement in the expected consent decree was not considered a barrier to further Par theatre acquisitions by John J. Friedl, local g.m., who says he is in "complete ignorance" relative to the consent. The fact that Northwest firm income is showing such big gains. The 1939 income of \$1,107,212,000 represented a \$66,658,000 gain over 1938, and 1940 is running far ahead of last year. Friedl also believes the Government's armament program will stimulate the show business next fall and winter.

Peace With Benz Bros.
With the taking over of the 1,900-seat lower loop Palace on a 10-year lease by Par, peace was established between the big chain and the Benz Bros., owners of the house and recent operators of the 4,000-seat Minnesota theatre.

Completion of the deal means that the Benzes will abandon their threatened conspiracy suit against Par and major film distributors. It also means that they will step completely out of the theatrical field in the Twin Cities, making no further effort to reopen the Minnesota.

The Benzes had charged that Minnesota Amus, together with the distributors, had prevented them from obtaining major film product for the Minnesota theatre and from being serviced for dime pictures at the Palace. Council had been engaged to go into the matter. Friedl says the Palace, dark for more than a year, will be reopened shortly, but no policy has been decided upon yet. However, it's expected that subsequent run films at 15c admission, the same as was used at the Seventh St. now closed, will hold sway.

Prior to closing, the house was booked at 15c for double features of ancient release vintage. It also utilized vaudeville occasionally.

In the face of these developments the owners of the dark \$2,000,000 Minnesota theatre are left holding the sack. They have no tenant in prospect and chances are that eventually the house will be torn down for a parking lot in order to save taxes.

Four Writers on 'Parade'

Hollywood, July 23. Republic has four writers working on its 'Hit Parade of 1941' in an effort to get the filming started by Aug. 5.

Maurice Leo and Bradbury Rogers are adding additional dialog and Sid Kuller and Ray Golden are writing special comedy material.

Whodunit?

San Antonio, July 23.

A mystery thriller at the Teatro Nacional was interrupted for a woman patron Wednesday afternoon when she gave birth to a baby girl in the rest room of the theatre. The baby was born before theatre ushers could summon a doctor and an ambulance.

After being taken to the hospital the mother's first wish was to have friends tell her the outcome of the mystery picture. Picture was 'El Automovile Gris' ('The Grey Automobile'), Azteca release in Spanish.

Fired Cashier Forces Barovic's 5 Theatres Shut

Tacoma, July 23.

Because Mike Barovic discharged a cashier at his local Riviera, all the houses owned by him—Riviera, Beverly, Tacoma; Liberty and Romy, Puyallup; and Riviera, at Sumner, nearby towns—were closed. O. M. Jacobson, local representative of the stagehands and motion picture operators' union, said theatre boss fired Katherine Cvitovich because of her union activities and until she is reinstated none of the theatres owned by Barovic will be permitted to open.

Barovic said he discharged the girl because she deserted her post and went inside the house to see the picture and left an usherette to handle the cash.

OLNEY'S NEW PROBLEM: MONO'S CLAIM ON GN

Application of Monogram Pictures Corp. of Illinois to foreclose on 63 pictures and 107 prints of these pictures of Grand National Pictures, Inc., was referred by N. Y. Federal Judge John W. Clancy to referee Peter B. Olney, Jr., to decide.

Monogram claims to have had an agreement with GN to store the films at a charge of \$50 monthly. The agreement was made Nov. 15, 1936, and Monogram is now owed \$2,263, it is claimed. The foreclosure would be followed by a sale of the prints for the satisfaction of the indebtedness, if the referee decides to allow Monogram's request.

THE HANDWRITING?

If Duals Pass, Par Will Be Stocked with Shorts.

Hollywood, July 23.

George Pal was signed by Paramount to produce six Technicolor 'Puppetoons', animations of wooden puppets manipulated without strings on miniature stages. Production starts in two weeks.

Addition of new shorts series is in line with the studio's plan to equip itself in the event of the passing of double bills. Other phases of the plan are the streamlining of old pictures to 45 minutes and the signing of Bob Benchley for comic briefs.

WB and Goldman Pool Solves Germantown, Pa.

Philadelphia, July 23. The Stanley-Warner chain last week ironed out another of its problems with its indie competitor by working out a pooling arrangement on product between its two houses in the Germantown section—Orpheum and Colonial—and William Goldman's Bandbox.

Under the agreement the Bandbox will get the continuous run of all product in the Germantown area which up to now had been limited only to Columbia and 20th-Fox pix.

PRODUCT DEALS

RKO and Republic Among Those Setting Contracts

A major product deal closed by RKO is with the Lucas & Jenkins-Faramount circuit in Georgia. It embraces 48 theatres. Bill Jenkins negotiated in behalf of L. & J., while Bob Mochrie, from the RKO home office, David Prince, district manager at Atlanta, and H. M. Lyons, branch manager, there, acted for RKO.

A deal of less importance has been set with Monarch Theatres, calling for the product 100% in Youngstown, Stuebenville and Akron, O., plus New Castle, Pa.

Jimmy Grainger, Republic sales head, returned to New York Monday (22) after negotiating a product deal with Famous Players Canadian, which operates 275 theatres in the Dominion. He went up to Toronto personally to handle it in association with A. W. Perry of Empire Films, Ltd., through which Rep distributes in Canada. Grainger was also in Detroit and Chicago to discuss product deals.

'Snow White's' Setup

'Snow White' sent back on release after being out of circulation a year and a half, will be sold on percentage but the four Walt Disney shorts which must be taken with the feature as a unit are to play on a flat rental basis.

Originally 'Snow White' was sold separately rather than under the RKO contract at a top of 50%. The percentage range to figure on re-release of the picture will be determined after the first few dates have been played, starting next week.

The 'Snow White' unit with the quartet of shorts will be sold on double bills in twinner territories; the other feature assumedly to be bought flat.

Ralph Peckham's Coup

Detroit, July 23.

Originally named recently Select Attractions local manager, Ralph Peckham, for Grand National manager, has pulled one upset in the usual bookings here. He placed 'Leopard Men of Africa' in the downtown Adams on July 19 for two weeks.

It was an upsetting of the prevailing Detroit policy of booking first-runs on a single week basis only.

'Boys' Day-Date in Balto

Baltimore, July 23.

Local theatrical tradition is being broken here Aug. 9 when two indie downtown first run exhibs will play day-and-date 'Boys From Syracuse' (RKO-Jules Levey).

Izzy Rappaport's combo Hipp and Lawrence Schamberger's Keith's are combining in ambitious ballyhoo to make the event count at b. o.

SAG GIVES WAIVER ON JUKE-BOX PIZ

Permission for all members of the Associated Actors & Artists of America, parent union of all show business performers, to appear in short films for use in coin machines has been given by the Screen Actors Guild. Film union has so notified all its Four A's affiliates.

SAG officials explain the waiver on the ground that coin machine films are still in the experimental stage and that the ruling is therefore merely temporary. Only stipulation is that all actors accepting such engagements must be paid at least \$25 a day, SAG's temporary minimum. Members of other unions are normally barred from appearing in pictures without joining SAG.

Studio Contracts

Hollywood, July 23.

Jane Withers renewed for another year at 20th-Fox.

RKO signed Emmett Lynn to six-picture acting deal.

Cliff Danielson drew stock player ticket at Metro.

RKO optioned Ann Gillis.

Dickie Jones handed new moppet contract by Frank Lloyd Productions.

Lionel Houser inked new writing ticket at Metro.

RKO renewed Desi Arnaz for a year.

Universal took up Broderick Crawford's player option.

Church Bingo, Apparently OK in Det., Theatres More Openly Try Games

Marin's Playback

Hollywood, July 23.

Ed Marin walked right out and walked right in again as a director at Metro.

Lopped off the contract list after the recent completion of 'Maizie', Marin returns this week under a one-year pact.

WB to Sharply Cut Down Duals In Philly Area

Philadelphia, July 23.

A gradual cutting down of duals in Stanley-Warner territory is forecast for the fall season following huddles of the circuit execs last week.

Ted Schlangner, zone boss, declared that the trend would be toward less double-features wherever possible. The two-pix policy would only be retained wherever indie opposition compels it, Schlangner declared.

'We'd like to see double-features eliminated entirely,' he said. 'It is an unhealthy situation. But wherever our opposition continues on the dual policy we will be compelled to follow suit.'

It wasn't Warners that started this thing but we had to go along in certain situations in self-defense.'

7TH ST., MPLS., BEING RAZED FOR AUTO PARK

Minneapolis, July 23.

Seventh St. theatre, one of the city's oldest, has closed permanently and will be razed to make way for a four-story parking ramp and store building. Property was bought from RKO for \$250,000 by a local syndicate, entirely a cash deal.

Theatre was built to house Orpheum big-time vaudeville and for many years was a two-a-day spot. Policy later was changed to continuous pop vaudeville and then to 15c subsequent-run straight films. Latter has prevailed the past many years.

Bill Elson, who has been running the theatre, is expected to remain in the territory as a theatre owner. He says he will announce his plans shortly.

Rep. Prez and Writers To Be Examined in Suit

Republic's president in charge of production, M. J. Segal, and Wells Root, E. E. Paramore, Jan Fortune and Harold Shumate, must be examined before trial in California July 31, in connection with Marquis James' suit against the film company. Federal Judge John W. Clancy ordered the examination over Republic's protests in N. Y. yesterday (Tuesday).

James claims the infringement of his book 'The Raven', dealing with the life of Sam Houston, in Republic's 'Man of Conquest'. An injunction, accounting of profits and damages are sought.

Brenda Vice Ida

Hollywood, July 23.

Brenda Marshall gets the Temme lead opposite John Garfield in 'East of the River', which rolls tomorrow (Wed.) at Warners with Alfred E. Green directing.

Studio had originally named Ida Lupino for the spot.

Joe Phillipson's Swing

Joe Phillipson, who is in charge of J. H. Cooper-Paramount's interests at the Par h.o., left Saturday (20) for Lincoln and will also visit Oklahoma City.

He will remain away about three weeks conferring with local operating forces on product, operating problems and plans for the immediate future.

Detroit, July 23. Since church bingo is fully entrenched here—and more important, undisturbed by police—theatres are getting bolder in bringing back their giveaway games. Knocked off earlier on gambling charges while the church games were unmolested, the managers feel now that they can put up a good legal battle if they are stopped while the big church games continue.

A few weeks ago Questo Quir eased back into two houses. Now an undisclosed number of houses here have taken up Lloyd Hammond's 'Film Fumbles'—a gambling venture. For fans picking out the greatest number of 'movie-boneys' there are prizes ranging up to a \$5,000 weekly giveaway. It still falls far short of the amount of dough handed out weekly by all the churches here.

PREZ OF N. Y. ALLIED TO GO ON MPTOA BOARD

Swinging Allied Theatre Owners of New York into the Motion Picture Theatre Owners of America, Max A. Cohen, president of the local unit, is expected to be named to the board at the next meeting of the directors. Action affiliation of the N. Y. Allied unit with the MPTOA has already been voted, following parleys between Cohen and Ed Kaykendall when latter was in N. Y. week before last. This marks the first time that the MPTOA will have had a regular state unit in New York, although affiliated circuits operating within its borders are members.

Cohen, who is president of N. Y. Allied and an operator of a sizable string of theatres, split with Allied States, the national organization headed by Col. H. A. Cole, last summer policies concerning the trade practices code. Some N. Y. Allied members pulled away then. Cohen states that his organization now numbers 200 exhibitors.

FRANK BURNS' SPOT

So Busy As Civic Leader Forgets to Become U. S. Citizen

Greensboro, N. C. July 23.

Frank H. Burns, manager of the Carolina theatre, this city's largest amusement enterprise, has been on somewhat of a spot the past few days. He has registered under the North Carolina state measure as an alien after having for the past few years been quite active in both civic and knife-and-fork club circles as a leader.

The town is getting its giggles from the fact that the Canadian, born in 1900, came to the United States in May, 1919, without a passport, and for the past 21 years and one month to spare has been so busy civicizing and purveying amusements to the foreigners among whom he has been located that he hasn't had time not to become one of them.

For the past several years North Carolina has had a law requiring the registration of all aliens, not fully naturalized, with the clerks of the various county courts. This state law, allowed to sleep until just recently, after having undergone a flurry of enforcement up until 1935, provides that every alien residing within the state of North Carolina shall register and answer just 12 questions under oath. Failure to register or alteration of a certificate is a misdemeanor punishable by fine or imprisonment or both in the discretion of the court.

The Government's more strict alien check measure becomes effective shortly.

It is felt that civic leader has continued to be an alien, despite long residence and a position of eminence, has brought about a condition somewhat like the one Beau Broadway used to chronicle from Delhi, Texas:

'The whole town is talking; there is much amusement.'

Martha Leads Cheering

Hollywood, July 23.

Martha Scott draws the top spot in 'Cheers for Miss Bishop,' to be produced by Richard A. Rowland for United Artists release.

New starting date is Aug. 19.

EXHIBS BALK AT CONSENT

Gov't Certain Its Anti-Trust Case Will Terminate Via 'Consent' Oct. 7

Agreement having been reached on all important points, the U. S. Government anti-trust suit against major film companies will be terminated by a consent decree to be signed by the defendants. Announcement to this effect was made by J. Stephen Doyle, special assistant attorney-general on Monday (22) when he appeared before Judge Henry W. Goddard, in the New York federal court and asked for further adjournment of the action until Oct. 7, when court resumes after the vacation period. If the final order is ready for Judge Goddard's signature before that date, it will be presented to him during the recess.

Five of the eight defendant companies have agreed to terms of settlement, Doyle declared. They are the theatre owning group comprised of Loew's, Paramount, Warner Bros., RKO and 20th Century-Fox. The status of the three other defendants, Columbia, Universal and United Artists, was not made clear beyond the information that they had withdrawn from consent decree conferences and were unwilling to join with the others. None of the three has any theatre holdings or affiliations and since the beginning of the suit and through the numerous preliminary pleadings they have maintained that their business as producer-distributors is of a nature outside the grounds of complaint by the government.

8th Adjournment
Motion for further adjournment was the eighth since the trial of the suit was suspended on June 7, following opening statements by both sides in the controversy. By assenting to a consent decree the defendant companies escape probable damage suits from individual actions in event they lost the case. Trial was suspended before any testimony was taken.

Doyle told the court that the Government, with the consent of the defendants, was asking for the adjournment to the fall. He said that in the past week substantial agreement had been reached, although there still remained one or two matters of importance to be worked out. These are understood to be a provision by which the decree will be vacated after a trial period if it is found to be impractical, and also more workable clauses governing selling of films in five-picture groups.

The negotiations are continuing in the hope of concluding agreement in (Continued on page 18)

SPOOF STAGE MAGIC IN 'THE CALIFORNIAN'

Hollywood, July 23. Stage magic gets a spoofing in the Tyrone Powerarrer, "The Californian" at 20th-Fox. Harry Green, supervising the magic sequences, exposes the tricks so that the picture fans may grasp them.

The idea is that a sleight-of-hand performance, that may go over on the stage, doesn't mean a thing on the screen.

Inventor Sues 20th For 150G, Charges Ridiculous

Los Angeles, July 23. "Hot Can" is the basis of \$150,000 damage suit, filed against 20th-Fox by Leo Katz, who charges he was ridiculed in recent picture of the "Jones Family" series.

Katz claims to be the inventor of a hot can, designed to heat and preserve foodstuffs. In the film, he asserts, one of the characters makes a nuisance of himself by his bungling efforts to perfect a similar contrivance. He demands redress for mental and financial suffering.

Sez Abe Myers

Queried concerning reports that Allied States Assn. was in opposition to conditions of the proposed consent decree, notably with respect to the sale of pictures in blocks of five after they were screened, Abram F. Myers, chairman of the board and general counsel, telegraphed the following from headquarters at Washington yesterday (Tues.): "Glad to discuss matters of current interest, but think subject your inquiry academic in view of efforts of certain companies to sabotage consent decree. Allied has always reserved the right to approve alternates in interest of prompt settlement, but Neely bill represents its basic policy."

Judge Rowe's Death Won't Upset Nick-Brady Matter with St. L. Daily

St. Louis, July 23. The sudden death in a Chicago hotel Wednesday (17) of Circuit Judge Thomas J. Rowe, 37, who assessed jail sentences and fines against the Post-Dispatch (Pulitzer Publishing Co.) and two editorial employees for comment made in the whitewashing of John P. Nick and State Representative Edward M. Brady, who were charged with extortion \$10,000 from local exhibitors several years ago, will not terminate the litigation now pending in the state supreme court. This proceeding was brought by Circuit Attorney Franklin Miller, at Judge Rowe's behest, and the state's highest tribunal has set Oct. 8 as the day on which the court en banc will hear arguments. Nick, tried Jan. 8 last, was calumniated when a demurrer to the state's evidence was sustained by Judge Rowe. Brady, who had obtained a severance in the trial, went to bat on March 4 and also beat the rap when Judge Rowe held that if the same evidence would be introduced against him as was brought in the Nick case he would direct a "not guilty" verdict. The Circuit Attorney said the evidence was about the same.

Following Brady's walkout, the Post-Dispatch took the jurist over the jumps in pretty rough fashion in both editorials and cartoons and the citation resulted. After a brief hearing Ralph Coghlan, editor of the editorial page, was sentenced to 20 days in the local jail and fined \$200. Daniel R. Fitzpatrick, cartoonist, received a 10-day housework sentence and a \$100 cash jolt, and the rag was socked a \$2,000 fine. On the day Judge Rowe died the high court set the date for the en banc sitting. Judge Rowe's death was attributed to asthma.

METRO, WB RACING TO TAPE WITH OIL PICS

Hollywood, July 23. This town is enjoying a new oil rush, with Metro's 'Boom Town' and Warners' 'Flowing Gold' gushing down the stretch for a photo finish on the screen.

'Boom Town' is booming ahead at the preview post, but the Warner entry is running under the whip with an outside chance of finishing first in general release. Anyway, there is a lot of studio jockeying.

ROUND UP THE GAL

Hollywood, July 23. Patricia Morrison was signed for the romantic interest opposite Richard Dix in "The Round-Up," Harry Sherman's special for Paramount release, due to roll early next month. Only other player cast so far is Don Wilson from radio.

SUDDEN STANCE AGAINST DECREE

Theatre Operators Turn Guns Mainly Upon Sales in Blocks of Five, Plus Trade Screenings — Paramount Partners and Indie Exhibits Form Opposition Bloc — Dangers of Decree Outlined and Analyzed

DISTRIB POSITION

By ROY CHARTIER
A storm, coming up overnight in the exhibition field, is reported gathering great force against the inclusion, in any settlement of the government suit, of the provisions calling for marketing of pictures in blocks of five after they have been screened. Even at points of selling and elimination of blind-buying, are meeting with strong disfavor.

Lesser items are not attracting such sudden opposition although it exists in some quarters against the whole consent decree. Arbitration proviso, among certain larger operators of theatres, is feared; also that any settlement of the suit would only mean the demand for additional concessions later on.

Open revolt of exhibitors throws sharply into the limelight what amounts to a sudden threat against any settlement at all, particularly if film must be bought in blocks of five and seen first. Growing rapidly, the wave of protest which is forming may lead to the possibility that strong pressure will be brought to bear upon the distributors as well as the Department of Justice. This likelihood is freely expressed by leading theatre operators. A reliable sales source thinks that any organized move against the consent proposals would be made upon the Government rather than the distributors.

One of the country's biggest operators, asking that his name not be used, stated that it was his information that many exhibitors, among them big ones, would prefer Government legislation and even support the Neely bill rather than the wave of protest which is forming in blocks of five, imposed on them.

Developing at the eleventh hour, the opposition to the consent decree comes at a time when general accord has been assertedly reached on the basic principles which it would embrace.

This opposition is not only from independent exhibitors but also is claimed to be rising swiftly within the circuits controlled by the major producer-distributors or affiliated with them. Paramount, which has so many partners and affiliates, is in the toughest position because of the protests which it is reported receiving.

Paramount Position

It is said that all of the Par partners are against the consent decree, notably the group-selling and trade screenings, and that the meeting in Atlantic City over the weekend was called by E. V. Richards for the purpose of lodging protest. Richards is head of the Saenger circuit and a member of the board of directors of Par. Other partner-operators on hand included R. J. O'Donnell of the Interstate circuit; Bud Wilby and H. F. Kinney of the Wilby-Kinney Theatres; A. H. Blank of the middle west; E. J. Sparks of Par's Florida chain; M. A. Lightman, partner in Danbury, Jr., Neil Agnew and Hunter Perry, operator of the Virginia Par houses; and Julius Gordon, head of the Jefferson string in east Texas. John Moroney, attorney for the Interstate circuit, and Fred Kent, counsel for Sparks, also attended.

Those from the Par h.o. included Austin Keough, Leonard Goldenson, Sam Danbow, Jr., Neil Agnew and Leon Nutter. They returned to New York Sunday. Also coming up from Atlantic City were Wilby, Lightman, O'Donnell, Gordon and Blank, who (Continued on page 20)

IATSE Coast H.Q. Shuttered; See Internat'l Taking Over the Locals If Internal Strife Not Ironed Out

Clipper Clipped

Hollywood, July 23. Economy backed on a major studio which wanted a \$750-a-week theater but refused to pay more than \$800. They compromised on four weeks at the lower figure. Due to shifts in the casting, the actor played one day and drew \$2,400.

Jules Rachman Picks His Successor as Pic Booker in Neb. Prison

Lincoln, Neb., July 23. Pledged against ever having a bank night policy, because that's how he got into trouble in the first place, Tommy O'Connor, inmate of Nebraska's penitentiary, officially has taken over the management of the prison theatre. Warden Joe O'Grady made the move because Jules Rachman, who has been in charge since February, 1933, gets his walking papers in September.

Rachman, before "retiring," will act in an advisory capacity, and is currently conducting the ABC of beefing during buying season so O'Connor will get the idea and keep film rentals within the prison budget. Of course, he can't depart far from it. He can offer \$7.50 a feature, and the salesman can take it or leave it. He always takes it, especially this year, what with the European market being a memory.

O'Grady, in looking over his boys, likes to get fairly permanent men on the theatre job. Rachman, former Omaha exhibit who murdered his two business associates, Harry and Sam Goldberg, was in for 15 years. He was so good, his time was shortened. O'Connor, still on the shady side of a 25-year stretch for participation in the biggest bank holdup in the world, the \$2,500,000 heist of the Lincoln National Bank (1930), was finally picked.

The job's a cinch. Only the bad boys can't go to the show, and every performance is packed. No other theatre manager, unless in the same predicament, can point to such a record, or have the assurance of an S. R. O. future such as O'Connor. O'Connor's one film dislike is the gaudier pic. The hood never win in films—and neither did he in real life.

H'WOOD AGENTS' 4-MO. STOP CLAUSE, NEW RULE

Hollywood, July 23. Screen Actors Guild regulations governing agents have been amended to limit to 120 days authorization to employ an agent on a temporary basis. The clause gives the actor the right to cancel a contract if an agent fails to secure him 18 days' work in any four-month period. The temporary period provision is subject to extension in the event of a general suspension of production at a majority of studios.

PIDGEOON WITH TAYLOR

Hollywood, July 23. Walter Pidgeon soars out of the Nick Carter detective series to become a team-mate of Robert Taylor in "Flight Command," a yarn of the U. S. naval air force at Matro, starting within three months, with Frank Borzage piloting and J. Walter Ruben as producer. Story is a collaboration by John Sutherland and Commander Harvey Haislip.

Hollywood, July 23. Coast headquarters of the International Alliance of Theatrical Stage Employees have been shuttered. Simultaneously, it was announced that Lew C. G. Blix, international representative who was a central figure in the 1933 strike which almost wrecked the IATSE, had been dropped from the payroll. Steve B. Newman, another IATSE international representative on duty here, will work on assignment from his home. This means there will be little or no supervision over the various IA studio locals, which are operating under complete autonomy. Since the locals are now stymied negotiations with the producers and fighting among themselves over jurisdiction, this move is believed to have been taken with the idea of the International later moving in and taking over the locals if they fail to iron out their differences.

Order to close general offices was issued by special committee appointed by presy George E. Browne to investigate the local situation. This committee is composed of Tom Murtha, of Brooklyn; Sol Scoppa, of New York; and Bobby Burns, of Chicago. The committee members stated local business representatives had complained there was too much interference from the international officers, and for that reason it was decided to close headquarters here. It is understood that the IATSE also plans to withdraw from the American Federation of Labor Studio Conference, which Willie Bioff organized shortly before he started serving a six-months sentence in Chicago for pandering. It is reported that presy Browne believes the IA should steer clear of such alliances, holding only to the working agreement with the musicians.

NBC Studios Picketed
The National Broadcasting Co. studios here are being picketed by the stagehands, electricians and janitors, in an effort to force the studio to employ union workers. The picketing is being shared by Local 33 of the IATSE, International Brotherhood of Electrical Workers Local 40, and Building Service Employees Union. NBC executives (Continued on page 18)

TOP-TEAM, DARNELL, POWER FOR 3 AT 20TH

Hollywood, July 23. Tyrone Power and Linda Darnell are paired as a co-starring team in three forthcoming pictures at 20th-Fox.

Features are "The Californians," "Brooklyn Bridge" and "The Great Commandment."

Mrs. Power's Operation
Annabella (Mrs. Power) is recovering in New York's Mt. Sinai hospital from a major operation. The actor has been on the phone from Hollywood to New York daily.

Echo of Pearl White's Estate Via Her Brother

Buffalo, July 23. Hard luck continues to dog the estate of the late Pearl White, silent thriller star. Marital difficulties in the family of Miss White's brother, Frederick G. White, one of the beneficiaries of her will, culminated here this week in a decree by the supreme court awarding White's wife a legal separation and changing his share of his sister's estate with \$7 weekly up to the sum of \$5,000. White's share, as legate under his sister's will, is reported in excess of \$15,000.

Md.' \$14,000, 'Tom Brown' Fair 12 1/2 G, 'Turnabout' 2d Okay \$7,500, Frisco

San Francisco, July 23. Mild week on Market street, with a flock of so-so pix not adding to the excitement, or lack thereof. Most exploitable product is 'Turnabout' at United Artists, cashing in on word-of-mouth despite none too favorable reviews. Orpheum is using a new issue this week, 'Next Time We Love'.

'TURNABOUT'-FIGHT FAIR \$9,500, PROV.

Providence, July 23. Average box takes this week with heat, vacations and rides into the country cutting into main stem biz. Estimates for This Week: Fox (F-WC) (2,000; 33-39-44) 'Maryland' (20th) and 'Sailor's Lady' (20th) (20th). Hoping for \$2,500. Last week, 'Heaven Too' (WB) (3d downtown wk.) good \$3,900.

Land or Sea, AH The Same to Curtiz

Hollywood, July 23. Michael Curtiz hops from the western prairies to the Atlantic ocean as soon as he finishes his direction of 'The Santa Fe Trail' at Warner's.

HEAT HITS K. C.; 'PAGO' FAIR \$7,000

Kansas City, July 23. Slow is the word for business on the theatre front, when shows are not especially magnetic. First session of real summer heat broke last midweek and has been taking its toll since.

HOSSY L'VILLE GIVING MD.' 7G

Louisville, July 23. (Best Exploitation: Loew's State). Hot weather hitting the town for the first time this summer, and it's getting in the reason, on something else, biz is in the low brackets currently.

Estimates for This Week

Esquire and Uptown (Fox Midwest) (820 and 2,043; 10-28-44) 'Maryland' (20th) (2d wk.). Holds over for long second week of eight days. We're still holding out against first week's \$8,000, which was good, but not quite as expected.

MEMPHIS DROWSY; MD.' SO-SO 5G, REST SLOW

Memphis, July 23. Faces are long and boxoffice lines short in Memphis this week. The summer slump has come with vengeance. Only picture in town doing any business is 'Maryland' at Loew's State, and even this one is not setting anything afire.

Estimates for This Week

Loew's State (Loew's) (2,000; 10-33-44) 'Maryland' (20th). Against present weak opposition, showing isn't so hot. Will nab around \$5,000. Last week, 'Turnabout' (UA) four days, 'Crown City' (Rep.) (RKO) three days, \$2,700, punks.

Aquatennial, Heat Maul Minneapolis; 'Turnabout'-Flesh 12G, 'Hardy' 10G

HOPE BIG 22G, B'KLYN

Brooklyn, July 23. Heat had no effect on Fabian Paramount's showing of 'Ghost Breakers' and 'Lone Wolf Meets Lady', biz soared to \$22,000. Down the street at Fabian-Fox attendance was also good due to 'Queen of the Mob' and 'Wagons Westward'.

Estimates for This Week

Albee (3,275; 25-35-50) 'Brown's School Days' (RKO) and 'Private Affairs' (U) plus Jenkins-Armstrong fight pic. Okay \$15,000. Last week, 'Four Sons' (20th) and 'Divorcement' (RKO) good \$18,000.

Estimates for This Week

Albee (3,275; 25-35-50) 'Brown's School Days' (RKO) and 'Private Affairs' (U) plus Jenkins-Armstrong fight pic. Okay \$15,000. Last week, 'Four Sons' (20th) and 'Divorcement' (RKO) good \$18,000.

CINCY N.G., MD.' POOR \$9,000

Cincinnati, July 23. Temperature bobbed around the 100 mark over the weekend for the city's first heat wave of the season. Last week, 'Man Talked' and 'Billings' at the billings and rural retreats.

Estimates for This Week

Albee (RKO) (3,300; 39-47) 'Untamed' (Par). Terrible \$7,000. Last week, 'Heaven Too' (WB), eight days, big \$18,000.

'HEAVEN' \$6,500, PORT.; 'B.C.'-'ANGELS' OK 5G

Portland, Ore., July 23. After strong advance bill, 'All This and Heaven Too' is showing the rapids in fine style at the U.A., top billing the list of newcomers.

Brooklyn (Parker) (2,000; 35-40-50) 'Million D.C.' (UA) and 'Eight Angels' (WB). Good for nice \$5,000. Last week, 'Hardy Debutante' (M-G) and 'Captain Lady' (M-G), closed a second week for good \$4,700.

Estimates for This Week

Albee (3,275; 25-35-50) 'Brown's School Days' (RKO) and 'Private Affairs' (U) plus Jenkins-Armstrong fight pic. Okay \$15,000. Last week, 'Four Sons' (20th) and 'Divorcement' (RKO) good \$18,000.

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'Heaven,' at Pop Scale, Good \$18,000 In Philly Heat; 'Pago' Fair \$12,000

Philadelphia, July 23. Heat wave hasn't hurt box too much, as picture...

This week sees the debut of 'All This and Heaven Too' at pop prices...

Estimates for This Week Arcadia (Sablowsky) (800; 32-42-57)...

Earle (WB) (2,350; 32-42-57-68) 'Pago Pago' (UA)...

Love Back (WB) (2,423; 32-42-57-68) Last week, 'Ghost Breakers' (Par)...

Karlton (WB) (1,066; 32-42-57-68) 'New Moon' (M-G)...

Stanley (WB) (2,916; 32-42-57-68) 'Hardy Debuts' (M-G)...

Stanton (WB) (1,457; 32-42-57) 'Way of Flesh' (Par)...

'Md.' \$10,500, 'Moon' \$10,000 Beat Omaha Heat; Reissues Big

Omaha, July 23. Despite hottest weather of year coupled with hot winds...

Estimates for This Week Orpheum (Tristates) (3,000; 10-25-40)...

Omaha (Tristates) (2,000; 10-25-40) 'New Moon' (M-G)...

St. Louis (Goldberg) (900; 10-20-25) 'Lillian Russell' (20th)...

Omaha (Tristates) (2,000; 10-25-40) 'New Moon' (M-G)...

Omaha (Tristates) (2,000; 10-25-40) 'New Moon' (M-G)...

Omaha (Tristates) (2,000; 10-25-40) 'New Moon' (M-G)...

Key City Grosses

Estimated Total Gross This Week (Based on 26 cities, 168 theatres)...

'AFFAIRS' - 'FUNZ' FINE \$25,000 IN DET.

Detroit, July 23. Lack of good product has hurt Fox and Adams lately...

Estimates for This Week Adams (Balaban) (1,700; 30-40)...

Michigan (United Detroit) (4,000; 30-40-55) 'Love Back' (WB)...

United Artists (United Detroit) (2,000; 30-40-55) 'Our Town' (UA)...

Denver, July 23. Business was good over the week and with 'Maryland'...

Estimates for This Week Aladdin (Fox) (1,400; 25-40)...

Denver (Fox) (1,235; 25-35-40) 'Heaven' (WB)...

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Denver (Fox) (1,235; 25-35-40) 'Heaven' (WB)...

'Moon' Bright \$9,000 In Dull Montreal

Montreal, July 23. 'New Moon' will easily top the town...

Estimates for This Week Falstaff (CT) (2,700; 25-45-55)...

St. Denis (France-Film) (2,300; 25-34) 'Grisou' (WB)...

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Condensed Reissue, Andrews Sis Hit By L. A. Exodus, 1 1/2 G; 'Pago' Sultry \$19,500, 'Storm' \$6,800, 'Gone' 8G

Broadway Grosses

Estimated Total Gross This Week (Based on 11 theatres) \$234,400

PITT TEMP K.O.S. GROSSES, BUT 'HARDY' 16G

Pittsburgh, July 23. They don't have to look far for an antidote...

Elsewhere however, all's far from well. 'All This and Heaven Too'...

For 'Andy Hardy' Penn got lot of institutional advertising tie-ups...

Estimates for This Week Alvin (Harris) (1,850; 25-35-50)...

Hollywood (WB) (2,756; 30-40-55) 'Hardy Debuts' (M-G)...

Stanley (WB) (3,000; 25-35-50) 'Heaven Too' (WB)...

Lincoln (Paramount-Cooper) (1,503; 10-25-35-40)...

Nebraska (Paramount-Cooper) (1,238; 10-20-25)...

Stuart (Paramount-Cooper) (1,883; 10-25-40)...

Bestor Ork-Fetchin Aid 'Gangs' to 11G, Buff.; 'Pago' \$7,000

Buffalo, July 23. Heavily loaded doubletrucks and one stage load...

Estimates for This Week Buffalo (Shea) (3,000; 35-40-60)...

Great Lakes (Shea) (3,000; 35-55) 'Pago' (UA)...

Hipp (Shea) (2,000; 30-45) 'Hardy Debuts' (M-G)...

20th Century (Dipson-Basi) (3,000; 30-35-50)...

Lincoln (Paramount-Cooper) (1,503; 10-25-35-40)...

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Los Angeles, July 23. (Best Exploitation-Stage)

Weekend big took a bad slump, with the beaches drawing thousands...

'Mortal Storm' started excellently at the Four Star and Hawaii has been a flop...

Estimates for This Week Carthay Circle (F.W.C.) (1,518; 83-101-85)...

Chinese (Grauman-F.W.C.) (2,024; 30-40-55)...

Hawth (G&S) (1,100; 30-40-55-75) 'All This and Heaven Too'...

Hollywood (WB) (2,756; 30-40-55) 'Hardy Debuts' (M-G)...

Private Affairs (U) and 'Windy Poplars' (RKO)...

State (Loew-F.W.C.) (2,414; 30-40-55-75)...

United Artists (U-F.W.C.) (2,100; 83-101-85)...

U's Distribution of Chauvel's Film May Cue U.S. Production in Aussie

Sydney, July 23.—Universal studios in Hollywood is taking Charles Chauvel's production, 'Forty Thousand Horsemen', for recording and editing, and the company will distribute the picture in U. S. next fall. It's the first time an Australian-made feature has been handled in this manner. And as far as known it is the initial Anzac feature to be taken by an American major company for such extensive distribution in U. S.

Australian government has \$50,000 invested in the picture and Hoyts circuit also is financially interested. Universal's move may be followed later by other distributors employing similar production here as a means of getting frozen coin out of this country.

'Unfreeze' Move?

Home office representatives admitted that American film company production in Australia might conceivably be done in an effort to unfreeze some of 50% net rental profits collected by U. S. distributors there. Majority of officials envisioned such Aussie production only if features could be produced there strong enough to make a profit in this country.

Most of them admitted that American stars would be necessary, and technical experts from Hollywood essential. Unless the present British quota law is changed next Oct. 31 to definitely include British dominion films, such Australian production could count on Great Britain's quota credit setup only until the October date, and then only if the British government deemed them sufficiently suitable as propaganda films. 'Forty Thousand Horsemen' likely would be included in such category.

Charles Chauvel's picture depicts operations of the Australia cavalry (light horse) against the Turks in the first world war. Chauvel's father was Sir Charles Chauvel, one of the light horse commanders.

Chauvel made the original yarn, 'Captain Bligh' which was subsequently bought up by Metro when it was ready to release 'Mutiny on the Bounty' because of similarity in the two stories. Universal brought him to Hollywood to learn American producing mechanics when it appeared that the New South Wales (Australia) producing quota might be enforced on American companies. After this training, he returned to Australia and started 'Forty Thousand Horsemen' with full cooperation of the Anzac government. It was one of the several features put into production with the aid of Aussie financial backing, subsequently called off because of the war.

If American screen players could be persuaded to go to Sydney to appear in these films, it was stated in N. Y., they probably would be paid their salaries in the U. S., with only expense money supplied for their stay in Australia. This would be necessary in most cases because players otherwise would be unable to take their salaries out of Australia because of wartime monetary restrictions.

LAWRENCE, M-G EXEC, LONG DELAYED, IN U. S.

Ludwig 'Ludy' Lawrence, Metro's manager in Europe, climaxed a month of haphazard travel in getting from Paris to N. Y. finally reaching Manhattan Saturday (22) on a Clipper plane. He was two weeks overdue.

Lawrence delayed his departure from Paris so long, as the Nazis neared, that he could find no means of transportation. Rather than be caught in the line of fire, the Metro chief started hiking. Lawrence walked for seven days, covering close to 150 miles before he got a bike as a better means of transportation. From Bordeaux he went to Lisbon, finally getting passage after many delays.

In the meantime, Arthur Field, Metro's No. 2 in Europe, beat Lawrence into N. Y. Field quit Europe because there was no further work in sales and synchronization which he handled. Reached U. S. by ship last Wednesday (17).

Elias Lapiniere, publicity-exploitation chief in Europe, is due in U. S. this week, making the trip in an American boat. His wife is accompanying him.

'Margin's' English Tour Depends on Air Raids

London, July 9. Clare Boothe's 'Margin For Error' opened here yesterday (8). Presented by J. L. Sachs, play is booked into Brighton and tours for eight weeks, but in the event the enemy air-raids of the south coast area continue, Sachs will bring it into the Lyric pronto, giving it a fast West End run.

Cast includes Hartley Power, Margaret Scott, Edmond Willard, Denis Arundel, Percy Parsons, Alec Frazer.

HOYTS - GUT ON VERGE OF MERGE

Following a meeting by directors of Hoyts' circuit in Sydney, Australia, Thursday (18), consummation of the Hoyts-Greater Union Theatres merger this week loomed closer than at any time since Charles Munro, Hoyts' chairman, and Norman B. Rydge, GUT chairman, were in New York last year. Two or three problems have yet to be ironed out, according to cables information received by National Theatres in N. Y., but this may be accomplished in a week or 10 days. After that stockholders meetings will be held early in August by Hoyts and Greater Union to ratify the merger.

The four holding companies involved in Greater Union approved the merger months ago, but it also will be presented for ratification by stockholders both of GUT, and Hoyts.

Merger of two circuits would be accomplished by establishing General Theatres as an operating corporation for both chains, with bookings of product and other details being carried out for the two circuits. Hoyts, which has about 120 theatres, and Greater Union, which has more than 60, would become holding companies. Deal would be a 20-year working agreement.

Basically, the merger proposals differ little from the way they were originally set up in N. Y. last year. All delays on signing the pact have resulted from objections raised by Hoyts' stockholders and subsidiaries under this circuit's wing. Rydge approved the setup before leaving N. Y. last summer, with ratification by necessary directorate vote following shortly after he arrived back in Australia.

Ben Miggins to Coast; Ditto D. B. Lederman

Ben Miggins, 20th-Fox European manager, left for the Coast Friday (19) for a two-week stay. Miggins arrived from Europe about two weeks ago to confer with W. J. Hutchinson, foreign sales chief, and h.o. officials regarding the European situation.

D. B. Lederman, 20th-Fox manager for the Philippines, who had been in New York for about 10 days on h.o. confabs, left for the Coast over the weekend preparatory to sailing for Manila, his home post. He is scheduled to meet Del Goodman, Far Eastern manager, while in Hollywood. Goodman headquarters in Shanghai, but is now en route to N. Y.

Arthur Doyle, district manager for Japan and the Philippines, is substituting for Lederman while he is in U. S.

Gartside with BPA

London, July 16.

Appointment of Ernest Gartside to secretarial reins of British Producers Assn. has been confirmed. He replaces Grandfield Hill, who went into the Army.

Gartside was once production chief at Wembley Studios when Fox-British headquartered there.

S. J. Day III

S. J. Day, 20th-Fox h.o. representative in the foreign department, is hospitalized by malaria at Lima, Peru, according to word received in New York.

Day left N. Y. only a few weeks ago to make a survey of conditions in Peru.

Aussie Sets Up Strong Pix, Press And Radio Control

Sydney, July 23. Australian government has passed an act empowering Sir Keith Murdoch, former Melbourne newspaper magnate, to exercise full control of the press, radio and cinemas in his position as information director.

National and commercial radio stations must be prepared to broadcast information and other matter, and to alter any program irrespective of contracts held by the broadcasters. Picture theatres must show films sponsored by the Information Department at any performance irrespective of other product being screened.

Should any exhibitor suffer losses at the boxoffice because Information Department product prevents the exhibition of another film contracted for, the Department of Information is empowered to declare the contract cancelled to that extent. It is presumed, however, that only short propaganda pictures will be given exhibitors. The press must run information when called upon in whatever position deemed best by the department.

Latin American Market Only Small Reparation For U.S. Pix War Losses

Basic data prepared on the Latin Americas by Nathan D. Golden, chief of the motion picture division of the U. S. Department of Commerce, points to these countries as potential additional market for pictures from U. S. because of present war conditions in Europe. Golden cites the free accessibility through shipping lanes as holding out hope for Latin American nations becoming an even more important outlet for American manufacturers equipment.

European films, which prior to the present war accounted for about 15% of the total shown in these countries, his survey states, 'are fast becoming available to Latin-American exhibitors. With proper type of films, producers in the United States should gain a good portion of this 15%. And added to the 76% of showing time in these markets now given to U. S. productions, there are some hopes that a very small portion of our European losses may be recovered.

Latin American, however, should not by any stretch of imagination be considered as a panacea for our European losses, nor should these markets be used as a dumping ground for every motion picture produced by our Hollywood studios.' Golden estimates that there are 5,400 motion picture theatres in the Latin-American market. Argentina, Brazil and Mexico lead in number of cinemas, each having more than 1,000 theatres.

BRIT. DISTRIBS ALLOW FOR WAR DISLOCATIONS

London, July 9. Kinematograph Renters Society has approved a final plan for distribution of product in event of war upheaval affecting localities. Emergency rental branches will be supplied with subjects as far ahead as one month of schedule, and from this exhibits will draw should there be dislocation of normal route of supply.

Society nixed a scheme proposed by northern exhibs for creation of special film-storage bases in selected areas. Stunt was viewed as prohibitive on many angles—foremost being the added print cost occasioned by establishing separate reservoirs.

New Brit. Quota Provision An 'Empty Gesture', According to U. S. Film Cos.

Edwin Geach Dead; Aussie Pic Pioneer

Sydney, July 23. Edwin Geach, 73, pioneer of Australia's motion picture industry and a director of Greater Union Theatres, died here July 19. He had been in ill health for several years.

Geach and Stuart Doyle were leaders in the operation of Union Theatres before it emerged a few years ago as Greater Union Theatres. He was listed as second only to Norman B. Rydge, chairman, on Greater Union's directorate.

NEW BRIT. TAX SKED FOR PIX THEATRES

London, July 23. It's indicated that the Chancellor of Exchequer's emergency budget announcement today (Tuesday) will provide no tax on seats up to six cents, with one-cent tax up to 10c; cent and half up to 12½c; two cents up to 14c; two and half up to 14½c; six up to 22c; eight up to 28c, and 10c up to 28c and thereafter.

This tax on seats below 15½c net enables exhibitors to raise seat prices to even sums, which is what they wanted but unable to do under old tax scale period.

Inside figuring is new tax will raise \$14,000,000 in cinemas. Stage shows are also getting entertainment tax upping to nearly double, but exchequer is not expecting much increased revenue from this source.

GORDON ELLIS SEES AUSSIE B.O. BOOM

Gordon Ellis, general manager of Associated Distributors (British Empire Films), envisions a wave of prosperity for Australia in the next few years because of industrial development caused by the war. Ellis left New York last week for the Coast and sails for Sydney today (Wednesday). His company is a subsidiary of Greater Union Theatres, and part of his time in N. Y. was used in booking American and British films for Anzac release. He was in N. Y. about six months, product deals as well as personal business for Norman B. Rydge, chairman of Greater Union, occupying his time. Originally Ellis planned only staying in U. S. five or six weeks.

U. S. plane factories already have been set up in Aussie territory and virtually every manufacturing business has come to Australia because of huge demand of the mother country, according to Ellis. He indicated that this in time is certain to be reflected at the boxoffice.

Henry Pratt, Onetime London Cafe Boss, Bkpt.

London, July 9. Filing of a petition in bankruptcy, here marked second time down for Henry Bradbury Pratt, one time tops in the nitery trade of the West End. Self-made club rajah was called for a guaranty on a building project and couldn't make it. Pratt retired 12 years back with an income of around \$300 a week made out of his many nitery holdings.

Starting with Rectors, these covered such well-known haunts as the St. Regis, Cosmo Club and Princess, in Piccadilly, plus a lineup of restauled-up. Getting bored with the easy life, Pratt came back for another fling, tying up the Bristol and Verrey's in Regent Street, but met with the Bottle Party era and stricter licensing laws which broke him in 1938. Present bankruptcy is the outcome of another comeback attempt.

Operating now as manager of one of the restaurants he owned, former boss awaits the break which will start him off again.

Reaction in the film business of U. S. to new provisos of the British quota law this week is that the stipulation regarding British dominion production is largely an empty gesture as it now stands. Clause added to the quota law reads that pictures made in the British Empire may be included as quota credit films in Great Britain if deemed suitable propaganda subjects, but this applies only until next Oct. 31. 'Picture executives in N.Y. claim this really means that only pictures already completed in Australia, Canada, India or elsewhere in British possessions would come under the regulation, because no feature started now could be completed before Oct. 31 in these countries. It won't bolster such dominion production currently, because American producers are given no assurance that such films will be accepted as quota credit films—the only reason U. S. companies would attempt production in the British dominions. Way the revised law stands, approval is not known until the finished feature is presented to the British.

Previous British quota law allowed U. S. films made in dominion countries to be included in quota credits. It had been hoped not only by American film people but also British producers that some definite leeway would be made so that a steady stream of pictures made with British dominion labor would be coming for Great Britain exhibitors. As it is now, a shortage of British-made films looms.

Virtually all production in Great Britain is shut down presently because of Nazi air raids and threatened invasion by the Germans. This means that many American companies later will have to be granted waivers for not filling their quotas.

Monetary quota proviso, which now has been attached to the British quota act, is doubly satisfactory to American producers because it gives them an opportunity to make fewer features, even though they are slightly more expensive than under the old regulations. Old quota stipulations, too, can be followed out as before if the U. S. company desires.

'ANGELS' LOOKS OK IN LONDON

London, July 23. 'Women Aren't Angels', new play by Vernon Sylvaine, opened at the Strand Thursday (18). A hilarious farce, it was splendidly received and look certain to be successful. Producers are O'Bryan, Linnit & Dunfee. In the cast are Alfred Drayton, Robertson Hare, Ruth Maitland and Constance Lorne. Show toured the provinces before coming into the Strand.

BRITISH FILM EXPORT GROUP FINALLY SET

London, July 9. Trade representatives' meeting yesterday, voted in the details finally establishing British Film Producers Export Group. David Ostrer functions as chairman, with an executive council comprising John Corfield, Stephen Pallos, Sam Smith, S. F. Dittmann, A. Fried, C. A. Thorpe and G. R. Norton. Group operates in accordance with a scheme promoted by the Government's Overseas Trade bureau. Fee of \$180 covers membership to the group, with producers of shorts admitted, but its yet to be decided whether they will be separate members with reduced fees, or represented as a body by an elected member.

Otto Bolle Coming Over

Capetown, July 20. Otto W. Bolle, So. African manager for 20th Century-Fox, is set to leave for the states in August on holiday and to discuss matters with the home-office.

W. Van Beveren, associate to Ben Miggins, European representative for 20th Century-Fox, has arrived here to take over Bolle's job during his six-month absence.



NOW!

*Just what the box-office ordered!
In Cast! In Story Greatness!!
In Smashing Action Appeal!!!*

WORLD PREMIERE JULY 25th • COFFEYVILLE, KANSAS

WHEN THE DALTONS RODE

with
**RANDOLPH SCOTT
KAY FRANCIS
BRIAN DONLEVY
GEORGE BANCROFT
BRODERICK CRAWFORD
ANDY DEVINE
STUART ERWIN
FRANK ALBERTSON
MARY GORDON**



Original Screen play by
Harold Shumate. Based
on "When the Daltons
Rode" by Emmett Dalton
and Jack Jungmeyer, Sr.

Directed by **GEORGE MARSHALL**
who made "DESTROY RIDES AGAIN"



**A UNIVERSAL PICTURE
NATIONAL RELEASE JULY 26th**

he Ramparts We Watch

RO release of March of Time production... producer-director, Louis de Rochemont...

The glory and the victory that came to America and her Allies in 1918 are vividly re-created in this march of Time feature-length propaganda film...

As war propaganda 'Ramparts' is cringing below a fascist complacency... As war propaganda 'Ramparts' is cringing below a fascist complacency...

Because of the general excellence of the monthly 'March of Time' two-reelers, the trade has awaited completion of the 'Ramparts We Watch' with some anticipation...

Opening reels of the picture are effective when the camera, backed by the familiar voice of Westbrook Van Voorhis, visualizes the pre-war American scene in a typical manufacturing town...

But the effects of war in Europe, as Belgium is invaded and England sees the battle, soon make their impression on the spectators...

In the telling of their story of the war years, Robert Richards and Cedric Belfrage have mixed news-reels with their own production...

There is no fault to find in its treatments. Two political conventions of recent years have provided the preparedness theme on the public. Whether the final conclusion is that America is again headed into war is undecided...

ing a hard time getting together these days.

In workmanship the film is a neat job, and Colhar Wolf has edited the newsreel shots with skill. The older films show their age, quite in contrast to the smooth photography of the past...

THE SEA HAWK (WITH SONG)

Warner Bros. release of Henry Blanke production, stars Errol Flynn, Brenda Marshall, Claude Rains, Donald Crisp, Alan Hale, etc.

'The Sea Hawk' retains all of the bold and swashbuckling adventure and excitement of its predecessor, turned out for First National by Frank Lloyd in 1923...

Exploitable features apparent in the title and production assure a profitable, though not generally successful, run through the 'boxoffices'.

When the script focuses attention on the high seas and the dramatic heroics of the sailors who embarked on daring raids against Spanish shipping, the picture retains plenty of excitement and audience interest.

Picture is studded with too few rousing adventures at sea. The opening battle between Flynn's privateer and the Spanish galleon is accentuated by rousing action and hand-to-hand fighting, skillfully aided by unusual camera views.

'The Sea Hawk' is a big budget production, the report is, cost set around \$1,750,000. Expenditure is easily seen in the large sets, sweep-

Miniature Reviews

'The Ramparts We Watch' (RKO). Feature length 'March of Time' plea for U. S. preparedness and strong argument that we're better off staying out of the sea hawk (WB). Spectacular production extravagantly mounted, but lacking sustaining interest. Good big indicated. 'Villain Still Pursued Her' (RKO). Satire on old-fashioned mellers, with audience encouraged to hiss and cheer a dull affair.

Girls of the Road' (Col). Female version of the usual meller about wandering youth. Fair dunder. 'The Great McGinty' (Par). Political comedy-drama provides good entertainment for general audiences.

'The Bride Wore Crutches' (20th). Filler fodder for the month. 'Wagons Westward' (Rep). Super-budget western with name cast but not much story. 'Ranger and Lady' (Rep). Better than average western with Roy Rogers, Gabby Hayes, Jacqueline Wells. 'Carson City Kid' (Rep). Multiphase starer. Roy Rogers topping, can be exploited into better than average money. 'Suicide Legion' (FA). Mild dueler with Tullio Carminati. 'One Night in Paris' (All). British musical patterned after innumerable previous ones; mediocre dualer.

ing sea battles and armies of extras used with lavish display. From a production standpoint the picture carries epic standards, but same cannot be said for the story. Wait.

Villain Still Pursued Her

RKO release of Harold B. Franklin production. Features Hugh Herbert, Anita Louise, Alan Mowbray, Buster Keaton, etc.

'Villain' is presented as broad satire on meller-dramas of the gaslight era of a century ago. The word title informs audience to hiss the villain and applaud the hero—and opra is to be laughed at. Idea has gone over in some spots as the Drunkard, with savaged floors, beer and pretzels for onlookers, and show performed by live talent.

Misses basic formula of film entertainment. Audience want to see and hear, and not have to become participants in the show performed by shadow figures on screen.

Story is dulle in many spots, and what little actual comedy is generated comes from many old-time gags and situations injected by director Clive. Best is a repeat of the familiar pie-tossing and smearing from the Sennet gaghouse.

GIRLS OF THE ROAD

Columbia production and release. Features Ann Dvorak, Helen Mack, Lola Lane, etc.

As a moderately entertaining program for the duals, 'Girls of the Road' should get by. It's nothing to shout about, but offers a couple of fairly novel angles and at least keeps moving to its most original cast...

Nick Grinde has turned in a production job of direction and the principal players are convincing, particularly in the cases of Ann Dvorak as the governor's daughter who wages a one-girl crusade to uncover the deception.

decides to go straight, but disclosure of his previous missteps sends him away as a fugitive.

THE GREAT MCGINTY

Paramount release of Paul Jones production. Features Brian Donlevy, Marie Antoinette, Alvin Toffel, etc.

Here is a program offering that makes up in general audience entertainment what it lacks in marquee strength. Picture may not catch unanimous top of the boxoffices through the regular runs, but enjoy much favorable comment as something unusual and off the beaten track, without being arty.

Sturges' story departs radically from accepted formula. His main character is a tough, rowdy and muscular individual who creates more interest than sympathy in his career as a prototype of many political rascals of the current American scene.

Story is unfolded by means of the flashback technique. Brian Donlevy is introduced as the toughened bar-tender of a dive in Central American banana republic.

WAGONS WESTWARD

Republic release of Armand Shafer production. Features Chester Morris, Anita Louise, Buck Jones, etc.

'Wagons Westward' is one of Republic's periodic super-budgeted and-saddlers. In keeping with its place in that category it has been endowed with a cast which, if not of high-caliber drawing power, is at least capable and fairly well-known to general film audiences.

Theatres will need the crutch in the title to get this mediocre attempt through the secondary duals as a filler when nothing else is available.

THE BRIDE WORE CRUTCHES

20th Century-Fox release of Lucien Hubbard production. Features Lynne Roberts, Ted Hart, Joan Kennerly, etc.

'The Bride Wore Crutches' is a mild-eyed concoction of a stupid youth who essays the spot of a reporter on a metropolitan daily. Following a bank strike, the egghead is to provide solution by the girl reporter of the sheet.

'Wagons Westward' is one of Republic's periodic super-budgeted and-saddlers. In keeping with its place in that category it has been endowed with a cast which, if not of high-caliber drawing power, is at least capable and fairly well-known to general film audiences.

WHAT REVIEWER, WHAT PAPER DO YOU READ? THEY'RE ALL WILD ABOUT "SYRACUSE"!

The **HIT** that **WOWED BROADWAY** for a year at \$5.50 a ticket!



COMEDY? "There are screams to satisfy the patron and send him home happy!" —HOLLYWOOD REPORTER

HIT SONGS? "Rodgers and Hart music... 'This Can't Be Love', 'Falling In Love', 'Sing For Your Supper' and 'Who Are You?'... brilliantly sung!" —LOS ANGELES NEWS

PRODUCTION? "Movie version far more elaborate than stage play!" —LOS ANGELES EXAMINER

ROMANCE? "Something bright and new!" —LOS ANGELES TIMES

BOX OFFICE? "PREVIEWED IN NEW ROCHELLE... WHERE THEY HOWLED!" —WALTER WINCHELL

"IT'S HEADED FOR SMASH BUSINESS!" —VARIETY

"B. O. NATURAL!" —FILM DAILY

"LEVEY'S FIRST... A SOLID HIT!" —BOXOFFICE

"SHOULD DO TREMENDOUS BUSINESS!" —SHOWMEN'S T. R.



THE BOYS from SYRACUSE

6
RODGERS & HART
SONG HITS
"This Can't Be Love"
"Falling In Love"
"Sing For Your Supper"
"He And She"
"Who Are You?"
"The Greeks Have No Word For It"

ALLAN JONES • MARTHA RAYE • JOE PENNER
ROSEMARY LANE • IRENE HERVEY
Chas. Butterworth • Alan Mowbray • Eric Blore • Samuel S. Hinds

Screenplay by LEONARD SPIGELGASS, CHARLES GRAYSON and PAUL GERARD SMITH
Directed by A. EDWARD SUTHERLAND • A MAYFAIR PRODUCTION



A UNIVERSAL PICTURE

Opens PARAMOUNT Theatre
N. Y., July 31st—FOR AN INDEFINITE
RUN! (First outside picture in three
years to play the Paramount Theatre!)

**NATIONAL
RELEASE
Aug. 9**

Film Reviews

Continued from page 14

WAGONS WESTWARD

who's in league with them, Buck Jones. Anita Louise, dance-hall gal...

Morris is duly upstanding and ratty in the two parts he plays, the two gals do particularly good thespic jobs...

Armstrong-Jenkins Fight

At Polo Grounds, N. Y. July 17, '40. Filmed by Pathe News for 20th Century...

For the first time in many years the group which specialized in filming major boxing contests was not in action to record the battle between hammering Henry Armstrong...

Jack Dietz and Jack Rieger have been taking pugilistic pictures for 20 years and know from experience the type of fight which will make a profit...

In the case of Joe Louis it is different because the Brown Bomber is the heavyweight topper and a sensational performer...

It was thought, too, that because a long speech by Senator Bob Wagner, at the Democratic National Convention in Chicago on the night of the fight, kept the fight off the air...

Armstrong-Jenkins match was camcared in much the same manner as done by Rieger heretofore. There are shots from a platform...

Armstrong, the one-to-two shot, came through as the experts said he would but he had to take plenty from the Texan slugger...

No title was at stake, although both are champs, Jenkins having the lightweight title recently. That is another angle why...

RANGER AND LADY

(WITH SONGS)

Republic release of Joseph Kane production directed by William Roy Rogers. George Gabby Hayes...

Stronger, from a story angle, than most saddle-country entries, this latest Roy Rogers-Gabby Hayes turn-out should have little trouble getting over...

Whole thing is built around the Texas Rangers, with Hayes his usual sidekick. Contrary to the usual duties of a western femme lead...

Of the two tunes sung by Rogers, at logical times for a change, 'As Long as We Are Dancing' sounds good. Peter Tinturin penned 'em.

CARSON CITY KID

(WITH SONGS)

Republic production and release. Stars Roy Rogers; features George Gabby Hayes, Bob Steele, Noah Beery, Jr., Pauline Goddard...

Marking a new trend in westerns, Republic is going out after multiple names this season for the casts. This is evidenced in 'Carson City Kid'...

It represents a change of pace for Bob Steele, who has always been in the leads, save in Hal Roach's 'Mie and Me' where he did a change-over to the bad side...

Billing for Saturday matinees should make effort to capitalize on this extravaganza of western stars. It can be boomed into a good take.

DEBS FOR WOODRUFF

Hollywood, July 23.

Frank Woodruff gets the director assignment on the RKO feature, 'Debut'. Heading the cast are Kay Francis and James Ellison.

SUICIDE LEGION

(British-Made) (WITH SONGS)

Film Alliance release of Herbert Wilcox production. Features Tullio Carminati and Lilli Palmer. Directed by Norman Walker...

Despite Tullio Carminati's singing, and forthright performances by the Italian song star and Lilli Palmer, 'Suicide Legion' is sadly disappointing...

Instead of being an action war production, plot focuses on the romance between an Italian cavalry officer, later turned airplane pilot, and a Venetian beauty...

'Sunset in Vienna' and 'We'll Never Run Short of Love' are principal songs, with Carminati clicking soliloquy with the former. Carminati's acting is far ahead of the yarn and treatment given it.

ONE NIGHT IN PARIS

(Musical) (BRITISH-MADE)

Alliance production and release. Features John Lodge, Judy Kelly, Hugh Williams, Rene Lenoir, and others...

Lavish musical from the British studios capable only of filling time on dualers these hot days. 'One Night in Paris,' released in Great Britain as 'Ezmeralda'...

F. McGraw Willis' screen writing effort smacks of many previous Hollywood pictures of this type. The angel of a real comedian...

Lodge makes an acceptable, forthright inspector while Hugh Williams, standard British screen star, squeezes all he can from the mawkish role of lover. Carmen, played by the picture, Judy Kelly...

Dorothy Fay's Pilgrimage

Hollywood, July 23.

Dorothy Fay, who just completed four westerns for Monogram, is playing the lead in the 17th annual production of the Pilgrimage Play: It's her first legit appearance in a couple of years.

Inside Stuff—Pictures

Studio experiences of a couple of Pittsburgh hoofers, Sunnie O'Dea and Gene Kelly, have been paralleling each other pretty closely of late...

Examination before trial of Alexander Korda, London Films Productions, Inc. and Alexander Korda Films Productions, originally set for Thursday (11), was shifted to Sept. 16 in N. Y. Federal court...

Punching the clock at the Paramount h.o. means punching the clock, and not by any stand-in. A memorandum making that plain has come reputedly from above...

'Ballad for Americans,' by John LaTouche and Earl Robinson, the composition that came out of a WPA musical, 'Sing for Your Supper'...

Desultory stock market of recent weeks has taken its toll on Walt Disney Productions preferred stock. Offered to the public at \$25, this week it was being quoted in Over-the-Counter transactions at \$15-16...

'The Fugitive,' Universal release which opened Monday (22) at the Rialto, N. Y., was made in England last summer under the title, 'On the Night of the Fire'...

Vogue of serials based on cartoon strips is doing a tailspin. Hollywood producers are no longer optioning screen rights to pen-and-ink cliffhanger books...

Mono's 50 (24 Westerns) EDISON STUDIO, BRONX, On a Unit Prod. Basis STILL IS UNTENANTED

Unit production will be tried by Monogram on its forthcoming season's films, not only to secure more diversification in stories but also as a means of trimming production costs...

Unit alignment will enable Mono to duck much of the present production financing. According to reports here none of the unit producers will be completely financed...

Edward A. Golden, general sales chief, who presided at the sessions, announced three pictures in color for 1940-41. Full lineup includes 26 features and 24 westerns...

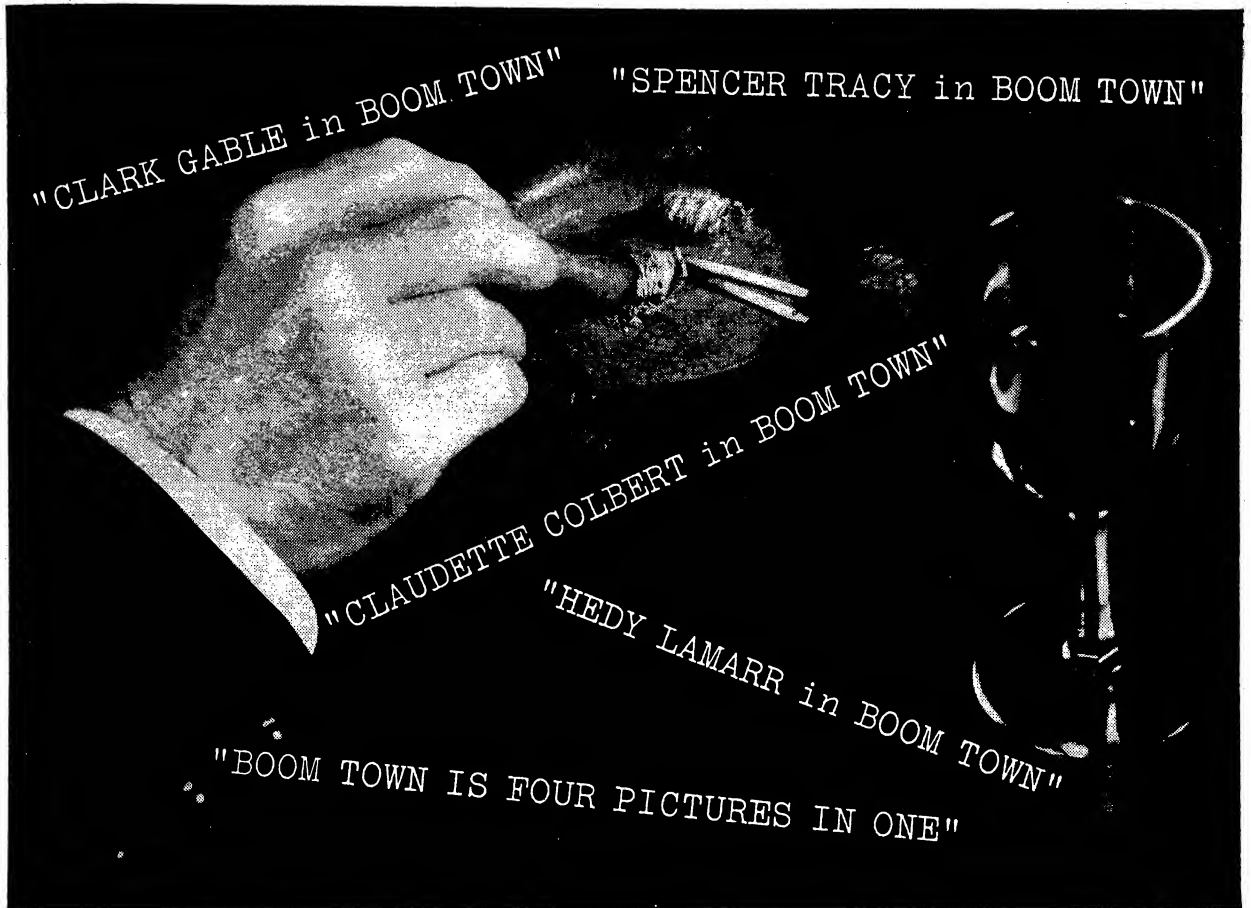
Instead of going ahead with plans for moving most of the home office staff to the Coast, top officials at the confab in N. Y. claimed that it would be a year and possibly never before any changes are made...

Paul Hueter Injured

Toledo, O., July 23. Paul S. Hueter, of the American Theatre Supply Co., Toledo, was seriously injured when an airplane he was piloting crashed into a cornfield last week (15), killing his companion...

REBURN ENLISTS

Toronto, July 23. Stewart Reburn, skating partner of Sonja Henie in 'Second Fiddle' (20th) and during her two ice-carnival tours, enlisted in the 48th Highlanders over the weekend...



**EVERYWHERE
THE TALK IS
ABOUT M-G-M's
"BOOM TOWN"!**

Screen Play by John Lee Mahin • Based on a Story by James Edward Grant • Directed by Jack Conway • Produced by Sam Zimbalist

The Future

Continued from page 5

the theatre operator can go just so far in this direction. Right now he is up against a harder task in relying on his judgment for protection of the boxoffice. That is his first concern.

Metro obtained single-feature dating on 'New Moon' recently when it plans similar deals on other of its 'A' product, the next 'Boom Town'. Accounts of Metro are being asked to increase the admission one-third over the regular scale in playing 'Boom Town', except that if the upping one-third brings the price beyond 75c, it will stop at 75c. This will be the ceiling under the negotiations now being carried.

Nick Schenck's Statement
In a statement Monday (22), Nick Schenck, president of Loew's, discusses 'Boom Town' and says the public will tell exhibitors whether they are willing to pay advanced admission prices.

He adds that 'while our sales executives have found out that various theatre managers and circuit heads believe a high admission price should be charged for 'Boom Town', nevertheless, we have decided to conduct a few test experiments in advance of the regular release in order to make certain that the course we recommend to those who have contracted for the picture is the wisest'. Accordingly, national release has been set back to Aug. 30, this also allowing time to negotiate deals at the advanced admissions.

Schenck said that he had been asked to make some statement about Metro's future policy in the light of the present world markets. 'Our policy is this', he stated. 'To proceed carefully, to economize where we can but never at the sacrifice of quality in production. After all, our hope is to get the best in turns for the future with us to us it would be impractical to try to increase business with less worthy entertainment.'

'Metro-Goldwyn-Mayer's position strong. Our future productions look most encouraging. We are well abreast of our schedule. Naturally, we must face the future with some flexibility in order to adapt ourselves quickly to any sudden change.'

'Gone' Profit Reflected

In Loew's \$7,996,394 Net

Continued profit coming in during March, April and May from 'Gone With the Wind' is reflected in Loew's comparatively strong earnings statement for 40 weeks ending last July 6. This showed net profit of \$7,996,394, as against \$8,173,000 for comparable period last year, or \$4.39 on each common share against \$4.62 in the 1939 comparable period.

Actually, the company's share in operating profit after subsidiaries' preferred dividends was about \$1,300,000 ahead of the first 40 weeks of 1939. Figures show that Loew's share before depreciation, taxes and reserve for contingencies as \$15,594,078 as compared with \$14,271,675 in the first 40 weeks last year.

Corporation wrote off \$3,100,000 as reserve for contingencies and \$4,497,684 for depreciation and taxes. Loew's included only \$1,620,000 as reserve for contingencies for the 40 weeks ended June 8, 1939.

While Loew's received 'the bulk of larger profits on 'Gone' from biggest key cities in this country the latter part of December last year, and in January and February, the company still was obtaining a steady flow of income from other accounts on the film during March, April and May. These latter three months showed up in the third quarter report which was included in Loew's 40-week statement.

Besides the company was beginning to receive first revenue on the picture from foreign accounts in this third quarterly period.

Heavy Coating of Comedy, Action on Wurtzel's Sked

Hollywood, July 23. Comedy and action make up Sol M. Wurtzel's entire new production slate of nine pictures at 20th-Fox. Schedule consists of 'Pier 13' and 'Girl From Avenue A', recently completed; 'Yesterday's Heroes', 'Charlie Chan in New York' and 'Charter Flight' now before the cameras; and 'Hell Jennie', 'The Private Practice of Michael Shane', 'Corncob Kelly's Benefit' and an untitled Cisco Kid, in preparation.

FILM BOOKING CHART

(For information of theatre and film exchange bookers VARIETY presents a complete chart of feature releases of all the American distributing companies for the current quarterly period. Date of reviews as given in VARIETY and the running time of prints are included.)

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Rev. in Var.—Reviewed in Variety Key to Type Abbreviations R. T.—Running Time M—Melodrama; C—Comedy; CD—Comedy-Drama; W—Western; D—Drama; RD—Romantic Drama; MU—Musical

Table with columns: WEEK OF RELEASE, Rev. in Var., TITLE AND COMPANY, TYPE, TALENT, R. T. Rows include titles like TEXAS STAGECOACH, LONE WOLF MEETS LADY, PASSPORT TO ALCATRAZ, etc.

Anti-Trust Case

Continued from page 7

the near future,' Doyle continued. 'If the parties are able to reach satisfactory settlement soon, it is hoped that you will be available to consider and enter the decree during your vacation, whereupon it will become immediately effective.'

Judge Goddard said he will consider the decree whenever presented.

No Meetings Since Thru. There have been no meetings of counsel since last Thursday (18), although much was accomplished towards a settlement in the three days at the first of last week. It was at these meetings that the five theatre-owning companies decided to go ahead with the plans for consent decrees settlements with the consent of Columbia, Universal and United Artists, who had participated in discussions prior to that date but had never assented to the new sales' proposals. It is the contention of the first two companies that abolishment of blockbooking and blind-selling will bring about undue hardships on the conduct of their business. They are not opposed to some of the other provisions in the proposed decree pertaining to arbitration of differences with exhibitors.

Paul D. Williams and James V. Hayes, of the Justice Department staff, conferred in Washington over the weekend with Thurman Arnold, head of the antitrust division. When conferences resume today (Wed.) they will state the Department's position with reference to suspension of the decree if it is found unworkable after a reasonable trial period. It is stated that the Government side is reluctant to forego all the provisions agreed upon in the decree if a new bill of complaint for trial is drawn. Compromise is expected on this point.

Film anti-trust suit was started in July, 1938. Although the decree will become immediately effective upon acceptance by the court, its provisions will not be operative until the exhibition season of 1941-42, it is said.

IATSE Shuffled

Continued from page 7

claim there has been no interference with programs and that none of its employees represented in the picket lines.

Don Gilman, v.p. in charge of the NBC western division, stated:

'The picket line which was thrown around the NBC studio does not contain any employees of this company who are on strike. In fact there are no employees of whom we have any knowledge who are concerned in the unions represented on the banners carried in this picket line.'

NBC is ready at any time and has been ready to negotiate with any labor organization which has proper representation under the law among our employees. We do not interfere with our employees right of collective bargaining. This picket line was thrown about us with no notice other than a telephone conversation five or 10 minutes before the pickets arrived.

Gilman has suggested the matter be submitted to the National Labor Relations Board for a decision.

In the meantime, the unions have been conferring with officials of the musicians and American Federation of Radio Artists to determine what support these organizations can give them. Because of international contracts with NBC it is believed any sympathy strike by musicians or AFRA would not be possible without breaking their contract.

Radio Writers Vote Aug. 5. A general membership meeting of the Radio Writers Guild has been called for Aug. 5 to vote on acceptance of a bar wage agreement with the transcription companies.

The Screen Office Employees Guild, which claims to represent 1,800 white collar studio workers, is seeking a minimum six-hour call for workers who report after 6 p.m., and four hours for those employed between 8 a.m. and 6 p.m. The minimum call for the graveyard shift reporting after 12 midnight would be eight hours. The SOEG is now waiting for the NLRB to set a date for an election of clerical employees to designate a collective bargaining representative.

TITLE CHANGES

Hollywood, July 23. 'Calling All Husbands' new handle for 'Good Men Don't Marry' at Warners. 'All Night Program' became 'Milkyman's Matinee' at Republic. 'Stunt Man' was changed to 'Tim Still Alive' at RKO.

'HEAVEN'
is Showman's
Paradise!



THEY'RE HOLDING IT!
AND HOLDING IT!
AND HOLDING IT!

4TH WEEK

Radio City Music Hall

[ONLY 2 OTHER PICTURES IN THE 8-YEAR HISTORY OF
THE MUSIC HALL HAVE STAYED OVER THREE WEEKS!]

3rd Week Providence! 3rd Week Cleveland! 3rd Week Pittsburgh!
3rd Week Washington! 3rd Week Cincinnati! 3rd Week Dayton!
3rd Week Boston! 3rd Week Louisville! 3rd Week Denver! *And more!*

BETTE
DAVIS
AND
CHARLES
BOYER

**ALL THIS
AND
HEAVEN
TOO**

From the story by Rachel Field. With
JEFFREY LYNN · BARBARA O'NEIL
Virginia Weidler · Henry Daniell · Walter Hampden · George Coulouris
An ANATOLE LITVAK Production
Screen Play by Cathy Robinson · Music by Max Steiner

WARNERS
for 'Heavenly' days
-now and in '40-'41!

Balk at Consent

Continued from page 7

meet with Barney Balaban and others Monday (22) on the consent decree and also, as a committee, held a meeting themselves in Wilby's hotel quarters. Wilby understood to have been elected chairman of the movement declared under way to combat the consent decree generally but selling in blocks of five particularly. The five partners are expected to leave N. Y. today (Wed.) or tomorrow (Thurs.) following further huddling.

One of the Par partners stated that he believes it questionable whether a consent decree will be signed because it has too many bad things in it. This larger operator also declared that it would set a bad precedent and may lead to future hardships, because of concessions, through weakness, that would be allowed.

With respect to buying film in blocks of five, the Par partner-operator pointed out that he would require two very capable men for viewing of the product alone who then would be unable to devote any time to operation.

Pointing out that his circuit plans two and three months ahead on film, especially for holidays that are coming, of shrewdest in the business, added that they would be always right on top of pictures if he could buy only five at a clip. He stressed what would happen to the little exhibitor who had perhaps only one house but 150 miles from the nearest exchange. Such an exhibit, if in duals, may require six or more pictures weekly, making his problem all the worse, but in any event he'd have to have somebody at the various company exchanges constantly looking at pictures and negotiating for them.

Another leading Par partner confirmed his opposition to anything forcing him to buy film in small groups and indicated he was far from being alone in this respect.

A leading major circuit operator who predicted that you can gamble 100 to 1 most exhibitors don't want to buy pictures in small groups, stated that seeing and negotiating for only five films at a time would work untold hardship.

100 Days Just to See Fix

He cited that a circuit or theatre might require, say, 300 pictures. This would mean, it was outlined, that this many feature films would have to be seen during the 12 months. "No one can see more than three in a day if he is going to view

them intelligently," he added. "Thus, a total of 100 days would have to be spent in just seeing the pictures. On top of that, you would have to negotiate with each distrib after seeing the films, allowing additional time for that. And it might be tougher settling on five than it now is when sitting down to make a deal for 50." This same source, together with others, also fear buying in groups of five after trade screenings because then there would be no such thing as adjustments in case the pictures turned out bad in the block purchases. Point taken was that then the distributor had a swell out on the ground that you saw the pictures before you bought them and knew what you were doing.

In some quarters, including among indies, it is believed the distributors may have the best of it in the long run by selling groups of five which they could make up as they pleased. In other circles, the opinion is expressed that the consent decree might create buying combings, side agreements among exhibs, etc., putting the distrib behind the eight-ball.

Fallacy of Blocks of 5

Presumption is that the distributors would make up blocks of five with a hit picture and see to it that "dogs" went into the same group. In this connection, theatre operators fear that if a good picture comes along, he may have to take four poor ones in order to get it. Where now cancellation privileges up to 20% of the total bought is permitted, if the distrib sold in fives only, there would be no cancellation whatever and he (the distrib) would be able to get rid of everything he made. Also, under blocks of five, the exhibitor-buyer would be in no position to get the distrib to drop pictures at the tail-end of seasons in return for a promise to negotiate a new deal for the coming year.

This is all aside from the cost, loaded upon the exhibitor in seeing all film that was made, negotiating separate deals, and being in doubt as to how much of a given company's product he could get. He might find the distrib going to another customer on a block of five he didn't want, and that the distrib would then favor or incline to the new customer. Presumption is that open-bidding would not figure, but if it did, then prices might go away out of line. For the distrib the cost of selling and holding trade screenings in all exchange centers, would also

mount up. Where now he sells his entire program of 50 at one time, if it was reduced to five at a clip, then he'd have to sell customers 10 times over.

The distributor, forced to make important concessions in return for retaining his theatres, is in the uncomfortable position of making these concessions for all exhibitors and, in turn, feeling the pinch through his own theatres.

An official in distribution pointed out that the consent decree, if to be written in all its details, may be a long way off because the exhibition branch is vitally concerned in it. The angle is that, after all, the exhibs may feel they are entitled to some say as to how they're going to buy film—and operate.

Some Indies Incline to It

Several leading, independent exhibitors in the Greater New York area were contacted on the consent decree by VARIETY.

William Brandt, of the Brandt Bros. circuit which resents duals, stated that it was his belief that outside of a handful, every exhibitor would like to buy his product for a season and know what he was going to have.

Brandt stated that his circuit preferred to buy a whole company's program, with the cancellation clause a part of the deal and that the present system of distribution is most desirable because buying in packages of five would mean much doubt, waste of time and cost money. This interest favors some suitable arbitration system covering protection, clearance and other points, however.

"I'll make a bet that if the consent decree goes through, it won't last a year," Brandt also declared.

Max A. Cohen, operator of the Cinema Arena and president of the Allied Theatre Owners of New York, does not believe that the increased cost of selling to be borne by the distributor will reach the point where it will overbalance the upped prices on film obtained if selling in bunches of five. He has the following to say:

"We have been trying to equalize the power between seller and buyer, but I don't believe in more reasonable plans, but all I can see is that the power of the distributor will be increased under the provisions of the consent decree so far as sales in blocks of five are concerned."

"I would prefer that the method of selling remained as it is at present, together with cancellation privileges which disturb the present method of selling would be fatal to the independent subsequent run theatres."

Holding that ironing out the kinks in distribution, the only solution, Cohen favors arbitration and believes that it would definitely tend to maintain the balance of power, whereas any change in the steady flow of product would disturb this balance.

Cohen pointed out that he has theatres which change seven times weekly and raises the point as to whether he'd have to stay in the exchanges all week looking at pictures and buying them. The head of the Cinema circuit also fears for the worst when he requires a lot of pictures because "the salesman will say that all I have to sell to you is five films."

It has been indicated that the complaints on which the Government based its suit against the majors came from smaller indies, many of whom are out of business, now claiming they were driven out. Cohen takes the position that this complaint was not against the distributors but against larger theatre operators to whom the distributors naturally catered through ability to place larger contracts, get higher film rentals, etc. In other words, he was a theatre op who ran another out of business, as happens in other fields through one being stronger or a better business-man.

George Walsh, veteran theatre operator, is another who holds to the theory that buying five films at a time from each distributor would be wrong as well as costly. One of the angles he fears would hurt would be the necessity of taking four "pups" when along came a single picture that was sorely needed and wanted.

Charles Casey Opposes.

A dissenting note, in favor of small picture buying, was lent by Casey Casey, of the Wheeler & Charles circuit.

He thinks that possibly the producer would see to it that he made better pictures if he had to sell them five at a time. Other features of such a sales system also appeal to this independent. If Metro had done this, for instance, that was very good, he theorizes, this group might be purchased but that if the

second group available wasn't so good, the exhibs could pass it up or pay for a film rental.

Casey also opines that maybe a buyer would want four pictures out of a group of five and be willing to pay as much as for the whole five, in which event the distrib might palm off the additional feature on someone else, which is to the distrib representing gravy.

Against the Neely bill from the beginning, the Motion Picture Theatre Owners of America, which numbers affiliated circuits of the majors, is expected to find this proposal much in disfavor because of the burdens which it would place upon the buyer.

Excess Profits

Continued from page 5

that event, also, it is felt that proper reasons for increased or new capital investments should be provided for. Expressing fears of what the tax, as originally suggested by President Roosevelt, would do to the theatres particularly, one of the leading operators succinctly declared: "I believe they're trying to run us out of business."

It is thought industry circles that there may be an exemption at the beginning of \$5,000 but that the old 8% deduction of invested capital may be increased to around 10%.

The worst part of the threatened excess profits taxation, as it is understood by the experts, is that any profits over and above the \$3,000 plus the 8% or 10% deduction on invested capital, will be taxable in a graduated manner up to a back-breaking figure.

Present System

At present any business may make a stated valuation and pay a tax on that amount at a specified rate per \$1,000 of valuation. Thus, if placing it high enough for protection, there is no excess nor graduation unless the business earns over that declared figure. However, if this is not permitted, the deduction of 8% or 10%, whatever the rate, will be allowed only and strictly on the amount of invested capital which exists in the corporation or business.

Thus a theatre may have an investment of only around \$20,000, including its equipment, yet earn \$50,000 a year. Also, many theatres are leased instead of being owned, which brings up the point instantly that it would be much better if they were owned outright should the excess profits bill be written as proposed.

Assumption in the industry is that the excess profits bill will apply to corporations rather than individual theatres on a breakdown. On the other hand many theatres are in individual corporations covering just the one house, while others are grouped. The tax, if onerous and not permitting declared valuations of properties based on earning power, might result in considerable juggling of theatres and re-grouping so that losing operations would counter-balance the big money-makers. However, in many instances there are different partners and an untold amount of difficulty might arise along such lines.

It is believed that if a compromise cannot be reached along Canadian lines, the tax may be a combination of the World War profits tax and the post-war excess profits tax.

The excess over the deductions of \$3,000 generally and 8% of invested capital was set up as follows:

- (1). On amounts equal to 20% of invested capital less excess profits deductions, tax was 40%.
- (2). On amounts over 20% of invested capital, tax was 65%.
- (3). On the excess of net income over war-profits deductions, tax 40%, less the sum of taxes paid under items 1 and 2.

For the year 1918 this tax produced a total of \$2,505,565,939.

Pic Trend Away From Prairies Into the Hills

Hollywood, July 23.

Off the prairies and into the Ozarks is the new trend at Republic, where the nasal twang of the hill-billy may be heard above the croon of the cowboy. The homely grunt of the razorback will be heard amid the wail of the coyote and the bark of the six-gun.

As the trend goes uphill, Judy Canova and the Weaver Bros. and Elvira climb in importance on the Republic lot. Latest addition to the mountaineers is Rufe Davis, who will see some of the Arkansas hillsides when he is not riding with the Mesquiteers on the Arizona desert.

STROM CAUSES NW ALLIED RIFT

Minneapolis, July 23.

A split in the ranks of the territory's independent exhibitors is believed to be in the offing in consequence of the wresting of control of Northwest Allied, the indie's organization, away from the W. A. Steffes-Bennie Berger dominating group by a faction which has been at loggerheads with it. This faction succeeded in putting over their candidate, Fred Strom, for executive secretary, instead of Ben Ashe who was favored by the Berger crowd.

The executive secretary will run the organization in place of Steffes, retired because of illness.

Morover, the Steffes crowd is miffed further because Sol Lebedoff, local exhibitor who has been fighting Steffes for several years and threatening to form an opposition organization, was chosen Minneapolis governor, treasurer and a member of the committee of three which will aid the executive secretary in managing the body's affairs. Now the talk is that the Berger group is planning to withdraw from Northwest Allied and organize its own unit to be closely associated with national Allied States.

The disgruntled point out that many of those now in control of Northwest Allied did not support or cooperate with the body when Steffes was its head and that, without them, the organization did O.K. in protecting the interests of exhibitors, including the non-operating and non-dues paying present leaders.

It's also asserted that independent exhibitors are facing a crisis of grave importance, with the issues involved too important to be placed in incompetent and inexperienced hands.

The Lebedoff group say it is just asking for a three months' trial to demonstrate its capability. It proposes to keep down expenses and dues, thoroughly organize the state, get film rentals reduced, percentage eliminated, clearance wrongs righted, etc.

WRIGHT CAUTIOUS ON REOPENING RIVOLI, N.Y.

The only house of major importance in New York to be closed down, the Rivoli, will remain dark until possibly the end of August.

John Wright, managing director, states that he is lining up product now but that until he is set on a sufficient supply of film well into the fall, he will not reopen the theatre.

9-Mo. WB-AFM Deadlock May Be Settled Soon

Philadelphia, July 23.

Two meetings between representatives of Local 77, American Federation of Musicians, and the Stanley-Werner circuit have been held within the past 10 days in an effort to end the deadlock now nearing its ninth month. Meetings were held last Monday (15) and Friday (19), at which Frank Phelps, Warner labor expert, attended. Both sides pressed the hope that the matter would be ironed out satisfactorily soon, but no one would make any predictions as to how soon.

Said Ted Schlanger, Warner zone head: "We still are far apart in regarding the issues involved, but the mere fact that we have resumed negotiations is a good sign in itself."

A union spokesman expressed the same views, stating: "We may be able to work out a reasonable solution if the company is willing to meet us half way."

It is believed that even if a settlement is effected in the controversy, any immediate reemployment of musicians is out of the question. The Warner chain will probably hold off in this matter until the fall.

Warners has been holding out for the right to rehire musicians only in theatres following a vaude policy, which would restrict this only to the Earle and the Stanley, Camden. The union is demanding that bands be rehired in the six states in which live music was featured before Dec. 1.

New York Theatres

ASTOR 100 Days Just to See Fix
ALL SEATS RESERVED
Twice Daily 2:15, 8:15 p.m.

PARAMOUNT In Person. Loui Armstrong with Ray Milland and Ethel Waters. Midnite Screen Shows.

State Starts Thurs., July 25
Last Times Week. Spencer Tracy, 'Edison', THE RAINY DAY. In Person: Russ Morgan & G. Grege Bantz, Ethel Shutta.

Capitol 2nd Week. Jeannette MacDonald, "NEW MOON". A Metro-Goldwyn-Mayer Picture.

MUSIC HALL HELD OVER. "ALL THIS AND HEAVEN TOO". Spectacular Stage Productions.

AT THE THEATRE

OPENS FRIDAY, JULY 26
GEORGE RAFT ANN SHERIDAN
In a New Warner Bros. Success "THEY DRIVE BY NIGHT"
In Person WILL OSBORNE and His Orchestra.
Air-Conditioned **STRAND** Broadway & 47th St.

Bert Wheeler's Musical Hollywood, July 23.
Allen Jones and Bert Wheeler will be co-starred by Paramount in Las Vegas, a musical. This marks Wheeler's return to screen since dissolving of Wheeler-Woolsey combo by latter's death.

READY! NOW! for Summer Bookings!

The big-money show package of the year!...
Playing to 202% to 268% of normal business
in all test situations to date! The greatest pic-
tures Disney ever made . COMBINED! ... in
one big feast of glorious entertainment!

Special Advertising and Accessories!...

GRAB IT-QUICK!

The Great WALT DISNEY FESTIVAL OF HITS!

HIT NO. 1

Snow White

and the Seven Dwarfs

© W. D. P.

HIT NO. 2

FERDINAND THE BULL

HIT NO. 3

THREE LITTLE PIGS ... THE PRACTICAL PIG

HIT NO. 4

THE UGLY DUCKLING

HIT NO. 5

DONALD'S LUCKY DAY

Distributed by RKO Radio Pictures

Dorothy Thompson, Guest of Canada's 'Let's Face Facts' Program, Is a Wow

By MORI KRUSHEN

Montreal, July 23. The first of the new series of weekly talks on world affairs entitled 'Let's Face the Facts' was delivered by Dorothy Thompson over the Canadian network Sunday night (21) and in less than 24 hours had become something of a Dominion classic. It was probably the most powerful indictment of Nazi Germany, the most brilliant exposé of the case for England and democracy, the most stirring word portrait of Winston Churchill yet presented via radio either in Canada or elsewhere in the British Empire. Prime Minister Mackenzie King long-distanced congratulations to Miss Thompson from Canada after the broadcast. Her talk may well achieve permanency in the national literature. She established the new CBC series overnight as one of the most popular in the Dominion.

The keynote of Miss Thompson's address was clearly indicated in her opening remarks. She pointed up the fact that in speaking over the network she was exercising "the prerogative that is still enjoyed by the citizens of free nations; the right to have their opinion of one's own and express it."

With noble skepticism marked Miss Thompson's analysis of Hitler's claims that he had no quarrel with Great Britain but only with Winston Churchill and the British Government. Said Miss Thompson: "Now, of course, we have all become familiar with this. Mr. Hitler had no quarrel with Austria, only with Schuschnigg. He resigned, he made peace with Austria by annexing it. He had no quarrel with Czechoslovakia." (Continued on page 28)

Carol Irwin to L. A.

Carol Irwin, supervisor of daytime radio for Young & Rubicam, planes Friday (26) to the Coast to look over the agency's programs in Los Angeles and San Francisco and possibly launch a couple of new series there. Due back in about a week.

CANDY BARS SPONSOR WXYZ'S 'NED JORDAN'

Detroit, July 23. Walter Johnson Candy Co. (Cower House Candy bars) will start sponsorship Aug. 13 of 'Ned Jordan, Secret Agent', anti-espionage drama, over WXYZ, Detroit, Michigan network and WGN, Chicago. Placed by Franklin Bruck agency, New York. 'Jordan' is produced by WXYZ here, which also produces 'Lone Ranger' and 'Green Hornet' serials. Half-hour show has been presented over Mutual as sustaining for several months each Tuesday, and will continue over that web although sponsored over WXYZ and WGN. Theme of show deals with fifth-column element in America and efforts of Ned Jordan, railroad claim agent and his employer, J. B. Medwick, transportation tycoon, to combat it.

Jack Johnstone Directs 'Superman'; Chase to Tour

Jack Johnstone, writer, producer and director of the Buck Rogers radio serial, takes over the producing and directing job on the newer 'Superman' playlets today (Wednesday). Frank Chase, who had been handling that job, becomes a selling rep, covering regional territories where the serial can be sold without interfering with Hecker's flour sponsorship. Hecker's backs the strips on 12 U. S. stations. Another 28 Canadian stations are also using the discs. Johnstone also does the Griffin Shoe Polish show 'Who Knows', authoring, producing and directing, and directs both dramatic spots on the two Phillip Morris ciggie shows.

Alice Frost to Idaho

Alice Frost, co-star of Rinsos' 'Big Sister' serial, is off the show for six weeks for vacation at Sun Valley, Idaho. She's written out of the script for at least three weeks, and maybe longer. Substitute hasn't been picked by Ruthrauff & Ryan.

Actress wife of Robert Foulk, currently in Hollywood as production assistant at Warners.

Block Flinged Instead of Ponged

Martin Brack, 'Make-Believe Ball-room' sponser on WNEW, N. Y., is currently doing his twice daily mike stint on crutches or from a chair. He twisted and broke a small bone in one of his ankles playing ping-pong one night late last week. Accident happened few days after he returned from a three-week vacation in California.



Woodbury 'Nick' Carter Writer, actor, producer, Nick Carter heads the program department at WTRY, Troy, N. Y. During his radio career, he has handled all kinds of shows, displaying a versatility which is reflected in the popularity of his work on Troy's new radio outlet.

AIR ADVERTISING FOR BALL-PADDLE GADGET

Cleveland, July 23. Hi-Li Sales Co. of New York, promoting rubber ball attached to wooden paddle by rubber band gadget for kids has gone into radio for first time—five years of sales efforts. Will use WHK-WCLE to exploit Cleveland territory. WXYZ is currently being used as Detroit outlet. Local plan calls for contest in all playgrounds with winning play-offs to be staged in nabe theatres. Station interviews for winners and bikes and roller skates are other prizes. J. H. Sallee, Hi-Li representative is working with Bob Greenberg, station promotion manager on deal.

Radio Costs Up

Continued from page 1
405,414 in commissions (15% on the volume of business placed in 1939. All these figures and percentages are provided by the Federal Communications Commission, which has just completed its audit of the industry, the most comprehensive body of data on the subject. All told, the broadcasters in 1939 sold nearly \$12,000,000 more time than in the prior year, and made nearly \$5,000,000 more profit (before Federal taxes). However, lest these figures appear to be too good to be true, it should be noted that the industry's expenses rose considerably faster than the profit. For while the additional \$5,000,000 was being salted away, expenses soared by the unprecedented leap of \$7,000,000, for a total of \$9,789,920. The tendency of rising expenses is not new to radio, what with unionization and accelerated experimentation, but never before has payroll, etc., shot skyward with such rapidity. Increases in revenue were pretty steady all the way down the list. No category of business fell down in any respect, and the rise in local business may be viewed as a heartening factor during a year which was none too good to newspapers and magazines.

Broadcast Income: 1939

(Condensed from FCC tables as of July 23, 1940)

(NOTE: ALL INCOME IS NET INCOME; THAT IS, FREQUENCY DISCOUNTS HAVE BEEN SUBTRACTED)

1. Network (major and secondary) payments	1939 \$23,370,566*	1938 \$20,411,963
2. Amount retained by networks from sale of network time	38,800,630	35,455,510
3. Station income from sale of time to national-regional spot advertisers	30,472,053	28,109,185
4. Station income from sale of time to local advertisers	36,815,774	33,402,801
GRAND TOTAL TIME SALES.....\$129,468,026 \$117,379,459		
Deduct commissions to agencies, etc.....17,405,414 16,487,200		
NET REVENUE FROM SALE OF TIME \$112,062,612 \$100,892,259		
Revenue from incidental broadcast activities.....11,319,252 10,466,119		
Total broadcast revenue.....\$123,381,864 \$111,358,378		
Total broadcast expenses.....98,789,920 92,503,504		
BROADCAST SERVICE INCOME.....\$23,591,944** \$18,854,784**		

Stations actually received \$24,114,128 from the sale of network time, but of this amount \$743,559 represented inter-station and inter-network payments. These inter-payments have been subtracted in this calculation.

** Prior to Federal and other taxes.

From the Production Centres

IN NEW YORK CITY

Jack Nerly, WINS announcer, just week made a commercial short film for DuPont, with Prof. Quiz and Bob Trout.... Fran Rothenberg, WJN G.M., back from Greenwood Lake.... Herbert L. Petley, director of WJN same station, returned from Chicago.... William Post, Jr., will commute for same station, returning from Chicago.... John's 'Other Wife' broadcasts while he's in the cast of 'Midsummer's Dream' at Mohawk Drama Festival.... Charite Bauer, of 'Orphan by Divorce', was daughter to Papa Sinclair Lewis in 'Ah, Wilderness' at Spring Lake, N. J.... Helen Menken, trying out 'By Any Other Name' at the Princeton Strawhat next week, will commute for her 'Second Husband' serial.

Mary Mason, of 'Betty and Bob' cast, written out of the script for several weeks while she does a strawhat date at New Hope, Pa., then Strattoners to visit her family in Hollywood.... Janice Gilbert, of 'Second Husband', has an exhibit of her paintings in a 57th street gallery.... Yvette Baruch, sister of announcer Andie Baruch, has a new song series, 'I Just Came to Sing', over WINS Saturday afternoons.... Sam Taylor's 'Hollywood Sound Stage' series has been increased from three to nine stanzas weekly over WHN from the Coast.... Leon Janney taking brief vamoose from radio to appear in 'Adolescent' film to be shot in Miami by George Hirshman.... Jo Tonger, of AFRA's hub, cooling off in New Hampshire.... Elliott M. Sanger, WQXR station manager, of the Radio Writers Guild, goes to the fishing.... Peggy Scheuehard, of the Republic nabobs dickering for Ray Middleton, the Lynn Murray chorus, etc., to repeat the 'Ballad for Americans' from Ellwood, Ind., with the broadcast of Wilkie's acceptance.... Columbia may record Kate Smith's 'Johnny Appleseed' performance.

Joseph Bloom, G.M. of ForJoe Co. station rep, announces he will be married next month to Paellie Diamond, concert and operatic soprano. Hal James, script supervisor of Caption agency, and his wife, Florence Spaul, the agency's talent buyer, talked about going to the lead actors at Mohawk Drama festival last Sunday (21) and will sequel Aug. 25.... Henry Morgan, recently giving a morning test shot on WOR, now oozes his record-spinning and chatter five times a week.

Stella Adler, ex-Grope Theatre stalwart, now emoting via the ozone. Added to 'John's Other Wife' and will one-shot on 'Short, Short Story' Aug. 7.... 'Other Wife' having passed 1,000th stanza. Erin O'Brien-Moore, one of the principals, tossed a party for the cast.... Philip Reed, of 'David Harum', doubling in 'The Swan' last week at Sufferin', N. Y.... James Fleming, writer out of 'Our Gal Sunday', while he covered the Democratic convention in Chicago.... Lloyd Rosmond, talent-picker of B-S-H, has gone taxi-stale and is leaving to drive a car.... Ford Bond vacationing from 'Stella Dallas' announcer chores.... Karl A. Barleben doing camera program over WEVD.

Ira Ashley to Cape Cod after Friday's (16) 'Grand Central Station'. To be gone two weeks.... Arlene Francis is set for the lead in the new Maxwell Anderson play, 'A Journey to Jerusalem'. Everett Sloane will be in the Orson Welles picture, 'Citizen Kane'. Laurence Hammond writing radio material for Wilkie. Irwin Moisan of WBNK engineering staff, off for rest at Lake Sunnapee, New Hampshire.... Spencer Bentley becoming a regular fixture on 'Hilltop House'.... Bible talks by Rabbi David B. Hollander of N. Y.... Now on WBNX in two divisions, one in English and the other in Yiddish.

IN HOLLYWOOD

John Conte bowing out of radio for a fling at pictures and legit. Barker-singer-actor was tested at Warners and now goes east to try his luck over the footlights.... Don Cope, Coast radio head for Benton & Bowles, getting over a bad siege of pneumonia at the hosp. Tom Revere came in from New York to look after 'Good News' until Cope recovers.... Harrison Holloway, KFI-KECA headman, in the hosp for a sinus operation.... 'So I can smell our shows better', he quipped.... Radio lost one of its earliest champions in the passing last week of Samuel Hornstein, head of Coast Fisheries. His firm was the first to sponsor a newcast 12 years ago from the Tower of the Times. A 'Radio John' Dagget doing the spelling.... Tamara Andreeva switching from New York to Hollywood.... Don Thornburgh trained up to Portland to talk on 'Radio and Democracy' at Educational Conference.... Hal Finberg, radio gag writer, scenarizing 'Belle of Atlanta' at Republic.... Barbara Luddy and Les Tremayne taking their rest periods here.... Al Pearce flying to Chicago for guest turn on WLS Barn Dance.... NBC will broadcast the hijinks attending preview of Bing Crosby's picture, 'Rhythm on the River', at his Del Mar race track Aug. 16.... Truman Bradley took over the announcing duties on both Old Gold and Woodbury Playhouse from Harlow Wilcox.

IN CHICAGO

Noel Gerson of WGN talent bureau set Olympia Bradna for preview show of 'Pago Pago' flicker on BGN-Mutual for Thursday (25) and on Aug. 1 the tops of the 'Hold On to Your Hats' show, Al Johnson, Ruby Roberts, Jack Wang and 'The Art Fadden' Ray, Bert Gordon, now at the Grant in the loop.... Jan Keith added to cast of 'Road to Life'.... Don Merrifield doubling to the Delavan (WLS) strawhat.... Schedule of news editor Julian Bentley's evening shots on WLS to be increased from four to six-a-week.... Tie-up has been arranged between WLS and the Hearst Herald-American for the Pearson and Allen 'Washington Merry-Go-Round' program and syndicate, the paper and station reciprocating plus.

H. V. Kaltenborn will be chief speaker at AFRA benefit show in the Auditorium here on Aug. 8. AFRA chiefs, then handing the benefit, are proxy Virginia Payne, vp. Norman Barry, treasurer, Ray Jones and exec sec. Ray Jones.... NBC President Niles Trammell in for the final session of the Democratic con. Bob Cunningham, traffic boss for WBBM-CBS in Chi, shifts to N. Y. to assist Gerald Maulsby in traffic and general supervision.... Russ Bishop named staff organizer for WBBM-CBS.... Bob Carle in cast of 'Let Freedom Sing' on WGN.

IN SAN FRANCISCO

Radio day at the Salinas Rodeo.... Commander Scott (Mutual) ushering the talent into two Greyhound buses (for free)... Patricia Lynn (NBC) uncorks squeeze-while White-Sutlers-streets ruder.... 8:30 a.m., on the way.... with songs.... while Ira Blue (NBC) reads a murder magazine.... 10 a.m.... the roar of revolvers.... real western holdup.... only this time the bad men bring colorful neck scarves, badges and burbon.... but plenty.... and so lunch at noon in Salinas (for free)... whereat Camilo Romeo's (NBC) Celito Lindo and Art Fadden's (KJBS) Panama 'wow' em.... Benny Walker (NBC) pulls off Hillbilly Singing Rodeo (NBC) boots because she always sings in stocking feet.... while the Redolick giggle 2 p.m. back into the buses and so to the Rodeo (for free)... and things with Gilmore Oil's Abe Lefton amazing the radio M.C.'s at lib doing for three hours without missing a syllable on the p. a. system.... five o'clock and to cocktails at home of Rodeo Boss Fred McCarger.... with Judy Deane (NBC) helping to pour the drink.... Art Fadden asking for a glass of milk (and getting it)... Kay Barr (NBC), shepherd of this flock, nursing bumps after box of matches, exploded in his hand.... Clarence Mey (KYA) and Dick Holman (KERC) with glasses in both hands.... so back to the hotel for dinner (for free)... where the radio folks meet Homer Holcomb, Rodeo clown who tramped despite three cracked ribs and kicked every gal he could reach.... Judy Deane doing same for the men, lumpy critters.... then going serious to collect autographs on a menu for the absent Lloyd Yoder (NBC), who handled these parties for 10 years.... Ira Blue scanning the race edition to see what happened to his 16.... and so to the Carnival.... with buses leaving on a staggered sked far into the night.

BLUE'S \$250,000 BARGAIN ON OPERA

The NBC Blue network, under its new independent operation policy, has placed a flat price of \$250,000 for time and talent on the Metropolitan Opera broadcast for 1940-41. Smallest previous quotation for Met opera sponsorship was \$375,000.

Under the deal as offered, a sponsor would get 16 Saturday afternoon performances of about three hours each. Traditionally these Saturday matinees are the cream performances, artistically, exceeding even Monday night, the social occasion, in the quality of the opera given and the stars participating.

WSYR VET SALESMAN DIES WHILE BATHING

Syracuse, July 23. B. Ray Van Benschoten, 56, pioneer Syracuse salesman of radio time, was found drowned in the lake in front of his summer camp at Eagle Bay, N. Y., Saturday (20). A coroner's report indicated he had suffered a heart attack while bathing against a doctor's orders. Formerly a member of The Post-Standard advertising staff, he quit the newspaper field to take a post with WSYR when that station opened and at his death was the oldest employee of the station in point of service.

WKBN Near Labor Peace

Youngstown, O., July 23. Tentative agreement has been reached by striking technicians and radio station WKBN, Youngstown, (19) and provisions are awaiting approval of the International Technicians' union (Associated Broadcast Technicians) before the engineers go back to work. Strike started July 2, and picketing of the station followed. The station was placed on the 'unfair' list by the United Labor Congress and the musician's union was notified of this.

RADIO-MINDED BIG ACCTS.

18 MILLION DOLLAR ADVERTISERS THAT, IN 1939, EACH SPENT FOR NETWORK TIME MORE THAN 50% OF ITS TOTAL

18 OF 57 TOPS
USE 50% RADIO

Rank*	Advertiser	Three Media	Network	NBC Total	NBC Red	NBC Blue	CBS	Mutual
2	Procter & Gamble	\$13,734,975	\$8,769,135	\$6,485,788	\$5,890,080	\$795,708	\$2,283,347	
5	General Foods	7,714,100	5,269,567	2,078,400	1,852,688	225,712	3,191,167	
9	Sterling Products	6,076,234	3,755,812	3,047,077	2,723,249	323,828	351,765	\$356,970
11	Standard Frands	4,999,449	2,898,521	2,898,521	2,513,943	384,578		
13	American Tobacco	4,792,463	2,505,141	1,219,438	1,177,384	42,054	1,286,703	
13	Campbell Soup	4,434,389	2,704,331	451,248	451,248		2,253,083	
13	General Mills	3,541,038	2,411,288	1,236,953	1,906,950	230,003	272,925	1,410
19	American Home Products	3,124,305	2,529,553	1,724,714	1,972,448	752,265	804,859	
20	National Dairy Products	2,944,393	1,521,480	1,164,820	1,154,770	50,150	325,550	31,000
23	Brown & Williamson Tobacco	2,593,953	2,047,530	1,707,501	1,309,235	398,266	340,055	
28	Quaker Oats Company	2,046,701	1,205,447	1,192,004	1,189,124	2,880		13,443
37	Philip Morris	1,637,685	1,216,166	590,016	540,672	49,344	467,470	138,680
39	William Wrigley, Jr.	1,567,485	1,315,391				1,315,391	
41	Miles Laboratories, Inc.	1,474,528	1,236,254	1,236,254	647,282	588,972		
47	Lady Esther Co., Ltd.	1,312,704	901,546	461,671	461,671		439,875	
58	Sun Oil Company	1,026,176	656,084	565,084	122,020	534,004		
59	Continental Baking Co.	1,024,174	729,543				729,543	
61	Radio Corp. of America	1,010,970	635,926	635,926	64,084	571,242		
Total		\$65,005,418	\$42,300,721	\$27,686,525	\$22,757,449	\$4,929,076	\$14,081,693	\$541,503

* 1939 Rank by total expenditures in the three media combined.

There Were 61 Advertisers in Million-or-More Class in 1939 — Four Alcoholic Don't Count for Radio Purposes — How the 1 Cream Big Ones Divide Their Coin

RED LEADS

There were 61 million dollar advertisers in national advertising during 1939. This number comprises those accounts which spend \$1,000,000 or more between newspapers, magazines and network radio. Of the 61 are alcoholic advertisers which are not available to network radio for policy reasons so the million-or-

Million-or-More

(In 1939)

Summary of Media Expenditures in 1939 by 57 Million-Dollar National Advertisers*

Media	% of Total
Radio	35.3
Magazines	34.8
Newspapers	29.9

Total, 3 Media, \$178,721,028, 100.0

Network	% of Total
Red	44.0
Blue	11.1
NBC	55.1
CBS	43.7
MBS	1.2

Total Network, \$63,051,094, 100.0

* Excludes four liquor advertisers that spent more than \$1,000,000 each in 1939. These advertisers were not acceptable as network clients and consequently did not have a free choice in the use of media.

200 RADIO EVENTS FROM N.Y. EXPO

New York World's Fair which has been averaging 180 radio events per week last week touched its high for the season with over 200 actual pick-ups from the expo grounds at Flushing, Long Island. (This is 40-odd more than high week for 1939 season). There are now regular WOR-Mutual shows from the New Jersey building, WINA's program from the Gas Exhibit and WJMC programs from the Johns-Manville exhibit.

The Columbia Broadcasting System is now picking up a weekly concert from the Temple of Religion, also a shortwave feed to South America from the Inter-America House.

Meanwhile the Fair's radio department under John Young has by reason of this activity largely escaped the staff slashes that have been numerous at the Fair of late. One man, Harris Kirk, was transferred to special events and one secretary, attached to Fredericka Millet, the women's director, was affected.

Radio division is making and spotting a transcription series entitled "Invitation to the Fair." Number four of the series, with Lou Breeser orchestra, went out this week. Ed Curtin, the department's news editor, is servicing material to radio stations across the country for inclusion in their local programs. It's called "This Week at the Fair."

KEN MURRAY DEAL UP FOR HALF 'N' HALF

Young & Rubicam has under consideration a deal to star Ken Murray in a fall program for Half 'N' Half smoking tobacco, whilom sponsor of Ben Bernie.

WBT's Auditor to KMOX

Robert W. Carpenter, WBT's general auditor, leaves Charlotte this week for KMOX, St. Louis, to assume his new duties as general auditor at that station.

He came to WBT from CBS, New York, three years ago.

Wilbur Edwards, WBT account executive has been transferred to the sales department of WABC, New York, where he will assume his new duties next week. Edwards joined the staff of WBT about two years ago as an announcer and was then assigned to the station's sales department.

Edward De Gray, formerly with CBS, New York, becomes general auditor at WBT as successor to Carpenter.

British Broadcasting Co. Employees May Evacuate Tots Under Murray Plan

Toronto, July 23. Members of the Canadian Broadcasting Corp. and the Canadian Association of Broadcasters, under the direction of Gladstone Murray, CBC gen. and Harry Sedgewick, CAB prez., are completing plans for the evacuation of children of employees of the British Broadcasting Corp. and will provide them with homes "for the duration."

Personnel of all Canadian stations, both on the Federal national network as well as the independent outlets, in addition to members of radio departments of the advertising agencies, and other branches of the industry, are now being canvassed to find Canadian homes for the refugee tots.

Ever-Longer Brief Line

Washington, July 23. Ever-growing list of attorneys seeking admission to the Federal Communications Commission bar last week included Gordon Dean, who recently resigned as one of the Justice Department's most hard-working contact-men to embark on a private career.

Among the other barristers approved by the ommiss were: Leo W. Bagley and Harold H. Blodgett, Schenectady; Joseph M. Donovan and Stanley D. Schuval, New York; John R. Curtis, Gary, Ind.; John H. Carkin, Salem, Ore.; Joseph I. Davis, Miami; Alvin W. Hahn, Los Angeles; Charles Hall, Hutchison, Kans.; Guy Johnson, New Orleans; John C. Mahoney, Worcester, Mass.; John T. Mazzeo, Jr., Newburg, N. Y.; B. R. Roaves, Palestine, Tex.; James Morgan Smith, Detroit; Francis N. Thompson, Birmingham, and David B. Whittington, Hot Springs, Ark.

Admission to practice was given seven more Blackstones, namely: William P. MacCracken, Jr., of Washington, once Assistant Secretary of Commerce; Henry Howard, Jr., Guy Gilbert Ribaudin, and A. Allen Saunders, of New York; Alfred C. Munger and Varro H. Rhodes, of Omaha; and Clause S. Hall, of Little Rock.

No Husing-CBS Deal

Ted Husing leaves Saturday night (27) after his late-evening sport broadcast for a two weeks' stay at Saratoga.

Contrary to report, he has not signed a new contract with CBS, but is continuing under the same deal as before. However, there's a chance he and William S. Paley, the network president, may get together before long on a revised agreement.

WBOW, Terre Haute NBC outlet, has applied for F-M broadcasting license. W. W. Behrman is manager.

CBS RENEWALS

Colgate, Bayer, Sterling (Also Increases Number of Stations on Web)

Colgate-Palmolive-Peet has renewed on CBS as of Aug. 8 for the 8-8:35 p.m. stretch. It includes "Ask-If Basket" and "Strange as It Seems" programs. There will be 63 stations for each, an increase of nine. Benton & Bowles is agency.

Bayer's "Second Husband" show with Helen Menken goes on 73 stations and a like cut will prevail for Ironized Yeast's "Court of Missing Heirs" under further CBS renewals. Blackett - Sample - Hummert reps "Husband," Ruthrauff & Ryan has the Court stanza.

Baseball Players Divvy (\$600 Each Last Year) On Gillette Series Money

For the second successive year, Mutual will broadcast the World Series this fall for Gillette razor. Price is reported as \$100,000 and Maxson is the agency. More than 150 stations will carry the games, which will be described by Bob Elson and Red Barber. Option has been taken on the series for 1941.

The \$100,000 fee will be divided among the players of the two teams, the office of Judge Landis, the leagues and the clubs. Last year each member of the New York Yankees received nearly \$600 as his share of the radio rights. Series was sponsored by Ford through 1935-37 and was a sustainer for all networks in 1938.

W. M. Wilson With Rambeau

William M. Wilson has been added to the New York staff of the William Rambeau station rep outfit.

Wilson was formerly in the advertising departments of the Washington Post, New York Times and Los Angeles Times.

Chicago Tribune Backs Own Concert Bureau Adjunct to Station WGN

Saphier to Hollywood, Gosch His N.Y.C. Rep

Martin Gosch and Howard Harris will handle the radio affairs of Jerry Lester for Jimmy Saphier while the latter is on the Coast for the balance of the summer. Saphier left Monday (20).

Lester has a nine-week contract for the Peppodent show.

Spartanburg (S. C.) News, published by Virgil V. Evans, until recently owner-operator of WSPA, has suspended publication. Publisher has announced candidacy for Congress.

CBS 'FORECAST' PAYS NAMES ONLY \$21

Guest names and others working in the CBS summer series, "Forecast," are receiving only AFRA scale amounting to \$21 for the 30-minute show for actors and somewhat higher for singers. That includes Frederic March, Florence Eldridge, Jane Cowl, Herbert Marshall and the others. Idea is that the show is in the nature of an experiment and that if any of the programs is sold commercially for a series the fees will be set in the usual dickering way.

Monday night's (22) edition of the program, "When You Were 21," was a hectic affair for everyone concerned. Script was discovered to be eight minutes overboard only an hour before the show went on the air. Director Brewster Morgan finished cutting it and going over the changes with the cast only three minutes before deadline. Then during the broadcast one of the actors skipped a page of script, so there was a lot of scrambling to come out even.

COLUMBIA RECORDS USING NAT'L SPOTS

Benton & Bowles, new agency for Columbia Records, will use a national campaign of one-minute spot announcements for the account. However, still looking for a suitable network show.

Ward Wheelock agency had the Columbia Record account until last week.

better advertisers actually for radio purposes are limited to 57 accounts. The broadcasting industry is able to claim that of these 57 bigtimers 18 were sufficiently "radio minded" in 1939 to earmark 50% or more of their total annual advertising expenditure for radio.

Big national advertising budgets take in Procter & Gamble's \$13,734,975, of which sum network radio gathered \$8,769,135. The difference was divided between the two rival media. General Foods earmarked \$5,269,567 of its total appropriation of \$7,714,100 for web selling. The chart below tells the story of the radio-minded 18 in convenient quick-glance style and also reveals the division between the four networks, CBS, Red, Blue and Mutual.

CONSOLIDATED COGITATES

Hearst New Show Audition With Meredith Gibson, Christie

'Spotlight on New York,' 30-minute variety show with dramatic spot and a game angle, was auditioned last Friday (19) by B.B.D. & O. for Consolidated Edison. Burgess Meredith, Fredda Gibson and Ken Christie's orchestra were the talent. Company cogitating.

McNaughton's Own Show

Harry McNaughton has no connection with the stable of comic stogees which is being peddled by Herman Bernie. McNaughton is, instead, on the point of consummating a deal to star in his own comedy program. The former 'Bottle' of the Phil Baker program is repped by Mark H.

AFRA SPURNS \$60-FOR-THREE WAX HRS; LEADERS RAP AT WEBS' ARTISTS BUREAUS

actors Union May Make Drastic Near-Parity Demand for Sustaining Programs — Also Seeks Expiration to Coincide With Pact Next Feb.

The networks, scheduled to begin negotiations this week with the American Federation of Radio Artists for renewal of the sustaining contracts are apparently bent for a showdown.

At the same time, the networks, together with the transcription makers and agencies, are still stalled with AFRA on negotiations for a transcription code.

In the matter of the network artist bureaus, AFRA is expected to demand the outlawing of commissions on minimum fee contracts and/or permitting the networks to act as both agent and employer on any deal.

Although the union will probably try to boost most of the sustaining minimum up to almost the commercial level, some few classifications may be lowered.

After some weeks of preliminary huddles, the Radio Writers Guild last week submitted a written list of its proposed requirements for a network sustaining contract.

Another, and possibly further-reaching, proposal was for the payment of additional fees for the rebroadcast of scripts by radio writers who have in the meantime left the company's employ.

Winschl Arbitration

American Federation of Radio Artists officers may seek negotiations with advertising agencies on wage and working conditions agreement following last week's settlement by arbitration of the dispute between the AFRA local and the network

stations. In that dispute AFRA won the contract date point with the arbitrators fixing Feb. 12, 1941 as the finish date of the current agreement, the unions having fought for a one- or two-year contract.

Local agencies and stations are generally disquieted by the decision, which definitely makes the Chicago situation part of the national picture.

With this decision taking care of

NEW SYRACUSE STATION

Okay Comes After Long Delay—Politicians Are Directors

Syracuse, July 23. After battling for more than three years, Sentinel Broadcasting Corp. got the "go ahead" signal from FCC last week on its application for a license.

The new station, a 1,000-watt, will have regional status opposing WFBL and WSYR. The latter have shared NBC's blue and red chain programs for years.

There is a political cast to the new station set-up. Revoir is a prominent Democrat. Other lister stockholders include William T. Lane, president of the city's common council.

The fight has gone on so long that one of the original directors, William H. McCaffrey, former president of Lincoln National Bank and Trust Co., has since died.

station produced local shows AFRA, it is indicated, may drive against the agencies producing their own shows to signature special agreements.

What to Wear in San Francisco

San Francisco, July 23. The evenings in San Francisco in August—particularly in August—are what is known in the enthusiastic vocabulary of San Franciscans as "Invigorating." Out-of-townners are unkind enough on occasion to use the word "chilly."

Canadian Travel Series on NBC

Border Red Tape Fears Injure Tourists Prospects—Two Railroads Unite on Series

Carter's Pills Plan Disk Invasion of Latin Americas

Export division of Carter's Little Liver Pills is now using 150 radio stations in the Central and South American republics, plus Porto Rico, Cuba, Panama, Chile, Brazil and Argentine get the major play.

Toronto, July 23. In order to offset misunderstandings regarding border regulations which are gravely injuring the tourist business this summer between Canada and the United States, the Canadian Pacific Railway and the Canadian National Railways sponsoring a 13-week series on the NBC Blue Network, first getting underway Thursday.

Programs will be under the supervision of Leo Dolan, director of the Canadian Travel Bureau, and will consist of historical sketches, music, descriptions of Canadian localities and scenic spots, and the answering of questions likely to be asked by tourists. Malcolm LaPrade is commentator.

CKY's Travel Emphasis Winnipeg, July 23. In order to present a new series of programs in cooperation with the Publicity and Tourist Bureau of the Province of Manitoba, CKY, Winnipeg, has recently completed an extensive tour of the province with their recording unit.

Social Guide to San Francisco

By Willis Werner

Adventures, eating, the nearby roar of seagulls and the invigorating ("i.e. chilly") tang of foggy evenings, in addition to the usual night-spot and "Fair meccas, will provide the fun background for delegates to the National Association of Broadcasters' conclave here Aug. 4-7.

THE EXPOSITION

Primary center of attraction will be the Exposition. By car, it's reached via the bridge (toll 25c) with plenty of parking (25c) at the north end of the island near the Gayway.

On the island, general admish is four bits with attractions inside ranging from twice-daily revue topped by the Forty Fair Girls (free) to the Aquacade at 44c general.

SUBTLE SOCIAL RATINGS

Summarizing relative ratings of the hotels, local cosmopolites would book various visitors as follows: Top traveling salesman, the Maxx. Salesmanager, the Sir Francis Drake. President of the firm, the Palace.

FOR A BIRD'S-EYE VIEW

The Mark Hopkins will offer the NAB dance-minded Henry King's music plus the Top of the Mark, classiest of cocktail skyrooms with the finest view in town. Standard cover charge in San Francisco is 75c week-days, \$1 week-ends, only exceptions being the Drake, trying smaller bands without a covert, and the Palace

In all of these spots, formal dress is in words of tourist guides, 'proper but not obligatory'.

THE NITERIES

Heading the night club picture is the Bal Tabarin (no cover) in the Latin quarter next from Fisherman's Wharf. Operated by Frank Martinielli and Tom Gerun (who formerly led orchestras and is credited with giving Kay Kyser his first break), the Bal uses a real show currently featuring 'Grandfather's Follies', a disk. Dinner is \$2 with dancing until two.

FOOD AND WINE DET.

More conservative conventionites will find their fun investigating Frisco's beaneries. City is famous for its food and fine wines and everybody has a favorite spot, so ask anybody. Plenty of tourist meccas, like Joe DiMaggio's Grotto on Fisherman's wharf and the neotrimmed temples of Chinatown, plus innumerable dinky spots which yield delicacies ranging from tomatoes to goatfish. High-end average for good eating is Italian sector north of Chinatown.

SIGHTSEEING

Three principal sightseeing spots are Coit tower, Twin Peaks and the waterfront loop. Tower yields view of waterfront, shipping, Treasure Island, bridges. Stay on Grant after passing through Chinatown and follow the signs.

Twin peaks, reached by going west on Market, offers skyline scenic drive which shouldn't be missed. For waterfront tour, start at Ferry building and head north to Fisherman's wharf, following trail through Presidio and around to the Cliff House where seals bask on the rocks, then back to town through Golden Gate Park or on long wide seashore blvd. to Fleischer pool and zoo.

MISCELLANEOUS

Any hotel clerk or a copy of San Francisco Life will yield, abatingly-inclined best data on golf, tennis, fishing, boating or bike riding facilities of the moment. Cutting available by bucketful at De Young and other museums in Golden Gate Park, S.F. Museum of Art at Civic Center and Palace of the Legion of Honor, surrounded by golf course in Lincoln Park overlooking the Golden Gate.

N.A.B. Crosstalk

San Francisco, July 23. More fun than a John Sheppard party are the cable cars of San Francisco. Recommended to N.A.B. ers: the Powell Street line. (Get on at Market Street and make round-trip.)

NBC's Al Nelson is plotting a super-feed with Chef George Mandikian of the exotic Omar Khayyam restaurant. But this "kuch too good for the average man." The beneficiaries are the bon vivants among the NBC delegation.

Lincoln Dellarr, manager of KSPD and an alumus of CBS, is the chairman of convention reservations and whatnot. He's a native of these parts recently returned after exile in New York and North Carolina.

CBS reps known to be headed this way: Don Thurnburgh, Harry Witt, J. Kelly Smith, Howard Meinhan, Edward Klaubner, Mefford Russell, Herb Ackerman, Earl Gammans, WCCO, Minneapolis; Thad Holt, WAFB, Birmingham; Merle Jones, KGOX, St. Louis; Jack van Bolkenberg, WBBM, Chicago; A. E. Joscelyn, WBT, Charlotte; Harold Fellows, WEEI, Boston; Stephen Field, Wap Guide, A. D. Willard, WJSV, Washington; George Moskovic,

NO NBC 'DOUBLE STANDARD'

Authority Blueprint for NBC

Following the elevation of Niles Trammell to the presidency of the National Broadcasting Co. last week the following re-orientation of authority was announced by Trammell in a round-robin to all department and division heads of the network. At the moment and until an unspecified time NBC has no executive v.p. In seeking to conserve his own time and energy against the innumerable demands thereupon Trammell is diverting various duties to Mark Woods, treasurer and v.p., who will, in his turn, report to Trammell. Trammell of course reports to David Sarnoff of RCA. Last week's clarifying memo:

The following changes will become effective immediately. The President will continue to supervise and direct the following activities and departments. The Department Heads concerned will report to the President:

Red Network Sales.....	Roy Wilmer
Blue Network Sales.....	Edgar Kobak
Program Department.....	John Royal
Information Department.....	Frank E. Mason
Legal Department.....	A. L. Ashby
Stations Department.....	W. S. Hedges
Continuity Acceptance Department.....	Janet MacRorie
Central Division.....	Sidney N. Strotz
Western Division.....	Don E. Gilman
Washington.....	Frank M. Russell

The President's office will consist of Messrs. James R. Augell, Educational Counselor, and Clayland T. Morgan, Assistant to the President.

The Vice President and Treasurer, in addition to his present duties, will also actively supervise and direct the following departments and the Department Heads concerned will report to the Vice President and Treasurer:

Artists Service.....	George Engles
Engineering.....	O. E. Hanson
Television.....	Alfred H. Morton
General Service.....	V. J. Gilcher
Radio Recording.....	Lloyd Egner
Auditing.....	H. F. McKeon
Treasurer's.....	R. J. Teichner
Commercial.....	Glenn W. Payne
Int'l Short Wave Sustaining.....	Frank E. Mason
Int'l Short Wave Commercial.....	L. F. Yandell

The Vice President and Treasurer will report to the President. During my (Trammell's) absence or when otherwise unavailable the Vice President and Treasurer is authorized to act in my stead on matters pertaining to the operations of all the activities of the company.

MANY 'IFS' ON DRUG ACCOUNTS

Blue Network Wants to Attract Big Shows and Certain Drug Houses Might Be 'Reconsidered' Under Modern FTC Advertising Restrictions — But Blue Wouldn't Take Anything Red Refuses

BLUE STEPS UP

There will be no 'double standard' of program acceptability as between the NBC Red and the NBC Blue networks under the new separation of these webs, which is now in process of taking effect. The Blue will go after business harder, will have an identity of its own and the ability to really compete and not merely go through the idle gesture of doing so. But the Blue doesn't propose to build on basis of sluff accounts.

Laxatives have been mentioned in trade speculation as staging a possible return to NBC through the medium of the Blue. It is possible that certain drug accounts, with or without laxative characteristics, might be 're-considered' in the light of reforms already forced upon their advertising by the Federal Trade

(Continued on page 29)

Broadcasters Cooperation Sought To Muster 100,000 Skilled Workers

Washington, July 23.

Radio drive to recruit approximately 100,000 civilian skilled workers for various jobs in the National Defense program was launched Friday (19) by the National Association of Broadcasters. Bright-yellow and black broadside was issued by NAB, printed in bold-face and adorned with title 'National Defense Bulletin,' in one-inch letters. A coupon was attached for the use of stations which desire to rally to national defense man power requirements' as outlined by the bulletin.

Addressed to 'all broadcast station executives in the United States,' the plea asked all stations to cooperate in locating—as speedily as possible—workers who are needed for immediate employment in the War and Navy Departments, the Civil Aeronautics Authority and 'several other departments.' The campaign taken up by NAB was described as 'an urgent and patriotic duty that radio can perform best.'

In order to find men for the task of preparing the country's defenses, 'the highways and byways must be combed for recruits,' NAB declared. Many men now working in other capacities will be given an opportunity to return to their former trades, NAB believes, and—while the jobs are all under Civil Service—all red-tape has been cut—the applicant does not have to pass a written examination.

The call includes men who may be a bit rusty at their trade, the special bulletin points out. Once skilled at a certain task, however,

former efficiency quickly returns with practice. Need for men is urgent. Make no mistake about that.

Men responding to radio announcements secure application blanks at the nearest first or second class post office, from the 5,000 Civil Service secretaries on duty.

A man is hired on the basis of information he supplies in this blank. He qualifies for Civil Service employment by demonstrating that he is a capable workman. The waiting interval is cut to a minimum.

Asking transmitters all over the country to 'turn on the heat,' NAB pledged itself to a weekly conference with the U. S. Civil Service Commission about jobs throughout the U. S. 'Since needs at certain points' are expected to change frequently, the industry association will tip off stations whenever necessary, so that announcements may be 'killed or modified to meet the changing conditions.'

Cantor Air Casting

Casting of the Ipana-Sal Hepatica show will be completed by Friday, Eddie Cantor, who takes over the program this fall from Fred Allen, declared Monday (22) in New York.

Comedian said he has prepared a whole roster of possibilities which will be presented to Young and Rubicam and Bristol-Myers, the sponsors, today (Wednesday). Decision has been promised by them by Friday so Cantor can return to the Coast early next week.

KSL

SALT LAKE CITY

50,000 WATTS

CBS

NEW EQUIPMENT for continued leadership. **New 50,000 watt Western-Electric transmitter... Blaw-Knox radiator.. Western-Electric input equipment for all studios.**



For more information about KSL, one of the sixteen CBS 50,000 watt stations, inquire of Edward Petry & Company

VOICE OF THE INTER-MOUNTAIN EMPIRE

ALFRED HITCHECOCK with Herbert Marshall, Edmund Gwenn, Noreen Gammill, Luntz...

The Lodger 30 Mins. CBS Forecast No. 4 Monday 9:30 p.m. WABC-CBS, New York

Although the series is in this spot as a filler while Edgar Bergen takes his vacation...

Herbert Marshall doubled as narrator and as the black-cloaked religious fanatic who took lodgings and emerged only by fog-light to prow...

Marshall gave a vivid and versatile reading, with recollections inevitable of Charles Laughton and Orson Welles.

All in all this 'Suspense' had a mule-like kick and demonstrated which is hardly surprising, that Hitchcock of the cinema has much to sell the electrified air-

JERRY LESTER. Comedy. 30 Mins. WEAF-NBC, New York (Lord & Thomas)

Jerry Lester, who heretofore has conked his jesting mostly to nightclubs, is getting 10 weeks in which to prove himself as a likely mike personality.

Lester made his initial plunge on this summer 'flier' which stars Tommy Dorsey's orchestra and even though the outcome last Tuesday (9) was a none too happy one the comic gave evidences of having that indefinable something out of which a migrating mike personality might be evolved.

His introductory stint Lester was lound effects sort and the results were most of the time brutal. The stogoes failed to mesh with him and gave the couple a counted-for solid laughs landed in this instance like so many duds.

Although the series is in this spot as a filler while Edgar Bergen takes his vacation...

Elizabeth Berggren, Edna Kelly, Eleanor Audley, Arthur Allen. Comedy Mystery 30 Mins. Sustaining Sunday, p.m. WEAF-NBC, New York

There are two permanent characters in this dramatic compound, a retired missionary and a reformed lund. Each program completes an adventure.

Francis Wilson is the scriptist and characters are colorfully and clearly. The Thompson, the director. Odec.

'EARTHBOUN' with Minabelle Abbott, Kenneth Peters, Virginia Temples, Laura Frazer, Ray Shannon, Lou Clark

Richard's continuity editor of WLS, Chicago, and program director of KMOX, St. Louis, before illness forced him to take a breather.

'Earthborn' returns to the air three veterans of dramatic serials: Minabelle Abbott, who originated the title role in 'Life of Mary, Mother' and Kenneth Peters and his wife, Virginia Temples, who played in 'Ma Perkins' and other dramas originating at NBC in Chicago.

Stanza caught, July 14, was the second in the series. Job in general was plenty on the okay side. Story is about a country boy coming back from college with a city bride to surprise his family, neighbors and notably his childhood sweetheart.

Compared to the run-of-mine serials closing present day radio, this one is wholesome whiff of fresh countryside. Koll.

MARGARET CULKIN BANNING 'It Looks From Here' 15 Mins. Sustaining WJZ-NBC, New York

'It Looks From Here' is a new series of weekly commentaries, over NBC blue, by Margaret C. Banning, the novelist. Talks presumably are designed for women listeners.

Some listeners will inevitably compare Mrs. Banning with Dorothy Thompson. Broadly the fields they cover on air are somewhat the same and both editorially.

Mrs. Banning is a clear thinker. In considering 'Civilian Preparedness,' she made some acute observations on Hitler's tactics, present and future plans.

DANNY KAYE with Jane Cowl, Joan Edwards, Rush Hughes, Lyn Murray Orchestra, Four Clubmen. 30 Mins. CBS Forecast No. 3 WABC-CBS, New York

Radio programs, like the family wash, need a line to hang on. If it is hangable the line itself seldom gets much attention.

'When You Were 21' deals with a year, any year, in American history when some part of the radio audience came of age.

Danny Kaye was offered as the primary raison d'etre of audition number three in the CBS Forecast series. His odd, unpunched, characterization-colored repertory of fun episodes.

Basically a revue with comedian, lush orchestrations, guest star, spicier and sportier than 'When You Were 21' went through its public audition with no cause for qualms.

Frazier Hunt, stubbing for Gabriel Heatter over WOR-Mutual for Kremi, gave an essay Friday night (19) about U. S. foreign policy, preparedness plans and ended with a plea for an active, aggressive democracy.

Follow-Up Comment

Frazier Hunt, stubbing for Gabriel Heatter over WOR-Mutual for Kremi, gave an essay Friday night (19) about U. S. foreign policy, preparedness plans and ended with a plea for an active, aggressive democracy.

THE MOTORIST ON THE BEAM

By HOBE MORRISON (Variety Staff Member Just Back from His Vacation)

For the motor tourist, radio not only breaks the monotony of long hours on the road, but it also offers virtually the only way for the traveler to keep abreast of what's going on in the world.

As a news medium, radio gives the motorist a smattering of events hardly obtainable otherwise, since it's impossible to read a newspaper while on the road.

For the night driver, the network shows are generally the most listenable, but during the daytime the spread of serial programs over the networks leaves the motorist little but the tough-to-get local broadcasts to hear.

One program heard during a recent New England trip contained several funny moments. It was an Army Air Service show, rebroadcast by WBZ-WBZA, Boston-Springfield, to help recruiting.

CIO REPORTER Labor News 15 Mins.-Local Daily, 6:30 p.m. KFYA, San Francisco

Paradoxical situation is newscast sponsored by CIO on a Hearst outlet. Prepared by CIO headquarters, nightly; budget of labor news is read by anonymous spicler.

On show caught comment attacked as 'frame-up' contempt trials of union workers, urged listeners to protest against Bridges' deportation and NLRB reorganization bills.

WBAL means business in Baltimore

Now 5000 WATTS DAY and NIGHT WBAL YOUR BEST NATIONAL SPOT BUY A NEW APPROACH TO THE NEW YORK MARKET

Terry Carpenter, Inc. Refinery and General Office SCOTTSBLUFF, NEBRASKA Jan 12, 1940

KLZ Denver CBS AFFILIATE-560 KILOCYCLES Affiliated in Management with WKY, Oklahoma City-Represented by The Katz Agency, Inc.

As Democratic candidate for Governor of Nebraska Terry Carpenter knows the secret of winning friends and influencing people.

'Want a Divorce' Back With Film Tie-Ins Oct. 5

'I Want a Divorce' will return to the Columbia network for 26 weeks starting Oct. 5. Will be heard Saturdays at 7:30 p. m. New York time. Food & Beverage Broadcasters Association is the sponsor with the production under Emil Brisacher agency of San Francisco.

Program will add a Hollywood personality and other film links. There are also tie-ins this season with a film of similar title starring Joan Blondell and her husband. These film tie-ins are said to have clinched the revival of 'I Want a Divorce' over 'Hollywood Holiday' program which was tentatively considered as a substitute.

'Divorce' rated around eight in the C.A.B. last season. Van Fleming will again handle the production.

CKLW VISA TROUBLE

Staff Can Now Cross and Re-Cross International Border

Detroit, July 23. Passport and visa difficulties experienced here at the Windsor-Detroit border the past few weeks, have subsided and staff at CKLW, across the river, has now obtained the necessary data required for commuting between the Canadian and Detroit studios.

Border regulations, which reduced sincerely commuting to a trickle, caused some delay for several members of CKLW staff but none missed a broadcast.

Hayward on Production For Ray Paige Americana

Henry P. Hayward is handling production of the Westinghouse Raymond Paige 'Musical Americana' show, beginning with last night's (Tuesday) program. Kenneth Watt Andrews, director of radio for Fuller & Smith & Ross agency, will supervise.

Andrews is also building two more shows for the agency's clients.

AFRA Poll at KKOK

St. Louis, July 23. The NLRB last week notified Nellie Booth, exec. sec. of the St. Louis Chapter of AFRA, that a bargaining election be held within 30 days among the staff and free lance talent at KKOK, owned and operated by the Star-Times. The election comes as a result of the station's request. According to Miss Booth, who began negotiations for a wage contract last May the station, through its attorney, George Logan, doesn't dispute AFRA's claim that AFRA has a majority among the radio employees, but wanted to officially determine just what the labor union controlled. A favorable count for AFRA is expected to result in a speedy wage pact.

Miss Booth, Logan and King Deer, local NLRB representative, are scheduled to huddle to fix a date for the election. AFRA claims 16 of the 18 singers, actors and gabbers belong to the organization. KKOK began operation in Sept., 1938, and has never had a wage pact with AFRA.

Phyllis Carter's Series

Montreal, July 23. Phyllis Carter, only local femme newscaster. (Women in the News) starts new daily women's program over Canadian Marconi Station CFCF this week for Toilet Laundries. Show to be entitled 'Women of Our Time' deals with current activities of femmes such as Dorothy Thompson and other prominent American and British women, including members of the Royal Family.

Catell Macaroni has booked new 15-minute musical show over CFCF through Vickers & Benson. Other new commercials on CFCF include Wabasso Cotton (Eddy Rucker Nickels Co., Cambridge Mass.); Wheat Flakes (Templeton Proprietaries); Charles Gurd & Co. (soft drinks), through Cockfield-Brown agency.

Minneapolis.—Vera Oskey, for past five years copywriter on publications and radio advertising on various General Mills products for Knox Reeves Agency, now with Compton, New York City.

IRENE RICH SHOW GOES ON

Chicago, July 23. Kastor, agency here for Welch Grape Juice, has renewed for another 52 weeks of NBC time on the basic Blue web starting Aug. 11 and taking 8:30-8:45 p. m. central time.

Show, which is headed by Irene Rich in a dramatic series, will repeat on the NBC-Red stations in the mountain and Coast districts.

Taylor to P.&R.

John Taylor, formerly with Ruthrauff & Ryan on Lever Bros. programs, has shifted to Pedlar & Ryan, effective Monday (23). He becomes script editor and supervisor, replacing Finis Farr, who left for freelance scripting on 'Mr. District Attorney' and other shows.

Before going to Ruthrauff & Ryan, Taylor was script supervisor of the Compton agency. For the present he will work on Procter & Gamble daytime shows for Pedlar & Ryan.

Regina, Sask.—Maurice Reynolds and Harold Law, of the CKCK, Regina, joins Royal Canadian Air Force. Reynolds spiels and Law handles the money.

Fast Convincer

A double quick success story for radio has been chafed up at WABC, New York in the case of Federal Life and Casualty, which began July 8 on the Larry Elliott 'Rising Son' program. Drew 1,200 requests for a mailing piece.

As a result Green-Brodie agency for the account has contracted for a quarter hour Sunday morning with Zeke Manners and gang.

Y&R Option Gosch-Harris 'Adventure In Manhattan'

Young & Rubicam has taken a week's option on 'Adventure In Manhattan,' a romantic comedy series by Martin Gosch and Howard Harris, for which the agency is trying to get Robert Young. Expiration date is Friday (26).

Gosch and Harris are also writing scripts for Jerry Lester, comedian on the Tommy Dorsey show Tuesday nights for Pepsodent. In addition, they're doing an original screen story on assignment from Warners. It's intended for James Cagney and Anne Sheridan.

Doctor Sounds Advertising Warning; Youth Grows Skeptical Over Claims

Vancouver, B. C., July 23.

In a devastating attack on radio-advertised 'patent medicine hoaxes' in the United States, Dr. Frank J. Clancy, of Seattle, warned the advertising fraternity that 'deception and sharp practice in the name of business could eventually destroy the American way.' Former head of the American Medical Association's bureau of investigation, Dr. Clancy addressed the annual convention of the Pacific Advertising Clubs Association.

He furnished concrete evidence of the worthlessness of certain products which have become household names largely through the agency of radio comedians. 'Medical colleges will soon have to add courses in gag-making if they are to compete with the radio comedians,' Clancy observed.

He decried talk of Communistic tendencies on the part of present-

day youth. 'The youth of today laughs at your pontifical commercials in the case of questionable products, and flings back at you, "Well, if business is so rotten it ought to be destroyed."

'I who am able to evaluate perhaps better than anyone in the United States your patent medicine hoaxes am left wondering if the values of the other products that are brought to me on the radio are not equally questionable; if motor oils, watches, clothes, food products and other things are not also of doubtful worth.

'Purely from the profit viewpoint, radio should supervise itself to a position above suspicion,' he said.

Ralph Whitmore, Jr., KSFO, San Francisco, salesman, spending two weeks in military training at Camp Ord, near Monterey.

In Cincinnati WSAI is 2nd only to WLW in total business

Climaxing the dramatic sweep forward and upward of WSAI's business, comes this revolutionary Cincinnati situation: **WSAI IS NOW SECOND ONLY TO WLW IN TOTAL BUSINESS!**

During the typical week of July 14th through the 20th, WSAI had **262 $\frac{2}{3}$** quarter hours of sponsored programs—local, national, spot AND NETWORK. Thus, 5000 watt WSAI, though not tops in power, is tops in business, and is impressively ahead of its nearest rival, a 50,000 watt, 1490 kc, CBS station.

By excluding baseball, we subtract the "strictly summertime" business. Yet even after that, WSAI is still in second place in total sponsorship.

These indices of leadership demonstrate what advertisers think of the Cincinnati radio situation since that memorable day last September when three network changes were made here. They point out the station which the majority of the men who pay the bills believe is doing the job for the advertiser.

More and more, WSAI becomes the choice of those who wish to reach and sell Cincinnati. You should investigate.

WSAI Cincinnati's Own Station

REPRESENTED BY INTERNATIONAL RADIO SALES

DON LEE NETWORK CUTS OFF HITLER, CALLS SPEECH APOLOGY FOR NAZI CRIMES

Pacific Web Decides That Its Facilities Will Not Hereafter Be Available to Berlin 'Propaganda'—Many Compliment Action, Others Question It

Los Angeles, July 23. Lewis Allen Weiss, headman for the Don Lee chain on the Coast, reverted to his early newspaper training last week and typed out his first radio announcement in years. It was brief and potent—potent enough to chase Adolf Hitler off the air after he had been spouting for 45 minutes. Getting his fill of the harangue, Weiss moved over to his secretary's typewriter and pounded out the following to be read on the air by Stu Wilson:

"The management of this network is of the opinion that it is not in the public interest or in harmony with the attitude of this Government to permit the continuation of this broadcast by Mr. Hitler from Germany. We feel sure that our listeners will concur in our opinion that Mr. Hitler should not be permitted to use our American facilities to justify his crimes against civilization itself."

After the announcement was read, the KHJ switchboard was ablaze with lights. Within an hour more

than a hundred persons had called in to compliment the station on its stand. It was indicated by Weiss that the voice of Hitler will never again be heard on the Don Lee chain unless the chancellor mends his ways.

Boettiger's 'Yes, But—'

Seattle, July 23. When the broadcast of Adolf Hitler's address was cut off KOL here by Mutual-Don Lee, many listeners complimented the web, while others took contrary stand. John Boettiger, son-in-law of President Roosevelt and publisher of Seattle Post-Intelligencer, under date of July 20, made the subject his lead editorial as follows:

PROPAGANDA—WHAT TO DO ABOUT IT?

The decision of the Mutual-Don Lee Broadcasting Company to remove from its network the reichstag speech of Adolf Hitler focuses a sharp light on a most important question.—What is propaganda and what should we do about it?

Mutual, breaking into the speech, said it did not believe the broadcasting facilities of the United States should be used as a vehicle to carry a glorification and justification of the Nazi war policies. Its stations then switched to music, while the National and Columbia broadcasting companies continued to bring listeners the voice of Adolf Hitler.

To Mutual, Hitler's speech was propaganda and there was, therefore, no place for it in its microphones. . . . Every court of decency and humanity has already found them guilty beyond belief. This being so, why should there be any necessity to hear their explanations, no matter how ingenious they may be?

Let us say, therefore, that these madmen may speak as much as they choose to the peoples whom they have subjected, but that we who can still control our actions will find no place for their speeches.

Undoubtedly that would be a

Hitler's Intrusion

St. Paul, July 23. When WCCO aired Hitler's spiel Friday (19) afternoon, long distance switchboard lit up with calls from listeners who objected to having their serials broken into.

pleasant procedure, at least for a time. It is certainly infinitely more enjoyable to hear a fine orchestra—or almost anything else for that matter—than the rasping, hysterical speeches of Adolf Hitler.

Furthermore, we can justify ourselves by the simple expedient of calling Hitler's speeches propaganda and we want no part of propaganda.

However, hidden within the kernel of this most plausible and soothing argument is a very great danger indeed.

That danger is that we will deliberately deny to ourselves all facts that are unpalatable. In short, we will nourish ourselves upon a mental pabulum that digests easily, but builds no mental bone and sinew.

Further, we will deliberately and knowingly deny ourselves a free circulation of news, because by any yardstick Hitler's reichstag speech was news as well as propaganda.

There is, and always has been, a very fine and indefinable line between news and propaganda. Sometimes they are one and the same. It is one of the glories of a democracy that its citizens have free and easy access to information. It is one of the duties of the citizens of a democracy to weigh this information and sift the true and the false from it.

The most simple and reliable guide in this search for truth is to consider the source. The words of Hitler should be examined in the light of what we know about Hitler. Under this light we can readily expose the speciousness of his argument.

Vic Campbell on WGY

Schenectady, N. Y., July 23. WGY is broadcasting Monday nights a series of programs conducted by Vic Campbell and called 'National Defense Opportunities.' Purpose is to emphasize the opportunities offered by various branches of army, navy and marines, with special stress on the chances enlisted men enjoy of learning trades which may later be of advantage to them in civilian life.

Ranking recruiting officers as well as non-coms of Albany Area offices are present.

Germans' Pledge

Buffalo, July 23. In this city of largely foreign extraction, German groups are busy re-affirming allegiance in the face of overseas events. Latest to adopt resolutions of U. S. loyalty is the German-American Musicians Association, numbering 100 members. President Edward Doherty, in making the pledge, said nine nationalities are included in the group.

The Montreal Gazette Says—

'Variety' Pours Brilliant Scorn On Defeatist Radio Newscasters

A radio reviewer in the current issue of Variety, organ of American show business, has put the case against those "super-informed" news commentators in a few superbly withering paragraphs.

Reviewing the news' broadcast of Pearson and Allen, the Washington Merry-Go-Round impressarios, Variety's writer notes they introduced their first program by predicting a German victory. The rest of his article is worth quoting in full:

"This statement could hardly have failed to please German propaganda agents and was in no wise lessened as a contribution to defeatism by the fact that the pair 'regretted' their conviction, 'hoped' it wasn't true and added at the end the qualifying phrase 'if aid doesn't come.'"

NBC sources were reported annoyed at Pearson and Allen, presenting them with such a sour bit of comment on the very first program. NBC had previously been disinclined to their crack about ex-President Herbert Hoover in their radio series last winter. However, objections were withdrawn because of a fear of being charged with "censorship." The J. Walter

Thompson bunch (advertising agency for the sponsors of the program) is also reported to have had nothing to do with picking the pair, the choice being made directly by the sponsor.

It is this fear of interfering with free speech that protects American radio commentators in their unalienable right to pretend to inside information on anything and everything and to peddle this for a profit. Pearson and Drew in their 'predictions' are similar to 'Transradio's' slice of Sunday supplement sensationalism called 'Confidentially Yours' and also to the eye-popping disclosures of Wythe Williams. It's a kind of broadcast that the networks don't like, but certain advertisers don't mind.

In the midst of greater problems besetting a troubled and confused humanity not much note perhaps will be taken of commentators in a democracy who for an attention-getting stunt echo the sentiments of Berlin with an apologetic 'this hurts us more than it does you.' Such are the times we live in.

Then, too, there's the current belief that bad news is reason, anything smacking of optimism is stigmatized as 'wishful thinking.'

Wows Canada

Continued from page 22

Slovakia, only with Mr. Benes. So when Mr. Benes resigned he made peace with Czecho-Slovakia by turning it into a Nazi protectorate.

Churchill and Hitler

Most graphic of all was Miss Thompson's conception of the two men, Churchill and Hitler, who now exemplify the national spirit of the opposing countries. Hitler, she described as 'a furious, unhappy, frustrated, and fanatic figure who has climbed to unprecedented power on the piled up bodies of millions of men, carried and pushed forward by revolution forces, supported by vast hordes of youth crying destruction to the whole part of civilized men... He stood atop this pyramid of steel-clothed men, stretched out his right hand and grabbed a province, and his left, and snatched another. The pyramid grew higher and higher. It made a mountain of blood and steel from the top of which the furious and fanatic one could see all the kingdoms of the earth. How easy to conquer. They possess most of the earth. Their youth play cricket and baseball and go to the movies. Their life is a dull round of buying and selling, of endless discussions in silly parliaments and congresses. They have lost the will to power and domination. For a quarter of a century in all their schools and colleges they have been preaching to their youth peace, fellowship and reconciliation. And he laughed, a wild laugh of thirsty joy, crying down to the serried rows of rows of uniformed fanatic youth: strike, and the world will be yours.'"

Of Churchill Miss Thompson said: 'He was no longer young. He was in his sixties. Yet, there was something perennially youthful about him as there is always something youthful about those who have done what they wanted to do. He had had a good life, the best life a man can have; a life of action and a life of intellect. . . . Young Winston Churchill was a soldier of fortune, a fighter on two continents, a war correspondent, his heart mettlesome, his eye keen, living in his times, living in them up to the hilt, preserving every impression on paper. . . . He was in love with life. He had no complexes, no neuroses. And what did he stand for in the history of England? Light and generosity; home rule for Ireland; tolerance and equality for the defeated Boers, generosity to the defeated Germans—he was no lover of the Treaty of Versailles; social reform and the rights of labor.

Jane Clark, daughter of Bert Clark (Clark and Hamilton, long a standard vaudeville act), is a member of the WTRY, Troy, N. Y., staff. She has introduced a new program, 'Tips and Times for Teensters,' aimed at youngsters in that age group.

IN BALTIMORE IT'S

WFBR

NATIONAL REPRESENTATIVES
EDWARD PETRY & CO.

ON THE NBC RED NETWORK

Write, Wire or Phone
YOUR NEAREST
VARIETY
OFFICE

To Reserve Space in the
1940-41

VARIETY
RADIO
DIRECTORY

NEW YORK
154 West 46th St.
BRyant 9-8153

CHICAGO
54 W. Randolph St.
Central 4401

HOLLYWOOD
1708 No. Vine St.
Hollywood 1141

ENGLISH ONLY AFTER 6 P. M.

WOV, New York, will switch its policy effective Aug. 15 to air only English programs after 6 p.m. Station currently broadcasts in both English and Italian day and night. Only commercials are in Italian, but after the shift all such shows will be moved to the daytime hours. All sustainers will continue in English both day and night. Notice of the change was circulated among the New York agencies last week. Arde Bulova station is seeking a power increase from the FCC and is otherwise planning to expand its facilities.

WBEN, Buffalo, is feeding to NBC red a half-hour weekly program titled 'Rhythm Matinee,' with Bob Armstrong's house orchestra and Tiny Schwartz as vocalist.

ACETATE
Recordings
Processed and Pressed
In Canada
Vertical or Lateral
Also line
Recording of
the highest
Quality
Many
Satisfied
U. S. Clients
Compo Company Limited,
Lachine, Montreal, Canada.
Transcription headquarters
For Canada.

Double Standard

Continued from page 23

Commission. But, such accounts, if acceptable, would presumably be acceptable to Red and Blue alike. Medicinals will not receive a royal welcome on the Blue under the new set-up any more than in the immediate past. On the other hand, the more discreet policies which the Government itself has imposed has recently brought up for consideration just what might be, or ought to be, future network policy. NBC is keenly aware of the history of such accounts and no medical programs will be accepted on either the Red or Blue if the faintest possibility of unfavorable public or Washington reaction can be anticipated.

There are perhaps three or four big gonging holes that could afford to sponsor pretentious radio programs and which might be willing to do so under the new copy restrictions of 1940. Since the Blue very obviously needs and wants some elaborate entertainments to strengthen the schedule, every sponsorship possibility will be canvassed in the light of whether such programs are consistent with the best interests of broadcasting itself and NBC as an organization.

Of course deodorants, dilatories and certain types of drug advertising cannot even be 're-considered' under any circumstances.

Individual Station Breaks

Actually several medicinals have continued uninterrupted through the years on network radio and, under network copy control, without audience objection. All the networks are aware of the great ironical circumstance, namely, that while they pass up drug business that, under network regulation, is relatively innocuous, this same advertising, in flagrant style, bobs up on individual stations, many of the stations being affiliates of the networks.

It is also a fact of recent underscoring that advertisers themselves have been reconciled to those limitations of eloquence which public authority and public taste alike frown upon.

Very definitely the NBC Blue does not propose, or want, to build its renaissance on the foundation of objectionable or sluff accounts. Blue accounts may, on the whole, be smaller budget accounts than Red, but they are not to be less respectable.

Separate Identity

The long-deferred, much-debated 'segregation' of the Blue network is very much in process of becoming a reality at NBC. The symbols of its reality to date are the separate sales offices at Radio City in Manhattan and in the Merchandise Mart, Chicago. To these will be added a like partitioning of sales personnel on the Pacific Coast when Edgar Kobak and Roy Witmer, the sales v.p.'s for the Blue and Red, go west for the N.A.B. convention.

Implicit in the changes of Blue status which will take shape in the future are questions of programming (which await the return from South America of John Royal) and of station relations and servicing (which will be gradually evolved to give the Blue the sinews necessary to its development as an organism and a force).

This effort differs from all previous efforts to do something about the Blue in that the basic mental readiness for the segregation has been established and the indispensable authority has been granted to the man charged with the responsibility. Kobak has been quoted as describing the problems of the Blue as 'primarily a state of mind.' It is the instillation within NBC itself of a new attitude toward the Blue that is a first objective of Kobak. He suggests to his colleagues that a network with \$10,000,000 in advertising is hardly 'sick' to start with. Nothing is wrong with the Blue that a few strong programs can't fix in a jiffy.

Not that there aren't tangible examples of the state of mind that has to be overcome. One of these examples has been provided by Dan Golenpaul, who controls 'Information Please,' which in October will shift from Canada Dry to Lucky Strike sponsorship. 'Info. Please' was an NBC sustainer that became a so-called commercial on its Blue. Its owner now wants to move the show to the Red or CBS because he has become infected by the 'defeatism' complex that besets the Blue.

Ben Pratt this week goes into the press department under Bill Kostka with his assignment confined exclusively to the Blue. Pratt returns to polite company after a spell as NBC's night man on press matters.

Mendel Jones of WCKY To Manage New WAKR

Akron, O., July 23.

Mendel Jones, who has been production manager and program director of WCKY, Covington, has been named general manager of Akron's projected third station, WAKR, by S. Bernard Berk, WAKR president. Don Dayton, former Sun Radio Co. employe, which Berk also operates as radio and sports goods store, has been named chief engineer.

Berk is now constructing WAKR's transmitter south of Akron and expects to have the station in operation by Fall on the NBC Blue.

New Marion, O., Station

Marion, O., July 23.

Marion Broadcasting Co., this city, has received a construction permit from the Federal Communications Commission, for a new radio station, to operate on 1,500 kilocycles. It's 250 watts power, unlimited time.

Allen Sues Covington

Montgomery, Ala., July 23.

Injunction proceedings were initiated July 18 in Circuit Court, equity division, by John S. Allen, a minority stockholder and vice-president of the Capital Broadcasting Co. against the other two officers and stockholders of WCOV, G. W. Covington, Jr., president, and Mrs. E. B. Robinson, secretary-treasurer.

Allen accused Covington of 'by fraudulent manipulations,' and the court was asked to enjoin him from making further such transactions.

Allen's petition shows that the Capital Broadcasting Co. is capitalized at \$10,000, divided into 100 shares of stock of \$100 each; that he is the owner of 45 shares; Covington 52 shares, and Mrs. Robinson, three shares.

Amarillo, Texas—New faces at KGNC include Ross McGough engineering department, Bob Izard, in the office and Tom Kritzer in merchandising.

Hashing Over Same News Bulletins Is Deplored by Canadian Burghers

Regina, Sask., July 23.

Efforts to curb repeated broadcasting of war news are being made by Duncan, B. C., city council which passed a resolution recently asking the Canadian Broadcasting Corp. to take action. 'Continued and morbid listening in to news repeated over and over again has a demoralizing effect on the morale, amounting almost to hysteria,' the motion read.

The motion strongly criticized the broadcasting of the same news from the same station '10 or 12 times on certain days' and asked the chairman of the CBC to limit this practice on the network and to make use of his powers to control independent stations.

The resolution said that much of the news broadcast by independent stations comes from 'questionable

sources' and observed that Germany's clever and unscrupulous use of radio propaganda had much to do with the collapse of European countries.

General Foods Sponsoring 'Symphony Hall' (Discs)

General Foods begins sponsorship in the fall of the Wednesday night edition of 'Symphony Hall,' 60-minute five-weekly recorded series over WQXR, New York. Young & Rubicam the agency.

Charles Gulden (mustard) will sponsor the 6:25-6:30 p. m. daily news program over the same station, also starting in the fall. Charles W. Hoyt the agency on the latter.

America's No. 1 Society Band Leader



RUBY NEWMAN

Ruby Newman Wins Society Band Poll. In a most decisive manner, winning from the very start, Boston's own Ruby Newman came through to top SWING's Society Band Poll. First poll of this kind ever held, this balloting gives a firm picture of the musical tastes of America's elite and opinion leaders. It does not necessarily indicate which of these bands command the highest prices, though there is little doubt that Newman, the winner, is at the head of his class, the extensiveness of his operations challenged only by the veteran Meyer Davis enterprises. Here are the results in SWING's Society Band Poll, with Newman scored first choice, two for second, and one for third.

America's NEW PERSONALITY for RADIO. SWING Magazine AUG. 1940. PERSONAL DIRECTION SIDNEY NEWMAN. 17 EAST 45TH ST. NEW YORK. Offices... 115 NEWBURY ST. BOSTON

CBS Cites Hooper Ratings As Proof Cheap Home Town Programs Pay Off

Los Angeles, July 23. Appeal to Coast advertisers of the cheaper quarter-hour shows and their proven effectiveness as sales generators are cited by George Moskovics, CBS Coast sales promotion director, as the reasons behind the optimism on the fall outlook and the favorable condition of summer business. Hooper Pacific Ratings are claimed to have demonstrated the pulling power of these inexpensive programs.

Advertisers are said to have been impressed by the rating of National Lead's 'Answer Auction', which, according to Moskovics, has an audience comparable with the more expensive half-hour shows. Also contributing to the general feeling of optimism is the move by such advertisers as Procter & Gamble and Wesson Oil in increasing their radio appropriations to take care of spot commitments additional to their regular programs.

KJNX: Procter & Gamble (Dash), through Pedlar & Ryan, 312 participations in Fletcher Wiley combination. Hudelson cherry juice, through Sholts Adv., 48 participations in Wiley combo. Hollywood Turf Club, through Milton Weinberg, 22 time signals. A. H. Rude auto supplies, through Glasser Adv., 18 participations in Wiley combo.

KHJ: Fifth Street Store, through Mayers Co., 27 spots. Schwabacher & Frey, through W. Austin Campbell, 365 spots. Union Pacific railroad, through Caples Co., 39 spots. Lindsay Oliver, through L. J. Thomas, 21 participations in Norman Young's 'Happy Homes'. Household Pectin, through Lord & Thomas, 21 participations in 'Happy Homes'.

KFI: Planters Nuts, through Raymond R. Morgan, 118 participations in 'Art Baker's Notebook'. Hollywood Turf Club, through Milton Weinberg, 22 spots.

KECA: O'Keefe & Merritt, through Richard Atchinson, 104 quarter-hour newscasts. Hollywood Turf Club, through Milton Weinberg, 23 spots.

KFWB: Dr. Keys, 65 quarter-hour commentary programs.

July 20 compared to July 13				
Network	Local	National	Spot	Total
Units	Units	Units	Units	Units
10,518	12,079	1,742	24,338	44,677
10,643	12,217	1,761	24,621	45,242
-1.2%	-1.1%	-1%	-1.1%	-1.1%

(Included: KJCA, KFI, KFWB, KHJ, KMPC, KNN)

Ronald Dawson, of the staff of WFVA, Frederickburg, Va., authored a play, 'Ten o'Clock', which was tried out at the summer theatre at Salisbury, Md.

FIRST IN PHILLY C. E. HOOPER SURVEYS

Audiences of Philadelphia Network Station 9:30-11 A.M., Mon. thru Fri.—4 Mo. Avg.

WFIL	27.1%
WCAU	14.7%
KYW	3.9%

% Listeners Identifying Station and Program

FIRST WITH 48 OTHER PROGRAMS

For LOWER COST Circulation BUY WFIL

The Situation In Des Moines

Des Moines, July 23. National spot slump continues this week with termination of several contracts. Cowles Stations' salutes to towns in the trading area building local totals.

KSO-KRNT: Crete Mills, through Moritz Adv. Co., daily announcements. Russell Miller Milling Co. through N. W. Ayer, renewal of five quarter-hours weekly. American Bird Products Co., through Weston-Barnett agency, 100-word announcements. Tanvi-Lac Co., half-hour programs. Lapp Laboratories, announcements.

July 20 compared to July 13				
Network	Local	National	Spot	Total
Units	Units	Units	Units	Units
6,750	2,644	4,220	13,614	24,628
6,820	2,571	4,302	13,693	24,786
+1%	+2.8%	-1.9%	+0.5%	+0.6%

(Included: KRNT, KSO, WHO)

CBS Snags Langendorf, Long on NBC, Frisco; Unit Totals Are Steady

San Francisco, July 23. Most important radio development of the week was shift of Langendorf Bread account from NBC Red, where it has occupied a daytime slot for years, to the CBS coast link. 'True Life Dramas' faded on NBC (19) to be replaced (22) by John E. Hughes doing five news commentaries weekly at 1:30 p.m. for Langendorf via CBS. In order to accept chore, Hughes, free lance, drops his Denver Mill occupation on MBS-KFRC at 4:30 daily, but will retain his Mutual news strip at 6:30, sponsored alternately by Avalon Cigars and Bromo-Seltzer. New KSFQ-CBS was set by Leon Livingston agency, and is for 52 weeks.

KFRC has local sponsorship deal brewing for Fulton Lewis, Jr., with account expected to be signed this week.

July 20 compared to July 13				
Network	Local	National	Spot	Total
Units	Units	Units	Units	Units
8,500	4,137	2,096	14,733	25,466
8,530	4,121	2,085	14,736	25,472
-0.3%	+0.3%	+0.4%	+0.02%	+0.02%

(Included: KFRC, KGO, KJBS, KFO, KSFQ)

Seattle's Report

Seattle, July 23. National spot and local business in Seattle still booming regardless of the heat. Local stations anticipate an even higher climb when politics get into stride the middle of next month. Airing of Democratic convention and Hitler's speech sliced the network revenue.

July 20 compared to July 13				
Network	Local	National	Spot	Total
Units	Units	Units	Units	Units
3,390	10,765	1,301	15,396	29,852
3,385	10,719	1,272	15,376	29,752
+16.3%	+0.4%	+2.2%	+3.6%	+3.6%

(Included: KIRO, KOL, KRSC, KXA)

EIGHT-WEEK TREND OF STATION BUSINESS

(For All Markets Regularly Reported by 'Variety')

Week Ending	NATIONAL SPOT	Units by Thousands
June 1	62.0	62.0
June 8	61.1	61.1
June 15	62.1	62.1
June 22	62.6	62.6
June 29	62.1	62.1
July 6	61.2	61.2
July 13	61.9	61.9
July 20	60.5	60.5

Week Ending	LOCAL	Units by Thousands
June 1	91.6	91.6
June 8	89.5	89.5
June 15	89.1	89.1
June 22	89.9	89.9
June 29	90.3	90.3
July 6	89.3	89.3
July 13	89.9	89.9
July 20	88.5	88.5

Week Ending	NETWORK	Units by Thousands
June 1	94.4	94.4
June 8	93.3	93.3
June 15	93.6	93.6
June 22	94.6	94.6
June 29	90.0	90.0
July 6	92.6	92.6
July 13	90.5	90.5
July 20	85.3	85.3

Week Ending	TOTALS	Units by Thousands
June 1	248.2	248.2
June 8	244.0	244.0
June 15	244.8	244.8
June 22	247.2	247.2
June 29	242.5	242.5
July 6	243.2	243.2
July 13	242.4	242.4
July 20	234.1	234.1

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WSAI ON HEELS OF ITS BIG BROTHER

Cincinnati, July 23.

Up slightly on network units and down on local and national spot biz. Biz schedules of Cincy broadcasters showed a trifling decline last week. Redeeming feature, however, was that interruptions from the Democratic national convention were far less than a few weeks since from the Republican general powwow.

Dewey H. Long, general manager, announced that WSAI is second only to WLW in total business among Cincinnati stations. Long cited as an example the past week, during which WSAI had 26 1/2 hours of sponsored programs—local, national spot and network—and said the station's outlet for fall is even more promising.

Reflecting *Variety's* directional wave for more ether blurring by department stores, the John Shillito Company came through for a tester of 14 100-word announcements per week on WKRC.

On WSAI Weaver's Mt. Airy Swimming Pool renewed for a daily station-break announcement. This station also added the Cincy Carrier Air Conditioning Co. for a series of one-minute plugs per day.

July 20 compared to July 13				
Network	Local	National	Spot	Total
Units	Units	Units	Units	Units
4,485	8,363	5,430	18,278	28,356
4,440	8,374	5,538	18,352	28,304
+1%	-0.1%	-1.9%	-0.4%	-0.4%

(Included: WCPO, WKRC, WLW, WSAI)

REPORT NO DAMAGE IN TORRID KAYCEE

Kansas City, July 23. Summer lull is the most prominent thing in radio, though stations report season is somewhat more rigorous than last. About only changes in the week caused by KCKN, which carried more baseball time than usual.

KCMO: Doyle Packing Co. renewed 52-week contract for 12 announcements weekly.

KCKN: Ford Dealers of Kansas City, through McCann-Erickson, 14 announcements.

July 20 compared to July 13				
Network	Local	National	Spot	Total
Units	Units	Units	Units	Units
6,390	5,568	5,256	17,214	29,428
6,390	5,479	5,217	17,086	29,072
+1.6%	+1.6%	+2.6%	+1.3%	+1.2%

* No change. (Included: KCKN, KCMO, KMBC, WDAF, WBL)

DROOPY CHICAGO

The Talking Democrats Partly Blamed for 12% Collapse

Chicago, July 23. Business was shut full of holes on the network stations in Chicago because of the Democratic convention last week. In view of that situation, a tally of commercial units on these stations pretty shows a 7% drop.

WLS has just issued its first general coverage mail map since the station installed its new 50 kw. transmitter and 586-foot vertical radiator which went into operation a year ago. Mail count showed a total of 1,117,956 letters received by WLS within one year, with letters received from every state in the union. Received 588,022 letters from Illinois, 175,105 from Wisconsin, 170,799 from Indiana and 105,127 from Michigan.

Swift Packing Co., which has been pretty lax on radio recently, has contracted for some schedules on WBBM, the Columbia outlet. Starting on July 23, Swift will take two daily time signal announcements Monday through Friday and a Saturday 25-minute period at 10:05 a.m. on the 'Norman Ross Review' recording and chatter program. Set through the J. Walter Thompson agency locally.

Evans Fur has taken a 52-week series of musical clock program on WMAQ through the Schwimmer & Scott agency here, riding 15 minutes each morning from 8:45, starting on July 8.

July 20 compared to July 13				
Network	Local	National	Spot	Total
Units	Units	Units	Units	Units
7,455	4,532	9,447	21,434	41,868
9,035	5,275	10,140	24,450	44,900
-17.4%	-14%	-6.8%	-12.3%	-12.3%

(Included: WBBM, WGN, WIND, WJBD, WLS, WMAQ)

Smith's Tennesseans, hillbilly musical aggregation, left WSPD, Toledo, for the summer, effective July 20. Return Sept. 16.

MONTREAL TAX ON SETS FOR CHARITY

Montreal, July 23.

Proceeds of the new \$2 municipal tax on radio receiving sets will be made available for distribution among the leading local charity organizations which have been taking care of 'borderline' cases not eligible for the relief rolls.

City of Montreal expects to realize \$310,000 annually from the new levy on radios. Of this amount \$200,000 will be turned over to charity and balance devoted to grants to welfare and educational organizations.

New city tax is additional to the Federal radio license of \$250 annually paid by citizens of the Dominion. Montreal is believed to be only city in Canada where municipality exacts taxation on radio receiving sets.

Music for ELLERY QUEEN

Composed and Conducted

by

LYN MURRAY

Mgt. COLUMBIA ARTISTS, Inc.

'THE O'NEILLS'

By JANE WEST

NOW RADIO'S MOST POPULAR FAMILY BRINGS YOU MORE LAUGHTER TEARS AND HEART-THROBS

Presented by Ivory Soap 99% PURE

LISTEN TWICE DAILY

NBC Red Network, 12:15 to 12:30 P.M. EDST

IN... 5:45 P.M., EDST

COAST TO COAST

By COMPTON ADVERTISING AGENCY

MGT: ED WOLF—RKO BLDG., NEW YORK CITY

Representative JOHN BLAIR & COMPANY

Lively Showmanship WINS LARGER AUDIENCES in the INTERMOUNTAIN MARKET FOR **KDYL**

The POPULAR Station Salt Lake City

NBC RED NETWORK

Mutual's Half-Year Analysis

Comparative Billing, Jan.-June, Inclusive

Table with 3 columns: Item, 1939, 1940. Rows include Automotive industry, Building materials, Cigars, etc.

LOCAL COLA ON WBAL FOR 4-CENT EXPERIMENT

Baltimore, July 23. Democratic convention nicked into network count last week as other classifications held their own rather steadily.

Luckies On-the-Hour Quickie Shows Withdraw From New York Market

Denver Down 6.4%

Denver, July 23. Heavy coverage of Democratic confab accounts for Denver losses. Sales for the most part were announcements with KLZ snagging one account for 39 15-min. programs, three times weekly.

New York's business still is strong, but station execs are making the rounds of national accounts to get contracts to cover the loss of Lucky Strike's heavy schedule of 2 1/2-min. announcements.

WQXR: General Foods Corp., through Young & Rubicam, weekly 'Symphony Hall' hour.

WMCA: R. L. Watkins Co., through Blackett-Sample-Hummett, three quarter-hour Elliott Roosevelt discs weekly.

WHN: Fleming-Hall Co., nightly quarter-hours, Bert Lee's 'Today's Baseball'.

Table comparing July 20 to July 13 for Denver. Columns: Network, Local, National, Total Units.

* No change. (Included: WHN, WMCA, WNEW, WOR, WQXR.)

War, Summer Upset CBC 'Art of Broadcasting' Talks; They're on Ice

Winnipeg, July 23. 'The Art and Business of Broadcasting,' a new series of interstation programs to have started over the network of the Canadian Broadcasting Corp., Tuesday (9) at 11:30 a.m., CST, was suddenly called off when a letter received from H. N. Stoven, chief of station relations for the CBC, announced the series had been cancelled indefinitely.

This was to have been the second time for 'Art and Business' series. First series, also presented over a closed circuit, was heard between Dec. 2, 1937, and Feb. 18, 1938.

Detroit Pretty Good

Detroit, July 23. Local radio biz continues slight wavering each way, but sales execs are jubilant over strength shown so far this summer and are hopped up over prospects for this fall when auto plants start humming again and U. S. defense orders start rolling in.

Table comparing July 20 to July 13 for Detroit. Columns: Network, Local, National, Total Units.

* No change. (Included: CKLW, WJLB, WJR, WABC, WWJ, WXYZ.)

Forjoe Placements

Ford Motor has taken 40 spot announcements over WCOU, Lewiston, Me. Doubleday-Doran has taken 'Cook Book' five-minute series three times weekly for 13 weeks, over WORL, Boston.

Forjoe & Co., station rep, placed the biz.

rent planned series were to have gone into twelve talks. No date was given as to starting time, however, it is thought they may roll when fall arrives unless something else crops up to further hinder plan.

90 DEGREES WARM AT SALT LAKE CITY

Table comparing July 20 to July 13 for Salt Lake City. Columns: Network, Local, National, Total Units.

* No change. (Included: KBYL, KSL, KUTA.)

Office-Seekers Time Buys Reflects in San Antonio

San Antonio, July 23. Network units took a downward drop the past week as the Democratic convention played havoc with schedules. National spot and local continue strong.

Table comparing July 20 to July 13 for San Antonio. Columns: Network, Local, National, Total Units.

* No change. (Included: KABC, KNAC, KOON, KTR, WJAL.)

FOR 16 YEARS NEWS



In one week, Twin City newspapers featured WCCO 56 times!

The city editors, radio editors, columnists—all the fellows on the three Twin City newspapers are pretty swell to us.

For example, during the week beginning June 30th, the three Twin City papers* ran 56 stories and items on WCCO (CBS) alone—ranging in size from five lines to a half page.

Yes, we find the Twin City newspapers friendly to radio. But there are other reasons why WCCO gets between two and four hundred stories a month in the Twin City papers alone.

First, CBS programs are "news." And equally relevant is the fact that WCCO has the outstanding local radio personalities, programs, news service, and special events in the Twin Cities; and has had for sixteen years. Our newspapers know this. That's why they keep saying to our man: "Shoot the items to us."

* Also, WCCO news is featured regularly in over 200 weeklies, dailies, shoppers, and other Northwest publications.

WCCO 50,000 WATTS WHERE IT COUNTS THE MOST

810 KILOCYCLES • MINNEAPOLIS-ST. PAUL • A CBS STATION Owned and operated by Columbia Broadcasting System. Represented by Radio Sales: New York, Chicago, Detroit, St. Louis, Charlotte, N. C., Los Angeles, San Francisco

WJED AND COMPANY NEW YORK DETROIT CHICAGO SAN FRANCISCO RADIO STATION REPRESENTATIVES

ASCAP EDITION

OUT NEXT WEEK

1940							JULY		1940
Sun	Mon	Tue	Wed	Thu	Fri	Sat			
	1	2	3	4	5	6			
7	8	9	10	11	12	13			
14	15	16	17	18	19	20			
21	22	23	24	25	26	27			
28	29	30	31						

— Most comprehensive editorial coverage for the information of the vast army of music lovers and music users. The complete story of popular and classic music, and its universal message from circus calliope to the grandeur of symphony.

— Biographical and historical data about the creators of music. An issue which will be read and referred to in coming months by radio sponsors, advertising agency executives, radio stations, production staffs, public relation groups, deans of music schools, educators and legislators. Radio, film, music, dramatic and general news editors of the nation's leading newspapers, magazines and periodicals will preserve this issue as a history of ASCAP... and the creators of America's music.

An unusual advertising medium for the professional music trades

VARIETY

CHICAGO
54 W. Randolph St.

NEW YORK
154 West 46th St.

HOLLYWOOD
1708 N. Vine St.

802 ACTIVELY AIDS NAPA

NBC's BMI Order Sets Precedent

NBC's advice to bandleaders that at least one non-ASCAP tune must be carried on each NBC sustaining broadcast after July 31 is the first time that bandleaders have been put in the position of being specifically told what tunes to play. In this instance they will have to use only one non-ASCAP number at the beginning, but that is to be widened as the Dec. 31 expiration of the current American Society of Authors, Composers and Publishers-broadcasters agreement approaches.

CBS used similar tactics during the recent musicians' strike which pulled sustaining bands off both NBC and CBS, but the latter's anti-ASCAP drive applied to house bands over which the net had jurisdiction. At the time CBS plugged numbers published by Broadcast Music, Inc., the outfit recently set up, with financing by radio itself, to combat ASCAP's holdings.

Last time bandleaders were forced to discriminate the shoe was on the other foot, with a publisher withholding the right to air a tune. That was five or six years ago when the Warner group of publishers withdrew from ASCAP and bandleaders had to be careful that none of Harms, Witmark or Remick tunes crept into their programming of sustainers. It was an extensive job in view of the copyrights held by all three firms.

BMI Deal For Robbins-Feist-Miller Apparently Stymied; NAB Undeterred

Broadcast Music, Inc., negotiations for the takeover of the three Metro-Goldwyn-Mayer music publishing houses—Robbins, Feist, and Miller—has reached a stymie, to the degree that the deal, involving some nearly \$5,000,000, as first set up, appears about to go cold. This isn't deterring the broadcasters from furthering BMI's progress as a central music source. Two significant letters from Niles Trammel, NBC president, to talent and agency users of music (reproduced opposite in detail) speak for themselves.

Julian T. Abeles, copyright attorney for Metro, in this deal, was stymied as much from his end of it as from the broadcasters. Money-on-the-line was virtually set out on contracts drawn when certain technical details cropped up.

A major hurdle right along in BMI's dickering for the Robbins, Feist and Miller catalogs was the fear of buying a host of lawsuits. The ASCAP member-songsmiths have made frank and frequent threats that their property rights in these three catalogs were non-transferable and that they were committed to ASCAP for 10 years from next Jan. 1, when the new ASCAP-radio licenses are supposed to go into effect.

Another tangent in the tactical maneuvering by the radio-music interests (BMI, in alliance with the National Assn. of Broadcasters) has been the questionnaire to ASCAP writer-members, inquiring as to how the moneys have been split up; what the AA writers have achieved to warrant the high brackets; how about the newcomer-writers with immediate current hits, etc.

This is always a vulnerable point with the society, as classification and apportionment of income among writers and publishers is ever a moot question.

PROBING TYPE SUIT FILED VS. EMBREE CO.

Nathaniel Cunitz Smith filed suit Thursday (18) in N. Y. federal court against Embree Concert Service, Inc. and Mabel K. Embree, seeking the appointment of a receiver for the Concert Service, a determination of claims of creditors, and sale of assets to satisfy these claims. Plaintiff claims to be a creditor for \$15,500 based on promissory notes.

It alleged the defendant's principal assets consist of 146 written contracts calling for the booking of artists for musical, radio and concert performances, and worth approximately \$120,000. It is alleged the defendant Mabel Embree, head of the Concert Service, has converted moneys of the corporation to her own use, and threatened to sell the company and keep the proceeds for herself. It is alleged that the corporation is insolvent, and an inquiry is sought into its financial status.

PAPA WALKS THE SKY

Hal Kemp Flew Back and Forth Awaiting Baby

Hal Kemp was on a shuttle schedule between New York and Cincinnati last week, awaiting the arrival of a baby which was born to Mrs. Kemp Sunday (21) in New York. Leader flew in three times during the week and the birth occurred after he had taken off for a scheduled landing at the Beverly Hills Country Club, Newport, Ky., a few hours before.

Mrs. Kemp is the former Martha Stephenson, socialite. Baby is a girl.

Music Pubs Sue For \$23,791 Back Disc Royalties

Harms, Inc., filed suit in N. Y. supreme court Thursday (18) against Brunswick Record Corp., Columbia Phonograph Corp. and Columbia Recording Corp. seeking damages of \$23,791, \$5,151, and \$1,121 respectively for alleged breach of a royalty agreement on songs controlled by the plaintiff, from which the defendants made phonograph records. Under the terms of the contract, which were standard, the defendants were to pay 1 1/4% for each record sold at a retail price of 35c and 2c for anything sold above that price.

Harms is the assignee of Remick Music Corp. and M. Witmark & Sons in this action. Against the Brunswick Record Corp., Harms has a claim embracing 138 songs, Witmark, 71, and Remick, 93, Against Columbia Phonograph Corp., it's 15 songs for Remick, 29 for Harms and 15 for Witmark. Against Columbia Recording, Witmark had 30 songs, Remick 42 and Harms 58.

Destroy Vancouver Hall

Vancouver, B. C., July 23: Fire destroyed the Royston Pavilion, largest dance hall on Vancouver Island recently, with damage estimated between \$8,000 and \$10,000. The blaze broke out shortly after the lights had been switched on and the orchestra had begun to tune up. Apparently starting from a short circuit, the fire spread rapidly and raced along paper decorations.

There were no dancers in the hall when the fire broke out, and the band left safely, taking their instruments before the flames reached them.

FAVOR DIVVY IN ASCAP MANNER

One of the Ideas Is to Set Up Point System So That All Musicians Share in Annual Melon on Disc Performance Royalties

CLOSE LINK

National Association of Performing Artists and New York Local 802 of the American Federation of Musicians are mulling a plan whereby each member of recording band will periodically benefit from the licensing of the commercial use of phonograph records on the air or in coin machines. Idea is to work along the same lines as the method currently used by the American Society of Composers, Authors and Publishers to collect and distribute royalty monies to its members. Only in the NAPA case the royalties will derive from the sale of licenses, when and if it becomes the agency through which such permits will have to be obtained.

As set up, the plan to keep a record of every musician that sits in on the making of a record. At the end of an undetermined period, say a year, the monies collected from various sources for the right to use phonograph records commercially will be split among them, so much to each leader and the remainder split among individual sidemen. Difference in amounts collected by each man probably will be determined by the number of recordings each helped to make and the difference in prominence enjoyed by each band. The payoff could continue year after year, too, in as much as some records outstanding in one way or another, continue in popularity for long periods much the same as a song becomes a 'standard.' Local 802 figures in the plan because it will be the distributing agency for the royalty melon, meaning the musicians will collect through that channel.

802's Cooperation

To further help put the idea through, 802 is currently aiming to set the NAPA in a stronger position where it can set itself up as the licensing agency for the right to use records commercially. Bandleaders who are members of 802 and not members of the NAPA are being urged by the former to join the latter. First move to gather new recruits for the NAPA, and to get an idea of what some leaders thought, took place at a meeting at the offices of local 802 Monday (22). It was only a warmup, however, for a bigger get-together scheduled for this Friday (26) at the Astor Hotel, N. Y.

Egging leaders into becoming NAPA members puts 802 in the position of actively assisting NAPA, whereas a month or so ago it contented itself with censuring a bandleader who opposed that org. That was when WNEW, N. Y., was ordered to cease airing the records of NAPA members until it had obtained an NAPA license to use them. Will Osborne, of 125 St. 50 NAPA members, issued a written okay to play his records to Martin Block, director of the stations' Make-Believe-Ballroom. Osborne was carpenter by the union for the action but was only chided for bucking an outfit seeking to do him some good. WNEW situation remains status quo, all banned records of NAPA members, except the ones for which written releases were given, still being off the air.

Meeting at 802's offices Monday was attended by Jimmy Walker, NAPA president and Maurice Speiser, its attorney; several bandleaders and representatives of several others who are out of town. Meeting at the Astor is scheduled for noon Friday.

NBC Follows CBS in Weeding Out ASCAP Tunes From Sustainers

NBC last week lined up with CBS in adopting the policy of weeding out ASCAP tunes from its sustaining programs. Publishers' New York City interpreted this as one further step in the broadcasting industry's general campaign of harassment of ASCAP. They anticipate that NBC, like CBS, will cancel ASCAP numbers in such ways and at such times (the last minute) as to constitute the maximum annoyance to the music publishers. Meantime the songpluggers are finding life not very pleasant what with the hot weather and the hot seat treatment.

NBC's policy was officially outlined in a letter to the trade signed by NBC's new president, Niles Trammel, which advised bandleaders that after July 31 at least one non-ASCAP tune must be used each sustaining broadcast and that the number of such tunes will have to be increased as the Dec. 31 deadline draws nearer. It also points out the necessity for leaders to make preparation to change theme tunes if their current ones happen to be on ASCAP listings. Letter follows:

(COPY) July 17, 1940

On Dec. 31, 1940, the license agreements between NBC and ASCAP

GEORGE MARLO EXPANDS BMI STAFF

George Marlo, general professional manager of Broadcast Music, Inc., who states that two BMI songs made the sheet, is now really going after song exploitation this week with addition of a professional staff. Several veteran music men have been taken on by BMI.

Billy Chandler, ex-Mills, and Jerry Lewin, ex-Spier and long with Berlin's, become Marlo's contact aides in New York. Harry Hume, ex-Spier, in California, and Jimmy Cairns, ex-Mills, heads Chi.

BMI is rushing out seven new tunes a week, and in the past seven weeks' operation has built up a catalog of 50 new numbers, besides the catalogs recently acquired. A young battalion of arrangers is also committed to rushing out new modernized arrangements of 25 tunes in the public domain every week, all this as part of the scheme to battle ASCAP's upped contract demands and to make available as large a catalog of BMI music for use of the radio users. The 25 non-copyrights (new arrangements) every week will supplement the song-a-day idea of original numbers.

LYMAN WORKS TO CUT BILLY ROSE'S DEBTS

Abe Lyman orchestra starts an indefinite run at the Bon Air Country Club, Chicago, (Saturday 27). Booking will undoubtedly have some bearing on the final settlement of Lyman's squawk against Billy Rose to New York local 802 of the AFM for Rose's failure to employ his band a full 24 weeks at the Barbary Coast at the New York World's Fair as originally contracted for. Leader wants \$10,000 to settle the contract or the full amount if it runs out without being settled—at the rate of \$1,400 weekly for the 24 weeks. Whatever Lyman earns at Chicago or any subsequent dates between now and Sept. 2 will be deductible from a full payoff from Rose; if the contract is settled at Lyman's terms there would be no change unless his earnings ran over \$24,000, the difference between the full payment and a \$10,000 settlement.

expire, ASCAP has refused to renew them except on terms so onerous that we have concluded we cannot accept them. Without a license it will be necessary for NBC to discontinue playing ASCAP music commencing with the first of next year.

That means that a large part of the popular music which NBC has been using in the past will be unavailable for its use after Dec. 31, and it is obvious that we must now begin to accustom ourselves and NBC artists to the use of such music as will be available to us after that date.

With this in mind we are taking steps to increase the use on NBC studio sustaining programs of music which we are licensed to perform beyond Dec. 31, 1940. Among the catalogues which are available for use on NBC programs subsequent to that date are those of Broadcast Music Inc., Associated Music Publishers, G. Ricordi & Co., Milan, Society of European Stage Authors and Composers (SESAC), A. P. Schmidt Co., E. C. Schirmer, Society of Jewish Composers, Publishers and Song Writers and other concerns and individuals. Likewise, there is music available in the public domain which can be arranged from the original sources.

It is now essential that we increase the use of such music on all NBC programs including our remote control sustaining shows, and commencing July 31, 1940 the policy of NBC will be that all orchestras broadcasting on NBC sustaining programs shall schedule at least one such composition during each of their NBC broadcast periods. The use of such music will necessarily have to be increased as Dec. 31st approaches.

We also suggest, however, that leaders of orchestras broadcasting over NBC make a study of their signatures, having effect after Dec. 31, 1940, they will be unable to broadcast over NBC the ones they are currently using if they are in the ASCAP repertoire. It would appear advisable for orchestras which expect to broadcast over NBC subsequent to that time to consider changing their signatures now to numbers which they will unquestionably be unable to use next year.

You will note that among the catalogues we will continue to be licensed to use is Broadcast Music, Inc. NBC proposes to popularize the music by BMI by using it whenever it can and we particularly ask your cooperation in this endeavor.

We cannot overemphasize the importance of being prepared in advance to meet the situation which will exist after Dec. 31, 1940. In addition to the problem NBC has of maintaining proper balance in musical programs, the purely clerical task of checking the availability of music which you may wish to play after the first of the new year will require the training of personnel to handle the additional burden. A gradual start in that direction will be of service not only to us but to orchestras and advertisers as well. If our Music Department can be of assistance to you in solving the problems caused by this situation, please do not hesitate to call upon us.

Sincerely,
(Signed) Niles Trammel,
President.

Leader opinions of the above vary, some are grumbling, others non-committal. All are agreed, however, that complying with the order is better than not being on NBC air at all. That's easy to understand.

(Slightly different in wording, but basically similar in theme, were NBC letters to radio sponsors. Latter were reminded of the Dec. 31, 1940, ASCAP deadline and urged to take this into account in planning radio programs.)

15 Best Sheet Music Sellers

(Week ending July 20, 1940)

God Bless America	Berlin
I'll Never Smile Again	Sin
Sierra Sue	Shapiro
Make-believe Island	Miller
Playmates	Santly
Woodpecker Song	Robbins
Fools Rush In	BVC
Breeze and I	Marks
*Where Was I? ('Till We Meet Again)	Remick
I'm Stepping Out With a Memory Tonight	Robbins
Imagination	ABC
When the Swallows Come Back	Witmark
I Can't Love You Anymore	Olman
*Blue Lovelid (Lillian Russell)	Feist
Here My Song Violetta	Crawford

*Fimustical.

Stokowski's Disk Deal With Col. Away From Victor Burns Philly Orch Ass'n

Philadelphia, July 23.

Leopold Stokowski, who has been making records for RCA Victor for the past 25 years, has signed a contract to make recordings of his newly-organized All-American Youth Orchestra with Columbia Records.

Stokowski will continue to make discs for Victor with the Philadelphia Orchestra, contracts having already been signed for next fall, but the fact that the new records bearing his name on competing recordings have officials of the Philly symph all upset.

The Philadelphia Orchestra Association has received heavy chunks of coin from the Victor records, making it possible to overcome heavy deficits. It is estimated that last year the orchestra's take was about \$60,000, with Stokowski getting a like amount. Royalties from the records are cut 50-50.

It is reported that Victor made Stokowski an offer for his Youth Orchestra recordings, but he turned them down. Rumor has it that Columbia has advanced Stokowski \$25,000 to help finance the orchestra's South American 'goodwill tour'.

Although the Philadelphia Orchestra Association is separate from the group that is operating the all-fresco concerts at Robin Hood Dell, there are many persons who are members of both groups. These are having an additional burn at the action of the blonde maestro who cancelled a scheduled appearance of the Youth band at the Dell on the grounds that it would have interfered with sale of tickets for the band's Atlantic City debut on Sunday (21).

It was learned that managers of the youth orchestra had demanded a flat \$3,500 guarantee 'rain or shine' for the appearance, instead of the 60-40 percentage agreed upon previously.

4,000 Attend in Balto

Baltimore, July 23.

Leopold Stokowski and his All-American Youth Orchestra, in the second of three dates prior to a South American tour, drew 4,000 to the Coliseum sports palace here last night (Monday), scaled from \$1.10 to \$3.30. It was a highly mixed crowd, varied in dress from sport shirts to summer formal.

Juice joints, program peddlers and other concessionaires worked full blast. Concert got an enthusiastic reception and much newspaper space in praise of performance.

Baron Elliott's orchestra comes into Trianon, Chicago, on Aug. 2 replacing the Bill McCune band. Sticks until Sept. 5 when the Lawrence Welk orchestra comes in for a long stand.

JOHNNY MCGEE
HIS SINGING TRUMPET AND HIS ORCHESTRA
MILLION DOLLAR PIER ATLANTIC CITY
WEEK JULY 28
Direction
GENERAL AMUSEMENT CORP.

REG CONNOLLY'S RETURN

British Publisher Awaits Cable on Wife and Son's Plans

Reg Connolly, the London music publisher, in New York on business for some weeks, plans to return to England within a week unless he hears by cable that his wife and their 10-year-old son, Pat, may join him in America. While in New York Connolly placed some of his catalog publications for U. S. rights, and may also finance a new publishing venture by taking over the Superior Music catalog with Irwin Dash to operate it. Later, American is also managing director of Dash, Ltd., of London, a firm wherein Connolly is a partner.

Dash, London resident for some years, came to America on a visit several weeks ago, with return passage booked, and found himself unable to return. He may be forced to operate from America for the war's duration.

Connolly points to the 9,500-copy sales of 'The Singing Hills' for the week ending July as an indication that apparently British war records are not static, else they wouldn't be buying music that well. That's the last business cable received by him. 'Hills' is Campbell-Connolly's publication, currently No. 1 on the British hit parade. 'Don't Ever Pass Me By,' local song, is runner-up.

N.A.B. DECLINES TO HAVE ASCAP 'EXPLAIN'

John G. Paine, general manager of ASCAP received a reply yesterday from Neville Miller, president of the National Assn. of Broadcasters spurning the Society's proffer for Gene Buck of some ASCAP tie to address the N.A.B. convention in San Francisco, commencing Aug. 5. Miller's reply, said to be somewhat sarcastic, emphasized that the convention's long agenda has been filled up and that no discussions on ASCAP and music, at least by a Society spokesman, could be accommodated.

Miller reportedly remarked that N.A.B. had offered to sit down privately with ASCAP and hence won't now countenance ASCAP publicly or semi-publicly addressing the membership. The Society's perspective is that the N.A.B. invited ASCAP to 'make a proposition' and that the trade body would 'entertain it and possibly allocate' the music charges. ASCAP does fancy theory of a group charge being cut up by N.A.B. or any association of music users, ASCAP wanting to make its own deals direct with individuals, groups or other principals involved.

WURLITZER SUES COIN OPERATOR FOR \$28,475

Suit of the Rudolph Wurlitzer Co. against Babe Kaufman Music Corp. for \$28,475, based on alleged failure to pay a balance due on 509 electrically-operated automatic Wurlitzer phonographs, was revealed Friday (19) in N. Y. supreme court. The defendant operates in N. Y. and has leased the coin-operated machines throughout the city.

The machines were purchased March 28, 1940, and were to be paid for in weekly payments starting at \$500 and working to \$750 a week, over a period of months. The first alleged default came on May 23, and it is claimed no payments have been made since that date. The whole amount was due on demand if any payment was defaulted. The defendant, which is seeking a dismissal of the action, claims that it paid \$150,000 for the machines, and has reduced its payments to a \$20,000 balance.

Barrere at Chautauqua

Jameson, N. Y., July 23. Georges Barrere, leader of the Chautauqua Little Symphony Orchestra is back at Chautauqua. He played in the first symphony concert presented at Chautauqua in 1909 under the baton of Walter Damrosch. Gertrude Gibson scored as solo soprano with the orchestra in the debut.

Bands at the Boxoffice

(Presented herewith, as a weekly tabulation, is the estimated cover charge business being done by name bands in various New York hotels. Dinner business (7-10 P.M.) not rated. Figures after name of hotel give room capacity and cover charge. Larger amount designates weekend and holiday price.)

Band	Hotel	Weeks Played	Cover Past Week	Total Cover On Date
Charlie Barnet	Lincoln (225; 50c-\$1)	12	425	7,275
Larry Clinton	New Yorker (400; 75c-\$1.50)	11	1,475	16,875
Jimmy Dorsey	Pennsylvania (500; 75c-\$1.50)	15	1,350	23,900
Tommy Dorsey	Astor (900; 75c-\$1)	9	3,150	28,875
Ray Kinney	Lexington (300; 75c-\$1.50)	10	850	13,325
Alvino Ray	Billmore (300; \$1-\$1.50)	4	525	2,870

* Asterisks indicate a supporting floor show, although the band is the major draw.

On the Upbeat

Don Brown is new vocalist with Tommy Tucker. Latter picked him up singing with a relief band on a date played at Middleton, N. J.

Paul Martell, trumpet, to Larry Clinton.

Woody Herman plays Hunt's Casino, Wildwood, N. J., Aug. 2-4 then vacations couple days till his opening at the New Yorker hotel, N. Y., Aug. 8.

Harry Moss, MCA band booker, vacations for a week beginning Saturday (27). Originally intended three-week trip to Coast but illness of Sonny Werblin stymied.

Frank Suttle new vocalist with Alvino Ray at Billmore hotel, N. Y.

Harry James' band has new member, pianistic Al Lerner having replaced 'Jumbo' Jack Gardner. James currently at the N. Y. Fair's Dancing Campus for a month, having opened there Saturday (20).

Larry Clinton down for stay at Strand theatre, N. Y., beginning Aug. 30. Currently at New Yorker hotel, N. Y.

Denny Beckner now in the Nassau Room of the Hillcrest Hotel, Toledo, O.

Phil Harris at the Forum, Vancouver, July 8, under Beacon theatre management, drew 3,000 dancers at \$1.10 each.

Jackie Saunders orchestra of the Olympic Hotel, Seattle, donated services to Vancouver's Air Supremacy drive by playing for the wind-up of the drive at the Commodore, Vancouver, July 15.

Eddy Duchin's crew moved into Cocoanut Grove, Los Angeles, with Jane Pickens featured.

Tiny Bradshaw band signed to Music Corp. of America.

Bobby Byrne band added third trombone. Sid Brantley, formerly with Gene Krupa and Bob Chester, brought in. Byrne currently at Glen Island Casino for summer.

Bud Hall is leaving Emerson Gill's band at Virginia Beach and will join Tommy Greene's Midshipmen, playing at the Rustic Lodge, near Toledo, O., about Aug. 1.

Bernie Cummins orchestra will make a three-day appearance on the stage of the Embury, Fort Wayne, starting Monday, July 29, coming from the State-Lake theatre in Chicago with a vaudeville unit.

'Dynamite' Pizza, accordionist who was a member of Chuck Shanks' band when it played in downtown Toledo, O. hotels, has joined the orchestra at the Oasis Club, Toledo, operated by the Shanks Brothers.

Gene Krupa drew 1,264 admissions at 75c at Roton Point Park, Conn. Sunday night (21). Took out 80% as his end. He's starting name policy at Geneva-on-the-Lake's pier ballroom, Ohio, tomorrow (25), followed by Ben Bernie, Aug. 4; Glenn Miller, Aug. 11; Lawrence Welk, Aug. 25.

Bonnie King, KMBC, Kansas City, winner of Al Pearce's radio spot, is replacing Doris Day as vocalist for Bob Crosby's crew and making break-in when outfit starts one-week stand at Cedar Point ballroom near Cleveland on Friday (26).

George Duffy taking over Hollenden Vogue Room's bandstand in Cleveland July 29, when Henry Cin-

cione closes, for first date in hotel- town for three years.

Ken Bailey trio (Johnny Mitchell on the organ and Don Battist on the guitar) opened indefinite engagement at Fort Pitt Hotel Lounge, Pittsburgh, Monday (22). Bailey recently returned to Pitt. after stretch with Horace Heidt.

Benny Burton band into the Rivi Pittsburgh, for limited stay on the heels of Max Adkins' three-week engagement.

Mal Hallett opened fortnight's stay at Kenwood in the new Pittsburgh, Monday (22), with Howard Baum returning to West View Park there the same day.

Ruby Newman, currently at the Casino, Magnolia, Mass., will substitute Sammy Eisen and band, one of the Newman units, and direct in person the Skating Carnival at Olympic Arena, Lake Placid, Aug. 1-3. This will be Newman's third season at Lake Placid. He was Souja Henie's musical director pre-Hollywood days.

Jack Lanny's orchestra is playing at Moonlite Roof Garden, Green Island, N. Y.

RAIN OR SHINE TERMS FOR JOHNNY GREEN

Johnny Green's orchestra, booked to open the new Philadelphia Gardens, ice skating rink, was signed for the date under an unusual arrangement. Green's contract reads that he's to start work at 8 p.m. tomorrow (Thursday) but if he's notified before noon that the opening has been deferred because of rain he's to stay in New York and collect 802 scale for not playing. If it rains while he's on his way to Philly he gets paid what the contract calls for. Park is open air, being the old Philadelphia National League ball yard.

Joey Kearns, WCAU, Philadelphia, house band is down to play for skaters Friday and Saturday (20-27).

Band Bookings

Johnny Messner, Aug. 18, week, Manhattan Beach, N. Y.

Gene Krupa, Sept. 6, five days, State, Hartford; Sept. 20, week, Hipp theatre, Baltimore.

Larry Clinton, Aug. 10, Steel Pier, Atlantic City; Aug. 17, six days, one-nighters in New England; Aug. 30, three weeks, Strand theatre, New York; Oct. 4, five days, State theatre, Hartford.

George Damerl, July 30, four weeks, Sign of Drum, Cincinnati; Glenn Miller, July 26, and St. Louis; 27, and, Kansas City; 28, Shore Acres, Sioux City, Iowa; 29, Clear Lake, Iowa.

JIMMIE LUNCEFORD
AND HIS ORCHESTRA
2nd WEEK
COLLEGE INN
SHERMAN HOTEL
Mgt. HAROLD OXLEY
17 East 49th St., New York

Adverse Tax, Union Factors Retard Juke-Boxes' Future in Pittsburgh

Pittsburgh, July 23. Those new cinematic see-boxes are likely to have a very limited distribution locally due to a ruling handed down here last week by State Liquor Control Board. Booze licensees have classified the machines as visual entertainment, which means that places where they're installed will have to pay a Pennsylvania license fee of \$125, same as night spots with bands and floor shows. Added to this is demand of IATSE that its operators be employed, at union rates, to service the boxes, making the tariff too heavy for ordinary small place to bear. Union estimated that one man, however, could look after 8 or 10 installations daily.

Newspapers asked board why rooms with record machines weren't classified the same way, and booze cops said the music wasn't visual and that it wasn't being used for entertainment. They pointed out, however, that should a couple in any spot get up and start dancing to the record-players, "barroom or cafe would have to shell out \$125 for an entertainment license or stand for a license suspension.

So far, there have been only two installations of the film juke-boxes

locally and those in the know predict that there'll be few more under such an expensive set-up. Understood that manufacturers of machines will appeal to the Control Board against what they term 'discrimination,' pointing out that their product should be classified same as record boxes.

Django Reinhart Fate Worries Lovers of Jive; Grapelli In London

Bandman concerned over the whereabouts of Django Reinhart, the Franco-cyber three-fingered guitarist, considered one of the world's greatest, and known on Victor, Decca and other recordings as part of the Hot Club of France, and notably in association with Stephani Grapelli, the Joe Venuti of France. Latter is safe in London, a fugitive from his native Paris, and working currently in Hacktite's, in the British capital.

But Reinhart, more or less stateless; hasn't been heard from for months. He was the type, incidentally, who would work when fancy moved him, and then retire to his gypsy caravan somewhere along the French roads. He was an out-of-this-world character in the fullest sense, being paradoxically one of the most sophisticated jive musicians, considerably ahead of his environment. Yet he worked as and when he pleased; spurned all London and New York offers; came to Paris for recordings and club dates, because that was the nearest to him, and hit the French version of whatever the Romany trail is called in the Gallic tongue.

AL DONAHUE SWITCHING TO WILLIAM MORRIS

Al Donahue orchestra will break away from General Amusement Corp. when its current booking contract with that agency expires Oct. 24. Band has already been signed to a shift to the William Morris band department. Donahue had been with G.A. for five years, most of that time 'society orchestra.' During the last year its style has been modernized. Band was renewed for another year on Vocalion records last week.

Beside the dance band he leads Donahue's own agency supplies bands for coastline boats to Bear, and South American ports. At one time he had 28 such bands operating on coastwise steamers but the war and the stopping or slowing of such traffic, especially to English Bermuda, has cut that figure to 12.

9 Suits by 11 Music Pubs Over Usage of 17 Songs

Gene Buck, as president of the American Society of Composers, Authors and Publishers, together with a number of music publishing houses, filed nine suits in N. Y. Federal court, Friday (19) against operators of amusement houses, cabarets and hotels, charging the unlicensed playing for profit of 17 songs. Statutory damages of \$250 for each infringement, accounting of profits, and damages is sought. The plaintiffs' besties, Buck, are Feist, Berlin, Inc., Crawford, Sanley-Joy-Select, Remick, Wiltmark, Famous, Marks, ABC Music, Bregman, Vocco & Conn, and Ager, Yellen & Bornstein.

The defendants are The Clichy, Inc. of 134 East 61st street; Gold Crest, Inc., 249 Sullivan street; John Pizolante, doing business as Cairo Gardens, Greene County, N. Y.; Percy J. Wardell, Brandon Hour, Greenwood Lake, Orange County, N. Y.; The Cinderella, Inc., 82 West Third street, New York City; Fifth Avenue Food, Inc., 94 Fifth avenue; Ivanhoe Estates, Inc., operating the Tumble Inn, Westchester, Michael McGuire and Michael McCabe, doing business as the Lietrim House, N. Y.; and Arthur Schwartz, doing business as Art's Bar and Grill, Livingston Manor, N. Y.

BORDER STUFF Canadian Dates Under Shadow of Technicalities Just Now

Buffalo, July 23. Crystal Beach, Ont., ballroom, which has been bringing in a Buffalo band without difficulty, ran into its first war-inspired trouble in trying to bring in a name outfit last week. Guy Lombardo mixed a one-nighter on grounds that two of his men haven't taken out final U.S. papers.

Harold Austin, ballroom manager, got a similar answer from Charlie Barnett, who wired his band contained 'two aliens.' Austin claims contracts, though, on Jan Savitt and Al Donahue for next month.

Lombardo expects immigration trouble to be cleared up by September so he can play Canadian National Exposition at Toronto. If not, he hinted Saturday (July 20) at Celoron Park, N. Y., he'll put in two new faces in order to play Toronto date.

Meyer Davis' Fancy Fees

Asbury Park, N. J. Editor, VARIETY: Your story on the Jimmy Dorsey single date in Houston, Texas, on July 22, is interesting, but not in accord with facts. You say that the price of \$5,800, received by Dorsey for this engagement, is the highest figure ever paid a band for a one night date.

I can show you photostatic copies of checks received by the writer for playing debut balls and similar functions for excess of this amount. The Atwater Kent party for their debutante daughter was \$7,900; the Clarence Geist ball was \$7,200; the Peter A. B. Widener ball in Philadelphia was \$10,000; the Ralph Beaver Strassburger party for the Marquis de St. Sauveur was \$10,000 for the music. I could cite many others.

There were no terrific travelling expenses either.

Meyer Davis. Mrs. Herb Mahler Sues St. Louis, July 23.

Herb Mahler, maestro of his own local dance band, was made defendant in a divorce action brought in the Circuit Court Friday (19) by his wife, Mrs. Ruth L. Mahler. She charges general indignities. The petition alleges that Mahler criticized his wife without just cause and although he earned a good income he refused to support her. Mrs. Mahler, who holds secretarial position at radio station KXOK also asks the restoration of her maiden name, Ecker.

Mahler entered his appearances and filed a general denial to the allegations. The couple were married May 20, 1927 and separated Monday (15).

Music Notes

Sol Meyer, Jules Styne and George Brown sold two songs, 'Girl From Havana' and 'Querido' for Republic's 'Girl From Havana.'

Fred Astaire and Johnny Mercer clefing the title song for National Picture Corp's 'Second Chorus.'

Lee Penny, Chicago tunesmith, sold 11 songs to Gene Autry.

RKO assigned Alfred Newman to the musical score on 'Lucky Partners' and Roy Webb to 'One Crowded Night.'

Bregman, Vocco & Conn publishes nine songs from two Hal Roach pictures, 'Captain Caution' and 'Road Show.' Ditties are 'Yum, Yum,' 'Calliope Jane,' 'Slav-Annie,' and 'I Should Have Known You Years Ago,' all by Hoagy Carmichael, and 'Only Once,' 'I Love Hilda,' 'The Apple Song,' 'On a Little Island by a Moonlit Sea' and 'Que Voulez-Vous,' by Phil Ohman and Foster Carling.

Luellen Moraweck scoring 'Lady in Question.' Werner Heyman is on 'He Slayed for Breakfast' and George Antheil, 'Before I Die,' at Columbia.

Werner Heymann doing musical background for 'The New Yorkers' at Paramount.

Jimmy Dodd sings his own song, 'Oklahoma's Oke With Me,' in the Universal western, 'The Man from Cheyenne.'

Joe Jerome and Jack Schell clefing two ditties: 'Holiday Merchising Song' and 'By the Campfire,' for 'The Santa Fe Trail' at Warners.

Canadians Scarce, Old Orchard Suffers Worst Summer Since Snow of 1886

SPINE PRESSURE

Mayo Clinic Operates to Relieve Benny Goodman's Sciatica.

Benny Goodman's sciatic condition, according to doctors at the Mayo Clinic, Rochester, Minnesota, was induced by a slipped disc in the fourth lumbar of the lower spine. In short, something in his spine got out of position and was pressing on the sciatic nerve. Leader was successfully operated on for the removal of the troublemaker a week ago Monday (15) and is expected to be out of the Clinic Friday or Saturday of this week, fully recovered. He will have to rest a bit, however. Goodman entered the Clinic July 13 after leaving his band earlier the same week at Catalina Island, Calif.

Present plans aren't as yet clear, but it appears that Goodman will be back at work as soon as he's sufficiently recuperated. His next booking is for a week at the Steel Pier, Atlantic City, Aug. 24, which apparently won't be fulfilled as he is to rest a month or so. He is also scheduled for stand at Meadowbrook, Cedar Grove, N. J., starting Sept. 3. That is also doubtful. No bookings were set for him immediately following the Catalina date, which closed July 14, due to the uncertainty of his condition.

New development will probably nullify the plans of Artie Shaw, now on the Coast, to take part of the Goodman band for his new dance group. Goodman's men undoubtedly will look upon the layoff as a vacation and return to him when things are ready. Shaw's new dance group will consist of 21 men, will open sometime in September at a San Francisco hotel, and will do no one-nighters—theatres and hotels only. He had expected to take from Goodman Les Robinson, alto sax; Jerry Jerome, tenor; Nick Fatool, drums; Johnny Guareniez, piano, and another unnamed sax player, not a trombone man as first thought.

Larry Spier Dickering For Abner Silver Part Of Mayfair Catalog

Larry Spier dickering to buy out Abner Silver's interest in Mayfair Music (Joe Davis catalog), the songwriter preferring to freelance. Silver and Willie Horowitz started the firm when the latter left Miller Music, and bought the Davis songs as a nucleus for ASCAP rating.

Spier, Inc. itself has the old McKinley Music catalog as one of its major components.

GASKILL LAID UP

Tunester Clarence Gaskill in U. S. Marine Hospital, Stapleton, S. I. Suffered a hemorrhage, losing about three quarts of blood, and required a transfusion. Okay now.

By ROBERT McDONOUGH

Old Orchard Beach, Me., July 23. Entire southeastern coast region of Maine, keystone by this resort town, is in midst of poorest season since 1917 if not since 1886, when it snowed in August. Chagrined entertainment men and hostelry operators are attributing the downbeat activity of the graphs to Canada's war effort and U. S. restrictions. Tourists from north of the border. In normal times dependence on Canadian trade, most of which is sent down here by attraction, of comparatively heavy salt water payed off well, but now it seems to have been shortsighted.

Only bright aspect of Old Orchard picture has been weekend biz, which has relatively held. Credit for this freely assigned to Duffy brothers for smart operation of their Pier. Duffys have brought in unexcelled foreign roster of name bands in the face of numerous warnings and a falling barometer. Policy has paid off for brothers—their takings are reported down only five percent from 1939—and has kept balance of working resorters from complete discouragement.

According to Maine Publicity Bureau, all other sections of state are doing healthy trade, and count of alien cars going through Portland is satisfactory.

Swank Room Empty As Adjacent Cocktailery Is Jammed; Statler Changes

Cleveland, July 23.

Manry Landers' orchestra was dropped, the swank Terrace Room shuttered for the summer and a new band policy was set up last week by W. L. Hennessey for the local Statler.

Hotel's dance spot has been swimming in red ink lately, having more waiters than customers some nights. Ironically, the adjoining cocktail lounge is such a terrific money-maker that Gene Kelly, manager, capitalized its pull by installing small dance floor, Oscar Day's band and dozen extra tables in it. Experiment clicked so heavily in first week that lounge is being enlarged, crowds virtually moving into hall of the curtailed-off Terrace Room, which couldn't catch them. Le. formality and lower prices doing the trick.

TOOTS CAMARATA'S EVENING

Jimmy Dorsey's sustaining broadcast tomorrow night (Thursday) will be dedicated to Toots Camarata, his arranger. Dorsey's broadcast will consist of all outstanding arrangements Camarata has written for the band including 'My Prayer,' 'Breeze and I' and others.

He recently was away from the band for a short spell, but returned about two weeks ago.

Alex Bartha band signed to MCA. Band has been crew at Atlantic City Steel Pier for past five years.

JOE GLASER'S Attractions. Capture BROADWAY!

LOUIS (SATCHMO) ARMSTRONG AND HIS ORCHESTRA AT THE PARAMOUNT NEW YORK Week July 24

ANDY KIRK AND HIS ORCHESTRA AT THE STATE NEW YORK Week July 25

Both Orchestras Exclusive Decca Recording Artists

Personal Management JOE GLASER Director

Glaser Consolidated Attractions, Inc., R.C.A. Building, Radio City, New York

Your Next Hit!

LOVE LIES

By Carl Sigman, Ralph Freed, and Joseph Meyer

LEO FEIST, Inc. 1629 Broadway, New York

HARRY LINK, Gen. Prof. Mgr. LON MOONEY, Prof. Agt.

Night Club Reviews

MARDEN'S RIVIERA (ENGLEWOOD, N. J.)

Al Trahan with Rose Perfect, George Givot, Terry Lawlor, Chandra-Katy Dancers (3), Shea and Raymond, Leo Reisman and Pancho orchestras; no cover, \$3.50 and \$4 minimum.

New lineup of Ben Marden's otherwise ultra roadhouse is a haphazard affair, spotty in its unfolding and susceptible to much improvement with judicious pruning and priming. Perhaps the major shortcoming is George Givot's indifferent effect with his hazy-eyed Gonge comedy. He was almost in dangerous waters at the dinner show. Cutting may improve him a bit.

Al Trahan, added starter, with Rose Perfect dancing, and the new Lady Yutona Cameron used to fit in, was a last-minute addition, which may have accounted for Leo Reisman's unshowmanly reading of the music from the previous show, with little eye to what was going on, the cues were asked and the general effect not too good. Offsetting this, however, was Trahan's Gonge showmanship and generally effective knockabout comedy.

Shea and Raymond with their standard eccentric hoofoolery opens Terry Lawlor, personable and a good singer, registers with her pops that range from 'Woodpecker' and an Irish number to 'Spic and Spanish' (with conga variations) to 'Old Man Mose.' Then Givot, overlong and dull.

Chandra-Katy Dancers, a man and two capable femme aides, in an unique terpsichorean routine, blend Indo-China dancing and Brazilian samba-dance in bare feet (a la the Jack Cole Siamese manner) and in very picturesque native getups. Chandra-Katy trio are the lone holdovers from the previous show, with exception of the sturdy Reisman and Pancho orchestras.

This is the third of the Chester Hale reviews, the 16 girls, all lookers, holding over three shows and appearing every four weeks. Idea is a 16-week season, shows shifted every month. For the August racing season, when the big spots are changed regularly go to Saratoga, a particularly strong show will be brought in, headed by Joe E. Lewis to offset the pull of the upstate spa. Big good right along with fine weather, natural hit-the-road inducer. No cover; minimum \$3.50 and \$4, later on Saturdays. Abel.

Cocoonat Grove, N. Y. (PARK CENTRAL HOTEL)

Sally Rand's 'Star Studded Revue,' with Miss Rand, Mabel Nelson's Dogs, Roland, Dora Maughan, Burt Harger & Charlotte Maye, Valentini-off, Sid Tomack & Reiss (2), Buddy Clarke's Orch. 75c-\$1 cover.

Mayor LaGuardia's ban is evidently the Park Central Hotel's gain, Sally Rand moving into the Cocoonat Grove when she found that the New York City had sold her the license of a 'No Fan Dancers Wanted' sign. She's playing the roof room on a percentage, providing the whole show, plus getting a cut on the razziness in the cocktail room. Room seats 350.

This 'Star Studded Revue,' for all of its corny title, is a nifty flash for a popular-priced spot such as this. It has a couple of weak spots, but these can readily be remedied. Once past the opening days' fixing it should be smooth-running for the rest of the scheduled 11-week (plus options) run.

Actually, Miss Rand is presenting three shows, changing costumes and routines for the dinner, supper and 2 a.m. sessions. It's probably the same system that ran for the Music Box on the roof, where the most of the girls currently appearing, she ran for a year and a half.

Naturally Miss Rand is still the star of her own show, alternating between fan and dancing, and wearing a costume that probably comes in a small can stamped 'adhesive tape.' She sells the nudity as artistry, which removes the curse of offensiveness, though the razzies are given enough of a flash to drool. Practically the entire show, in fact, is on the nice side, the only exception being Dora Maughan's naughty specialties, even less camouflaged asides. Opening night Miss Maughan, who has grown quite portly since the two-day days, became very irked at some mike and band noise and didn't mince any words in front of the audience. It was a display of temperament that should have been held for the dressing room. The following night she did calm down, although a bad case of hecklers was working against her.

Two acts in the show, that definitely don't belong are Roland (New

Aels) a Mexican satirist, and Mabel Nelson's inconsequential dog act that has the added handicap of being extremely slow. Once past these turns the show runs quite well, although a sock singer or hooper, or both, can be used.

Most notable in the production is the costuming, also the nice routine of the 12-girl line and seven showgirls. Miss Rand staged the entire thing, with an assist from Midge Fielding, the femme stager once at the Paradise on Broadway. They've managed to weave in nicely the ballroom routines of Burt Harger and Charlotte Maye, good-looking team, and Flower, doing a ballet variation of the Conga, and the comedy of the Sid Tomack and Reiss Brothers (2).

Letter tries a few lot of material, but not all of it. Spot's cover his been raised several specials, with 'We Are the Mounties for M-G-M' being tops, but their twist on Irving Berlin's 'God Bless America,' anent Kate Smith's 'The Battle of America,' is the poorest possible taste. Most of the time they work like life-of-the-party boys; when they are less hectic and more professional they are much better.

Buddy Clarke's band, a holdover in the Cocoonat Grove, is playing in the show and the dancing and doing a nice job of it. Spot's cover has been raised from 50c to 75c weekdays, but sticks at \$1 over weekends, and indications the second night were that Miss Rand may recoup some of that big chunk of coin she dropped in the Nude Ranch at the San Francisco Expo. Scho.

VOGUE ROOM, CLEVELAND. (HOTEL HOLLENDEN)

Cleveland, July 20. Jack Marshall, Carry Gould, Herb Taylor, Grace Morgan, Henry Cincione's Orch. \$1.50 minimum.

In spite of tough heat opposition, Jack Marshall is doing the sockiest biz for the Vogue Room that this corking all-around troupe has had since Gus Van Clikco is particularly unusual since it's singing comic's first return visit to hometown in half dozen years.

Local-boy-makes-good stuff as a rule boomerangs here, but Marshall is pulling in set of good-spenders who remember nostalgically when he played trombone and clowned in Australia's outfit at old Golden Pheasant before he joined Benny Meroff's unit.

Going solo, Marshall shows he is a corking all-around trouper whose volatile personality stuff gets clients on his side quickly. As a mugger, his rubber-faced impersonations of everybody, from Popeye, to Paul Harvey, are howlers in robust mimicry. What gets them most is his smart, vivid pantomime with a hat, tied only by a rapid-fire travesty on radio announcers in 'Night in Day.' Character of Joe Slobotsky, Polish coal miner, is a fine piece of comedy work revealing Marshall's real forte.

Local boys make good, but this clientele demands variety and keeps him going like a human dynamo for nearly 20 minutes.

Carry Gould, very much photogenic, gives on a good effort and cheerful earful of pop ballads swung high and fast. A little too nervous and theatrical at first, but her voice has freshness as well as verve in things like 'I Love You.' Ballroom duo of Herb Taylor merely passable in hackneyed routines that don't give the club, but are moderately liked. Henry Cincione's danceable orch is holding the stand until

Closes With Anthem

San Francisco, July 23. Henry Busse playing 'Star Spangled Banner' every night as closer at Palace Hotel, San Francisco, since band opened June 18. Says every band should do it in these times. Act drew hearty commendation from Mayor Rossi, who penned letter of appreciation, which got Busse's picture in the papers.

Busse will go to Hollywood in October to make a feature picture for Columbia and short for Warners.

July 29, when George Duffy takes over baton. Interludes nicely filled by Grace Morgan, who plays plenty of piano in conversational tempos. Pullen:

EMPIRE ROOM, CHI (PALMER HOUSE)

Chicago, July 20. Ray Noble's Orch. (10). Igor and Grace Poggi, Tenner and Swift, Texas Ramblers (4). Valerie Thon, Gary Stone, Dick Barstow, Abbott Dancers, Bonanza Orch. (Minimum \$3, Saturdays, \$3.50).

On this show is the Ray Noble orchestra. And that's all, at least where the entertainment comes in. Noble's new group does a fine job on melodic dansweration and general accompaniment for the show. It gets a bit loud at times, but that is indicated as the fault of the sound system, and not the outfit, which is well-founded and rounded. Band can do about anything, with an instrumentation that permits Viennese waltzes to be played in original form as well as in faster tempo for the younger hoofoolists.

Shan has side of distinction, with the violins given a position of prominence, which is in itself almost a novelty among present-day orchestras. In every way, it is a stand-out orchestra and particularly suitable for a subdued dining and dancing room such as the Empire.

But the rest of the show is on the other side of the line, and lacks every touch that makes the Noble orchestra worthwhile. Where the rest are concerned, it is a cheap show, and the turns are essentially routine, especially for the Palmer House, which deserves better treatment.

Attempt is made to be barn-dance in smart, slick sort of way and the stunt is missed completely. Show displays corn from every angle. Gary Stone is m.c. and invites every one to the dude ranch show. Texas Ramblers are a male quartet with fair pipes and practically no showmanship. They sing standard tunes without much on the ball, being dressed in the most simple stunt.

Particularly meek is the current Merriell Abbott line, with colorless routine. About the best stunt of the layout is some front-overs by the current Francis band, always long on acrobatics and short on routine beauty, and the current Abbott chorus emphasizes that point.

Current Francis band, all-in specializing in tropical instrumentation and rhythms. Gold.

Network Plugs, 8 A.M. to 1 A.M.

Following is a totalization of the combined plugs of current tunes on NBC (WEAF and WJZ) and CBS (WABC) computed for the week from Monday through Sunday (July 15-21). Total represents accumulated performances on the two major networks from 8 a.m. to 1 a.m. Symbol * denotes film song, † stage musicals, all others are pop. Parenthetic numeral after the title indicates how many weeks the song has shown up in these listings.

TITLE	PUBLISHER	GRAND TOTAL
I'm Nobody's Baby (6)	* Andy Hardy Meets Deb... Feist	44
I'll Never Smile Again (6)	Sun	31
Sierra Sue (11)	Shapiro	29
I Can't Love You Any More (12)	Olmán	28
Fools Rush In (8)	Berlin	25
Nearness of You (6)	Famous	24
I'm Stepping Out with Memory Tonight (6)	Robbins	18
Meet the Sun Halfway (11)	* I Had My Way... Santly	17
Make-Believe Island (13)	Miller	17
You're Gonna Be In Love (10)	* Louisiana Purchase... Feis	17
Devil May Care (8)	Witmark	16
Mr. Meadowlark (5)	Mercer	16
Hear My Song Violeta (9)	Crawford	16
Madame La Longa (6)	Berlin	15
Playmates and Fiddle (5)	Santly	15
Imagination (15)	ABC	14
Breeze and I (12)	Marks	14
Where Was I? (16)	* 'Til We Meet Again... Remick	14
Can't Resist You (9)	Berlin	13
When Swallows Come Back to Capistrano (4)	Witmark	12
All This, and Heaven Too (5)	* ATHT... Remick	12
Fate of Rose (4)	Harms	12
God Bless America (1)	Berlin	12
Orchids for Remembrance (3)	* I Had My Way... Santly	11
Please Take Letter Miss Brown (3)	Miller	11
Blueberry Hill (2)	* Paramount... Chappell	10
It's Loveliest Day Tomorrow (2)	* Louisiana Purchase... Berlin	10
You Can't Brush Me Off (8)	* Louisiana Purchase... Berlin	9
How Can I Ever Be Alone? (6)	* American Jubilee... Chappell	9
Polka Dots, Moonbeams (4)	Berlin	9
Yours is My Heart Alone (12)	* Land of Smiles... Harms	8
Let's Love It Up (11)	Russell	8
Tennessee Fish Fry (10)	* American Jubilee... Chappell	8
A Lover's Lullaby (7)	Jewel	8

Band Reviews

PHIL HARRIS ORCHESTRA (15) With Ruth Robin, Earl Evans Turnpike Casino, Lincoln, Neb.

Phil Harris does not step out of character from the Jack Benny show when roadshowing about the country. He's out now, because he figured he could make more money tax fodder on the road than he could by staying on the coast with promise of a small part in the Benny-Allyn between-radio-seasons Street spot 'Manny's Chicken Farm,' and is a fixture of WOR Mutual.

Trio is the real swingy lure. Profit's pianology and arrangements far eclipse Howard's digit dexterity on the Steinway, but the latter is a better personality with excellent callings of pops. Profit's threesome is equally expert for the hoof, but particularly good for straight alligator appreciation. Having a WOR wire, the colored trio and the Harlemesque Howard have become must-see spots for the music publishers. Abel.

street traps, the kids are being lured by Profitt and his (bass and guitar) plus Bob Howard.

Latter is a commercial songstop who errs on overdoing his stuff. He was long at Will Rockefeller's Swing Street spot 'Manny's Chicken Farm,' and is a fixture of WOR Mutual.

Trio is the real swingy lure. Profit's pianology and arrangements far eclipse Howard's digit dexterity on the Steinway, but the latter is a better personality with excellent callings of pops. Profit's threesome is equally expert for the hoof, but particularly good for straight alligator appreciation. Having a WOR wire, the colored trio and the Harlemesque Howard have become must-see spots for the music publishers. Abel.

ISHAM JONES ORCHESTRA Terrace Grill, Hotel Muehlebach

Band which the veteran leader and composer, Isham Jones, has under his baton currently was assembled last fall. It's a group of youngish players, who by this time form a well-knit organization. Jones has his crew styled for commercial dancing primarily, fitting nicely into such a spot as this.

Present crew of 12 is long on brass and reeds, complying with the current trend to the Glenn Miller style. Leader plans to individualize his band with the addition of a fiddle line. Shortly, and plans to use the strings prominently in all arrangements. While the violins may be overshadowed in ballrooms and larger halls, Jones figures them to fit better into the more intimate spots such as the Grill and is intending to specialize in this style of music. According to the customers' requests, jive is on the way out and patrons are seeking more and more the sweet tunes with a lilting rhythm. While his orch is heavily equipped in arrangements of this type at present the leader expects new string section to sweeten and smooth the output.

Singing chores are handled by Connie Starr, a recent addition, and Clyde Covington. Miss Starr joined troupe in Diamond when she was called via WOW. Does nicely by the rhythm type of song with a voice trending toward the Mildred Bailey type. This she handles as 'I Love You Anymore' for better results than 'Star Dust.' Gal has classy appearance in addition. Covington takes an occasional cut at keyboard and concentrates on playing stranding and composing, currently plugging a new 'dream ballad.

Brass section lists Joe Curran, Ray Aspin, and Phil Marack on the trumpets with Covington as the trombone. In the reeds Bill Hitz, Len Hartzell, Russ Hartzell and Robert Tretz root saxes and double bass. Vanguard of New York's Greenwich Village and he is similarly putting a new basement grill-room at an 8th avenue hostelry, the Hotel Dinkey on the map, because the live disciples are seeking out that spot. It's a nice air-conditioned room, very inexpensive, with drinks from 30c and never a cover charge. The area handles the fall-in spot. More comfortable than the 52d

CLARENCE PROFIT TRIO Hotel Times Sq., N.Y.

Clarence Profit swinging on the black-and-whites is not new. His first came to attention at the Village Vanguard in New York's Greenwich Village and he is similarly putting a new basement grill-room at an 8th avenue hostelry, the Hotel Dinkey on the map, because the live disciples are seeking out that spot. It's a nice air-conditioned room, very inexpensive, with drinks from 30c and never a cover charge. The area handles the fall-in spot. More comfortable than the 52d

Inside Stuff—Music

The pro-ASCAP music men, who are fingerprinting at BMI's belief it can pick song-hits written by amateurs, point to an amateur songwriting contest which the late Lou Diamond, head of Famous, and Paramount Music Corps, tied in with True Confessions. Sam Coslow was to set the melody for the best lyric, the winner to get a standard royalty contract, a guarantee of a Glenn Miller recording and a synchronization into a Paramount film (presumably a short).

The contest now over, of the 39,000 submissions the eight judges finally selected a lyric titled 'This Is Our Last Night Together,' by Mrs. Pauline Bouchard, 93 Heath Avenue, Cohoes, N. Y., who has yet to be notified of her win via a forthcoming True Confessions edition.

The essence of the contest is that the general mediocrity of all 39,000 contributions made it almost impossible to pick anything approaching quality, and Coslow is now faced with the task of also whipping Mrs. Bouchard's wordage into acceptable shape for publication.

Columbia Records is currently supplying bands on its new Okeh label with 18x12-inch pennants to be hung, one on each side of the bandstand, when one of its crews is working. Pennants, made up in blue and white, read 'Hear Us on Okeh Records.'

Victor-Records currently has a method of advertising with their recording outfits also. For some time they've been supplying Victor bands with bass drum heads on which are painted its trademark.

Strictly from the Jobbers' bulletins, sans single radio plug. Larry Spier, Inc.'s new publication, 'Your Flag and Mine,' has sold 17,000 copies in less than a week. Benny Davis and Harry Katri wrote it. Points up to the trade that American music buyers are very patriotic-minded.

De Marcos Open In S. F. After Renee's Horrowing Plane Crash Experience

San Francisco, July 23. Renee DeMarco opens her airplane-crash delayed engagement at the Palace hotel tonight (23), per schedule, despite injuries received when the chartered plane in which she was riding crashed in a field four miles from Salinas (14).

Dancer went through harrowing experience, arriving blood-soaked at Mexican farm shack after dragging herself four miles across plowed fields. Her face streaming with blood from cuts, she and her pilot, also injured, were loaded into a joltingly by the startled rancher and hauled to Monterey hospital. There she was found to have cut cheek and lip, nose and eye requiring total of 11 stitches, left shoulder, leg and foot also sustaining minor hurts. Dancer also suffered concussion, although originally fears of a broken nose were unfounded.

Flying to charity benefit at Del Monte on behalf of Allied War Relief, specially hired plane piloted by E. R. Mahan, of Burbank, ran out of gas in the darkness.

Tony DeMarco, not in plane, appeared at sociable shindig at midnight, announcing postponement of act. Said later they'll do a special benefit performance at the Palace Aug. 6.

Team, engaged at \$2,000 a week for two weeks, was skeddled originally on open last Tuesday (16), as part of Palace's new big-name hypo. Dancer was transported from Monterey hospital to San Francisco Thursday (18).

Physicians attending quoted to effect that she won't be permanently marked by experience.

John Law Again Cracks Down On Blossom Heath, Det.

Detroit, July 23. Blossom Heath, famed nitero on Detroit's outskirts and long closed because of jams with the law, continues to head into trouble since its reopening.

Reopened this spring, the spot came out simultaneous with one of Michigan's reform fevers. Result was that on May 20 when it opened, state police barged in and found gambling equipment. This cost Blossom Heath its liquor license—which had been denied in 1938 and 1939. The place, presenting floor shows, presumed to continue along the old prohibition line of "tote your own booze."

It was going along just dandy until state police paid a return call this week, broke down barred doors and tossed 60 of the clientele into jail. Again they reported the seizure of roulette wheels, dice and card tables.

Police also claimed that the carry-your-own-of-blind-concocted 50 bottles of liquor, nabbed a bartender and added that its undercover men had made earlier buys of drinks. It looks like the black-out again for Blossom Heath.

ARTHUR WIRTZ TAKES OVER 'ICE VANITIES'

Chicago, July 23. Arthur Wirtz of the Stadium has taken over "Ice Vanities," which folded after a single week of poor business at the Arena. In taking over the show, Wirtz is assuming 50% of the money owed to the performers by Bill O'Brien, the "Ice Vanities" impresario.

All acts in the "Vanities" have been signed to the Skating Booking Agency, which is controlled by Wirtz, with Wirtz guaranteeing the acts 12 weeks work during each season on a six-year contract.

Wirtz intends to use the acts in either the ice show which will be produced at the New York Center theatre, or in the Sonja Henie road show, which has a minimum route of 20 weeks for the coming season.

Danny Dare, director of "Meet the People," is directing the new MCA show, "Mind in America," at the new Rancho San Fabo site spot in wide-open El Cerrito, across San Francisco bay. George Peckhard and N. Kessler, listed as operators of new enterprise.

99 44/100% Not Pure

New Bedford, Mass., July 23. Stan Lee, Major Bowes' scout, was in town last week. He o.o.d. talent at New Bedford hotel roof.

FLIPPEN QUILTS AS AGVA PREZ

Jay C. Flippen has resigned the national presidency of the American Guild of Variety Artists, his letter to the board stating that his various commitments make it impossible for him to be active in that post. He suggested that somebody who could be more active be chosen, and the executive committee Monday (22) elected Dewey Barto (and Mann) to the post, subject to confirmation by AGVA's national board.

Barto, who with his partner is appearing in the long-run "Hellzapoppin'" at the Winter Garden on Broadway, has been very active in the union since its inception last summer. He has been serving as a national board member right along. Another member of the "Hellz" cast also active in AGVA affairs is Hal Sherman, also a member of the national board.

Flippen, who has been broadcasting the N. Y. Yankee home baseball games, was active only in the very early part of his term. He attended two or three national board meetings and then skipped the rest.

He states that his resignation was in no way prompted by the factionalism and unrest that has become evident in the N. Y. local in the past month or so.

Kelly, of AGVA Philly Local, Denies He's Alien

Philadelphia, July 23. Thomas E. Kelly, business agent for the Philly unit of the American Guild of Variety Artists, last week issued a denial of published reports that he was an alien. He stated that he was born in Philadelphia and said he had a birth certificate to prove it.

The executive board of the local held a special meeting two weeks ago to which Kelly's question was discussed. A preliminary vote was taken to oust Kelly. Shortly afterward Kelly arrived with papers to prove his citizenship. At first it was reported that the documents were his first naturalization papers. Kelly said they were his birth certificate.

The ouster vote was rescinded later. Kelly declared that the impression he was alien started when it was learned that he had worked as a performer in England and Australia in his youth. Meanwhile the exec board decided to postpone its campaign to sign closed shop contracts with night spots until the fall, when business picks up.

'Icecapades' to Open Pitt's Ice Season

Pittsburgh, July 23. Gardens, local sports arena owned and operated by John H. Harris, Pittsburgh theatre circuit head, will launch its ice-show season in November with "Icecapades," rink revue produced by Arena Managers Assn. and slated for engagements at more than half dozen spots represented by the organization. Arena Managers also going after flock of outside bookings.

In addition, Gardens has "Ice Follies," biggest money-maker of son here last year, and Sonja Henie show booked for return runs. Jerry Mayhall, local musician, composer and pianist, left town couple of weeks ago to become musical director for "Icecapades," now in Atlantic City.

Hollywood's newest ballroom-casino, the Palladium, on Sunset boulevard near Vine street, set for opening Oct. 15. Spot will use only name bands.

'Scandals' Into 3-Day Wheeling, W. Va., Stand

Pittsburgh, July 23. With Stanley, WB deluxer here, closed to stage shows for the summer, Harry Kalmine, zone manager in this district, has taken condensed version of George White "Scandals" for his Capitol in nearby Wheeling, W. Va. Unit goes in there for three days, Aug. 6-8. Arrangements for booking were made recently between Kalmine and Tom Bodkin, White's company manager, when a letter flew here from Milwaukee for funeral of his brother. Local agent Joe Hiller handled the deal at this end.

Swell showing so far of Stanley with straight six leaves dates for resumption of flesh at delux spot pretty vague. Originally announced to get back on combo policy Sept. 1, it may possibly be a month later than that now. Although Stanley's unit, WB booking a lot of flesh in suburban houses, with Maurice Spitalny's band, and show latest to play those spots one-night junkets.

BRANDTS BURN AT BRONX GRIPS

Due to what he terms arbitrary demands and interference by the New York stage hands union, Local No. 1, William Brandt states that it is very possible the Windsor in the Bronx, N. Y., will not return to stage show this fall.

Shows will go back into the Flatbush, Brooklyn, however, Brandts having no trouble with the stage hands there.

Problem in the Bronx relates largely to dictation by No. 1 as to the men who shall handle the show, plus other conditions.

MPLS. NITRIES SHOW INCREASED ACTIVITY

Minneapolis, July 23. Local night club activities seemingly are picking up.

"St. Regis Bustles," first ice show ever to be presented at a nitery here, opened at the town's swankiest spot, the Hotel Nicollet Minnesota Terrace, last week. It stars Dorothy Lewis and features Jack and Bob Heskley, Harriette Haddon, Bernice Stewart, Norah Gale and Lucille LeMarr. George Barton, Jr., and his Chicagoan orchestra are playing in the show. Minimum has been upped from \$1 to \$1.50 for week-days and from \$1.50 to \$2 on Saturdays.

Freddie Fisher's Schnickeleitzers are playing an extended engagement at the Happy Hour club. Lawrence Welk came into Excelsior Amusement Park this week for a night.

Brian McDonald Back In Niteries, M.C. in Pitt

Pittsburgh, July 23. Brian McDonald, former musical comedy juve and m.c. back in night club harness again after an absence of five years. He's opened an engagement here at the Yacht Club, replacing Jackie Heller while latter is away on a theatre tour. Heller's a fixture at the spot, jointly owned by his brother, Sol Heller, and Nick Andolina.

McDonald's last cafe date was at the Jefferson Hotel in St. Louis in 1935. Since then, he's been in radio almost exclusively as the Major Bowes of Wilken's weekly amateur hour on WJAS, which celebrated fifth consecutive year. He last week. In interim, however, McDonald has played a few theatre dates, couple at delux Stanley here and some with amateur radio units in suburban houses.

BOB BRODER BACK IN N. Y.

J. Robert Broder, counsel for the Artists Representatives Assn. in New York, returned yesterday from a trip to Los Angeles, Frisco and Chicago, where he made an effort to tie-in variety agents' groups into a national setup.

Matter is still under advisement by the councils of the various 10% organizations.

Members of AGVA N. Y. Board Resign in Body for 'Harmony', But Opposing Faction Remains As Is

Turbulence within the board of the New York local of the American Guild of Variety Artists has at last temporarily ended with the resignations Friday (19) in a body of seven of the 20 members. Those leaving include Dave Fox, president of the N. Y. local, who is also quitting that elective post.

It had been suggested that the entire local board and all local officers resign, or submit to a "recall" vote by the membership, for the sake of harmony; but thus far the remaining faction has made no such move.

Besides Fox, those who have sent in their resignations include Billy Glasen, Fred Pisano, Dick Barclay, Ben Haskell, Don DeLoe, Arthur Ward, Fox and Glasen, however, are retaining their membership on the national board.

An eighth member of the local board, Rod Rogers, is also expected to join the faction that has already walked out, but up to yesterday (Tuesday) had not officially informed the union. This group is the one that has been accusing several board members, officials and office workers of being Communists, fellow travelers or sympathizers. They have also been in strong opposition to the non-actor element in important positions with the union, including Hoyt Haddock, executive secretary of the union, Ken Howard and Graham Dolan, executive secretaries pro tem Los Angeles and Chicago, respectively, and some of the organizers.

Trio's Statement

Three of the resigning seven board members, Dick Barclay, Ben Haskell and Fred Pisano, submitted a signed statement explaining their reasons for doing so. It reads: "In view of the article in VARIETY issue of July 17, suggesting the two factions in AGVA should try for peace and harmony in AGVA, for the sake of making it a strong actor's union, we decided to set our differences aside with the opposing faction and try to accomplish some good for AGVA our board meetings.

"With this thought in mind, on Thursday, July 18, we attended our regular weekly meeting of the board. Again the obstructionist tactics of the subversive element was at work. The main object of their actions seemed to be to retard progress, cause dissension and keep the board from disposing of its duties; which is in strict accordance with the Communist Party line to create chaos and havoc in industry and labor ranks.

"We are accused of hiding behind the guise of patriotism because we cannot have our way. Yet, at a recent joint national and local board meeting Hal Sherman made a motion that the American Guild of Variety Artists go on record as being opposed to Communism, Nazism and Fascism. Instantly a furor was raised by this self-same element in a body who definitely opposed AGVA taking such a stand, thereby killing the motion.

Difficulty Getting Flag

"Since its inception the AGVA office has not had an American flag. Six weeks ago we put through a motion to buy one and display it in a prominent place in our reception room. When Fred Pisano, a board member, went to buy a borrowed flag, one of the CIO. office staff said, "Why do you want to spoil the wall?" To which he replied he never knew of the American flag spoiling anything, anywhere, anytime. The flag now hanging in the office was not bought by union funds, but loaned by Arthur Shields, organizer who was fired and remains fired contrary to the rule of a majority of the board to re-instate him since the records prove him totally competent and 100% American. To date regardless of our motion a flag still has not been purchased.

"We realize it is an awful thing to put the stigma of Communism on anyone; but since we can only judge people by their actions and their affiliations this is the only conclusion we can come to. We, therefore, after due de-

liberation and consideration, have decided to follow your suggestion that both sides can end the battle by leaving the battlefield, and have this day resigned from the New York Local Board. Having the welfare of AGVA at heart we tendered our resignations and demand the subversive element to do likewise. We also ask the AAAA, if they want AGVA to prosper, to give the actor the American Guild of Variety Artists, run by American actors for American actors."

An executive committee from the N. Y. local will probably soon elect replacements on the board for those who already have quit. Besides Rodgers, those remaining are Charles Arno, Charles Honi Coles, Joy Dixon, Thelma Flowers, Jack Gullford, Jack Hilliard, Elton Rich, Sam Kramer, Michael Lewis, Helen Sanford, Pete Wells and Hazel Scott.

The board's act is entirely warranted at its meeting last Thursday (18) by Henry Jaffe, union's counsel, that unless the intense factionalism stopped the union's national board would have to declare an "emergency" and take over the governing of the N. Y. local as well. He chided the opposing board members for undermining the union by their bickerings.

Chi Resignations

Chicago, July 23. Chicago local board of AGVA last week okayed a resolution giving a vote of confidence to Graham Dolan, executive secretary, but most of the officers of the AGVA local are readying to quit their positions. Among those who are understood to have handed in their resignations are president Jack Irving, first v. p. Willie Shore, recording secretary Chuck Wilson, and treasurer Vincent Gottschalk.

Morris Office to Stage 'St. Louis Cavalcade' For Town's Firemen

St. Louis, July 23. The William Morris Agency, New York, has inked a contract to produce "St. Louis Cavalcade," a combo circus, rodeo, carnival, revue and wild west show, Sept. 16-29 in the \$7,000,000 Municipal Auditorium. Net profits will be turned over to the St. Louis Pension and Charities Assn., Inc., and added to the sinking fund for firemen's pensions. Formerly the fire laddies got cut from an annual Horse Show, but when Mayor Bernard F. Dickmann and exes of the horse show fell out over a policy procedure, the firemen also walked out.

Last year city employees participated in a home-town produced musical revue and while it gathered a bundle of kopeks for the cause it was thought better results could be obtained with names from stage, screen and radio. James E. Darsl, manager of the auditorium, opened huddles with the Morris office several weeks ago. More than 300 entertainers from New York are expected to participate in the show.

FAREWELL DINNER TO CHAS. FREEMAN

A farewell dinner was tossed to Charles J. Freeman at the Astor hotel, New York, last night (Tuesday) by around 60 friends. Jay C. Flippen was toastmaster and speakers included Bob O'Donnell, general manager of the Interstate Circuit; Joseph Vogel, v.p. of Loew's; and the Paramount theatre on Broadway.

Freeman, who was booking manager of RKO, Interstate booker for years, then with Paramount and last as general manager of Consolidated Radio Artists, leaves around Aug. 1 to take up his new duties as film booker for the Interstate theatres. He'll work out of Dallas, Tex.

Boys gave him a wrist watch as a parting gift.

House Reviews

Continued from page 33

LYRIC, INDPLS.

best director, who is allowed to complete later for first price of \$35. Kaye manages to get a great deal of humor out of the would-be band leaders.

The band is swell throughout especially in their all-voiced numbers. It's a smooth running show, and the 'band leader' gag is helping to pull 'em in. Business was very good at third show opening day (19). Kiley.

EMBASSY, N. Y.

(NEWSREELS)

News is mighty thin with the newsreels this week. Even considerable footage devoted to the Democratic convention fails to save it from lethargy. A couple of human interest clips serve as highlights for the new program here, on which three shorts are needed to fill out running time. Drafting of Roosevelt for a third term is handled by Movietone, giving magnanimity to Clegg to Jim Farley's speech. Narrator Lowell Thomas does a slick job.

Wendell 'Willkie's vacation' in Colorado and other western states gets nice handling by Pathe and Universal, with audience being as enthusiastic about the hum-drum shots as for the convention story.

Faramont chips in with the two good human interest yarns, one on youthful navy aspirants going aboard U. S. battleship in Hudson river, and the provision being made for refugees British children in this country. Both are splendidly handled by Spencer Bentley. Par also gives its veteran sports announcer, Bill Slater, a break with a whole department devoted to sports highlights.

Matter of national defense has Movietone interviewing Frank Knox, new Secretary of the Navy, same reel camerating new monoplanes at San Diego with excellent shots taken from plugging planes. Pathe shows tests of navy's new mosquito fleet and Universal presents Harvard's flying school and firemen rigging up anti-aircraft gun drill on fire trucks. Pathe handles the Cabinet election in full style, but mops up with comprehensive coverage of Rockettes drilling for Annapolis midships and record crowd at N. Y. fair.

Movietone grasps the military significance and possible later repercussions of British closing of Burma road in China. Though library stuff, importance of subject is deftly treated by narrator. Same newsreel does brisk pictorial handling of new flying boat taking off from New Zealand from San Francisco. This reel's new Licht contributes some chuckles.

Faramont's 'Unusual Occupations' carries a neat plug for Gene Autrey, with his horse-raising and training activities accorded full coverage. Other two shorts, possessing more than usual interest, are 'Silent Wings' (RKO) and Father Hubbard's Adventures, 'Climbing the Spirit's Home' (20th). Wear.

20TH CENTURY, BUFF

Buffalo, July 21.
Don Bestor Orch (10), with Penny Lee, Johnny Russell's 5 Juggling Jewels, Condos Bros., Stepin Fetchit, 'Gangs of Chicago' (Rep).

Dipson-Basil, during their first summer operation here, are continuing their regular season policy of

Best Coffee in England

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Leicester Square
LONDON, WEST-END

WALTER (Dare) WAHL

BILLY ROSE'S

'FRISCO AQUACADE'

BERNIE GUMMINS

AND HIS ORCHESTRA

NOW
MEADOW BROOK COUNTRY CLUB
ST. LOUIS, MO.

Management: MUSIC CORP. OF AMERICA

name bands at approximately bi-monthly intervals. This means that the town still gets some stage attractions and these shows have been good for substantial business, with Bestor's exception. This show, although traveling light, packs a load of entertainment and at the prevailing tariff is a buy all the way.

The aggregation, except for piano, drums and bass, is made up entirely of brass, but the music is mostly and creditably on the sweet side. There are practically no straight musical offerings, although 'Playmates', following the opening, is done in melodic fashion, followed by some effective swing variations. Johnny Russell's solo vocals are passable, but his clowning with Penny Lee is far more productive of returns. Miss Lee has a pleasing personality and delivery, even though Bestor's 'cute little bundle' buildup is something to live down. Routine of five Juggling Jewels looks pretty corny for a class band, but their dress-up with gold wigs and sequins, tape and lighted juggling props, together with their click clock precision work, make it act effective enough.

Cory's vocalization of the ensemble, gives a nifty vocalization of 'Where Do I Go From You', and Bestor's Vibriharp solos, backgrounded by the orchestra, are good for some of the best applause pay-offs of the proceedings. Condos Brothers add real strength to the lineup with their excellent tap waltz, their reception, more than justifies their underscored billing. Stepin Fetchit found strong favor with the early birds of the opening show. His offering is a bit exploitation of the persona characteristics which he is naturally fitted to sell. With smartly tailored material and sure-fire showmanship, he milks the last drop of entertainment out of his now standard lethargic darky characterization.

Initial show was ragged, with most of the acts suffering from bad lighting. Incidentally, Bestor is using a modern bandman's variation of the old 'give us your kind applause routine vix, if you like us, tell your friends to come down and see us.' That exploitation of the masstros to hang up some new house records here. The gag is getting frayed and the boys ought to drop it.

FOX, DETROIT

Detroit, July 20.
'Fanzafire', with O'Connor Family (3), Benny Meroff's band, Ken & Roy Paige, Dolly Bell & 4, Buster Brown's 'Gangs of Chicago' and 'A Boy's Boy', 'The New York and Toronto of Stoops'; 'Private Affairs' (U).

From the way the crowd reacted to this show, it must be true that what the public wants these days is laughs... And 'Fanzafire', unashamedly modeled after Olsen and Johnson's 'Hellzapoppin'', while employing all the old gags and situations mixed with very few new ones, is a surefire laugh provoker.

The show moves swiftly through its 55 minutes, and so cluttered with a strange assortment of stoooges, there is little time to worry about the vintage of the material used.

Headlining are Benny Meroff and his band, and the O'Connor Family, chronologically, Jack, Donald and Patsy.

Meroff does a fine job of m.c'ing and soon has the crowd responding everything a sloopie walks across the stage. Even his imitation of Ted Lewis and his juggling act draw heavy on the applause. The Meroff band is okay, playing or stooging. Donald O'Connor, because of his film name, is supposed to be the big draw of the O'Connor family and he does click with his 'Small Fry' and his impression of the tap act his father did in vaudeville 50 years ago. But pint-size sister Patsy really wows them with her warbling of 'When Irish Eyes Are Smiling' and a tap routine that is plenty okay. Brother Jack does most of the talking and joins up with Patsy and Don in a tap number that's fair.

One of the better acts in the lineup is another clever tap number done by Betty Atkinson, a very cute looker and costumed to match. Dolly Bell and the Four Buster Browns do a fair tumbling act and

a girl named Levenia, introduced as a Detroit discovery, sings 'If I Had My Way' in a weak voice while a very large, fat, white guy with his body through a hoop that looks at least eight sizes too small.

Ken and Roy Paige do a slapstick routine which on demonstrations on the other illegals wrestling holds. They work hard for their few laughs. Between these acts—and sometimes during these acts—there are interludes, usually working from the audience, with Meroff stooging for the stoooges. Typical of their material is the long-hair, who mounts a box and begins shouting 'Down with the bosses! Down with the bosses! When asked what bosses, he answers, 'Greyhound bosses.' And that's the sort of thing that adds up to a very funny unit.

Attendance good at show caught Friday night (19).

Unit Review

ICECAPADES OF 1940

(CONVENTION HALL, A. C.)
Atlantic City, July 23.
Vera Blatina, Jo-Ann McGowan, Pierre & Denise Benoist, Cliff & Rhona Thael, Robin Lee, Jeff Stevens, Sid Spalding, Monty Scott, Serge Flash, Robert Dench & Rose Mer, Stuart, Fannie Dietl, Everett McGowan & Ruth Mack, Alfreed Trinkler, Red McCarthy, Lois Duorshak, Buster Grace, Riding Ballet, Silver Ballet.

More than 7,200 persons saw something new in ice entertainment Friday night (19) when the 'Icecapades of 1940' began a six weeks' showing in the \$100,000 Convention Hall here. The crowd, a class one in its choice of entertainment, thunderously applauded the performers in their fancy spins, stunts, thrills and amusing comedies, and called for more.

It is without a doubt the best ice show seen here, a town which has seen them all. The setting for the affair is the scenic back ground shows a yacht anchored off Atlantic City, with Boardwalk skyline silhouetted in the rear. Jerry Mayhall's orch plays from the yacht. While 'Vera Fruba, top-billed Czechoslovakian, who was first sight in her ballarina number with its difficult whirls and pirouettes and her peasant dance with its brilliant costumes, an ensemble of great applause, in fine performance of the lesser billed skaters equally stand out.

Belita, shapely blonde from London, together with her ladies in the ensemble plays an excellent 'Alien Blue-Gown' dance that would have been beautiful even without the added grace and smoothness on the blades. Bob Stewart, who plays Mayhall's orch, does the vocals that go with this delightful number. For smooth, fast and flawless teamwork, acclaim went to Pierre and Denise Benoist, Robin Lee, and Stuart, who were who was times U. S. men's fancy skating champ, carries off honors for best single performance.

McGowan and Mack, in the café de l'Apache number are excellent. The spectators called them back three times. Their first routine is followed by a difficult adagio number, and their last is a hilarious Apache number in reverse.

Two outstanding comedy numbers, which drew applause aplenty, are the ice antics of Monty Scott and Sid Spalding as the front and rear ends, respectively, of a horse on skates, with Jeff Stevens as the trainer in red coat. Extremely clever work on the blades shows through. The other comedy skit is 'The Cow Girl' in which these two executed some new and artful moves with their slapstick. The audience called them back four times with unusual enthusiasm for an ice skater. In this act are Jeff Stevens, Monty Scott, Sid Spalding, and Buster Grace.

An eye-appalling number is the ballet by McCarthy, the Silver Phantom. Numbers with lights on his silver-coated body. This and his encore of an Indian legend got an enormous reception. Serge Flash's juggling is included. He isn't much of a skater yet. Lois Duorshak, with her hip-swinging rhythm number and her swift skating with sudden stops, also whams. She's an attractive brunette with much s.a.

A cute little number, seven-year-old Jo-Ann McGowan, caught the fancy of her audience. Olie's well received included Fritz Dietl, in his skit and stunt skating, Dench and Stewart, in a smart Olympic repertoire; Larry Jackson and Bernie Lyman, with their rube act; Cliff and Rhona Thael, in a lovely waltz number.

The Riding Ballet, with the ensemble in red coats, white trousers, black boots and cap, and Silver Ballet are both well done and colorful. 'Icecapades' was staged and directed by Charles and Vida Uksla; scenery by E. J. Dougherty, Maurice Levy, Pete Tyrrell is manager. Car.

Saranac Lake

By Happy Benway

Saranac Lake, July 23.
One of the outstanding comebacks of the Colony has been made by Martha Gill, now taking her allotted time out as official mail clerk at the lodge and doing downtown shopping for the less fortunate. Three of the Hotel Saranac orchestras are papas, Bryce Lavigne, Dick Emperor and Pat DiMascio all hoping that the offspring will become a baton swinger.

Tudor Cameron is out of the 'dog-house' and seen downtown shopping and sporting spats and cane. Paul Welsh, the Chicago p.a., showing nifty comeback. May get an exercise assignment soon.

Tommy Vicks, who commutes between Boston and Rochester, N. H., and who recently licked a slight setback, will soon m.c. a New Hampshire nitery. Elizabeth Gaylor, who did the trick up here, is now working for a Chicago caterer. Marthy Fischer, ex-burlesquer now auto dealer, celebrated his 17 years up here as an ozeon.

Madeline Murray, ex-tab prima-donna, to a N. Y. hospital for an o.o. and a possible operation. Eddie Vogt, who anticipates a go-home signal, is now assisting Rudy Plank, X-ray expert of the Will Rogers.

Monster benefit is being arranged in connection with the dedication of the William Morris Memorial Park, which will take place during August. Glen Olin, orch leader, stopped off to visit the gang here while en route to Montreal for summer park booking. He is an ex-ozeon, having done his bit in Colorado.

Write to those who are ill.

Milw. Festival

Continued from page 2

mercifully. Came Milwaukee and their date at the festival and with a million and a quarter people on the grounds they cleaned up. The festival commission, a civic body, got a percentage of the intake. Even the weather man was with the outdoor events, providing an entire week of ideal summer weather and heat that fairly drove the populace to the Lake Michigan shore, where, in the huge natural amphitheatre, the festival is held. Parades, pageants, aquatic events, band concerts, outdoor theatre, choruses of thousands of voices, folk dances participated in by hundreds, and nightly elaborate fireworks displays, most all of which could be seen without cost, brought visitors from every state in the union.

Incidentally, this may be the last year in which a carnival will be permitted at the midsummer frolic. Mayor Carl F. Zeidler heads a large body of citizens who are decidedly opposed to anything of this nature in connection with the festival, believing it lowers the high standards they think should prevail for a civic celebration of this nature. The Mayor let it be known that the carry would have been barred this year had not contracts already been signed when he came into office.

The THEATRE of the STARS

Marcus Loew BOOKING AGENCY GENERAL EXECUTIVE OFFICES LOEW BLDG. ANNEX 160 WEST 46TH ST. NEW YORK Bryant 9-7800

J. H. LUBIN GENERAL MANAGER
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New Acts

NELLIE FALEY
Songs
Hotel Phillips, Kansas City
Parade of girl singers in the Cabana Room through the past season has seen most in for only a fortnight, but Nellie Faley is now in her third week and likely to make it six. Petite miss carries good stock of personality and sprinkles it through her songs with smartness. She's in from New York, where she enjoyed her run at Barney Galant's and held forth at some other spots. A diminutive brunet, her singing isn't necessarily confined to any one type of song. Work in the Cabana is mostly filling requests, and a trio of 'Nearness of You', 'I Can't Love You Anymore' and 'Breeze and I' give a fair example of the various types the singer is required to dispense. Songstress adds her own salesmanship to everything.

Teamed with Alberta Bird at the Novachord, two make an ideal pair for cocktail sessions in this intimate room. **Quin.**

ROLAND SATIRE
6 Mins.; N. Y.
Cocanut Grove, N. Y.
Sally Rand found this satirist in Mexico, but he doesn't fit her show in this rooftop nitery. Most of the audience isn't here to watch all about. He works to rumba rhythms and is high-grinding, bumping and active all the way.

Roland was caught in two takeoffs, one on Mahatma Ghandi and the other on a baseball pitcher and the batter. He's strictly dumb and, while Ghandi is immediately recognizable, it's strictly a picture without a caption. Also, the makeup is not exactly appealing for a dinner show. The baseball routine is a little more obvious all the way, but hardly for the femmes.

Another thing lacking, but most important, is humor. **Scho.**

NEISS TROUPE (4)
Aerial-Trampoline
6 Mins.; Full
State, N. Y.
Neiss troupe is not exactly new, having been around at circuses and fairs, plus some vaude dates. They present a neat novelty for the stage in their routine of aerial work over a trampoline.

Two of them men, working on opposite ends of the apparatus, are strictly catchers, while another boy and girl do the stunts. Boy also finales with a long series of high turnovers off the springs. **Open here and over strong. Scho.**

Touts to Filmers

Continued from page 1
would place for them. Neither fell for that, but they played the horses they were given. As it happened the bangtail referred to Miss Joyce won at nice odds. Result was that the tout next day came by her hotel looking for a handout and followed it up by trying to tout her on a 50-1 shot also at Empire. She refused and a police guard was assigned after she had been threatened. Miss Joyce had bet \$5, while Miss Morrison went on a loser for five win, five place.

Wally Vernon opened at Grace Hayes Lodge in Los Angeles.

NO MORE MET OPERA 'FEES'

Met Opera Minimums

Compensation of principal singers employed by the Met shall not be less than any of the minimums listed as follows:

	Single Performances	Minimum Weekly	Maximum Performances per week
Leading tenors and sopranos.....	\$50	\$150	3
Leading baritones.....	50	150	4
Leading mezzos and contraltos.....	50	150	5
Leading basses.....	50	125	5
Stage directors.....	35	125	8
Complimentary singers.....	20	75	7

No principal may be required to take part in more than one performance in a day. Any additional performances are to be paid for on a pro rata basis. Additional daily allowances are to be made to singers paid on a weekly basis for the annual road tour.

Gillmore's Resignation From 4A's 'By Mistake' Nixed by Board

Mix-up over the status of Frank Gillmore, president and executive director of the Associated Actors & Artists of America, was finally straightened out at a meeting held last Wednesday (17). Gillmore tendered his resignation, which move had been tipped off in advance, but it was rejected. He explained that he did so under a misapprehension, thinking he had been 'expected to do so'.

Gillmore, former head of Equity, agreed to a reduction of salary several weeks ago. Beginning next week he will receive pay on the basis of \$7,800 annually, which is \$100 weekly less than the \$13,000 yearly called for in his contract as directional head. His term as president of the Four A's expires July 26, 1941, but his contract as director has two more years to run and salary is to be paid until its expiration, whether or not he continues with the organization, and in the event of his demise the salary will be turned over to his estate.

Two Factions

There are two elements in Equity who have differed over the retention of Gillmore. Those in the east sought to have him replaced, but the conservatives on the Coast expressed the opinion that in light of his long service with Equity his contract should be fulfilled to the letter. Even so the veteran Equityite accepted the salary cut indicates a compromise.

When he stepped out of Equity, Gillmore figured the Four A's berth would be a less arduous assignment. That appeared to be so until the trouble that started last year with the revocation of the American Federation of Actors' franchise and the battle with the stagehands that followed. In any event, when Gillmore left Equity it opened the way to eliminate the chief cost item, that of the president's salary. That post carries no pay now. Gillmore's salary cut was virtually forced because the Four A's revenue could not carry the full load.

Stagehands' fight cost Four A's (Continued on page 44)

Miriam Hopkins Pays Blau \$750 Settlement

Dispute between Miriam Hopkins and Bela Blau over the latter's failure to appear as scheduled at the latter's Deertrees theatre, Harrison, Me., in "The Guardsman," has been settled. Equity council, which had been slated to hear the charges, was so informed yesterday (Tuesday).

Reported that attorneys for the actress agreed to pay Blau a week's salary, in this case \$750. Manager had sought to be reimbursed additional expenses, amounting to some \$3,000.

Council also received yesterday charge by Maryverne Jones, operator of the Starlight theatre, Pawling, N. Y., against George Bendix and Florence Barrett, for alleged violation of contract. Actors were given 30 days to reply.

AGMA PACT ENDS PERSONAL DEALS

No Executive, Coach, Conductor or Other Personage Connected With Opera Can Hereafter Take Any Part of Singer's Income

OTHER CLAUSES

The American Guild of Musical Artists yesterday (Tuesday) established itself in the musical world, when the Metropolitan Opera, after several months, signed a blanket agreement recognizing AGMA 100% as the bargaining agent for its opera singers. Credit for document, first of its kind in the 55 year old history of the Met, is equitably divided between Lawrence Tibbett, president of AGMA, Mrs. Herbert Witherspoon, Ted Carr and Henry Jaffe, executive secretary, assistant to the executive secretary, and attorney for AGMA, respectively.

The agreement which runs until May 31, 1943, is as follows: AGMA is recognized by the Met as the exclusive collective bargaining agent for all solo singers, stage directors, choreographers, solo and corps de ballet dancers in all performances of Grand Opera, concerts, recitals, and oratorios produced by the Met or any subsidiary of it.

Only members of AGMA in good standing will be employed by the Met, and that company may not employ any but AGMA members.

Delinquent dues and initiation fees payable to AGMA, shall be deducted from the compensation of the artists and paid to AGMA by the Met.

No other deductions whatsoever can be made by the Met from an artist's fee, or salary except taxes, or such fees as are required by law.

The Met agrees to meet the minimum fees and conditions as provided by AGMA shall govern its dealing with artists, and in no case shall less favorable terms be offered.

The Met may call an artist for preliminary rehearsals no more than 14 days before the beginning of his engagement for the season.

Corps de ballet dancers shall be employed by the week for the full duration of the season. Dancers shall be paid not less than \$40 weekly in the performance season in N. Y., and not less than \$50 for any week of the tour and may not be required to take part in more than eight performances weekly. Any additional performances shall be paid for at the rate of 7/10 of the weekly compensation.

During rehearsal weeks the dancers shall be paid not less than \$20 weekly or be called on to rehearse more than 20 hours weekly or six hours in any given day. No rehearsals on Sunday are allowed, unless overtime is paid. For each hour of overtime, the dancer must be paid \$1. During the performance season dancers may be called on to rehearse 2 hours weekly without compensation.

All artists shall be paid bi-monthly except artists engaged for single performances who shall be paid within 24 hours after each performance.

Transportation shall be paid by the Met to any performance out of town and back except from cities like Philadelphia or ones a similar distance in which case transportation back is not necessary.

No person occupying a paid supervisory or executive position or who receives compensation from the Met and participates in the engaging, casting, discharging of artists, shall be permitted to act as manager, agent, musical coach, personal representative, fee, commissions or other consideration of any kind from any artist. (This clause is one of the most important in the contract, is to prevent officials of the house' was reported done in bygone years from accepting fees from an artist to better their singers position, or to

(Continued on page 44)

Equity Receives Lambertson Reply Furnishing Reasons for His Red Charges; TAC Also Posts Denial

Equity Asks Probe

After a lengthy meeting which the question of Communistic influence in the association's affairs was again thrashed out, Equity council voted yesterday (Tuesday) to demand a hearing before the Dies committee or any other authorized Government agency on the charges recently made against the organization by Representative Lambertson.

Legislator was asked to his efforts to bring about such hearing as soon as possible.

Before going further into the charges of Rep. William P. Lambertson that seven members of Equity's council—Communists; all having made denials, the association awaited a reply to its letter of refutation that the council is controlled by radicals. Response from the Kansan was received by Paul Dullzell, Equity's executive secretary, Lambertson spilling some strong stuff in support of his allegations.

Lambertson formally replied to Equity's request for satisfactory proof, his communication being received Tuesday (23). He enclosed photostat copies of certain articles, particularly from the Daily Worker, admittedly Red, issue of Aug. 14, 1939. The names of Equity members were included with others and his opinion is that if they are not Reds they are members of Communist 'front' organizations or 'fellow travelers.'

Worker article purported to show that those named had endorsed the Soviet system. Reaction at Equity was that they probably signed a petition, but that did not necessarily classify them as Communists.

Congressman, who said that the members of the theatrical profession had given him and his colleagues much enjoyment, wanted to know about the term 'satisfactory proof' asked by Equity and asked 'satisfactory to whom?' Lambertson went on to say that his colleagues believe the evidence to be satisfactory proof and that the ban against including theatre relief was still on as far as they are concerned.

Lambertson requested that his reply and enclosures be read to the council; which was done yesterday and it is now up to Equity to decide whether the proof is actual and what is to be done about it. He also requested that his reply in full be 'Connection with the Theatre Arts'

(Continued on page 44)

'WALK WITH MUSIC,' 88G IN RED, SCRAMS B'WAY

After playing six weeks to red business at the Barrymore, N. Y., 'Walk With Music' stopped Saturday (20) with a loss of \$88,000. Under the title of 'Three After Three,' attraction had played 16 weeks on the road prior to Broadway, but had few winning weeks out of town. Simone Simon was in the original cast, replaced by Kitty Carlyle for New York.

'Music' was presented by Ruth Selwyn in association with the Shuberts, latter withdrawing after the first week at the Barrymore. Previously the Shuberts were in 50-50 and their end of the red was about \$40,000. Mrs. Selwyn attracted the balance of the capital from William Horace Schmidlapp and Albert M. Keir, aspiring 24-year-old showmen. Duo took over when the Shuberts bowed out and went for about \$8,000 during the balance of the engagement.

New managers desired to give 'Music' every chance, which explains why it was continued at a loss. Principals took a cut, under which the highest salary was \$100 weekly. Arrangement went for four weeks, extra week being added, but with the gross in the \$6,000 bracket it was decided the chances to stick were nil.

Schmidlapp and Kier will remain in show business. They have scheduled a musical being readied by Johnny Mercer, Harold Arlen and Sid Herzig. They may be interested in trying out new plays at the Copely Square, Boston, in association with Joseph M. Gaites and the Shuberts. Idea is to establish a house, which does light road attractions, as an experimental theatre. There were 10 scripts submitted for trial, but only one was to their liking.

League Seeking Time Extension On Equity Pact

Broadway managers, through the League of New York Theatres, will advise Equity that an extension of the basic agreement is desired. The pact, which has been in force two years, guarantees that the actors association will not effect changes of policy without managerial assent and stipulates that the ticket code, drawn up by Equity and the League, will be enforced by the latter.

Equity has not considered continuing the agreement next season and consideration of the matter may be controversial in council because of the pending move to raise the minimum salary from \$40 to \$50. That subject is a moot question itself and may take some time for final decision. Possible therefore that the basic agreement may be granted an 'in-case' stipulation covering the salary matter.

There is little doubt that the managers are bringing up the pact for extension at this time because of the agitation over alleged Reds in the council. Despite denials, the showmen appear concerned over what may be expected from the radical or liberal element in Equity.

Code is still operating, though the volume of ticket sales is so low that price regulations are not operative. Brought-out that the league has not been attempting to collect three cents per ticket from the agencies for some time. It was dropped for the summer, because the brokers declared that there is no business and they have no money to pay out. League will not seek the levy during the summer period, but will attempt to collect arrears from brokers who held back earlier in the season or last year.

League has on hand around \$4,000 from the ticket levy which started late last fall after the nick was lopped off one-half cent per ticket. Agreement with the brokers is that one cent out of the three collected shall be put aside and rebated the ticket people if enforcement fund is adequate. Coin on hand represents the collection at two cents per ticket and the other cent is segregated and most likely will be refunded the brokers, each to get a percentage of the whole based on the number of tickets they sold.

'Astonished Ostrich' To Santa Barbara Aug. 23

Santa Barbara, July 22. Archibald Norman Menzies' play, "The Astonished Ostrich," produced and directed by Hamilton MacFadden, goes into the Lobero theatre here for the annual Fiesta Week, beginning Aug. 12.

Two years ago the play months in London.

THE HARD WAY

Skowhegan, Me., July 22:
Face in three acts by Alton Boretz, staged by Melville Burke...

The Hard Way is a fast farce by the co-author, Alton Boretz, of 'Room Service'...

Boretz saw, as who hasn't, a richness of comedy in scripting of kilocycle soap operas...

Last week, at Chicago, they nominated a candidate for the White House...

Hume Cronyn, as a guilty swish radio exec, turns in a stand-out performance...

Melville Burke's directing job, considering the summer stock circumstances...

SHE ATE HER CAKE

Stony Creek, Conn., July 16:
Comedically in three acts, five scenes, by Louis F. Slocater and Ben Stark...

Here is one that is definitely worth juggling around till the right answer is found in making two men happy...

Piece stands a better than average chance for stage and offers good opportunities for writing in added characterizations...

Gale Rogers, the wife, operates on the theory that there's nothing wrong in making two men happy at the same time...

sonnel and recapture the lad from under Gale's thumb. After some pro and con battling, that's the way it works out...

Hammond's staging of the play is exceptionally good in view of the usual strawhat limitations...

A well-balanced cast has William Dorbin carrying the play as W. W. Davis, Kevin Shea convincing as Rockwell...

Rings on Her Fingers

Marble Dale, Conn., July 20:
Comedically in three acts by Clay Franklin, staged by Hudson Faussett...

Last week, at Chicago, they nominated a candidate for the White House. Last week, at Marble Dale, they nominated a candidate for the storehouse...

Plot has been done too often to have much value even for pix. Cynthia Pomeroy, model of Joan Dillinger...

Rings is typical of the flock of tryouts that hit the pitchfork-and-scythe circuit each season in that it provides fairly amusing moments for a while...

BEDTIME STORY

Fantas in three acts, with prolog, by Hargre Jackson and Frank Garrett, presented by Paramount Players...

Better for the summer trade than a little sideline love-affairing, W. W. Davis, mature member of the firm...

could be called a success, because it reveals that the writers are definitely on the right track. They have followed the plotting and approximated the gags and situations...

Sharon Lynne, acting the Dunne part here, found concentrate too busy to spend the night at Gilbert's...

Louis suggests divorcing a legal technicality that may make Annabelle's suggestion illegal. This holds the couple in the apartment and in separate bedrooms...

With a good production budget, a topflight comedy director and a hand-picked supporting cast, 'Bedtime Story,' under any title, should develop into a good show...

John Sollers rates a nod for his excellent sitting room set. Fox.

UNDER THIS ROOF

Westboro, Mass., July 23:
Comedy in two acts (even scenes), by Herbert B. Brown...

With a barn full of friends of the author, a Boston attorney, 'Under This Roof' made its debut here tonight to a most receptive audience...

'Roof' is an over-long episode historical drama dealing with the human emotions of three generations of a family who lived, loved and hated under the roof of an old New England house...

ations are often good and the characters are quite well defined and plausible. Neither the direction nor acting gave the preeminent best grades...

Alice Wiley makes Cornelia realistic most of the time; Wendell Corey executes the hypodermic injection of the crowd banker; John Taylor and Conway Washburn are standouts as a conviving senator and an oily promoter...

SALUTE TOMORROW

Suffern, N. Y., July 23:
Comedically in three acts, five scenes, by Marjorie Leonard and Gladys Unger...

Presentation of 'Salute Tomorrow' does no service to the memory of the late Gladys Unger, programmed as author. Play is another variation on the old straying husband theme...

Along its generally lugubrious way, 'Salute Tomorrow' turns up a couple of enterprising incidents in scenes. Episode, for example, in which Sally Wallace, a friend of Marcia's, pretends that her own husband has been taken to a flight school...

Sunny patio set designed by Sidney Redish gives 'Salute Tomorrow' a good send-off. Roy Lockwood's direction is adequate. Paul.

A MAN'S HOUSE

Great Neck, L. I., July 21:
Biblical drama in three acts by late John Drinkwater. Directed by Dennis Hoey...

This is a story of Jesus of Nazareth—the four days preceding the crucifixion and the three days following it—as reflected in the lives of a white-collar Jewish family in the city of Jerusalem...

Salathiel is a successful and kindly member of the family. He is in every respect a sincere and moving drama, ideally cast and sensitively directed. Salathiel is a successful and kindly member of the family...

who is becoming rapidly one of the Nazarene's most ardent disciples. When David decides to join Jesus at near the same time...

The crucifixion of Jesus brings to a climax the feelings of those remaining in the Salathiel home and Esther declares her love for a family capable of such a deed...

At the end, only Mathias and Salathiel remain. The former is as unconvinced as ever that any supernatural occurrence has taken place...

Hoey for his sympathetic and restrained performance as the father. Miss Baker is inclined to overplay her part in the third act...

William Thornton lends a benevolent touch to the character of Nathan and Willis Knighton is effective as the servant boy...

'A Man's House' could stand little judicious editing, especially on the half-dozen lines which lapse into near-slang and lower the whole tone of the piece...

'A Man from the Band' is all set for Broadway and Hollywood, with all the elements of a hit, for either medium, a member of this cooperative group...

MAN FROM THE BAND

Boston, July 19:
Comedy-drama in two acts, five scenes, by Martin Pittenger, presented by Theatre of the Fifteen...

'A Man from the Band' is all set for Broadway and Hollywood, with all the elements of a hit, for either medium, a member of this cooperative group...

Entire cast merit praise and a flock of curtain calls bear out this opinion. Most noteworthy is Larry Sothorn, former Broadway trouper...

(Continued on page 43)

Heat Clips B'way After Early Lift;

Father, \$18,000, Night Down to 11G

Estimates for Last Week
 Key: C (comedy), D (drama), R (revue), M (musical), F (farce), O (operetta).

'DuBarry Was a Lady,' 46th St. (33d week) (M-1,375; \$4.40). Business improved first part of week, but in the final two days a heat wave descended and attendance weakened; around \$18,000 for this musical play.

'Hello, Poppin!' Winter Garden (66th week) (R-1,671; \$3.30). Takings up, better foot, but the takings; laugh revue holds its position as one of the most popular in years; rated over \$21,000.

'Ladies in Retirement,' Miller (17th week) (D-840; \$3.30). One of the first attractions to go to the road; will jump to the Coast for early September start; another three weeks; around \$6,000 and said to turn some profit at that level.

'Life With Father,' Empire (37th week) (C-1,095; \$3.30). Easily the top draw among straight shows; although off somewhat on lower floor some nights, packs 'em in upstairs and little under the winter pace; over \$19,000 again quoted.

'Louisiana Purchase,' Imperial (6th week) (M-1,450; \$4.40). Riding on high with standees some performances except on torrid Saturday; rated around \$50,000, which is away over nearest contender.

'Who Came to Dinner,' Music Box (40th week) (C-1,012; \$3.30). Came back somewhat as expected for laugh show, which topped straight plays during winter weeks; gross of previous announced \$11,500.

'Separate Rooms,' Plymouth (17th week) (C-1,075; \$3.30). Costs little to operate and still expected to last through heated period; with aid of liberal cut-rating the takings were about \$5,500.

'The Male Animal,' Cort (28th week) (C-1,064; \$3.30). Among the winter winners; but like most other successes has been affected; expectant of sticking through summer; \$7,000 estimated.

'There Shall Be No Night,' Alvin (12th week) (D-1,375; \$3.30). On a seven-performance basis; Saturdays out, but an extra matinee; still talked about as most timely dinner; in a generation and slated into fall period; \$11,000.

'Tobacco Road,' Forrest (254th week) (C-1,107; \$1.10). Finally slated to close after another three weeks (last performance announced for Aug. 17); has run more than six and one half years; a record; down under \$3,000.

'Walk With Music,' Barrymore. Taken off last Saturday after playing six weeks; operated in the red through that period; about \$6,000; much too low for musical.

Suspended Musicals
'Higher and Higher,' Shubert; due to slight Aug. 5; boxoffice open.
'Keep Off the Grass,' Broadway; expected to resume next month with number of cast changes.

'WIDOW,' \$14,000, GOOD IN L'VILLE

Louisville, July 23.
 Fifth week of summer open air shows at Iroquois Amphitheatre wound up with an added performance Sunday (21) of 'Merry Widow.' On seven performances, the estimated gross was \$14,000.

Robert Shafer and Nancy McCord carried bulk of the singing and acting chores in 'Widow,' with Jack Sheehan scoring in a dancing specialty.

Final week's show is 'Countess Maritza,' opening yesterday (Monday). Extra performance will again be added to this week's bill, bringing season to a close on Sunday (28).

Magic Show N.S.G. In Det. at \$5,000

Detroit, July 22.
 After two weeks of socko business with the A. Jolson-Ruby Keeler-Martha Raye musical, 'Hold Onto Your Hats,' the Cass suffered a bad lakedown with Daniel Fitzkee's 'Magic in the Air.'

Show failed to draw because of lack of boxoffice names (it features international magicians), and pulled (after taking average of \$2,000 for week). Top asking price was \$1.65 nights, \$1.10 matinees.

The Cass marked the end of its summer season with 'Magic' and the house is expected to remain dark until September.

Memphis Rain Washes Out James' to \$3,600

Memphis, July 23.
 Local straw hat musical sagged badly last week as the rains came almost daily. One night was stormed out completely, and couple of others were almost total losses with deluge up to certain time. Final take for week was approximately \$3,600, show being Little Jessie James, with Alexander Gray, Ethel Taylor and Don Gautier.

Memphis Open Air Theatre is operating on \$5,200 weekly budget and came out slightly ahead on the first week with 'Merry Widow.' Still has three weeks to go.

Current week: 'Naughty Marietta.'

'Skylark' in Four L. A. Shows Nifty \$7,500; 'People' Ends 30th Wk.

Los Angeles, July 23.
 Gertrude Lawrence is closing Biltmore 4938-40 season with a nine-day engagement in 'Skylark,' winding up Saturday (27). Piece opened run here (18) and first four performances piled up juicy \$7,500, with no advance in prices for opening night.

'Skylark' was on the road for 30 weeks in Hollywood (19) and moved to the Geary, San Francisco, with a second edition replacing at the Playhouse, Hollywood.

Biltmore opens its 1940-41 season Aug. 9 with two weeks run in Flora Robson in 'Ladies in Retirement.' Company is now playing at the Henry Miller theatre in New York and jumps direct to Los Angeles by special train.

Estimates for Last Week
 'Skylark,' Biltmore (1,656; \$2.75). Long-awaited appearance of Gertrude Lawrence winding up season at the downtown legit with substantial grosses. Take on first four performances reached \$7,500, with extra chairs necessary on opening night.

'Meet the People,' Playhouse, Hollywood (1,100; \$1.85). Revue wound up 30th week (18) with strong \$5,500 and moved to San Francisco, with second edition replacing.

PHILIP GOODMAN DIES AT 55 IN NEW YORK

Philip Goodman, former producer and author who presented several musical-comedy successes on Broadway and was also interested in the presentation of a number of straight shows, died of a heart attack Saturday (20) in New York at the age of 55. He had been inactive as a manager in recent seasons, devoting his time to writing plays. He had an arrangement with Lee Shubert for their presentation.

Hit musicals under his banner included 'Ramblers,' which made a run at the Lyric, N. Y., with Clark and McCullough and Marie Saxon in the cast; and 'Poppy,' which afforded W. C. Fields his first speaking part. Madge Kennedy made her musical debut in 'Poppy,' which played the Times Square. Other Goodman musicals which did well, too, were 'Dear Sir' and 'Five O'Clock.' He came a cropper with 'Rainbow,' presented in 1928 at the Gallo (now the New Yorker), that show having a Vincent Youmans score. Though the show did not last long, the performance of Charles Ruggles attracted talent scouts and he landed solidly in Hollywood.

Goodman's first try at Broadway was hit comedy, 'The Old Soak,' presented by Arthur Hopkins at the Plymouth. Play was by the late Don Marquis and had a bootlegger background, one of the show's lines. Here 'Soak' was associated with 'Poppy' and then went on his own. Straight plays he presented were 'Among the Married,' 'The Wild Man of Borneo' and 'Washington Heights.'

Scripts of his own plays are now in circulation. Shubert's tried out 'Lady at Large,' but it was not brought in. Considered a much better play is 'Birth of a Hero,' which has not been produced. Prior to entering show business Goodman was an expert in writing advertising copy in Philadelphia and New York.

Current Road Shows (Week of July 22)

- 'Hold on to Your Hats' (Al Jolson, Ruby Keeler, Martha Raye)—Grand Opera House, Chicago.
- 'Meet the People' (George, San Francisco).
- 'Meet the People' (2d. edition)—Playhouse, Hollywood.
- 'Life With Father'—Blackstone, Chicago.
- 'Skylark' (Gertrude Lawrence)—Biltmore, Los Angeles.
- 'Scarlet Virgin'—Mayan, Los Angeles.

JOLSON FORTE \$24,000 IN CHI

Chicago, July 23.
 Al Jolson had a great personal opening in 'Hold Onto Your Hats' with Martha Raye remaining to share audience honors with him. Show opened to \$5.50 top and just missed a sellout, and then went to \$3.85 in the second week. Last 'Ziegfeld Follies' here played at that scale.

Chicago, the top, however, the musical turned in a fine initial session and figures: possibility of going longer than its four-week minimum. Jolson is working with a cane and a cane on his broken right foot, but this is not hindering business.

'Life With Father' continues to excellent business in the Blackstone with remarkably little variation from capacity business in view of the season, weather and length of the run.

'Slated for Labor Day getaways in Chicago are 'Male Animal,' Selwyn, and 'Two Many Girls,' in Grand Opera House.

Estimates for Last Week
 'Hold Onto Your Hats,' Grand (1st week) (1,300; \$3.85). With \$5.50 top opener came through to fine initial stand of \$24,000.

'Life With Father,' Blackstone (22nd week) (1,200; \$2.75). Democratic convention denied gross more like \$1,000; and gross slipped to \$11,500.

Strawhats

Continued from page 42

MAN FROM THE BAND

and he could not speak intelligibly for months until after a great many operations abroad.
 Mary Greene, as the rich girl, Barbara Parnley, as the swing singer, and Richard Sullivan, in the role of the weak rich boy, all click in major parts. Louise Long, as a baby-talking dilly, and James Crow, Willard Thompson and Frank Rolinger, as musicians, all dish out some good comedy. Dorothy Dabe, Cope gives the Boston aunt just the right touch without going overboard. But Miss Pittenger gets the big fare for penning a swell story almost fool-proof for playing. Fox.

NO LACK OF MERIT

Litchfield, Conn., July 17.
 Drama in three acts by Randolph Preston Directed by setting H. Beaumont Williams; at Litchfield Hills Theatre for its runs starting July 16, 1940:
 Allen Martin..... Randolph Preston
 Alan R. Blyden..... Dorothy Dabe
 Flora Marlin..... Mary Fletcher
 Julia..... Lucine Lorraine
 Lee Carter..... Jess Wynne
 Mr. Gates..... Warren Young

Corner's report of this play would read 'stillborn.' Nor could the best surgical and medical men of the legit field ever put life into its lifeless body.
 Poorly written, directed, acted all members of the cast had difficulty remembering their lines), the play deals specifically with an anti-conscripted theme. Anti-semitism pervades the work, but the play is worth serious writing. Slowly going blind, he drops his pulp activities for the heavier stuff, concentrating on anti-conscripted writing. Feels that he is only person who stands up the dramatic writing. Slowly going blind, he drops his pulp activities for the heavier stuff, concentrating on anti-conscripted writing. Feels that he is only person who stands up the dramatic writing. Slowly going blind, he drops his pulp activities for the heavier stuff, concentrating on anti-conscripted writing. Feels that he is only person who stands up the dramatic writing.

6 Agcys. Testing Constitutionality Of N. Y. Ticket Law, Timing Suit With License Dept's First Move

Synchronized with the delayed move of Paul Moss, license commissioner for New York, who called ticket brokers and managers' representatives to his office to explain new regulations drawn up by him and the police department, a suit was filed Friday (16) in N. Y. supreme court, on behalf of six agencies which contend that the new state ticket law, called the Mitchell bill, unconstitutional. It is the test planned since Governor Lehman signed the measure and papers were served on Moss and Police Commissioner Lewis J. Valentine.

'Morning Star' Gets \$4,000 In A. C. W'k

Atlantic City, July 23.
 'Morning Star,' with Molly Picon and Joseph Bluff, grossed approximately \$4,000 for week ending Sunday (21) at Garden Pier theatre. It was Miss Picon's first visit to A. C. in four years, at which time she did a play and a short time later appeared in a vaude sketch at Steeple Pier.
 This week: 'Pins and Needles' is playing Garden Pier.

Rain Threat in St. L. Keeps 'Knick. Holiday' With Barton Down to 3G

St. Louis, July 23.
 First local presentation of the Maxwell Anderson-Kurt Weill musical, 'Knickerbocker Holiday' began one-week stand. The Municipal Theatre Assn's alfresco playhouse in Forest Park last night (Monday). Threats of rain were on tap all day and opening grossed only estimated \$3,000.

James Barton returns to the boards for the first time in this since he tossed overboard the role of Jeeter in 'Tobacco Road,' which he played for more than five years. His right leg is doubled back and concealed beneath his costume to carry the Peter Stuyvesant role. He copped copious audience approval with his cavorting on the wooden pin, and his warbling. Hope Manning, making first bow of current season, scored in the leading femme role, repeating successes achieved in the open air theatre during the 1938 and 1939 seasons. Others who click.

Arthur Kent, New York met prizewinner, John Gurney, met basso, and Stanley Harrison, English comedian.

'Good News,' aided by summer rest-weather, closed seven-night engagement Sunday (21) with a take of approximately \$36,000, good. Strong opposition was encountered from a huge convention and other outdoor activities. More than 62,000 saw the piece, which proved the third best draw of the current season.

JAMES O'NEILL IN FRENCH HOSP, N. Y.

James O'Neill, former actor who has been on the staff of Equity in New York for many years, is ill with pneumonia at the French Hospital. He had but recently recovered from a sprained back due to a fall and under a considerable period he contracted a number of ailments. Despite all this his exceptionally keen sense of humor was rarely dulled.

His most serious mishap occurred when he was in silent pictures, in which he worked when studios operated in Fort Lee, N. J. O'Neill fell down the Palisades while riding a horse, fracturing his skull and neck vertebrae. A year or so ago, leg vein burst and a rubber bandage was required so that he could get about. Understood he has a silver plate in his head.

O'Neill is a graduate dentist and practiced in Philadelphia, but quit the profession and went on the stage. He was a melodramatic leading man and appeared in stock for many seasons.

Legit Cues

- Joan Miller, legit actress, and singer, has changed her name to Joan Mercer.
- Walter Wagner staging Jules Leventhal's 'See My Lawyer' production.
- Virginia Campbell doing a color dance short.
- George Abbott is playing a small part in the screen production of 'Too Many Girls,' which he is producing and directing.
- Ethel Holden will replace Shirley Booth when 'The Philadelphia Story' resumes its road tour in the fall.

Upon being served with the summons Moss postponed the session with the ticket men, indicating the legal proceeding was the reason though he stated he would be out of the city.

William A. Hyman, former assistant state attorney general, was retained by the brokers. He explained that the penalties for violating the law, which limits the premium on all tickets to \$1.00, are so severe that the brokers were forced to initiate the action to determine its constitutionality. It provides for a fine of \$250 for each violator and the liability of revocation of the license, although the law has not actually started to function. With the papers returnable next Monday (29) the suit acts as a bar to putting the Mitchell bill into force.

Brokers' attorney believes the law is not constitutional because it violates the property rights provision in the 14th amendment. He says the bill is a replica of a measure passed in 1922 which limited premiums on tickets to 50c and which was ruled out by the U. S. supreme court as price-fixing. Hyman adds that, as the new measure applies only to the City of New York it was passed illegally because the state constitution provides that such legislation must first be requested by the governing body of each locality affected. No such request was made, it is averred.

New law ties up with the ticket code under which the agencies have been operating, but the code only pertains to legitimate attractions, while the law includes sports, concerts, etc., as well.

Old Bating May Be Reversed
 Those who have furthered ticket control concede the high tribunal's rejection of the 1922 statute, but believe that, as the complexion of the supreme court has changed since then, a reversal would be likely. Hyman also contends that agencies make only small profit without price limitations, that the new law may make it impossible for them to continue in business.

Objections are made to the regulations surrounding the new law, quiring all employees to be fingerprinted, prohibiting resale of tickets from one to another, and subjecting them to criminal prosecution for violations. Set forth that there were 74 new plays produced last season, of which 51 were failures. Critics are quoted to indicate that the onus could be put upon the brokers for the flops.

Total ticket sales as set forth in the papers amounted to \$12,658,800 during a period of 991 playing weeks last season. Previous season the total was \$12,751,000, when there were 1,061 playing weeks. Tickets for sporting events are sometimes unreturnable and the risk of loss is higher than for theatres, which accept all returns. Complaint comes from one of the smallest return on high-priced tickets is unreasonable and that, as theatre attendance is a luxury, price regulation is not essential for the protection of the public interest, health or morals.

Supplementary affidavit contends that well-to-do customers avail themselves of the service supplied by agencies, demanding a refund on short notice and willing to pay additional cost for such service. Such patronage has charge count service which calls for additional expense to do business and there are losses sustained for bad debts. Brokers named in the complaint: Supreme, Kelly, Kay, Franklyn, Naughton, Piccadilly, City and Joseph Deutsch. All are of the Associated Theatre Ticket Agencies.

In agencies the finger-printing regulation is resented. Evident intent is to check up on employees to find out if they have criminal records.

Cowbarn Biz Better; Lilacs' Click, Miriam Hopkins S.R.O., Dennis Big

Westport, Conn., July 23. 'Green Grow the Lilacs,' with Betty Field, Mildred Natwick, Winslow O'Keefe and Arthur Hunnicutt, and billed as directed by John Ford, had a satisfactory week at the Country playhouse here last week. Sellout benefit party Tuesday night (16) helped, and business built steadily through the week on favorable word-of-mouth plus some boost from local reviews.

Miss Field, who gave up a Hollywood layoff with pay to fly east for the engagement, gave an exceptional performance in the lead part created by June Walker, while Miss Natwick was also praised in the Helen Westley role, and O'Keefe and Hunnicutt were varying impressive. Production is playing the McCarter theatre, Princeton, N. J., this week, in exchange for the latter's presentation of 'The Bat,' with Claudia Morgan.

Next week Miss Field will do 'Coquette' at New Hope, Pa. However, she expects to be called back shortly by Paramount to begin shooting 'Little Shepherd of the Hills,' which is currently getting final script doctoring.

Although John Ford had agreed to stage 'Lilacs' here and was expected right up until opening night, he never appeared. Reached by phone several times by John Haggatt, co-director of the playhouse, he explained he was held on the Coast by film commitments, but expected to get away in a day or two.

Actual direction, which was generally praised, was handled by Haggatt, who explained that he followed ideas he and Ford mapped out together in Hollywood last spring.

Fair plays by O'Keefe had first been announced for John Payne, but the latter backed out because of film assignments. Ward Bond was billed for the heavy, but he likewise failed to show, so Hunnicutt took that role.

Miriam Hopkins Draws Big \$4,500 in White Plains

Miriam Hopkins, guest-starring in 'The Guardsman' last week at the Ridgeway theatre, White Plains, N. Y., drew virtually a capacity gross of \$4,500. It was the third sellout out of the four weeks the strawhat has been open this season. Opening two weeks went clean with the revue tryout, 'Two Weeks with Pay,' and the third involved a small loss on Grace George in 'Kind Lady.' House seats 504 at \$2.20 top. Although it failed to break even due to the heavy production nut, despite sellout business, 'Pay' was figured a worthwhile investment as the musical is slated for Broadway presentation this fall and the tryout revealed necessary revisions.

This week's bill at the spot is Ethel Barrymore in 'School for Scandal.' Only other tryout of the season will be 'The World Walks In,' script held by John Golden, which will be premiered the week of Aug. 12.

Bucks County Biz Better

Cross Roads, Pa., July 23. Bucks County theatre, in its second season, is running somewhat ahead of last semester's profitable

take. Last week's bill, 'Our Betters,' with Constance Collier, grossed about \$3,300 on eight performances at a \$1.65 top (\$2.20 Saturday night). Previous week pulled around \$3,400 on 'Yes, My Darling Daughter.' This week is 'The Affairs of Anatol' and next week Betty Field in 'Coquette.' Operating-expense is approximately \$2,500 a week and capacity gross about \$4,000.

Some business comes from nearby residents, but most is from Philadelphia, Trenton, Easton, Drexelton and quite a few people from New York, particularly weekends. As is true of Philadelphia legit, business is usually light early in the week, turnaway Fridays and Saturdays. Theatre is one of the few straws in the country with air cooling and a turntable stage.

20% Boost at Cape Playhouse

Dennis, Mass., July 23. Grosses at the Cape playhouse are running approximately 20% ahead of last year, according to Richard Aldrich, operating the spot for the third straight semester. Subscriptions are about 30% over previous levels, it's stated.

This week's bill is Joe E. Brown in 'Elmer the Great.' Frances Farmer is rehearsing this week with Constance Collier in 'Our Betters,' having planned in from Hollywood for the engagement next week.

Strawhat Tryouts

(THIS WEEK.)
(Opened Monday 22), unless otherwise noted.
'A Man's House,' by John Drinkwater, at Chapel theatre, Great Neck, L. I.

'The Hard Way,' by Allen Boretz, at Lakewood theatre, Skowhegan, Me.

'Salute Tomorrow,' by Marjorie Leonard and Gladys Unger, at County theatre, Suffern, N. Y.

'The Walrus and the Carpenter,' by Noel Langley, at Parragut theatre, Rye Beach, N. H. (opened last night-Tuesday).

'Lo's Wife,' by Peter Blackmore, at Community theatre, Spring Lake, N. J. (opens tonight-Wednesday).

'Deny the Heart,' by John Simon Rodell, at Parrish Memorial Hall, Southampton, L. I. (opens tonight-Wednesday).

'Lee of Virgi,' by Edward Boykin, at Barber theatre, Abingdon, Va. (opens tomorrow-Thursday).

(NEXT WEEK)
(Open July 23, unless otherwise noted)

'By Any Other Name,' by Warren Ferry Munsell, Jr., at McCarter theatre, Princeton, N. J.

'Crazy With the Heat,' recuved by Kurt Kaszner, Rudi Revil, John La Touche and others, at Red Barn theatre, Locust Valley, L. I.

'The Royal Roost,' by Richard Divinger, at Stanford (Conn.) Community playhouse.

'Summer Heat,' by Everett Glass, at Coach House theatre, Oconomowoc, Wis.

'Wind in the Sails,' by Dan Tetheroll, at Community theatre, Spring Lake, N. J. (opens July 31).

'The White Pony,' by Marion Lloyd, at Woodstock (N. Y.) playhouse (opens Aug. 1).

Gillmore

Continued from page 41.

around \$40,000, it is estimated. The join was 'Total' by loans from the affiliates which may write the terms of their books. Formation of the American Guild of Variety Artists to supplant the AFA was another costly move, mainly due to its loans from other talent unions from time to time. Equity for one will not consider conciliation of advances made to AGVA.

At the Four A's meeting a committee was named to work out further economies and it is expected that the present offices will be dispensed with. Those named to consider ways and means were: Paul Dullea, Equity; Emily Holt, American Federation of Radio Artists; and Florence Marston of the Screen Actors Guild in New York.

Actors Fund 1st Benefit

Saratoga Springs, July 23. The first big Actors Fund benefit in the history of Saratoga Springs will be started at Convention Hall here Aug. 18. Announcement of this was made by Daniel Frohman, who will come to the Spa via special car with a group of Broadway 'names' on that day.

Sherman-Webb's Play Primed for Luella Gear

Charles Sherman and Kenneth Webb are collaborating on a straight comedy about divorce, tentatively titled '50 Ways to D. I.' Luella Gear, for whom it's intended, has okayed the first draft and the pair are now writing in the dialog. It's slated for fall presentation on Broadway, but the production setup isn't revealed.

Sherman was co-author of last season's 'Streets of Paris,' while Webb wrote the book of 'Gay Divorce' and has more recently been busy with radio scripting. He's in the B.B.D. & O. radio department. Miss Gear appeared in both 'Streets' and 'Divorce.'

Equity-Reds

Continued from page 41.

printed in Equity's monthly magazine. Committee appeared to have been the principal basis for the charges, but some of the cancellations named belong to T.A.C. Litter itself has issued a denial that it is Communist. It was charged with being a front for that party and at least one who believed declared he would prove it.

So far, no such proof has been forthcoming, but has any individual in show business been definitely identified as being Red. Despite T.A.C.'s protestations, an Equity leader stated that the text of its house organ clearly indicates a leaning, if not liking for the Red principles, even subsequent to the tieup between the standard living, which doubtless alienated some groups who previously were supposed to have radical tendencies.

T.A.C. Denies Red Leanings

T.A.C., in a letter to Lambertson, sets forth its objectives as principally the defense of civil liberties, raising the standard of living and further security of its members. Its letter to Lambertson denying that it is Communist 'or any other istic,' over the signature of its executive secretary, Adelaide Bean, reads in part:

We in the theatre field are familiar with the charge of red-baiting. We still remember when Frank Gillmore, presently president of the Four A's, was accused of being a bolshevik merely because he was a leader of the actors' strike in 1919. Similarly, we of Theatre Arts Committee are accustomed to the charge of being red. We have answered it again and again, in public rallies and in the public press. If it is necessary, we say once more then: Theatre Arts Committee is not Communist or any other istic, but it is a democratic organization responsible at all times to its membership.

The four things for which Theatre Arts Committee stands are eminently reasonable and devoutly to be desired, it seems to us, by all men of good will. They are: increased security and more jobs for those who work in the entertainment field; a resolute fight against America's involvement in the war, a defense of our American civil liberties; and the defense and extension of our American democratic culture.

It follows, then, that membership in the Theatre Arts Committee is not de facto a reason to charge any individual with being subversive. We of Theatre Arts Committee are alarmed at your statement, because we see in it a subversive effort to split the unions in the entertainment field; we do not wish to see show business unions weakened and distracted from their efforts to raise the living standard and further the security of their members; by the irresponsible publication of an ill-informed individual. We are inclined to believe that you are trying to smear the Theatre Arts Committee and the progressive individuals of the entertainment field because they want peace for America, and are doing more for the cause of peace than merely talking about it. It is, therefore, Congressman Lambertson?

No More Opera Fees

Continued from page 41.

allow favors which might not be granted to artists of similar ability). If any member of AGMA falls in keeping his Met contract breaches it in any way, the Met may file a complaint with AGMA who will discipline the singer.

Any controversy arising out of the contract shall be settled by arbitration in accordance with the rules of the American Arbitration Assn.

Either party may demand such arbitration in writing which demand shall include the name of the arbitrator appointed by it. Within three days the other side shall appoint its arbitrator with both arbitrators appointing a third within five days. Hearings shall be on two days' notice and shall last no more than 14 days. Awards shall be made within seven days of the verdict and shall be binding on both sides.

Three-Year Limit

The Met may engage a singer for no more than three years, without including options. This eliminates the old five-year agreements made with such singers as Enrico Caruso.

The dates of the appearance of the engaged singers at the Met shall be fixed by the Met in its absolute discretion. If an artist is engaged for five performances and is singing a season, the dates shall be fixed by mutual consent.

The Met is granted for a period of one year, the exclusive right without payment of compensation, to broadcast and televise from the stage any performances, concerts or engagements in which the artist appears, by wireless radio, telephone, or any means now in use. The Met shall have the right to use the artist's name in publicity for the broadcast or persons or companies sponsoring these broadcasts, but no name or photograph can be used to sponsor a broadcast without the written consent of the artists involved.

This clause eliminates the possibility of commercial sponsorship without payment, unless the name of the artist is not used in the sponsorship. Although AGMA's agreement runs to 1943, it has granted the Met only one year, since none can predict the effects of Television should it suddenly become marketable.

The singer agrees during his engagement that he will not perform without the written consent of the Met in any other company, or under any other management. However, the written consent of the Met may not be unreasonably withheld.

Artists need not appear at the Met for performances in which they were unable to appear through illness or otherwise being vocally or physically unfit. However, if the Met engages an artist for a number of performances, and then is unable to cast the singer in these performances, it is liable for the full amount of the contract, whether the singers appear or not.

An act of God and a war clause is included in the contract providing in the latter case for two weeks notice for cancellation of contracts in any war in which the U. S. is involved, and in which its interests are so affected as to nullify the possibilities of the singer's appearing or the operas being given. AGMA and the Met in inserting this clause had in mind the possibility of sudden unpopularity in the U. S. of certain German or Italian singers and operas of both nations. The Met remembers only too well its forced cancellation of any Wagnerian performances in the first world war.

The Met shall not be allowed to deduct, discount, apply booking fees, remit or in any other way take off compensation from an artist's salary, except such taxes as are required by law or fee, due to AGMA. The singer may accept cash or checks from the Met without notations that they represent payment in full and be entitled to later payment of the missing amount.

The standard dancers contract also in the main contract, providing the same protection, with the terms being the same as those listed above. The contract was signed for the Met by Edward Johnson, general manager of the company. Mrs. Herbert Witherspoon, returning from a month's California visit yesterday (Tues.) also brought with her the signed contract of the Los Angeles and San Francisco opera companies, which, added to the Chicago contract signed in May, gives AGMA 100% representation in every opera company of note in the U. S. Signing of the contract also allows the Met to sign its singers for the season starting Dec. 2. To date it

has not been allowed to sign one singer. One of the most important features of the AGMA-Met contract is the complete elimination of the old franchise agreement about which so much controversy has raged during the past few years. This agreement, which placed the management of the Met in complete control of its singers both during the 10-week seasons and after it, allowed the management to decide whether or not to allow singers to accept outside agreements. In radio especially, NBC paid the Met for the rights to use its artists, and then deducted certain percentages from the singer's salary to make up this fee. Money deducted ranged from \$5 to \$250 for top radio salaries and the Met was able in some instances, to refuse permission to its singers to appear in public performances. Under the new contract, the off season is taken completely from the Met's hands, and if the company is not using a singer during a regular season on a specific date, the Met may not unreasonably refuse the singer permission to appear elsewhere.

'Road' Closing

Continued from page 41.

was invariably higher than in New York, where the scale has been lower for three years. Most engagements out of town are from the top four times the gross at the Forrest.

50 Losing Weeks

Admitted that 'Road' had at least 50 losing weeks, but these were more than equalized by the road profits. Low water mark was \$2,200 last summer and it is claimed that the takings this summer were slightly above that figure. Several months ago the top was reduced to \$1.10 after having been lowered to \$2.20 and \$1.65 at various times. Idea of attempting to span another summer was based on the World's Fair, but evidently the show has about used up nearly all of its visitor draw.

'Abe' was playing at \$3.30 top and never cut the scale, although it, too, was in cut-rates on many occasions. Deal is on for the film rights to 'Road,' 20th-Fox being interested. Sale was dependent on the date of release, which is said to have been agreed on. Claimed bid for the rights is \$150,000. There were five leads (Jester Lester) during the run, the part being supposed to be actor-proof. They were Henry Hull, James Barton, James Bell, Eddie Garr and Will Geer.

Original managerial set-up was Jack Kirkland, who adapted the drama from Erskine Caldwell's book, Sam H. Grisman and Harry Ohrin, with Anthony Brown, who staged the show, said to be in on a percentage. A year or so ago Grisman, who operated 'Road,' withdrew from the outfit, after going overboard through leasing a number of Broadway theatres, guessing that the Fair would create a house shortage, which it didn't.

Engagements

Melissa Mason, Paul Draper, Mill Monte, Philip Loeb, Arthur Hunnicutt, Ralph Bunker, Tess Gardella, Joseph Vitale, Fairfax, Loretta Sayers, Eric Roberts, 'Little Dog Laughed.'

Arlene Francis, Calvin Thomas, Sidney Lumei, Frederic Tozere, 'Journey to Jerusalem.'

Ernest Truie, Jodie Dixon untitled Kaufman-Hart play.

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Tuning Up America

Continued from page 3

recently-evolved idea of reviving old pop tunes for films and naming the pictures for them. Universal and Republic will both have a flock in this category. On the schedule at U are 'I'm Nobody's Sweetheart Now,' 'Fireman Save My Child,' 'Ragtime Cowboy Joe,' 'Mange,' 'Dinah,' and 'Moonlight,' 'Hawaii,' while Rep promises at least 10 in this category, including eight Gene Autrys.

In addition to straight musicals, the list is being run up by more than the usual number of films with songs. Unique in this respect will be Universal's 'Seven Sinners.' It's a meller with Marlene Dietrich, but will have three songs. 'Roadshow,' which Hal Roach is making, will have four tunes from the pen of Hoagy Carmichael.

Westons, once strictly limited to the music of six-shooters, are likewise becoming bigger users of songs. Both Columbia and Republic, particularly the latter, are offering boots-and-saddlers with vocal additions. With Gene Autry carried to do eight such and Roy Roberts, another of its leather-pounders, eight more, Rep leads all studios, nations included, in number of films with warbling. Col's westerns are given harmony by a group called 'Sons of the Pioneers.'

Another point in the filmusical field is the number of pictures which will have name bands or, at least, name leaders in them. Five are listed far. They are 'Second Chorus,' with Artie Shaw, being made by Boris Morros for Paramount; 'Hit Parade of 1941,' probably with Benny Goodman, which Rep is filming; a 'Par film' with Orrin Tucker and Bonnie Baker; 'Pot o' Gold,' with Horace Heidt, a James Roosevelt production, and a successor by Kay Kyser to 'That's Right, You're Wrong,' which he made for RKO last season. A late starter may be Glenn Miller for Voco (RKO unit) also, with Buddy DeSylva joining Paramount as a producer in November, that means another musical entry.

As for the total of musicals and films with songs, Republic easily leads the list, having 23. Universal comes next with 14. Par has 10. Metro and RKO have nine each; Col has eight, all westerns; 20th-Fox five; and UA and WB will have three, although the Warner program is somewhat in doubt.

As detailed in last week's Variety, the Broadway musical situation appears good, particularly for early in this season. Although there are regularly many more prospects on the Street of Great Hope, than come to the pass, it looks as though at least half a dozen shows can be definitely counted on for September and October.

Scheduled filmicals and pictures with songs for release next season or the remainder of this:

Columbia

'Fine Kid,' featuring Sons of the Pioneers.

'Durango Kid,' likewise Pioneers.

'Thundering Frontiers.' Ditto.

Five others, stories still unchosen, with Pioneers.

Metro

'Ziegfeld Girl' with Eleanor Powell, Lana Turner, Hedy La Marr, James Stewart.

'Broadway Melody of 1941,' with Eleanor Powell.

'Go West!' Marx Bros.

'Countess Maritza,' Emmerich Kalman's operetta.

'Little Nellie Kelly,' filmization of George M. Cohan stage success, with Judy Garland.

'Bitter Sweet,' Nelson Eddy, Jeanette MacDonald in Noel Coward operetta.

'I Married an Angel,' another for Eddy-MacDonald, from the stage hit.

'Strike Up the Band,' Mickey Rooney, Judy Garland and June Freisser.

'Babes Broadway,' Rooney-Garland again.

Paramount

'Rhythm on the River,' Bing Crosby, Mary Martin, Oscar Levant.

'Dancing on a Dime,' Robert Paige, Gicce McDonald.

'There's Magic in Music,' Allan Jones, Susana Foster.

'Love Thy Neighbor,' Jack Benny, Fred Allen, Eddie Anderson, Merry Macs.

'Second Chorus,' Boris Morros production, with Artie Shaw, Fred Astaire, Paulette Goddard, Gene Autry.

'Road to Zanzibar,' Bing Crosby, Bob Hope, Dorothy Lamour.

'Kiss the Boys Goodbye,' Mary Martin, Ray Milland, in the filmiza-

tion of the stage play, with songs added.

'Night at Earl Carroll's,' Carroll associate producer, with Ken Murray and Rose Hobart slated for cast.

Orrin Tucker and Bonnie Baker in as yet unselected story.

'Las Vegas,' Musical western, Allen Jones and Ellen Drew reported being sought to star.

Republic

'Hit Parade of 1941,' with Kenny Baker, Frances Langford, Hugh Herbert, Mary Boland, Ann Miller, and, probably, Benny Goodman.

'Melody Ranch,' big-budget Gene Autry musical.

'Down Mexico Way,' ditto.

'Carolina Moon,' Gene Autry standard (on the 1939-40 slate).

'Old Mill Stream,' 'Ride Tenderfoot Ride,' 'Valley of the Moon,' 'Song at Twilight,' 'Under Fiesta Stars,' 'Old Faithful.' The Autry lineup of standards for 1940-41. All from song titles.

'Soaring,' Judy Canova's first. Release July 20.

'Puddin' Head,' Canova's next.

'Barnyard Follies,' Rural musical.

'Friendly Neighbors,' 'Arkansas Judge,' 'Old Gray Mare,' with Weaver Bros. and Elvira, for the bucolic belt.

'Elsie and Rogers westerns, each with at least one song.

'Sing Dance, Plenty Hot,' with Ruth Terry and Johnny Downs.

'County Fair.'

'Melody in Moonlight.'

RKO

'Too Many Girls,' from the George Abbott show, with Lucille Ball, Frances Langford, Hal LeRoy, Desi Arnaz, Ann Miller.

'No, No, Nanette,' filmization of old valet musical, Anna Neagle starring.

'Sunny,' ditto.

'They Met in Argentina,' part of the South American wave.

Kay Kys 'a successor to last season's 'That's Right.'

Voco Production (Jack Votion-Sam Coslow) with Glenn Miller, also three 'Lum and Abner' pix, with songs.

20th Century-Fox

'Young People,' final Shirley Temple for 20th (awaiting release).

'Down Argentine Way,' with Don Ameche, Betty Grable and Carmen Miranda.

'Youth Will Be Served,' Jane Withers starrer with songs.

'Say It with Music,' successor to 'Alexander's Ragtime Band,' including six Irving Berlin tunes of the '20s.

'Tin Pan Alley.'

United Artists

'Road Show,' (Hal Roach). Four tunes by Hoagy Carmichael.

'Broadway Limited,' Another in which Hal Roach will insert songs.

'Pot o' Gold' (Roosevelt). Horace Heidt's outfit in film version of radio giveaway.

Universal

'Riviera,' with music by Jerome Kern. Allan Jones in picturization of Earl Devereaux's story.

'Argentine Nights,' Ritz Bros. and Andrews Sisters.

'I'm Nobody's Sweetheart Now,' with Constance Moore, Dennis O'Keefe. One of the song title series.

'Margie,' Tom Brown and Nan Gray in another song title musical.

'Little Bit of Heaven,' Gloria Jean starrer.

'Straight from the Heart,' ditto.

'Spring Parade,' Deanna Durbin.

'Nice Girl,' also Durbin.

'Seven Sinners,' Marlene Dietrich in a meller with three songs.

'Moonlight,' 'Hawaii,' 'Dinah.'

'Bob Burns-Martha Raye in story still unchosen.

'Ragtime Cowboy Joe,' Western with plot built around song of the same name.

'Fireman Save My Child,' Song title for Baby Sandy.

Ritz Bros. Jules Levey production.

Warner Bros.

'Four Mothers,' Probably song.

'Temporary Sweethearts,' Mebbe music, uncertain yet.

'College Widow,' Ditto.

BROADWAY LEGIT PROSPECTUS

'Hold On to Your Hats,' Presented by Al Jolson, who stars, and featuring Martha Raye and Ruby Keeler (who may be replaced before the New York opening). Now in Chicago, and set for Broadway in September.

Eddie Cantor starred in a show which he will co-produce with Al Lewis. To have three or four songs.

but not a musical. Opens in Boston in mid-September, in N. Y. two weeks later.

'The Little Dog Laughed,' Billed as a fantasy with music. Presented by Eddie Dowling. Songs by Harold Rome, Cole Porter, Ed Laeb, Paul Draper, Millie Montell and Tess Gardella. Now rehearsal for September opening.

'New Faces of 1940,' Presented by Leonard Sillman. Only a possibility, as has been postponed several times. Cast said to include Joe Cook and Patsy Kelly.

'Little Joe,' Presented by Al Lewis and Dr. Milton Bender. A Negro fantasy with songs by Vernon Duke and lyrics by John LaTouche. Cast includes Cab Calloway and his orch, Ethel Waters and Katherine Dunham dancers. An October prospect.

'Boys and Girls Together,' Presented by Ed Wynn, who stars. Cast includes Jane Pickens, Dave Apollon, de Marcos. Opens in Boston, Sept. 2. New York about four weeks later.

'Higher and Higher,' Presented by Dwight Deere Wiman. Suspended on June 15 after 84 performances and slated to reopen Aug. 5. Cast includes Jack Haley and Shirley Ross.

'Keep Off the Grass,' Presented by Shuberts and Harry S. Kaufman. Suspended on June 29 after 44 performances. Slated to reopen late in August. Stars Jimmy Durante. Cast indefinite otherwise as Ray Bolger, Ilka Chase, Larry Adler and Virginia O'Brien say they will not resume.

'I Am Listening,' by Moss Hart. Play with music. Score by Kurt Weill and lyrics by Ira Gershwin. Due about November. Gertrude Lawrence starred.

'Two Weeks With Paj,' Presented by Helen Jacobs and Dorothy and Julia Olney. Rehearsals with contributions by Cole Porter, Rodgers and Hart, Ira Gershwin, E. Y. Harburg and others. Due in October.

'Panama Hattie,' Presented by B. G. DeSylva. Now being written by Cole Porter and Herbert Fields. Ethel Merman may be in cast. Due in November.

'Show Boat,' Revival presented by Albert Johnson and Nick Holde. Paul Robeson mentioned. Slated for late September.

'Untitled musical by Jerome Kern and Oscar Hammerstein 2d.' Presented by Johnson and Holde. Due in September.

'Untitled musical from Lew Brown and Ray Henderson, supposed to be swing version of 'Hansel and Gretel,' although pair are also said to have another musical which may precede this.

'Uncle Tom's Cabin,' Musical version to be presented by Marty Forkins and possibly Nat Karson. Bill Robinson and Shirley Temple mentioned.

'Iceoppin,' to be presented by group headed by Olsen and Johnson. Mere possibility.

'Meet the People,' Hollywood Theatre Alliance success, currently in San Francisco has long been spoken of as a Broadway possibility.

Three musicals from Lee Shubert and Harry Kaufman are possibilities. Tony Martin, Carmen Miranda, Abbott and Costello, Harry Richman, Ruby Mercer, Beatrice Lillie and Jimmy Durante said to be optioned for them.

Michael Todd and Hassard Short doing some talking about a musical.

George Hale production by Guy Bolton, Eddie Davis, Matt Brooks, E. Y. Harburg and Burton Lane. Indefinite yet.

N.A.B. Stars

Continued from page 3

Virginia Rea, Frank Munn. The San Francisco symphony will play a selection and the music from the east will be directed by Frank Black, Howard Barlow and Alfred Wallenstein.

Norman Corwin will write and produce a dramatic sketch along the lines of his 'Seems Radio Is Here to Stay,' which he wrote 1939 for CBS. Charles Laughton may be in it.

'Radio Ode,' by John LaTouche, with score by Tom Bennett, will be offered as well as a patriotic tone poem, 'More Perfect Union,' by Carl Haverlin, scored by Paul Nordoff.

There will be a brief symposium with FCC chairman James F. Dy. Dr. John W. Studebaker, U.S. commissioner of education; Mrs. Harold V. Milligan, president of the National Council of Woman and radio chairman of the General Federation of Women's Clubs; Roger Baldwin, of the Civil Liberties Union; with several other civic and religious leaders.

Yorkville's Nazi Whoopla

Continued from page 2

Square, a five-minute subway ride from mid-Manhattan. The theatre was the 96th Street, at 96th street and Third Avenue in Yorkville, which plays only German features. It's one of three such houses within a few blocks, and of 12 such in the United States.

FBI Indifferent

American citizens, frightened and angry at the outward admiration and allegiance in their midst for Nazism, have made frequent reports of the theatres' activities to the Department of Justice. FBI agents admit they are well-familiar with the spots, add that there's nothing they would want to do about them, at least right now.

Feldzug in Polen' is a 70-minute compilation of official German newsclippings distributed by UFA through its American agency in Radio City, N. Y. As propagandistic as a picture can be, it is billed as 'The Only Authentic Film of the Campaign in 18 Days.' It will continue, at the 96th Street 'until further notice.'

With it on the program is the 'newest, highly-interesting UFA weekly news review'—a show, 'Schaeffle Truppen' ('Fast Troops'), building up still more regard and admiration in Yorkville's already expanded chest for the Reich's mechanized might, and inconspicuously enough, a Paramount cartoon, 'Three Busy Little Bears.'

'Feldzug, Polen,' from an unembittered viewpoint, it's possible for anyone to view it that way—is the most tiresome and boring of films. It's nothing but troops marching, tanks rattling and planes flying in a manner familiar to every newsreel audience. There, no battles, only German walk-throughs and a every town there are joyous peasants throw flowers to the incoming soldiers. Apparently the army had to do more fighting to get through banks of admiring women than through the Polish li!

Taking An Encore

As each portion of the campaign in Poland is completed, the film starts over again on the next, done in the same way. Explaining the plan of campaign are frequently-interrupted magenta German troops are depicted by arrows and the Polish as blobs resembling sausages. It's just a sausage after another being compressed to nothingness by the arrows pushing in on them from all sides.

Germans are without a doubt better soldiers than film makers, if this be evidenced by the German attacks whatsoever to picture the attempt into the picture (same does not hold good concerning the facts in the commentary). What's worse, as far as such a film is concerned, is the complete lack of human interest angles. It's too much about troops and equipment and blown up bridges, not enough about people.

But the audience at the 96th street didn't seem to mind. Elderly German women, who comprised at least 70% of the house, and their heavily-paunched men, sat on the edge of their seats, applauding at every turn. Probably significant was the almost total absence of youths.

Entirely oddly enough, does not show one dead body. Taken entirely of course, from behind German lines, it leaves the old ladies to think war is scarcely more than a picnic. There's nothing to remind them of their sons or relatives who might have been lost in those 'glorious' 18 days in which Poland was taken.

Commentary, spoken in Oxfordian English with a German accent, is always apologetic, always emphasizes the kindness and gentility of the Reich's army compared with the barbaric Poles. At the start, for instance, to a background of fluting houses, the voice states: 'The terror by the Poles increased against the poor German minority.' And then, 'Poland takes up arms against the justness of the German government.' And finally, after the victory, 'The days of terror and Polish persecution are over once and for all.'

Sadistic Reprisal

One particularly sadistic scene shows bedraggled-looking Polish troops lined up while Germans walked past them pointing out one after another, who 'were' then promptly dragged out of line. Commentator explains that these people are attempting to recognize 'Polish murderers' who killed members of the German minority group before Hitler marched in.

Scene brought from the elderly and pot-bellied citizen sitting next to this might the comment: 'Die soltten sie alle gegen die Wand

stellen-und niederschiessen.' They ought to all be stood up against the wall and shot.)

Particularly fetching bit of photography, which has already been seen in this country in some of the American newsreels, is taken from the cockpit of a Stuka bomber as it dives on its objective. Photography, otherwise, is clear, but uninspired.

Pictures of Der Fuehrer—and they are as frequent as every 30 seconds towards the end of the film—were greeted each time with the same uproarious applause. (This reporter was viewed highly suspiciously by his neighbors when he failed to join in.) Entrance of German troops into Danzig, into Gdynia, into Warsaw likewise called for handclapping and cheering, as did each sight of the swastika-decorated Imperial German flag. One of the shots of Hitler, incidentally, shows him as besieged by soldiers seeking his autograph as any Hollywood star.

That pictures such as 'Feldzug in Polen' create a pride in the German population here in the Reich's military might, and stir up hatreds that don't belong and are inimical to this country's interests, can hardly be doubted after this viewing.

Muni-Dieterle

Continued from page 3

a percentage for one of the distributing company's producers, hasn't yet been determined. Pair is also said to be confabbing with RKO, which is offering complete financing itself.

Muni Balks at Toting Guns, Quits Warners

Hollywood, July 23.

Paul Muni walked off the Warner lot with his contract cancelled by mutual agreement after an argument over the choice of picture material. Under his pact with the Burbank studio, Muni had seven more films to make at \$125,000 apiece.

Break was caused by Muni's assignment to the top role in 'High Sierra,' which called for gunplay. He preferred the life of Beethoven, which the studio mixed, in view of the recent grosses of biographical pictures. Humphrey Bogart takes over the 'Sierra' job and Muni is mulling several freelance roles.

William Dieterle, director, obtained a release from his Warner contract at the same time, with 11 months still to go. His latest picture was 'Fleet Street.' Understood Muni and Dieterle are figuring a star-director unit on a freelance basis, possibly RKO.

Cohan Warns

Continued from page 1

And we share ev'ry pray' over there.

Our Uncle Sam's aware, it's time that we prepare.

On the land, On the sea, In the (Chorus)

This Is Our Side—Of the Ocean Can you hear, can you hear over there?

This Is Our Side—Of the Ocean So beware, so beware, so beware! And forever with devotion, We will fight for the right to de-

This Is Our Side—Of the Ocean Can you hear, can you hear, there?

Don't you dare, don't you dare, don't you dare.

II

Rat-a-tat-tat-tat! We're up and we're at it for fair.

On the job, on the job, ev'rywhere.

No ballholing, Yet ev'ryone doing his share

To prepare, to prepare, to prepare.

We'll never grin and bear. We'll meet with any scare

On the land, On the sea, In the air.

Armond's New Partner

Armond, formerly of the dance team of Armond and Diana, has acquired a new partner, Margo Meyer, and it'll be 'Armond and Margo' henceforth.

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THE WHITE HOUSE
WASHINGTON

July 18, 1940

Dear Gene:

I have learned with much interest that the American Society of Composers, Authors and Publishers is about to celebrate its twenty-fifth anniversary. May I be among those to congratulate you on this very happy and significant event.

The importance and value of music to the culture, morale and entertainment of the nation were fittingly recognized by the government in the issuance of five special postage stamps honoring outstanding composers -- Victor Herbert, John Philip Sousa, Ethelbert Nevin, Stephen Collins Foster and Edward MacDowell -- in the famous Americans stamp series.

Your Society, in its highly worthwhile work of giving protection and encouragement to our creators of music, can, I sincerely believe, play an important part in advancing American leadership in the field of music. In extending hearty greetings may I express the hope that your Society will have continued success in such a laudable objective.

With all good wishes,

Very sincerely yours,



Mr. Gene Buck,
President,
American Society of Composers, Authors and Publishers,
30 Rockefeller Plaza,
New York, N. Y.

ELLIOTT ROOSEVELT DENOUNCES ATTEMPT TO MUZZLE MUSIC

President of Texas State Network Signs New ASCAP Contract—Raps 'Dictatorial' Chains

By A. P. WAXMAN

ELLIOTT ROOSEVELT, president of Texas State Network, at a press conference Friday (26) denounced the attempts of the national chains to "muzzle" American songwriters. In signing a five-year contract with the American Society of Composers, Authors and Publishers, Roosevelt said: "The air waves belong to the American people, and I challenge the right of any self-appointed, self-anointed rulers of the air to dictate to the people of Texas what they may or may not listen to on their radios."

Roosevelt asserted that the National Association of Broadcasters, which represents the majority of broadcasting stations throughout the United States, was really controlled by the chains in New York. According to him they are presently engaged in a campaign to prevent independent broadcasters from signing contracts with the American songwriters whose works are represented by the American Society of Composers, Authors and Publishers. He said that N.A.B. has threatened individual broadcasters with "discipline" should they attempt to do business direct with the songwriters.

He said: "Down in Texas we don't recognize the right of any group to be judge, jury and executioner of a man who tries to run his business in accordance with the wishes of the public. If I am to be disciplined by the chains, I will file a protest with the Federal Communications Commission, and if necessary will take them into every court in the land and have so instructed my attorney, Milton Diamond."

"As I understand the American way, it's only the courts, legislatures, and the properly constituted government bodies which have the right to discipline a man if he violates enacted laws. I challenge the discriminatory authority of any self-constituted group to discipline business men for disregarding star-chamber rules and regulations."

Under the terms of the contract, which was signed by Roosevelt, Milton Diamond, his attorney for the network, and Louis Bernstein and John G. Paine, respectively first Vice President and General Manager, of ASCAP, the Roosevelt stations were given a license which assures them of all the music past, present and future, written by the Society's composers and authors, and the catalogs controlled by its music publisher members. Contracts call for the ASCAP repertoire for the Texas State Network as a whole, as well as for the individual stations. These include KRIZ, Fort Worth; KABC, San Antonio; KCMC, Texarkana; KPIT, Paris; KBST, Big Spring; KRBC, Abilene; KGKL, San Angelo; WACO, Waco; KHOW, Austin.

Justice Holmes' Decision Cited

In discussing his reasons for "defying the chains" Roosevelt said: "Inspired propaganda has become ASCAP with almost every crime on the calendar. The mildest of these charges allege they are a monopoly in restraint of trade. These allegations are laughable, knowing as I do that the members of the Society include Mrs. John Philip Sousa, widow of the late March King; Mrs. Edward McDowell, Mrs. Ethelbert Nevin, Mrs. Victor Herbert, Mrs. Frank L. Stanton, widow of the celebrated poet of the Atlanta Constitution; the mother of George Gershwin, Deems Taylor, Edna St. Vincent Millay, Walter Damrosch, Irving Berlin, George M. Cohan, Sergei Rachmaninoff, Fritz Kreisler, Jascha Heifetz and the widows and orphans of all the composers and authors who have died in the last 25 years.

"If this cross-section of American songwriters is a monopoly, then the word monopoly has taken on a new meaning. I see nothing wrong in these songwriters controlling their own works; at least it's much better for them to retain the management of their own affairs than to have their works under the control of outsiders whose only interest would be to exploit the talents of the living and dead writers whose works are represented in the ASCAP repertoire."

"Justice Holmes of the United States Supreme Court handed down a decision some years ago upholding these people in their rights to their literary property, and his decision is good enough for me."

Roosevelt stated that his decision to resist the pressure of N.A.B. was influenced by the fact that it was aiding the chains in their monopoly of the radio industry, by trying to absorb the music publishing business.

Roosevelt said that the chains ignored the Federal Communication Commission's regulations, and now controlled (Continued on page 70)

ASCAP Is Insurance

By RUDY VALLEE

ASCAP may very aptly be described as an insurance policy that provides multiple coverage.

To the writers and publishers of songs, it gives protection of property in accordance with the copyright law. To musicians, by reason of the fact that it encourages songwriters to exert their best efforts, it assures a regular flow of compositions—the essential working material required by musicians.

To the operators of amusement enterprises depending upon or employing music in any form, it guarantees a steady supply of the commodity that keeps them in business—and anyone who, like myself, has a radio variety show to put on every week in addition to other engagements, can appreciate the value of this portion of the "policy."

Finally, to the general public, which has an insatiable appetite for musical entertainment, it brings the maximum possible output by supplying to the creators of music the incentive that elicits the most prolific activity and the highest quality.

I consider it a thrill and an honor to belong to ASCAP.

Know Your Song Writers

By DON CARLE GILLETTE

TO KNOW composers better is to enjoy their music more.

Great music springs from great joy or great sorrow. The song that lives is the one that has its inspiration in suffering, the one written in heart's blood.

A songwriter's life and the circumstances surrounding the creation of his works very often hold as much thrill as the songs themselves. But as a rule the public never becomes really acquainted with a composer until he is gone. That's why it takes 50 years for a Stephen Collins Foster to be fully appreciated.

To the many potential Stephen Fosters who are writing music today, this issue is dedicated.

WGN-Chicago Tribune Strong on Music

By LARRY WOLTERS
Radio Editor, Chicago Tribune

Chicago, July 30.

ALTHOUGH WGN and The Chicago Tribune, which owns the station, already have blazed a big trail to more and better music for radio listeners, what has been done is only the beginning. Bigger and better musical programs are planned, in response to public demand.

As part of this move, a Concert Bureau has been created by the station. Noted singers and instrumentalists appear regularly on the station in the augmented music policy established this year, and last April the station brought Bill Bachler here from Hollywood to handle a series of full-hour operettas. Then the Chicago Tribune Symphonic night, conducted by Henry Weber, was set as a regular Sunday night feature. Dance music is provided by Harold Stokes.

Simultaneously with WGN's musical advances, the Chicago Tribune has been active in giving the public something entirely new in music. It developed the now famous Chicago-Land Music Festival, which it has sponsored each year since 1930 with the aid of associated newspapers and other organizations in other communities.

Around 5,000 singers, instrumentalists and other performers participate in these great musical presentations each year. And nearly 100,000 persons join in the community singing. On the roster of its headlines have been such notables as John Philip Sousa, John Charles Thomas, Dave Rubinoff, Al Jolson, Alec Templeton, Marion Claire, Arthur Pryor, Carrie Jacobs Bond and many others. Among the winners of the vocal contests have been several young men and women who have gone on to fame and fortune. A substantial portion of each year's festival has been broadcast nationally in recent years over Mutual.

A Cultural Necessity

By FRITZ KREISLER

MUSIC is a cultural necessity, as necessary to refresh the soul and spirit as food, drink and sleep are necessary to refresh the body. Music through the centuries has been the medium for arousing religious feeling, love of one's native land, love for mankind in general. Man by nature needs music; good music makes better men.

Yet, the finest of music is not made by man, but by nature. What sweeter sound than the wind rustling through the trees or the music of waves on the shore? The greatest composers are those who can translate these and similar voices of nature into the musical idiom. Yet the field of art is so vast and its sphere so wonderful and unlimited that every day the artist discovers new outlets and vistas.

This is the essence of true art, the infinite variety of its beauty. Yet what does it avail the composer to pour forth his heart in melody to the practical exclusion of all other interests without adequate regard for his efforts and protection of his rights?

Creators are notoriously poor business men and women, but through organization they have managed in the literary and musical worlds, at least, to effectively defend their intellectual properties. I regard membership in the American Society of Composers, Authors and Publishers not merely an accolade of merit, but as a substantial commercial protective system. American composers and authors create better work with this assurance against exploitation.

The Broadcaster Is A Showman

By ROBERT PAINE and RICHARD FROHLICH

IN our first-hand contacts with the owners of radio stations on a trip around the country, we found these men to be showmen. We covered the entire country. We came in contact with station operators personally. We were sent out by ASCAP to see how the Society could be of even greater service to the stations; to see what these men, who are the backbone of radio—for it is the small station owner and not the chain that nurtures and develops this powerful entertainment medium—wanted from the men who write music. We know these showmen do everything possible to serve the public. We know that they continually plan new programs and that they encourage talent by offering that talent an opportunity.

We found that 65% of the time of an average station is devoted to music. We also found that these men who operate the stations credit ASCAP with being the foundation of their industry.

Estates Of Composers Protected By ASCAP

THAT music is property, in tangible sense, is admitted by the Federal Copyright laws. Recognition of this property right was evidenced 157 years ago when the Massachusetts State Legislature passed protective legislation in the interest of writers and composers with the phrase "...there being no property more peculiarly a man's own than that which is produced by the labour of his mind."

That principle is recognized by the American Society of Composers, Authors and Publishers, a living organization, through maintenance of membership for the estates of deceased composers and authors. The widows, orphans and other heirs of 143 famous American creators derive an income from ASCAP commensurate with the work of the deceased, rated not merely on the basis of their current use, but also on their value to American.

Included in this solemn roster are the names of Victor Herbert, founder of ASCAP, Reginald De Koven, Naham Franko, Ethelbert Nevin, George Gershwin, Leopold Godowsky, Henry Hadley, Louis A. Hirsh, James Weldon Johnson, Charles K. Harris, Karl Hoschna, Gustave Kerker, Ring Lardner, Frederick Knight Logan, Edward MacDowell, Glen MacDonough, Chauncey Oliver, John Philip Sousa, Harry B. Smith, Frank L. Stanton, Richard A. Whiting, Leopold Auer.

One of the youngest song writers to pass on was Brooks Bowman, fresh out of college where he had written "East of the Sun, West of the Moon," "Love on a Dime" and other songs indicative of a great future. One of the oldest members was Theodore A. Metz, composer of "There'll Be a Hot Time in the Old Town Tonight."

Other great song writers whose works continue in the repertoire of ASCAP, protected in the interests of those they left behind, include Alfred E. Aaron, Maurice Abrams, Mark Andrews, Felix Arndt, Emil Ascher, Harold Arteridge, Frederic Ayres, Karolyin Wells Bussett, James W. Blake, Henry Blossom, Lew Breau, Addy Britt, Al W. Brown, Barnetta Brown, J. Lewis Browne, Raymond A. Browne, Earl Burnett, James A. Bynes, Grant Clarke, Will D. Cobb, Con Conrad, C. Whitney Coombs, Henry Creamer, Dorothy Donnelly, Paul Dresser, James P. Duntz, Sam Elich, Justin Elie, Roland Farley, Billy Fizzoli, Robert S. Flagler, Anatole Friedland, Leo Friedman, Joseph Galun, Tod B. Galloway, William H. Gardner, Adam Geibel, Jess G. M. Glick, Sam Good, Charles N. Grant, Jascha Gurewicz, Carl Hahn, C. B. Hawley, John E. Hazzard, Silvio Hein, Du Bose Heyward, Alexander Hill, George V. Hobart, Abraham Holzmann, Lucius Holmes, William Jerome Philander Johnson, Gordon Johnstone, Mel B. Kaufman, Robert A. King, Manuel Klein, J. Bodevall Lampe, Chas. B. Lawlor, Ballard MacDonald, Alexander MacFayden, Frederick H. Martens, Chas. McCarron, Junie McCreer, J. Arko Mendelsolun, Theodore Morse, Otto Motzan, Kenneth M. Murchison, Stanley Murphy, George B. Nevin, A. Caldwell O'Dea, H. O. Osgood, Horatio Parker, E. T. Paull, Sam A. Perry, Wm. Frederick Peters, Henry W. Petrie, Eugenio Di Pirani, W. C. Polla, Ruth Rappaport, Hugo Riesenfeld, Alford C. Robyn, Jimmie Rodgers, Caro Roma, Ed. Rose, George Rosey, Bob Rohrberg, M. E. Rourke, Louis Victor Saar, Gustav Saenger, Mary Turner Salter, Henry W. Santley, John Prindle Scott, Ren. Shields, Edward G. Simon, A. Baldwin Sloane, Clay Smith, Edgar Smith, Alfred Solman, Eleta Jan Brown Spencer, Jack Stanley, Jimmy Steiger, Billy Stone, R. M. Stultz, James Thornton, Roy Turk, William H. Tyers, Harold Vicars, John Barnes Wells, Louis Wesley, Rudy Wedoett, Harry Williams, Irving M. Wilson, Mortimer Wilson, Leo Wood, William H. Woodin, Joseph Young, Rida Johnson Young.

Under the copyright laws of European nations who parties to the Berne Convention, composers' works are protected for 50 years after death. U. S. copyright law protects the creator for an initial period of 28 years and a renewal period of another 28 years after which his works go into the public domain.

ASCAP, however, does not concern itself with the life of the copyright and in its roster of estates are included the names of composers whose copyrights have long since expired. Paul Dresser ("On the Banks of the Wabash"), brother of Theodore Dreiser, James Whitcomb Riley, and other notable contributors to the musical wealth of the nation are represented in membership in ASCAP through their estates.

Many living song writers once famous but now obscure and practically forgotten have been maintained for years out of ASCAP funds. Every dollar of dues paid by the membership goes into the Society's welfare fund and is expended in accordance with the credo of ASCAP: "So long as the Society exists no American composer or author or any member of his or her family shall be in want."

Veteran Music Publishers

By JERRY VOGEL

FOR some reason or other, popular opinion of music publishing has classified the business a fly-by-night-affair. How wrong the public can be! For despite the occasional "immediate-success" of a new firm, the story of the song publishing business is the same as the story of any other business. It requires years for a concern to build up a catalogue. It requires patience and money. And it requires an unexplainable genius for the discovery and development of talent.

Let the figures speak for themselves. Here is a small list of some of the older music firms established before 1900 and all now members of ASCAP.

Oliver Dilon Co.	1783	Schroeder & Gunther	.....	1868
Chappell & Co.	1810	Leo Feist, Inc.	.....	1858
William A. Pond & Co.	1820	Clayton F. Summy Co.	.....	1858
Edward B. Marks Corp.	1846	Volkwein Bros. Inc.	.....	1858
John Church Co.	1854	Will Rossiter	.....	1890
White Smith Music Pub. Co.	1867	Chas. K. Harris	.....	1890
G. Schirmer, Inc.	1867	Lorenz Publishing Co.	.....	1890
J. Fischer & Bro.	1869	Hope Publishing Co.	.....	1892
Carl Fischer, Inc.	1872	Walter Jacobs Inc.	.....	1894
Fillmore Music House.	1874	P. Tesio & Sons	.....	1895
Harms, Inc.	1877	Hal-Mack Co.	.....	1895
Emil Ascher Inc.	1879	Paul Pioneer Music Corp.	.....	1896
Evans Music Co.	1882	Leo Feist, Inc.	.....	1897
Theodore Presser	.....	B. F. Wood Music Co.	.....	1897
Boston Music Co.	.....	Chas. W. Homeyer & Co.	.....	1898
M. Witmark & Sons	.....	Willis Music Co.	.....	1899
		Century Music Pub.	.....	1900

ASCAP AND GENE BUCK

FAME PAYS NO BILLS

By DEEMS TAYLOR

I HAVE often wondered what mental kink it is that makes a great many otherwise intelligent people assume that the antiquity of an injustice is a good reason for not righting it. They would be shocked and indignant if you accused them of that sort of muddled thinking, but just the same, that's the way they reason. If, for example, I happen to mention the fact that a contemporary composer, popular or serious, has a hard time making a living, and ought to get a decent return for his work, half of my hearers are obviously shocked to hear me take such a sordid, commercial attitude. They generally contrive to point out, gently, that Mozart and Schubert died of overwork and malnutrition, that Wagner lived most of his life on borrowed money, that Cesar Franck had to scrape a living out of being a church organist and music teacher, that Bach did the same, that Haydn, while he was fairly comfortable, had the social status of a domestic servant. The implication is that if these geniuses spent their lives in poverty, modern composers ought to be ashamed to aspire to any better lot. I am not impressed. I think the great musicians of the past got the rawest of raw deals, that they were mercilessly exploited by people who picked their brains and gave them nothing in return, that what they accomplished, in spite of their poverty, is as nothing compared with what they might have given us if they had been allowed a decent modicum of comfort. In other words, I don't believe that poverty is any more the God-given destiny of a composer than it is of a radio executive.

Funny, isn't it? We have enormous respect for the man who takes out a patent, but none for the man who takes out copyright. That difference in attitude comes, I suppose from the fact that a patent usually involves something tangible, something that has an obvious, easily grasped, utility—a hairpin, for instance—whereas the man who writes a symphony or a ballad has produced something that is, fundamentally, nothing but a lot of sounds. Those sounds may have a profound effect upon the moods and emotions of millions of people. They may make them happier, may make them better men and women. But there is no definite measure of that effect, and so we tend to ignore it.

If an invention makes a man a millionaire, the public will probably agree that his reward was a fitting one. But try suggesting to the average man that the men who "invented" "Hark, Hark, the Lark," or the D minor Symphony, or "Way Down Upon the Swanee River" deserved, say, one-hundredth of the financial reward for their labor that our inventor receives—and observe the shocked silence with which your suggestion will be received.

That's where ASCAP comes in. For half a century and more, Europe has admitted that our composer has the right to collect a fee for a performance of his work for profit, just as a dramatist has. Performing rights societies are accepted as a matter of course over there. Incidentally, in collecting their fees they have the backing of their respective national governments. In big-hearted America our rate of progress has been more moderate. ASCAP is only 26 years old, and seven of these 26 years were spent in establishing its bare right to existence. It has had to fight for its life every inch of the way. In fact, if you have been an observer of current events during the past half a dozen years, you could have enjoyed the grotesque spectacle of a national government which grants copyrights, trying to destroy... a monopoly suit, the only effective mechanism that copyright owners have devised for protecting those copyrights. You could have seen half the state legislatures in this country passing bills (usually identical in their wording) designed to put ASCAP out of existence.

Who is—or are—behind all this? I wouldn't know. However, if you're interested, you might try thinking of all the people who would make more money if ASCAP were not in existence. Somewhere among them are the instigators of this hostile legislation.

And still ASCAP survives. It survives because it stands for a principle, shocking to some, but still, I believe, admitted by most Americans, and worthy of its high, that the creator of a great symphony, or a universally beloved ballad, or a wildly popular dance tune, has as much right to some financial return from his work as has the creator of a can-opener or a hairpin. That is all that ASCAP claims. I cannot believe that the average American will deny that the claim is a just one.

Burleigh and the Negro Spiritual

NEGRO spirituals, like the songs of the ancient Hebrews, owe their origin to a religious impulse. Both have the same dignity and sublimity, and for the most part an expression of tragedy and sadness.

Leading standard-bearer for the present day revival of interest in the Negro spiritual is Harry Thacker Burleigh, whose career exemplifies the kinship of art that knows no distinctions of creed or race. Born in Erie, Pa., Burleigh sang in the churches there until he won a scholarship to the National Conservatory of New York. He became baritone soloist at St. George's Church and Temple Emanuel, and learned to sing in Latin, Italian, French, German and Hebrew, besides English. He has composed 200 ballads, choruses, sacred anthems, etc., and wrote the music for over 50 spirituals. His arrangement of "Deep River" has been incorporated in the programs of leading singers throughout the world.

Though the music of spirituals contain idioms transplanted from Africa, it is the influence of the Bible and Christianity on the life of the Negro in America that gives them their words or subject. "The experiences, heartbreaks and gropings of an alien people seeking readjustments to the customs of white men," says Mr. Burleigh, "account for the quaint, naive, whimsical or garbled language which is so much a part of their charm."

The Who, What, Why, When and Where of the American Songwriter

By A. P. WAXMAN

THE man who wrote "Home, Sweet Home," died homeless. His name was John Howard Payne. His death gave birth to an idea. And that idea has developed into one of the most extraordinary experiments in democracy since democracy was first conceived.

Here's the story. The "Who, What, Why, When, and Where." The five facts that are involved in every story. John Howard Payne was a man who was born out of his time. He should have been a troubadour in Touraine. Or a lyricist in Lorraine, in that esthetic era when knights went jousting and crusading for a thrill or an idyll.

Payne was a minstrel in his heart. He was blessed with a gift. And cursed with wanderlust. He was the perfect prototype for Gilbert & Sullivan's "Nanki-Poo." If you remember their "Mikado," you'll remember their lyrical description of their hero.

"A wandering minstrel, I, a thing of shreds and patches, Of ballads, songs and snatches of dreamy lullaby."

This answers the description of Payne and his kind. It's their combined story, and their combined epitaph. "The wandering minstrel," the thing of shreds and patches," came to the end of his journey and confessed his credo in a song. "His own song." And there was no necessity for a Freud to psychoanalyze him. He did it himself. And he set it to music. A pastiche to nostalgia. A hymn for the homesick. In all lands, and in all languages. The vagabond through life met death with a song. John Howard Payne wrote "Home Sweet Home," and died, homeless.

Victor Herbert and a group of cronies were holding wash in the famous Lambs Club in New York. All were Bohemian spirits. The great composer was at the height of his career. He loved life. He loved his fellow men. And he loved music. The world was his oyster, and it had a pearl in it. But only for him.

The fates had been kind to him. But very unkind to others equally gifted. It troubled him. Because he loved music and his fellow men. Particularly his fellow composer. And all too many were out of tune with the time. Their misfortunes were a discord to the sensitive spirit of Victor Herbert.

ASCAP Is Born

There at the Lambs Club the gifted composer conceived his greatest inspiration. Then and there ASCAP was born. The American Society of Composers, Authors and Publishers. It was formed because Stephen Collins Foster, the man who wrote "My Old Kentucky Home," died without the fare to get there. Because Dan Emmett, who wrote "Dixie" lived from hand to mouth, and died up North though his (Continued on page 88)

ASCAP's Tribute to Nathan Burkan

"A man with a little gratitude in him is a man with a lot of good in him."—The Talmud.

When the American Society of Composers, Authors and Publishers initiated its Nathan Burkan Memorial Award it established a new precedent in the history of lawyer-client relationships. Lawyers have been credited with making clients. Lawyers have been charged with unmaking clients. But as far as I know never has a grateful client created a perpetual endowment in honor of his attorney.

Though he never wrote a song, or published a sheet of music, Nathan Burkan devoted almost his entire life to the cause of the songwriter. And ASCAP has not forgotten his service. He served law and justice with rare ability. He worked unsparingly, so that those who created music for the people might be protected from those who sought to exploit them.

Songwriters are akin to all other creative geniuses. And genius has been credited with every virtue except gratitude. But songwriters have proven the exception to this rule.

Nathan Burkan went before the Great Judge in 1936. In 1927 ASCAP effected its plans to perpetuate its gratitude to him. It was agreed that no more fitting tribute could be paid to any man than to perpetuate his name in his own profession. So it was decided to establish an endowment in the name of Nathan Burkan, Lawyer, for the benefit of law students.

Thus the Nathan Burkan Memorial Award, consisting of a cash prize to the outstanding student in the graduating class of every law school in the country, has helped many a young attorney to hang out his shingle.

The grateful client, however, did not stop with this most beautiful tribute to perpetuate the memory of a well beloved friend and counselor. Knowing that he would have liked to have his associates continue the crusade in which he had played so important a part, ASCAP immediately retained Schwartz & Frohlich, Mr. Burkan's proteges. The Society was mindful even of the unexpressed desires of the man who served them so well.

As long as there are courts of justice, as long as there are attorneys, as long as there are law students, just so long will ASCAP continue to pay homage to Nathan Burkan. In his name it extends a helping hand to those on the threshold of their careers, hoping that his example might serve to guide them.

As long as songs are written, as long as a melody is sung, as long as a piece of music is played, just so long will ASCAP pay homage to Nathan Burkan, as an outstanding example of his profession. He was a man of honor, whom men of honor were delighted to honor. A. P. W.

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AMERICAN MUSIC

By MARIAN (MRS. EDWARD) MacDOWELL

AMERICAN music is necessarily young, since America is the baby sister of the great old music-making countries. At first, the Colonies were mainly interested in sacred music. As time went on, European musicians emigrated to the New World and music became a part of American life.

The Handel and Haydn Society in the Colonies brought music to the people of mostly European origin. American music then was influenced by the Protestant Choir, the Spiritual in New Orleans, and later by more Negro and even Indian motivation. Between 1720 and 1800, American composers began their attack on the musical citadel. After 1800, the American art of music began to develop.

Among our first Americans who won fame and respect as composers were Lowell Mason, European bred under the mighty Liszt. The Mason family is very much like a dynasty of musical monarchs. Today's reigning representative is Daniel Gregory Mason. There was the Damosch family. Walter Damosch is the present well loved son.

With John Knowles Paine, the first professor of music at Harvard, we come to a period in music when Americans thought they knew enough music to teach to college men.

Soon, American composers began to be famous. Among these are: Arthur Foote, George Chadwick and Horatio Parker, who had his opera "Hera Novissima" performed by the Metropolitan Opera Company.

Edward MacDowell, who had the cause of composition and education at heart, was trained in Europe. He returned to America and, according to all critical comment, became an inspiration to America and Americans. His home and estate in Peterborough, N. H., is a Mecca for American composers, as well as writers, in accordance with his dearest wish.

Because of the possible "training" fight here at home, Americans no longer have to go to European schools to learn composition. Aaron Copland, for example, is teaching composition at the Berkshire Summer Festival school. Charles Haubiel, David Stanley Smith, Marion Bauer, Douglas Moore, all of them composers, are professors or teachers of composition and other branches of music.

So today, American composers are famous in every branch of music from grand opera to jazz. We have Louis Gruenberg, Deems Taylor, Walter Damosch, Howard Hanson and George Gershwin in opera. We have Victor Herbert, Irving Berlin, George Gershwin, Sigmund Romberg, Jerome Kern, Arthur Schwartz, Oscar Hammerstein II and innumerable others in operetta and musical comedy. In song hits, there are Irving Caesar, Gerald Marks, Harry von Tilzer, B. G. de Sylva, Jimmy McHugh, Ray Henderson, Dana Svesce, Peter de Rose, Edgar Leslie and others. In jazz and swing, there are too many to list.

The book of American serious composers numbers them in the hundreds: Mrs. H. H. A. Beach, John Powell, Mabel Daniels, Harold Morris, Deems Taylor, Werner Jansen, Roy Harris, Nathaniel Dett, Harry Burleigh, et al.



Let Me Be A Troubador

By IRVING BERLIN

Let me sing a simple song
That helps to jog the world along,
Along its weary way
And I'll be glad today.

Let me mould a homely phrase
For those who sit through wint'ry days
Before a fireside.
And I'll be satisfied.

Let me be a troubadour,
And I will ask for nothing more
Than one short hour or so
To sing my song and go.

237 STATIONS ALREADY OKAY ASCAP, SAYS PAINE

Society's General Manager Cites Elliott Roosevelt's Views Upholding Songwriters

EXACTLY 237 individual owners of radio stations have indicated their approval of the new ASCAP radio license since it was first announced June 18 by John G. Paine, general manager of the Society.

The attitude of individual station operators, says Paine, is summed up in a New York Times story on Elliott Roosevelt, president of the Texas State Network, who was granted the first new ASCAP contract because of his pioneering activities in promoting the cultural values of music throughout the Southwest. Said Mr. Roosevelt in the Times story:

"The new plan is based on an unprejudiced attempt to equalize the license fees among comparative stations and equitably distribute them on a sounder commercial basis all the way through the radio industry. Since broadcasters choose to call ASCAP a monopoly, it seems to me they are trying to combat a monopoly with another which is even bigger."

"Under the new plan," according to Mr. Paine, "with very few exceptions, no single station in the whole country will be asked to pay a larger percentage than in the past. It will result in approximately 350 stations getting a 50% reduction and 200 additional stations benefitting by a cut of at least 33 1/3%. Mr. Roosevelt said in the Times that the networks are making money and should pay for the right to use ASCAP music, which is the backbone of our business. The price we are asked to pay is ridiculously low."

"Stations are asked to pay as little as \$12 a year for the use of all our resources, past, present and future, for their sustaining programs. For only \$1 a month, they are given the right to use the greatest music written."

"Under our present plan it is obvious that we can prosper only when the station prospers. The new principle of Clear-ance at the source, which goes into effect with the new licenses, conforms with the desires of the radio stations as expressed by them time and time again at their conventions and in their individual talks with ASCAP representatives."

Again quoting the N. Y. Times and Elliott Roosevelt, Mr. Paine stated: "Under the present method, according to Mr. Roosevelt, the networks take the lion's share of advertising revenue and pay nothing for the use of the music, while the affiliated stations must pay all the fees. ASCAP's new system of clearance at the source places the larger cost where it belongs, on the chains, not the small station owner. This is because the chains write most of the business; because the chains use most of the music; because the chains get more paid value out of the music."



ELLIOTT ROOSEVELT SIGNS FIRST NEW LICENSE WITH ASCAP

Because of his pioneering activities in promoting the cultural value of music throughout the Southwest, ASCAP granted Elliott Roosevelt, president of the Texas State Network, the first new license. Those attending the signing ceremonies are (l. to r.), Milton Diamond, attorney; Robert Womboldt, executive assistant to Mr. Roosevelt; Mr. Roosevelt, John G. Paine, general manager of ASCAP; Louis Bernstein, first vice-president of the organization, and A. P. Waxman, advertising counsel.

Music Is Lifeblood Of Radio Industry

By ORRIN E. DUNLAP, JR.

MUSIC is the backbone of broadcasting; it's the broadcasters' safety-first. It is served up "alive" and "canned," and in both forms it has become the raw product of a vast industry. As a main ingredient of broadcasting, melody dominates because it appeals widely to the mood of the multitudes; to the lover of the classics and to the jitterbug. It stirs the emotion also the feet, and yet for others "the concord of sweet sounds" may be plucked from the air as a sedative.

It is radio that has opened up new opportunities for musicians young and old; it has prolonged their period of usefulness far beyond the normal span of the pre-radio era. Dr. Walter Damrosch as a veteran missionary of music is the outstanding example of one whose life-work has been lengthened by radio as an inspiration to the youth of America.

Dr. Damrosch, Benny Goodman and the other "pied pipers" of the air have lured no end of young people to take up music as a study and to appreciate it to the utmost. Radio has made America more music conscious than ever; it is gradually ripping away the idea that the music of the masters and opera are highbrow. No longer is the lad a "sissy" who takes up the violin or piano; he knows by listening-in that music is an art, an opportunity and a worthwhile accomplishment.

Where the tongue stripped of melody often stirs controversy and ill-will, the song appears and pleases. For more than a year, because of so much belligerence rampant in the air, radio finds safety behind the fortification of music. It is a relief and protection from the tragic news flashed from Europe; from the commentaries bombs and bloodshed, destitution and destruction. The spoken word projected from Europe, no matter how honeyed the tongue or how sweetly sugarcoated the words, causes thoughtful listeners to weigh the contents. Is it straight news or propaganda; fiction or fact? But when a song is broadcast, then ears may perk up in search of a motive, propaganda or some "method in the madness."

Broadcasters, through music, have over a period of 20 years established harmonious relations with a farflung audience, with millions of different minds. Music makes broadcasting 75% of what it is today; melody is the big business of broadcasting. It is the life-blood of an industry ever being refreshed by new songs, but kept flowing freely by the old favorites of which the public never tire. Few speeches bear repetition, but music can be played over and over again, gaining in flavor, always winning new friends. Such is the magic of music powered by radio; it adds to the joy of living. Through music, even today, no matter from what soil the song takes wing, it still holds high the motto, "Nations shall speak peace unto nations." Music is peace in the air.

Young Songwriters' Opportunity

By GEORGE W. MEYER

NEVER before has the embryonic songwriter been faced with the great opportunity he has today. In the days before radio only a comparatively few songs were published every year, necessitating fewer songwriters. This was due to the fact that the life of a song was from six to twelve months—because the welcome and popularity of a song were not destroyed by constant repetition and over-exploitation.



Nowadays, with the ever-increasing demands of radio bands and singers, it is humanly impossible for just a limited number to supply the necessary quota. As a result, the young songwriter has been having a field day. His works are received with open arms, and ASCAP is only too willing to recognize his merit and assist him. Thus ASCAP has admitted to membership some 300 writers in the past five years.

No song is now unimportant, whereas in the past if a song did not sell copies it was a wasted effort. Today every song serves a purpose. It is fodder for the cannons of radio; it bombards the airwaves for a few weeks and then dies, to be quickly supplanted by a score of new works.

Lyrics Can Be Literature

By MABEL LIVINGSTONE

MUSIC, literature and all the other arts have generally been referred to as sister-arts. But the lyric writer was for many years regarded as only a step-sister.

Gradually, the connection between text and music has taken on increased importance, through the coming of such gifted wordsmiths as Howard Dietz, Ira Gershwin, Harold Adamson, Lorenz Hart and others. The biggest song hits today are those where the verses are indissolubly bound up with the melody. This great improvement, so noticeable in popular music, is not always equally true of art songs. Yet this is the field that offers the greatest opportunity for lyrics to become literature.

Whereas production of musical comedy numbers can be written to order to fit the plot or libretto, concert or stand-alone songs should derive their inspiration from the words. The great composer, Rubenstein, once said: "People send me poems to set to music. This seems to me like sending one a girl to fall in love with. One happens to read a poem, it touches one, and then one sets it to music."

The ASCAP Founders

By RAYMOND HUBBELL

WHEN I beheld the picture of a 1940 ASCAP—strong, determined and well on its way to a harmonious future, my mind reverts to a night in October, 1913, when some 35 or so composers, authors and publishers had promised to attend a meeting at Luchow's 14th street restaurant. I see George Maxwell standing beside everybody's lawyer and friend, Nathan Burkan, expectantly waiting to greet the rank and file of the popular music world. Glen MacDonough and I had to be there early as we had arranged the dinner and had done the preliminary scouting.

Burkan and Maxwell had spent much time and effort in laying the ground work for an American performing rights society and had succeeded in instilling a great enthusiasm for the idea into those of us who knew of their plans; so we four waited with high hopes for the rest of the 30 odd who were to join us.

Just five came! Victor Herbert, Gustave Kerker, Silvio Hein, Louis A. Hirsch and Jay Witmark.

A lot of water has flowed under the ASCAP bridge since that night when we nine started the campaign which resulted in a formal organization the following February.

To me the greatest result of all these years of building up this wonderful organization is that we have provided a haven for the American author, composer and publisher who, due to the terrible uncertainties of his precarious profession, never knows where today's hit will be tomorrow.

The years have taken seven of us from the picture; God has graciously spared Jay Witmark and me to behold ASCAP triumphant but wherever the seven are, they see their ideals being adhered to by the men who today sit in their seats and they are content.

Picking Song Hits

By BING CROSBY

PICKING the song hits is strictly guesswork. Anybody who sets himself up as an oracle with special mystic powers to foresee which tune will become a hit isn't fooling anybody but himself.

Public opinion is never consistent with regard to popular music. It varies from week to week, depending on changing world and local conditions. Generally speaking, in busy times the public likes love songs and ballads; in gloomy times the choice switches to crisp, bright, gay melodies and novelty tunes that provide a mental vacation.

Of one thing you can be certain. A song whose melody and lyrics express your own thoughts while you're dancing with the girl you adore, stands a good chance to be a hit.

Radio is a wonderful thing, but it cuts the life of a song hit to three months at top. You have no certainty a song will prove to be a hit, and when it does prove to be a hit, it's good for just 90 days at top.



They Shall Have Music!

By Gene Buck, President

American Society of Composers,
Authors and Publishers

THE Society was formed to protect the Composer-Author in his lifetime and his loved ones thereafter. To encourage the creation of music by the writers and the appreciation of music by the public.

ASCAP believes that the man with a song in his heart has the same right to write, as has any other writer. But many powerful people challenge that right.

Dramatists write plays, novelists write novels, lawyers write briefs, jurists write decisions, lawmakers write laws, men of the cloth write sermons, ad men write ads, and newspapermen write pieces for the newspapers.

All are writers. Their rights are respected. And their literary property is protected. All but the songwriter. Discriminatory legislation has been enacted against him by various States in violation of the Federal laws. Believe it or not, he's actually exiled from four of the sovereign States. I'm speaking of today, this very day.

Congress votes George M. Cohan a medal, a great honor greatly appreciated by all songwriters; the President of the United States sends us greetings on our 25th Anniversary; the Postmaster General issues special stamps in honor of Victor Herbert, John Philip Sousa, Stephen Collins Foster; Ethelbert Nevin, Edward MacDowell; and the Attorney-General serves us with subpoenas.

Thorns come with roses, "but ain't the roses sweet." It was a songwriter who said that. And it takes a man with a song in his heart to remember the roses and to forget the thorns.

The radio chain executives who control the air, have publicly announced that beginning New Year's Day, ASCAP music will be barred from the air. What a beautiful way to ring out the old year and ring in the new!

The music of the thousands of composers of England, France, our sister republics in Latin America; "The Stars and Stripes Forever," "God Bless America," "Over There," to be "given the air" by the gentlemen who claim squatter's rights on the air. Fantastic? But true! We have their published word for it.

What will we do? We have a duty and a responsibility to thousands of enterprises which depend upon a steady flow of new music to entertain their patrons. And an equal responsibility to the thousands of musicians and artists who interpret that music. And above all to the public, which needs the inspiration and stimulation and relaxation of music to maintain its morale in these days of uncertainty.

The American Society of Composers, Authors and Publishers is conscious of its duty and will perform it. Whether we're on the air or "given the air," when the public says, "Let's start the show, let's have some music," we'll see to it that they shall have music.

We're show people.

We have a tradition that the show must go on.

The show will go on!



SEE BANDS GETTING THE WORKS FROM THE NETWORKS

"It's A Grand Old Flag"

By GEORGE M. COHAN

THOUGH I've always felt that "It's a Grand Old Flag," I'll admit that when I wrote those words a few decades ago I did not realize their significance as fully as I do now. And a lot of other Americans today doubtless are feeling the same.

The highlights of a nation's history are reflected in its songs. From the "Yankee Doodle" of Revolutionary Days on through "The Star Spangled Banner" and up to the current "God Bless America," songs honoring our flag and our country have marked periods of great national stress. The people are highly responsive to musical interpretation of their patriotism—they actually yearn for it—and songwriters put these emotions into mass appeal form.

Take my own "Over There." The feel of it was in the air. Otherwise the public would not have responded.

This grand old flag of ours has been growing more popular every year. Never was our emblem of liberty more popular, and never did more people crave its protection and privileges, than right now.

In helping the people to understand and appreciate what the American flag stands for, no factor has been more important than the song writer in setting the people's emotions to words and music.

RECOLLECTIONS OF THE MARCH KING

By MRS. JOHN PHILIP SOUSA

THOUGH decorated by royalty, by academies, schools and associations all over the world, John Philip Sousa was more proud of his title of March King, affectionately bestowed upon him by the people, than of any other tribute to his achievements.

Mr. Sousa was fortunate in winning recognition early in life. Born in Washington, D. C., he studied violin and composition from early childhood. At 13, he had already entered the U. S. Marine Band. At 26, he became its director, a position he held for 12 years. Incidentally, he was instrumental in having Congress pass a bill giving the leaders following him the status of a commissioned officer.

In 1882, Mr. Sousa formed his own organization and continued his policy of giving his public the very best in American and European band music. In his own compositions, he invented orchestrations and instrumentations that were most effective in adding to band music some of the nuance of the symphonic orchestra.

Already known wherever music was played, my husband's popularity became even more widespread after the advent of the phonograph record, which he was the first to christen "canned music."

Mr. Sousa and his band made countless tours in his own country, Canada and Europe. A trip around the world in 1910-1911 proved an artistic and financial triumph. These various tours were unique in that they never contemplated nor required any subsidy.

He was a witty and fascinating raconteur and our travels supplied him with endless material for story-telling. Besides his many marches, he wrote 10 comic operas. In most cases, he also wrote the libretti.

In the early days, there was constant pirating of his music. Consequently, the formation of ASCAP, in which he was a director until his death in 1932, became in his opinion one of the most important milestones in the history of American music.

How Some Songs are Born

By FRED E. AHLERT

SCRAPS of paper with cryptic pencil notations may contain the germ of a great song. Most composers and authors have pockets full of such scribbles on the back of envelopes, business cards, corners torn from a newspaper, parts of menus.

Inspiration comes at odd moments and without warning, so you will find song embryos in pencil on a restaurant cloth, scratched on a cuff or written in a kind of musical shorthand on an old bill.

Comes the moment when a snatch of melody is heard by the lyric writer and promptly the line or title to fit it comes from his pocket. Or it may be a line of poetry, a fragment of conversation overheard, a slogan or a phrase, and instantly the music notation in the pocket of the composer has found its mate.

Most of us have come upon many of our songs in this manner, among notable instances being Harry Von Tilzer with "Wait 'Till the Sun Shines, Nellie"; Milton Ager with "Happy Days Are Here Again"; Shelton Brooks with "Some of These Days"; and George Gershwin and Irving Caesar writing "Swanee" on top of a bus.

After the song is written, the struggle is only begun, for now comes the difficult process of finding the publisher; and after that, performance. When the public finally hears the song it has passed through the sieve of considerable criticism and revision. Payment from sheet music sales and records is problematical. The writer must by force of current circumstances lean for a major portion of his earnings upon the value of his performing rights, as licensed by ASCAP.

SCRAP WILL INVOLVE SCRAPPING MUSIC LIBRARIES OF BANDS AND STATIONS

By A. P. WAXMAN

"Should the radio chains fail to renew their contract with ASCAP before January 1, the radio industry will lose more than \$25,000,000 that is tied up in music libraries and electrical transcriptions," declared John G. Paine, general manager of the American Society of Composers, Authors and Publishers, in an interview. He emphasized the fact that his figure was a conservative one.

"They claim to be business men," he continued, "men who look a figure in the face without flinching. They may forget the artistic loss. They may forget the public. They may forget the F.C.C. They may forget that it will take years before any sort of library can be built up, years and millions of dollars for the development of as yet undiscovered songwriters.

"But they can't forget what they have actually invested. The chains and stations have spent many millions in build-up electrical transcription and record libraries. They need these recorded works to fill time on the air. When they repudiate their ASCAP contracts on January 1, those transcriptions cannot be played. What will they substitute for these collections of every type of music? What will they offer the public?

"Then look at their libraries. Special arrangements for orchestras ranging from five to 100 pieces. Not worth the paper they're printed on after January 1. Vandalism is no name for it. When dictators destroy libraries the world stands aghast in horror. What shall we say of men who deliberately destroy their own libraries? And what of the destruction they wreak upon the innocent bystander?

The libraries of the orchestra leaders. Hundreds of men like Paul Whiteman, Eddie Duchin, etc. have spent their own money in generous amounts to build up diversified libraries. They are part of their stock in trade. They are to be made worthless over night by the arbitrary rulings of just a few powerful executives who've never given a moment's consideration to these hapless victims.

"And this is only half the story. The American Federation of Musicians lists literally thousands of smaller bands. Each one has an investment in his own library. Every one of these bands will be faced not only with the loss of their investment but the loss of work. The radio people responsible for this situation might just as well take away their instruments as take away their music.

"We've done what we could. We've tried to deal as business men. The facts and the figures speak for themselves. Our door is always open—and will always be kept open. All our music, past, present and future, is available to all at terms within the means of all."

Had There Been an ASCAP—

By EDWARD B. MARKS

IT IS almost bromidic to remark today that, had there been an ASCAP in Stephen Foster's days, things might have been very different with that gifted composer. Yet behind this observation there is a world of truth and sound basis for applauding the underlying principle that gave birth to the American Society of Composers, Authors and Publishers.

The first song writers I knew—those of the 80's and 90's—were a carefree, happy-go-lucky crew, generally speaking, who earned appreciable sums of money during the heyday of their success, but who almost invariably ended up penniless.

Stephen Foster was not, as has often erroneously been said, pauper all his life. For at least 11 consecutive years he received from Pond, his publisher, royalties that were very sizable for those days. But when bad fortune descended upon him there was no performing rights society to which he could turn.

To my mind, one of the very best things which ASCAP has done has been to lend assistance to the old-time writer, who himself was not a member, or to the heirs of those who have passed on. Gene Buck and John G. Paine have personally interested themselves in many such cases, realizing full well that a man who wrote great successes in the 90's or at the turn of the century has contributed hugely to the vast field of American popular music.

In my library at home there is a most beautiful and interesting art book containing self-portraits of 400 of the greatest painters of all time. They appear to be well fed, well clothed and well provided generally with worldly goods. The fallacious idea that an artist must starve in a garret to achieve greatness is completely dispelled when one realizes that many of the most glorious of these artists were subsidized by kings, rich patrons or so recognized in their time that they were able to live most comfortably. In literature, despite an occasional Edgar Allan Poe, the same thing is true; and in the field of classic music, most of the great masters were well rewarded for their work. The writer of popular and semi-concert songs, however, has never had any genuine security until the various performing rights societies in different countries came into being.

To the publisher, too, who often encouraged and fostered these musical creators, there was no assurance of any sort of a steady income. But today the publisher, as well as the writer, knows that if he has made available to the users of music a catalog of worth-while compositions, he will receive through the agency of such organizations as ASCAP some sort of remuneration during the lean years as well as the good ones.

Had Foster lived to be 74, rather than 37, think how the musical world might have been additionally enriched. It is, of course, merely conjecture, but there might have been financial security and comfort for dozens of other fine writers as well as Foster, had there been an ASCAP.

Songwriters' Tryout House

By RUBY ZWERLING

BACK in the days when radio was still wet behind the ears, Loew's State on Broadway was the tryout house for the boys who wrote songs. Not that every man who wrote a song could sing it, for, as Irving Berlin once explained to me: "Some songwriters can't carry a tune, but they can 'lift' a lot of them."

During my 13 years as musical director at the State, we've had everybody who was anybody—the song-writing field at Loew's State. Gus Edwards, Anatole Friedland, L. Wolfe Gilbert, Lew Brown, Benny Davis and his "Margarie," Theodore Metz who wrote "Hot Time in the Old Town Tonight"—even Jimmy Walker, whom most people remember as one-time Mayor and not composer of "Will You Love Me in December As You Do in May." I remember one act, billed as Songwriters On Parade, that featured Charles Tobias, Al Sherman, Al Lewis and Gerald Marks.

Back in the days before radio popularized the tunes of the day, Irving Caesar gave his numbers a workout at the theatre. Irving has been back several times since then with his excellent new collection of Safety Songs. Then there's my good friend, George Jessel. Don't think Jessel's only claims to fame are as actor, radio favorite, after-dinner speaker and husband; he has a number of songs—good ones, too—to his credit.

WHY DO I LOVE YOU?

(Meaning Music)

By OSCAR HAMMERSTEIN II

I WROTE the song for a couple of young lovers, in "Show Boat" and Jerome Kern composed great music for it, and it's there in ASCAP's files for all lovers to sing. But it has a special meaning for me, because it expresses my secret feelings for my profession.

I love song writing. I might have been, well, many things; and enjoy the normal life of the average successful American, dividing my days between work and play, and sleep. But I had to be a songwriter. My every wakeful moment is tense and tortured. Song ideas crowd my mind, clamoring for attention.

Now a phrase, now a title, now a snatch of melody to torment me to instant labor. Pockets full of scratch notes and memos of songs to be written, rewritten. And I might have been a lawyer, an architect, a business man. The I couldn't—not with my love for music. Common sense tells me there are so many more stable professions, so many careers with more reward.

But how could they compensate for the thrill of waking in the mid-hours with a great idea. Prodded by the mistress of song to leap out of bed and dash down the inspired words before losing them forever. Then, in the morning, reading wry-faced the words that had seemed so brilliant in the night. But better that, than plan an unsold bridge, an unconsumed deal, a losing case.

A hundred songs written to the bitter end, to produce one acceptable tune. Lyrics rounded out, days to turn a phrase, weeks to find previously the right words. The inevitable success a hit! Gone the envy of the barrister, the builder and the broker. I'm a songwriter—and I love it!

Radio and Music

By IRVING KOLODIN, N. Y. SUN

WHATEVER the incidental disclosures of the recent controversy between the AFM and the radio networks which took the nation's name bands off the air for a week of late evening broadcasts, one fact was clear. Radio needs music more than music needs radio. Those who spin their dials in futile search of plausible after-eleven entertainment came up almost exclusively with house orchestras from Buffalo, Philadelphia and way points; or less than hilarious sketches that had not previously made their way to the air. The invariable recourse was to a powerful little five-watter, or slightly more, giving out with a recording respectably played, worth the listener's attention.

All of which was plain proof of the extent to which big-time bands have entered into the listening habits of the nation and the gap which is left when their activities are curtailed. They go on night after night, month after month with unconsidered regularity and with an amazingly high average of performance. And in the general satisfaction with their efforts, the part that is owing to ASCAP and its supervisory subsidiaries is a vastly important one.

The complaint of the hit-writers that radio has been a locust plague to their crop is a reasonable one, but one shudders to think of the condition that would confront the industry were the market wide open, with no interested agency to look out for their welfare. Especially in the current era, when the trend to the good old ones is more pronounced than ever before, the establishment of a right to control performance is indispensably important. Even if a tune is skipped the first time around, the writer stands to profit when public taste has made a full cycle and comes back to the tune it passed by. It is, at least, something to look forward to, even if it is among the longest of long shots.



Say It With Music

By John G. Paine, General Manager

American Society of Composers,
Authors and Publishers

ASCAP is proud of its part in providing service to thousands of enterprises in the entertainment industry.

Music is a language that everybody understands, and a form of entertainment that everybody enjoys.

"Music, Maestro, Please." Three little words. What miracles they perform in brightening up life.

We have the great responsibility of providing an unending flow of music to theatres, restaurants, roof gardens, hotels, ballrooms, dance halls, amusement parks, and endless numbers of other places of assemblage.

Ours is the task of contributing music to the theatres on Broadway and the movies throughout the country, the picture studios in Hollywood, and the broadcasting studios all over America.

Our vast treasury of music is available to all, at terms within the means of all.

The service we render includes the works of the great majority of outstanding composers and authors of this country, and many foreign countries, and the catalogues of their outstanding publishers.

Our repertoire is increased every month. Our membership of creative writers likewise is increased every month. One fee covers complete availability on all our music, past, present and future.

There is no increase in fee, regardless of the increase in quality and quantity, by old and new members of our Society, and the Foreign Societies affiliated with us.

Our licensees can assure their patrons of a steady flow of music from the great music masters of the past and present.

In these times of stress, the public turns more than ever to music, for the entertainment that only music brings.

ASCAP will permit no obstacles to stand in the way of serving its clients and the public.

ASCAP, as always, will Say It With Music.



RADIO PAYS ONLY 6c PER SONG PER USE

'Your Hit Parade,' Depending Wholly on Music, Gets It For a Song

The inexpensiveness and utter indispensability of ASCAP "raw material" is perhaps best demonstrated by the "Lucky Strike Hit Parade" radio program. Without ASCAP music, there would be no "Hit Parade," and yet this major ingredient *sine qua non* costs the radio industry only \$218.50 a week while George Washington Hill is shelling out no less than \$15,500 in time and talent costs for the show.

Viewed from another angle, the situation may be described thus: each of the 100 stations carrying the program gets an average of \$43.70 from CBS for carrying the show per average week. Yet to get this \$43.70, the station only has to pay ASCAP \$2.19 in license fees. And since the ASCAP license grants unlimited availability of as much music as the licensee wishes to use, the \$2.19 is paying for a lot more than the "Hit Parade." In fact, when all performances—commercial and non-commercial are bulked together—ASCAP gets just about 6c per composition per user each time that composition is played.

The sources for the material in this program analysis are as follows: the time costs are based on Lucky Strike's expenditure of \$796,678 with CBS in 1939; this amount was then divided by 52 to get the weekly cost. From the weekly cost 25% was subtracted for discounts, making \$11,500. From FCC figures it was found that in 1939 the networks paid the stations 38% of their intake. Thus the station figure is 38% of \$11,500, or \$4,370; and ASCAP's share of this amount is 5%, or \$218.50. (The talent cost is from a story in *Variety* (June 19, 1940, page 20).)

SONGWRITERS IN MILITANT MOOD

By BILLY ROSE

FOR too many years songwriters have acted like the famous Ferdinand the Bull, smelling sweet flowers and refusing to fight. But these traits have now vanished under the attacks of their exploiters and a militant songwriter now faces his adversaries. Rights which have been fought for and won in every court of the land for over 25 years are not to be lightly relinquished, upon any organized threat.

The names of Victor Herbert, Nathan Burkan, John Philip Sousa, Louis Hirsch, Karl Hoschna, Gustave Kerker, Glen MacDonough and the other pioneers in the struggle against organized users of music stands as an inspiration to the present defenders. These men whose membership in ASCAP is today held by their heirs, set an example of courage against overwhelming odds during the early years of the life of the Society.

They received scant compensation for their efforts at the time because every cent was needed for the battle. During the first seven years of the life of ASCAP not one penny in royalties was paid to any member of the Society nor to its counsel, Nathan Burkan.

Take my own case. Though in recent seasons I've been rather successful as a showman, there is nothing I prize more highly than my membership in the Society. I consider the income which this membership yields me as my most valuable asset. It's a nest-egg for my future.

Today, many songwriters whose name was a household word during those years, but whose active productive period is now passed, is adequately compensated by the Society on the basis of his previous contributions. The younger members of the Society know that that is something to fight for.

Perfect Union Essential In Lyrics and Music

By RICHARD RODGERS and LORENZ HART

LIKE the hackneyed riddle of the chicken and the egg, the question of which comes first and is more important, the music or the lyrics, plagues the musical world.

Who is to decide whether "Road to Mandalay," by Rudyard Kipling, is better separated from the music by Oley Speaks, or whether the Speaks composition could not be just as stirring, no matter what the words? It is a fact, however, that outside of Irving Berlin very few songwriters write their own lyrics as well as the music.

Each contributes in practically equal proportion to the finished work. This is especially true in popular music and receives practical recognition from the classification committees of ASCAP which rate composer and author as of equal merit. Many a tune that would have died unsung became a hit through the timely and apt lyrics of the late Joe Young. Many a good lyric would have died aborning had not the composer created immortal music. Take the famous poem "Trees." The public remembers the author, Joyce Kilmer, but the melody of Oscar Rasbach definitely saved the poem from becoming a recitation piece.

We think, conclusively, that both composer and author, not to mention the public, should rejoice when the union of lyric and tune results in a harmonious song.

That's How We Need Music

By HARRY MAZZLISH
Gen. Manager, Station KFWB, Los Angeles

IT'S NOT a question of whether we need music to run a radio station, but how much we need it. And the answer to that is: we need music more than we need any other item on the radio entertainment bill of fare.

Music is the only dish that is wanted by every one. Some folks don't like drama or quiz shows; just like some don't like olives or caviar. But everybody goes for music.

In short, you simply can't run a radio station without music. And you can't have music without songwriters.

A Constant Search For Geniuses

WALTER S. FISCHER, head of Carl Fischer, Inc., one of the oldest and most important of the Standard Music Publishers in America, says:

"The radio interests of this country are too wise to believe and comprehensive catalog liberal terms. He knows from deep experience that a catalog of standard music cannot be built in a decade or two, even though an unlimited bankroll is placed at the disposal of the publisher.

That it is good business to invest millions of dollars in an attempt to build and operate a music catalog as a side line to radio when ASCAP is prepared to offer them the unlimited use of its diversified "Under existing business conditions, the overhead and operating costs of publishing and exploiting music are so great that no new publishing firm can hope to be financially successful. It is only because the established catalogs were created before radio changed the use of music that these catalogs do now exist and can hope to survive.

"A standard catalog is created much like a grove of oaks. Through the years, thousands of acorns have been scattered over the ground, not haphazardly, but by careful selection, infinite care and hope. While many have sprung up to thrive for a while, only the more virile have pushed their roots deep into the soil to flourish and to mark the creative growth of music in America.

"Our catalog, founded by my father, Carl Fischer, in 1872, has throughout the years nurtured many seedlings, and while our catalog comprises hundreds of compositions that loom high with creative genius, these successful compositions represent but a small percentage of the total number of compositions which were published.

"Music publishing is one of the few industries where the human element plays so important a part. You have to put business dealings on a personal basis and thus eliminate one of the most important factors in the success of present-day business machi—impersonalization.

"Because the publishing of music is not bricks and mortar, shelves and buildings, it's an exhilarating, exciting and thrilling chase for the 'killing of the Wisp' known as geniuses. Publishing is largely the talking of creative dreamers. How can you know a Stephen Foster when you meet one? Each year Almighty God in His Infinite Wisdom, touches the heads of a few children and blesses them with the gift of composing music. A search for those gifted few with all its heartaches and headaches, makes the music publisher."

THE ARRANGER

By LEO REISMAN

EVERY orchestra has its tune arrangers. In some bands these arrangers carry through the basic thought and character of the leader, doing a good tailoring job of a good designer. In other bands the arranger is on his own. I personally believe in the first method. Otherwise I can't see where the conviction and the artistic thoughts of the conductor are ever expressed.

The arranger's knowledge of the neuroses and habits of the instruments and his ingenuity in their use—titanic. Furthermore, some arrangers have expanded the uses of instruments, even as Berlioz did when he was the first to stuff the bell of a horn probably made by Saxe. Many serious writers have learned a lot from arrangers of popular and jazz music.

Among interesting arrangers for bands are: Jacques Gruenberg, who orchestrated some of Gershwin's works, Larry Clinton, Morton Gould, Will Hudson, Spud Murphy, Joe Mooney (Paul Whiteman's band). For films and other media there's Frank Skinner, Virgil Thompson, Charles Henderson, George Lesser, and one of the kings of orchestrators, Robert Russell Bennett. Besides these, there are men like Adolph Schmidt, Jesse Smith, Dean Kincaid, Paul Wetstein, Red Bone, Charlie Hathaway, Vic Schoen, and the many unknown arrangers of serious music in the broadcasting studios and song shops. These men interest the really musical listener.

Paul Whiteman was one of the first to realize that dance tunes could be orchestrated and re-orchestrated for variety. Ferde Grofe was one of his first arrangers. Two of his interesting jobs are his version of Ponchielli's "Dance of the Hours" for fox-trotting; and "Cho-Cho-San," a dance version of a tune by Madame Butterfly. Grofe also orchestrated the great melodist George Gershwin's "Rhapsody in Blue" and others of his works.

Records' Debt to Songwriters

By JACK KAPP, President, Decca Records

It is practically impossible to estimate the debt owed by the recording field to the songwriters. Orchestras and singers provide about 99% of entertainment on records.

And orchestras and singers might just as well be wouden Indians if they didn't have that indispensable, essential provided by the ASCAP membership—music.

The American Home And ASCAP

By DR. JAMES FRANCIS COOKE

Philadelphia, June 30.

FOR OVER three decades the writer, as President of the Presser Foundation and Editor of the *Etude Music Magazine*, has been in intimate daily contact with the musical interests of the American home. He has seen the fabulous transition from the time when that home was largely dependent for musical education and entertainment leadership upon itinerant teachers, occasional concerts and operatic performances, musical books and the musical journals, to this amazing moment when the best music of the world is piped into homes like water, gas and electricity.

Music has become one of the great necessities for finer, happier living. Moreover, for the first time in history, every student of music could hear the world's greatest performers and at the low cost of buying a radio. At first teachers of music were in something of a panic. The radio was going to take away their means of livelihood. But radio developed a new respect for music and its creators. Music became everywhere a topic for popular conversation.

It was not until this condition was reached that it was possible for the public to realize what the composer meant to the joy of living in the modern American home.

No one can make composers. Any artist can paint a butterfly, but none can make butterflies that will really fly. The musical creative worker is a natural phenomenon. No one can explain Mozart, Stephen Foster, Ethelbert Nevin. The conservatories of the world have put out armies of men and women who have studied to be composers, but the actual composers produced are about one in a thousand.

Publishers have always taken enormous chances and continually meet unavoidable losses in trying to find out what the public wants in music. They gamble on genius and are entitled to some of the winnings when there are winnings. The genius that makes a real composer, whether it produces a "Londonderry Air," an "Old Man River" or a "Symphony" is one of the rarest and most precious things in the world.

Often genius is so concentrated upon what it creates that its possessor suffers from neglect of practical affairs, that the result is literal starvation, as in the case of Schubert, the youthful Wagner and scores of other masters. It is my strong belief based upon the widest possible correspondence for 30 years and upon personal contacts made through 100,000 miles of travel to musical centers in America, that the members of the American home would bitterly resent any attempt to deprive the American musician of his right to profit upon his creations.

The able business executives at the head of broadcasting interests cannot fail to recognize the fact that very obviously the composer is just as important to the publisher, to the manufacturer of every kind of musical instrument, including the radio and the phonograph, as the pilot is to an airplane. Separated none can succeed; together all can soar to great heights. But remember, the whole movement starts with the composer, and without the composer not one red cent of income could in most instances ever be realized by radio.

Portrait of an Old-Fashioned Guy

By SYLVIA ROSENBERG, Secretary

IN these days of so-called sophistication, it is unusual to find someone like Gene Buck, who prefers, above anything else, to be called "just an old-fashioned guy."

Nevertheless, through his talents as an artist, songwriter, playwright, producer and president of ASCAP, Mr. Buck keeps thoroughly abreast of the times. He comes in contact with persons in every walk of life. And all of them love it when he "dusts the attic of his memory" and tells stories of the most glamorous characters of the theatrical and musical worlds.

A pioneer at heart, Mr. Buck, together with Victor Herbert, Nathan Burkan and others, in 1914, set forth to make one of his fondest dreams come true—genuine protection for those who write the songs of our nation. His extraordinary sense of vision and unflinching ability to grapple with a problem in all its various angles mark him as one born to leadership.

Mr. Buck's slow manner of speaking always fascinates people when they realize how quickly his mind works and how readily it reacts to any given situation. His sincerity is so marked in every word he utters that he naturally inspires confidence and faith in his listeners. And he is blessed with an infinite amount of patience. Though an impressive, witty and spontaneous speaker, who never has to reach into his vest pocket for notes, he never loses sight of the mood of the moment, the audience involved and the reason for the gathering.

Especially refreshing to me, is Mr. Buck's keen zest for life. He has encountered every type of person in the melting pot of humanity which makes up America, without ever succumbing to disillusion or disinterest. His desire to be helpful to all less fortunate than himself, in the fulfillment of their ambitions, is amongst his most outstanding characteristics. Forever finding excuses for others, he thinks this era of tremendous changes in our lives brought about by the mechanical age, makes people prone to assume an air of sophistication which is superficial. For himself, he prefers to cling to the finer ideals and fundamental meaning of life which were instilled in him by his mother in boyhood days and he endeavors to pass on the same credo to his two sons.

The world of the theatre harbors within its portals librettists, singers, composers, artists, dancers, songwriters, customers, musicians, financiers and business executives. Yet, throughout the years, not one of these varied personalities and temperaments who has ever been closely associated with Gene Buck can fail to mingle admiration and affection for the "old-fashioned guy" whether they met him as the associate of the late Flo Ziegfeld, in the production of his own shows, or as chief executive of ASCAP.



President Roosevelt presenting medal to George M. Cohan voted to him by Congress for writing "Over There."

REFRAIN

1. Let the farm-er plough the fields, Grow the things that na- ture yields; As for me, I'd rath-er write a song.
 2. Let the min-er dig for gold, Strike a vein of wealth un- told; I don't care! I'd rath-er write a song.

I'D RATHER WRITE A SONG

By GEORGE M. COHAN

Published by Jerry Vogel Music Co., Inc.

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II

Every man should do the work he wants to do.
 That's if he'd be a happy man at all;
 In this scheme of things, there is a spot for you,
 And in your heart of hearts you hear the call.
 Life is what you make it, and you've got your life to live;
 Anyway you take it, you will get just what you give.
 The joy of life is work, that is a saying old and true;
 Especially, when the work's the sort of work you want to do.
 There's not a man will ever shirk the thing for which he's strong,
 And that is why I like the work of working on a song.
 A song, then work is play;
 A song, that's why I say:

CHORUS

Let the farmer plough the fields,
 Grow the things that nature yields;
 As for me, I'd rather write a song.
 Let the architect reveal
 Giant cities built of steel,
 Honestly, I'd rather write a song.
 Listen, artists, scientists, historians,
 astrologists,
 All men to whom the master minds belong;
 Webs of myst'ry you've unspun,
 Brought the truth to every one;
 Still, I say with all you've done,
 I'd rather write a song.

I'd rather write a ballad like the "Spinning Wheel",
 Or else a song like "Smoke Gets In Your Eyes";
 Than to write the greatest book with widest world appeal,
 That would bring me in to win the Nobel prize.
 I'd rather write a song like "Stormy Weather", for the gang,
 Than to paint a famous picture for the Art Museum to hang.
 I'd rather write most any song the night club singers shout,
 Than to be the English King they sing "God Save the King" about.
 The only three cheer bringer is the song that gets the throng,
 I don't care who the singer is, I want to write the song.
 The song the bands all play,
 The song hit of the day.

CHORUS

Let the miner dig for gold,
 Strike a vein of wealth untold;
 I don't care! I'd rather write a song.
 Let the great dictator stand
 At the head, and rule the land;
 On the square, I'd rather write a song.
 Listen, all you millionaires, and all you Wall Street bulls and bears,
 All men who send the stocks and shares along;
 I tell you now, and tell you straight,
 With all the millions you may raise,
 With all you may accumulate,
 I'd rather write a song.

III

Let the sailors plough the sea,
 Soldiers battle fearlessly;
 Not for me! I'd rather write a song.
 Let all heroes, brave and true,
 Find heroic deeds to do;
 Truthfully, I'd rather write a song.
 Listen, aviating soarers, mountain climbers, wild explorers,
 Men to whom romantic lives belong;
 With all the romance of your game,
 With all your high and mighty fame;
 With all your glory, just the same,
 I'd rather write a song.

CHORUS

Let the great professors reek,
 With their Latin and their Greek;
 Keep them both! I'd rather write a song.
 Let O'Neill write all the plays,
 Let him get the critics' praise;
 On my oath, I'd rather write a song.
 Listen, famous statisticians, doctors,
 lawyers, politicians,
 All men with ambitions, fine and strong;
 With all the wonders you conceive,
 With all the triumphs you achieve,
 I swear, so help me, please believe!
 I'd rather write a song.





HAROLD ADAMSON

Now in Hollywood writing songs for Universal Pictures. Left brilliant college career at Harvard to write popular music. Born in Jersey City, N. J. Educated at Hackley Prep, University of Kansas and Harvard.

At college, wrote book and lyrics for several musical comedies, which attracted Vincent Youmans, under whose guidance he progressed rapidly. Among his works are:

PICTURES: *The Road to Reno, Youth Takes a Fling, That Certain Age, Mad About Music, You're a Sweetheart, Hitting a New High, Merry-Go-Round of 1938, When Love Is Young, Breezing Home, Top of the Town, Banjo on My Knee, The Great Ziegfeld, Folies Bergere de Paris, Dancing Lady.* **SONGS:** *The Woodpecker Song, It's a Wonderful World, The Little Man Who Wasn't There, The Thrill of a New Romance, What Are the Wild Waves Saying, Tony's Wife, Moon Rise, Dream Shadows, Thank Your Stars, Time on My Hands, Love Came Into My Heart, Ferry Boat Serenade, It's Been So Long, Where the Lazy River Goes By, Where Are You, I Love to Whistle, That Foolish Feeling, Oh Me Oh My Oh You, I Think You're Wonderful, Sitting in the Dark, Say the Word, Have a Heart.*



MILTON AGER

Has written close to 500 songs and is still active as a writer and a publisher. Born in Chicago and educated in the public schools there. A self-taught musician. His first job was with music publisher as pianist. Came to New York in 1913. Worked as a pianist, arranger and writer. In 1922 formed his own publishing firm, Ager, Yellen and Bornstein. Writer of many stage and screen musicals. Included among his works are:

SHOWS: *Rain or Shine, John Murray Anderson's Almanac.* **PICTURES:** *King of Jazz, They Learned About Women, Chasing Rainbows, Honky Tonk.* **SONGS:** *If I Didn't Care, You Can't Pull the Wool Over My Eyes, You're Letting the Grass Grow Under Your Feet, Little You Know, Dream Man Make Me Dream Some More, Roll Out of Bed With a Smile, There's a New Day Comin', Sweet Muchacha, Sing a New Song, Blame It on the Moonlight, She Don't Wanna, Ain't She Sweet, Crazy Words, Crazy Tune, Lay Me Down to Sleep in Carolina, Could I I Certainly Could, I Wonder What's Become of Sally, Louisville Lou, I'm in Heaven When I'm in My Mother's Arms, I'm Nobody's Baby, Everything Is Peaches Down in Georgia, You Hit the Nail on the Head, Lovin' Sam, Happy Days Are Here Again.*



FRED E. AHLERT

Attended City College of New York and Fordham Law School. Native Manhattanite. He gave up the practice of law to write popular songs.

Is a collector of first editions and stamps. Expert bridge player. Loves golf and deep-sea fishing. Has three sons attending college. The list of his works includes:

SHOWS: *Riviera Follies of 1937, March of Time, Marianne.* **SONGS:** *Many Dreams Ago, I've Got a New Lease on Love, Sing an Old Fashioned Song, I'm Gonna Sit Right Down and Write Myself a Letter, Life Is a Song, I'll Follow You, Why Can't This Go On Forever, Love You Funny Thing, Keep Your Last Goodnight for Me, Where the Blue of the Night Meets the Gold of the Day, Walkin' My Baby Back Home, The One That I Love Loves Me, Mean to Me, I'll Never Ask for More, I'll Get By, There's a Cradle in Caroline, I'd Love to Fall Asleep and Wake Up in My Mammy's Arms, Oh What a Pal Was Mary, The Moon Was Yellow, Just a Little Home for the Old Folks, Here's to Love, With You Beside Me.*

LILY STRICKLAND
ANDERSON

Native of South Carolina, Bachelor of Literature, Converse College, Spartanburg, S. C. While at college met Dr. Walter Damrosch, who helped her secure scholarship at Institute of Musical Art (now Juilliard School).

Has travelled widely and has used the far corners of the earth and its scenes as themes for her songs. One of her best known melodies, *My Lover's a Fisherman*, was inspired while sightseeing in Calcutta, India. Listed among her works are:

OPERETTAS: *The Maid of Killarney, Mutiny on the Mary Anne.* **MUSICAL PLAYLET:** *Fairy Moon.* **COMPOSITIONS:** *Dance Moods, Four Aztec Love Songs, Saharan Silhouettes, Soudanesques, Oubangi, Indienne, Mo' Bayou Songs, Indian Mosaics, From a Caravan, Songs of India, From a Suif's Tent, Bayou Songs, Songs from the South, A Beggar at Love's Gate.* **SONGS:** *Lindy Lou, Miss You So, Just Lovin' You, Laddie Mine, At Dawn, Viking Song, My Jeanie, Jes' My Song, Dreamin' Time, Lonesome Moonlight, Honey Chile, My Arcady, Moon of Iraq, At Eve I Hear a Flute, Here in the High Hills, Home Coming, Jes' Lonesome, Egyptian Scenes, Himalayan Sketches, Through an Indian Gateway, Fairy Moon.*



MRS. H. H. A. BEACH

Born Amy Marcy Cheney in Henniker, N. H. Made her debut as a pianist in Boston when 16 years old. Appeared frequently with the Boston Symphony Orchestra, Kneisel Quartet, Thomas Orchestra, Pittsburgh Orchestra, St. Louis Orchestra and Berlin Philharmonic. Gave piano recitals, at which she played her own works, in the United States and abroad. After her marriage to Dr. H. H. A. Beach, she retired from the concert platform, devoting herself to composition. Her *Mass in E Flat*, presented by the Boston Handel and Haydn Society in 1892, gained her recognition as a representative American composer. Among her works are:

COMPOSITIONS: *Gaelic Symphony, Concerto in C Sharp Minor, Variations on Balkan Themes, Improvisations, Choral Responses, Two Songs for Children, Three Songs.* **SONGS:** *I Sought The Lord, Evening Hymn, Harken Unto Me, The Year's at the Spring, I Shall Be Brave, Dark Garden, June, On a Hill, Around the Manger, In Springtime, By the Still Waters, Spirit Divine, In the Twilight, Dusk in June, Meadow Larks, In Blossom Time, Wind o' the Westland, A Thanksgiving Fable, The Candy Lion, Prayer of a Tired Child, May Eve, Mine Be the Lips, Very Early, Song of Welcome, A Humming Bird, Panama Hymn, Drowsy, Dream Town.*





CHARLES BENTER

Holds the distinction of being the first musician to attain the rank of Lieutenant Commander in the music branch of the United States Navy. He is the founder and officer in charge of the Navy School of Music in Washington, D. C. Is a member of the American Bandmasters Association, National Press Club, Army & Navy Country Club. Holds various service medals.

Born in New York and educated in public schools. In 1929 received an honorary degree of Doctor of Music from Columbia University. In 1905 he enlisted as an apprentice boy musician in the United States Navy. At 19 he was made bandmaster and organized the Navy Band. Since 1919 has been its leader. Included in his works are:

Irresistible March, Lure of Alaska March, Our Navy, All Hands, Light Cruisers, The Submarine Force, A Great American, Comairons, Longwood Gardens, Mi Querida, The White House Correspondents, Navy Blue, Strike Up the Band, Shenandoah National Park; Amarilla, Here Comes a Sailor, Washington Times, A Day Aboard an American Man of War, Chief of Naval Operations, Major Denby, Bits of Hits of Other Days, Commander Battle Force.



IRVING BERLIN

His latest song, God Bless America, is the patriotic melody of the hour, adopted by both the Democratic and Republican campaign committees. His current musical comedy, Louisiana Purchase, is Broadway's biggest stage success.

Songwriter, author, music publisher. For 30 years the outstanding figure in popular music. An unschooled genius of melody and lyrics. Of him it has been said: "Irving Berlin has no place in American music; he IS American music." A few of his works:

SHOWS: As Thousands Cheer, Face the Music, Ziegfeld Follies of 1927, The Cocoanuts, Music Box Revues 1921 to 1925, Ziegfeld Follies 1918 to 1920, Cohan Revue of 1918, The Canary, Rambler Rose, Century Girl, Jack o' Lantern, Dance and Grow Thin, Yip Yip Yaphank, Stop Look and Listen, Step This Way, Watch Your Step, A Real Girl. PICTURES: Alexander's Ragtime Band, On the Avenue, Follow the Fleet, Top Hat. SONGS: Alexander's Ragtime Band, A Pretty Girl Is Like a Melody, Everybody's Doing It, What'll I Do, Say It Isn't So, How Deep Is the Ocean, Soft Lights and Sweet Music, Marie, Russian Lullaby, Blue Skies, Always, Lindy, If I Had You, International Rag, When That Midnight Choo Choo Leaves for Alabama, When I Lost You.



ERNEST BLOCH

A native of Geneva, Switzerland, he studied music there and in Brussels. Served as a symphonic concert conductor in Lausanne and Neuchatel, Switzerland. Was teacher and lecturer at the Conservatory of Geneva. Came to the United States in 1916. Became a citizen in 1924. He founded the Cleveland Institute of Music and was its director for five years. Later was director of the San Francisco Conservatory.

In 1927 his orchestra composition, America, won the Musical America prize and has been played by most major symphony orchestras. Few indications of outside influence are found in his creative works. Generally credited with finding modern musical medium for exaltation of Jewish poetry, as revealed in writings of priests and rabbis of ancient times. Now devoting his time to composition. Among his best known works are:

Concerto Grosso, Four Episodes, America, Abodah, Prelude (Recueillement) Helvetia, Sonata for Piano, Voice in the Wilderness, Evocations for Orchestra, Avodath Kakodesh (Sacred Service).



CARRIE JACOBS BOND

America's beloved queen of music. Still at her piano every day evoking the elusive muse. Immortal composer of The End of a Perfect Day, I Love You Truly, Just a-Wearyin' for You. Born in Janesville, Wisconsin. As widow of country doctor, she turned to songwriting through necessity. Determination and perseverance conquered years of hardship. Soared to fame when Jessie Bartlett Davis, star of Robin Hood, sang her songs.

Grateful music lovers throughout the country paid tribute to her with a bronze tablet on the house where she was born. Among her works are:

At Morning, Noon and Night, Because I Am Your Friend, The Birds, California, Compensation, Consolation, Cottage in God's Garden, The Crimson Breasted Bird, The Dark Lament, Dear California, Democracy, Doan' Yo Lis'n, Do You Remember, The Elopement, God Remembers When the World Forgets, Going to Church with Mother, Got to Practice, Trouble, Have You Seen My Kitty, Homeland, His Buttons Are Marked U. S., A Hundred Years From Now, Lazy River, Just by Laughing, We Are All Americans, The Little House, Roses Are in Bloom, To My Valentine, Lonely Hour, My Garden of Memory, In My Garden.



J. KEIRN BRENNAN

Composer of the immortal ballad, A Little Bit of Heaven. Born in San Francisco. His collaboration with Ernest Ball in a series of ballads lasted until that great Irish composer passed on about fifteen years ago. Self-educated, with the natural learning of a ranch-raised boy. At 14, was night manager of a telegraph office. At 19, cattle buyer for one of the largest ranches in California. Drifted to the Yukon during the gold rush. Then became an entertainer in Chicago. There he met Ball. Included in his works are:

SHOWS: Luana, The Lottery Bride, Music in May, Boom-Boom, Oh Johnny, A Night in Venice. SONGS: One Night of Love, I Close My Eyes and Dream, Watching the World Go By, Dear Old Daddy Longlegs, When Love Comes Knocking at Your Heart, Why Must We Say Goodbye, I Dream of a Castle in Spain, On the Shores of Napoli, Shadows on the Sand, Tell Me How I Can Forget, I'll Let the Whole World Know I Love You, Old Fashioned Locket of Gold, The Sweetness of Your Song, Love Has Given Me to You, I Know a Lazy Lane, I Know a Road, You Hold My Heart.





SHELTON BROOKS

Pioneer Negro composer of the "ragtime" school of music. One of his early compositions, *Some of These Days*, has held a high degree of popularity for more than a quarter of a century. Learned to play the organ instinctively before he learned his alphabet. In his early youth, proficiency at playing the piano helped him to secure professional engagements.

Became a headliner in vaudeville, appearing in the best theatres in this country and abroad. With the passing of vaudeville he devoted himself to composition.

Born in Amesburg, Ontario, his inheritance was the traditional love of the Negro for music. Largely through self-instruction, he penetrated the mystery of written music. He has been credited with having set a distinctive style of musical composition in America. Sophie Tucker has been closely identified with his biggest hits both here and abroad. Among his songs: *Walking the Dog, Darktown Strutters' Ball, Ruf Johnson Harmony, Jean, Swing That Thing, All Night Long, You Ain't No Place but Down South.*



LEW BROWN

Lyric writer and musical comedy producer. "Yokel Boy" was his most recent contribution to the gaiety of Broadway. Now preparing book and lyrics of a musical comedy for next season.

Born in Odessa, Russia. Started writing at early age. Has more than 800 songs to his credit. Joined ASCAP at its inception. The combination of De Sylva, Brown & Henderson flourished for many years as songwriters and as music publishers. Now producer of musical comedies for which he writes books and lyrics. His works include:

SHOWS: Hold Everything, Three Cheers, George White Scandals, Follow Thru, Calling All Stars, Flying High, Hot-Cha, Forward March, Strike Me Pink, Yokel Boy. PICTURES: Tarnished Angel, Carolina, Sunny Side Up, Stand Up and Cheer, The Music Goes 'Round, Vogues of 1938. SONGS: Don't Tell Her What's Happened to Me, Broken Hearted, It All Depends on You, I Used to Love You-but It's All Over, Dapper Dan, Mama Loves Papa, Does Papa Love Mama, Annabelle, Shine, Then I'll Be Happy, Give Me the Moonlight, Give Me the Girls, My Sin.



GENE BUCK

President of American Society of Composers, Authors and Publishers. Helped to organize the Society, in 1914, together with the late Victor Herbert, the late Nathan Burkan, and others.

Born in Detroit. Educated at Detroit College. Originally set out to be an artist, but developed into a songwriter, playwright and producer. Was closely associated with the late Florenz Ziegfeld, Jr., for 17 years. Wrote 20 editions of the Ziegfeld Follies and 16 editions of the Ziegfeld Midnight Frolics. Discovered such talented performers as Will Rogers, Ed Wynn, Eddie Cantor, Joe Frisco and many others for Ziegfeld. Since 1931 he has confined his activities to the affairs of ASCAP. Some of his works include:

SHOWS: Ziegfeld Follies, 1914, 1915, 1916, 1917, 1918, 1919, 1920, 1921, 1922, 1923, 1924 and 1925; Nothing but Girls, Ziegfeld's Midnight Frolic, Girls of 1920, Ziegfeld Frolic, Annie Dear, Palm Beach Nights, Taps the Air. SONGS: Daddy Has a Sweetheart and Mother Is Her Name, Hello Springtime, One Little Hour With You, Carmen Has Nothing on Me, No Fooling, Who Do You Love.



HARRY T. BURLEIGH

A Negro artist whose career as a baritone singer and composer exemplifies the kinship of art that knows no race. His ballads, concert songs and arrangements of Negro spirituals have been favorites of our greatest singers for many years. Has sung before distinguished audiences both here and abroad. Baritone soloist at St. George's Protestant Episcopal Church, New York City, for 44 years.

Famous for his arrangement of the Negro spiritual, *Deep River*. A charter member of ASCAP. Has honorary degrees of Master of Arts from Atlanta University and Doctor of Music from Howard University. Among his works are:

Mother O' Mine, Southern Lullaby, Little David Play on Your Harp, Didn't My Lord Deliver Daniel, Scandalize My Name, Steal Away, Couldn't Hear Nobody Pray, Go Down Moses, Swing Low Sweet Chariot, Heav'n's Heaven, Go Down in the Lonesome Valley, Swan Still Jordan, Deep River, Ezekiel Saw De Wheel, Promised Land, Nobody Knows De Trouble, Don't Be Weary Traveler, Just You, Hear De Lamb's a Crying, Give Me Jesus, 'Tis Me O' Lord, Oh! Rock Me Julie, De Creation, Didn't It Rain, Little Mother of Mine.



ERNIE BURNETT

Wrote one of the greatest popular song successes of all time, *My Melancholy Baby*. Written in 1910, the song has become an American classic. Born in Cincinnati, Ohio. Of French-Italian-Austrian ancestry. Spent youth in various European countries, where he studied music. Toured in vaudeville with an act called "The Pianophiends."

Later was employed as a piano player in San Francisco and Denver. Was gassed in the World War. Ordered into an army hospital, where he remained for ten years. Cured in 1931, he renewed his enthusiasm for popular song writing. His songs include:

Steamboat Rag, My Kathleen, Longing for You, Love Me or Leave Me, My Dixie Rose, An Ocean of Love With a Kiss on Each Wave, Melancholy Me, The Band Played On and On, Cabin in the Carolines, It's a Long Lane That Doesn't Have a Turning, Tomorrow, Angel's Ragtime Ball, All for a Girl, Let Me Live in Your Heart, Sing Me a Song, Alone in a Crowd, We'll Meet Again, I'm Burning a Fire, The County Trumpet, Sunset in Bermuda, Don't Ask Me Why I'm This Way, Please Take a Letter, Miss Brown, Georgia Serenade, You'll Want Me to Want You Some Day.





CHARLES WAKEFIELD CADMAN

Composer of semi-classical songs such as the immortal *At Dawning* and *Land of the Sky Blue Waters*. In addition, he is a creator of music in practically every form. Has written everything from elementary teaching pieces for kiddies to grand operas. His contribution to American music consists of more than 300 songs as well as compositions for piano, organ, violin and chorus.

Has been a member of the American Society of Composers, Authors and Publishers since its inception. Holds membership in the National Institute of Arts and Letters and honorary degrees of Doctor of Music from the University of Southern California and Wolcott Conservatory of Music in Denver. Is regarded as an authority on American Indian music and folk-song. He was born in Johnstown, Pa., in 1881. His list of works include:

Cheerful Indian, Stars Over the Hills, Red Rock Gnomes, The First Snow, Evening in the Ozarks, Sonata in G, Sonata in A, Trio in D Major, Canoe Song, Spring Song of the Robin Woman.



IRVING CAESAR

A benevolent and ultra-modern Pied Piper. Has saved the lives of hundreds of children through his *Songs of Safety*. Native Gothamite. Was student at City College of New York when invited to become stenographer aboard Henry Ford's 'Peace Ship' during World War.

Is keen student of current world affairs. His lyrics have been translated into almost every civilized tongue. No, No Nanette, of which he was co-author was one of the most successful musical comedies of our times. His *Tea for Two* and *I Want to Be Happy* for the show turned into perennial favorites. Among his works are:

SHOWS: Good Morning Judge, Greenwich Village Follies, Hilly-Koo, Poppy, No No Nanette, Sweetheart Time, Yes Yes Yvette, Ziegfeld's Palm Beach Girls; Show Girl, Nina, Rosa, George White's Scandals, Wonder Bar, Curleytop, White Horse Inn. SONGS: Swanee, Supposing, Head Over Heels in Love, Can I Forget, Love Is Such a Cheat, Is It True What They Say About Dixie, If I Forget You, That's What I Want for Christmas, Sing-a-Song-of-Safety Series.



HOAGY CARMICHAEL

The haunting melody of his *Stardust* made it one of the greatest song successes of a generation. A college graduate, he gave up practice of law in Florida to turn his talents to song-writing. Born in Bloomington, Indiana, he early learned to play the piano. Defrayed the cost of college education by playing with orchestra. His compositions while at college drew attention of publishers and orchestra leaders.

On completion of his college course, was invited to enter music publishing house. Took job in bank instead. Tried law. Joined Jean Goldkette's orchestra and turned attention to musical composition. His hobby is tennis. His works include:

SHOWS: The Show Is On. PICTURES: I Met Him in Paris, Sing You Sinners, Thanks for the Memory, Say It in French, A Song Is Born. SONGS: Stardust, Rockin' Chair, Georgia on My Mind, In the Still of the Night, Lazy Bones, Sing Me a Swing Song, Jubilee, Sing a Song of Nonsense, Ballad in Blue, One Morning in May, Daybreak, South Breeze, Manhattan Rag, Papa Treetop Tall, Snowball, Our Jim, Jolly Two-Step, Come Easy Go Easy Love.



JOHN ALDEN CARPENTER

Born in Park Ridge, Illinois. Bears a name that comes to him by direct descent on his father's side from the original John Alden of Plymouth, Mass., who was among the first settlers of New England. Studied music with John Knowles Paine at Harvard. His songs are great favorites with concert singers. Holds honorary Master of Arts degree from his alma mater, Harvard. In 1921 received the Legion of Honor decoration from the French Government.

Has made interesting use of modern rhythms in his works, mainly ballets and orchestral compositions. His high idealism is perhaps most apparent in the choral ode he composed for the George Washington bi-centennial celebration in 1932. For this *Song of Faith*, as he called it, he provided a text of his own, some of it taken from Washington's actual words. Among his works are:

Adventures in a Perambulator, Concertino for Piano and Orchestra, Skyscrapers, Song of Faith, Birthday of Infanta, Krazy Kat, violin concerto, songs for voice and chamber orchestra, a string quartet and two ballets.



FRANK E. CHURCHILL

Composer of the hit songs in Walt Disney's *Snow White*, one of the greatest motion pictures ever produced. Has been in Hollywood under contract to Disney Studio since 1930. Ancestors came to America in 1609. One of his forebears was John Churchill, a son of Duke of Marlborough. Started studying for medical career at University of California.

His music for *The Three Little Pigs* has practically become history. This music, incidentally, was his first creative effort. Unlike most composers, he can write his music without first having the lyrics. He can work from an idea, a given sequence, a scene or a character. Included in his works are:

PICTURES: Snow White, Three Little Pigs. SONGS: Who's Afraid of the Big Bad Wolf, Spring Is in the Air, Ain't Nature Grand, Who'll Buy a Box Lunch, The Golden Touch, Slow But Sure, The Big Bad Wolf Is Back Again, Someday My Prince Will Come, With a Smile and a Song, I'm Wishing, Heigh-ho, Happy as a Lark, Put Your Heart in a Song, The Sunny Side of Things, One Song, Whistle While You Work, Snow White.





GEORGE M. COHAN

The original Yankee Doodle boy. Born on the Fourth of July. Rhode Island's favorite son. Successful songwriter before 21. Writes both words and music. Is most versatile man in show business. For years wrote his own plays, directed them, starred in them, and produced them himself. Wrote and sang his own songs. Also danced.

Has starred in vaudeville, musical comedy, drama, on the screen and radio. Has written hundreds of songs of every description. Congress voted medal, and President Roosevelt presented it to him, for writing *Over There*. Some of his works:

SHOWS: Little Johnny Jones, Forty-Five Minutes From Broadway, Talk of New York, The Honeymooners, The Yankee Prince, The American Idea, Little Nellie Kelly, Rise of Rosie O'Reilly, Mally Malone, The Cohan Revue of 1916, The Cohan Revue of 1918, Hello Broadway, Little Millionaire, Billie. SONGS: Give My Regards to Broadway, I'm a Yankee Doodle Dandy, It's a Grand Old Flag, So Long Mary, Mary Is a Grand Old Name, Life's a Funny Proposition After All, Good Old California, Goodbye Flo, They're All My Friends, Always Leave Them Laughing When You Say Goodbye, What a Man, I'm a One Girl Man.



JAMES FRANCIS COOKE

Author, composer, executive, publisher, editor, educator. Born in Bay City, Michigan. Studied music in the United States and Europe. Since 1907, editor of *Etude*, magazine of music. Holds honorary degrees of doctor of music from many universities. Member Sons of the Revolution, Philadelphia Art Club, Art Alliance, Rotary International, Franco-American Institute of Science, Alliance Francaise. Decorated by France as Chevalier of Legion of Honor.

Books on music include *Great Pianists on the Art of Piano Playing, The Standard History of Music, Mastering the Scales and Arpeggios, Musical Playlets, Music Mastera Old and New, Great Singers on the Art of Singing, etc.* Compositions include:

In a Garden Filled With Roses, Valse Encore, Lawn Fete at Versailles, Twilight at Carcassone, Negro Lament, Summer Skies, Jasmine and Nightingales, Hungarian Echoes, Fire Dance, Beautiful Isle, An Old Portrait, The Angelus, Only to Live in Your Heart, The Breath of Allah, Rose of Killarney, The Moon Flower, March of the Daffodils, Columbine, Rose of Andalusia, Love's Good Night, Forest Voices, Ol Carolina, Valley Forge March, Time's End, Pansy Polka.



J. FRED COOTS

Born in Brooklyn. Mother a concert pianist, and father a church singer. Sold first song at 16. A prolific writer since. Has nearly 500 songs registered with ASCAP. In 1922 four musical comedies on Broadway featured his numbers. Has done songs for over 20 shows.

Is member of The Lambs, New York Athletic Club, Catholic Actors' Guild. A skillful bridge player, also enjoys golf. While active in popular music, has deep interest in classic music. Ambition is to prepare musical work in modern popular idiom which will lend itself to production by Metropolitan Opera. Among his works are:

SHOWS: Green Fruit, Ritzie, Sons o' Guns, Ripples, Casino Varieties, Hollywood Holiday, Cotton Club Parade, Spice of 1922. PICTURES: Illusion, Broadway Bill. SONGS: You Go to My Head, There's Honey on the Moon Tonight, Who's Honey Are You, This Time It's Love, Two Tickets to Georgia, There's Oceans of Love by the Beautiful Sea, Love Letters in the Sand, I Miss a Little Miss, I Still Get a Thrill, You Can't Stop Me From Falling in Love With You, Pal of My Sweetheart, Days, Just Another Kiss, A Precious Little Thing Called Love, My Little Dream Boat, Fascinating Lady.



WALTER DAMROSCH

Dean of American Musicians. Still an active figure in classical music circles. Born in Breslau, Silesia, in 1862. Is an authority on compositions of Wagner and Liszt. Was conductor of Metropolitan Opera Company. Also composer and producer of operas. Has been honored with Doctorate degrees by New York University, Princeton, Columbia, Brown, University of New York State, Washington and Jefferson College. In recent years has added to his achievements with radio broadcasts on music appreciation.

His proudest boast is "I am an American musician." In his original compositions and concert programs reveals ardent devotion to his adopted country. His works include:

OPERAS: The Man Without a Country, The Dove of Peace, The Scarlet Letter, Cyrano de Bergerac. SONGS: Star Spangled Banner (his own special arrangement), The Friar's Song, Nuptial Procession, The World Well Lost, Danny Deever, First Love Remembered, The Looking Glass, My Heart Is a Lute, Sudden Light, Mandalay, Mary Magdalene, My Wife, The Virgin Mary to Child Jesus, Manila Te Deum; The Deserted Plantation, Was Ever a Maid of Spain, Death and General Putnam, Sonata for Piano and Violin, Ein Feste Burg



B. G. DE SYLVA

Producer of Broadway's latest musical successes, *Du Barry Was a Lady* and *Louisiana Purchase*. Born in New York of theatrical parents. Co-author and lyricist of some of the most successful musical shows produced on Broadway. Producer of many of Hollywood's best musical pictures. With Lew Brown and Ray Henderson, he formed his own publishing company. Generally credited with being greatly responsible for Shirley Temple's success in pictures.

After eight years as writer-producer in Hollywood, returned this year to Broadway and produced two big musicals. His works include:

SHOWS: Sally, Ziegfeld Follies 1921, Greenwich Follies, Bombo, I'll Say She Does, Broadway Whirl, Big Boy, Queen High, George White Scandals, Manhattan Maru: Good News, Three Cheers, Follow Thru, Flying High, Take a Chance. PICTURES: Sunny Side Up, Say It With Songs, Just Imagine, Indiscreet, My Weakness, Under a Pampas Moon, The Littlest Rebel. SONGS: Sonny Boy, When Day Is Done, Broken Hearted, It All Depends on You, Cottage Small by a Water Fall, California Here I Come, I'll Build a Stairway to Paradise, I'll Say She Does, N'Everything.





PETER DE ROSE

Composer, lyricist and thorough musician. Comes by his musical heritage naturally. Born of Italian parents in New York, educated in schools there. Musical education began when he was 12. Soon was writing melodies. On finishing school, worked in music house.

In 1923, teamed with May Singhi Breen. He played the piano, she the ukulele, and both sang in a new and inimitable style. Soon duo of May Singhi Breen and Peter De Rose was among foremost stars of National Broadcasting Company. Nor has their radio popularity dimmed through the years. His output includes:

SHOWS: Broadway to Paris, Burlesque, Yes Yes, Yoette, Feelin' Blue, Ziegfeld Follies, Earl Carroll Vanities; **PICTURES:** Lone Wolf's Daughter, Eternal Love. **SONGS:** The Lamp Is Low, On a Little Street in Singapore, To Know You Is to Want You, I Wonder Where My Old Girl Is Tonight, Deep Purple, When Your Hair Has Turned to Silver, Somebody Loves You, Memphis Blues, Linda, A Garden of Roses and You, Down Among the Sugar Cane, Sunshine in Your Big Blue Eyes, Mary You're the Sweetest Girl I Know, Russian Rose, Inspiration, Have You Ever Been Lonely, One More Kiss Then Goodnight.



NATHANIEL R. DETT

Negro composer, born in Drummondville, Ontario. Is an authority on Negro folk songs and spirituals. Has Bachelor of Music degree from Oberlin College and Master's degree from Eastman School of Music. Director since 1913 School of Music, Hampton Institute. Author of Dett Collection of Negro Spirituals in four volumes.

In 1920 won Harvard Bondwin prize for essay, The Emancipation of Negro Music. In 1927 received first award for creative music from Harmon Foundation, also Palm and Ribbon from Royal Belgian Band by order of the Queen. Received Doctorate degrees from Oberlin College and Howard University. In 1929, as conductor of Hampton Choral group, toured U. S. under sponsorship of Elizabeth Sprague Coolidge. For some years has been working on an oratorio. Has also written a symphony and choral works. Among his works are:

Album of a Heart, The Magnolia Suite, In the Bottoms, Listen to the Lambs, The Chariot Jubilee, America the Beautiful, Enchantment Suite, Cinnamon Grove Suite, Tropic Winter Suite, Don't Be Weary Traveler, Juba Dance.



HOWARD DIETZ

An outstanding motion picture executive. Is advertising and publicity director for Metro-Goldwyn-Mayer. Born in New York City. Attended public schools and Columbia University. A noted writer of light verse, his contributions have appeared in many magazines and newspapers. Is top rank bridge expert.

During the World War was editor of Navy Life, publication of the Hampton Roads Naval base. Wrote lyrics, sketches and planned scenes for many successful Broadway musical productions and motion pictures. His works include:

SHOWS: Three's a Crowd, Second Little Show; **PICTURES:** The Band Wagon, Flying Colors, Revenge With Music, At Home Abroad, Between the Devil; **RADIO REVUE:** The Gibson Family. **SONGS:** I Guess I'll Have to Change My Plan, Is It All a Dream, Got a Man on My Mind, I've Made a Habit of You, If You Think It's Love, Weeping Willow Tree, The Melody of Love, In a Little Hideaway, Moanin' Low, How Can We Be Wrong, I Can't Forget, Caught in the Rain, All Lanes Must Reach a Turning.



WALTER DONALDSON

Currently in Hollywood composing music for Second Chorus, a Boris Morros production for Paramount release. Is a self-taught musician. Noted style setter in the creation of popular American music.

Born in Brooklyn and educated there. His mother was an accomplished pianist and teacher of music. While at high school started composing school songs. His first three songs sold more than eight million copies. Has written song hits for many of Hollywood's best musical films. His Blue Heaven, written over a decade ago, still a favorite. Among his works:

SHOWS: Whoopie, Simple Simon Follies. **PICTURES:** Hot for Paris, Cameo Kirby, Glorifying the American Girl, Operator 13, Hollywood Party, Kid Millions, Here Comes the Band, The Great Ziegfeld, Suzy, That's Right You're Wrong. **SONGS:** Blue Heaven, You've Got Ev'rything, You're Telling Me, That's What I Like About You, Nobody Loves No Baby Like My Baby Loves Me, You're Driving Me Crazy, She's Wonderful, In a Bamboo Garden, Because My Baby Don't Mean Maybe Now, If I Can't Have You, There Must Be a Silver Lining, After I Say I'm Sorry, I've Got the Girl, Sam the Accordion Man.



AL DUBIN

Member of a leading Hollywood tunesmith team. Born in Zurich, Switzerland. Father was prominent Philadelphia physician. Mother an analytical chemist for U. S. government. Educated at Perkiomen School. Wrote material for vaudeville artists.

One of the first songwriters to arrive in filmland during the musical cycle in the early talking picture days, the Gold Rush of '30. With his collaborator, Harry Warren, wrote dozens of musical pictures for Warner Bros. Works include:

SHOWS: Macushia, Ritzie. **PICTURES:** First Kiss, Gold Diggers of Broadway, Evidence, Show of Shows, She Couldn't Say No, Sally, Dancing Sweeties, Oh Sailor Beware, Hold Everything, Top Speed, Blessed Event, Crooner, Forty-Second Street, Footlight Parade, Roman Scandals, Gold Diggers of 1933, Moulta Rouge, Wonder Bar, Dames, 20 Million Sweethearts, Sweet Music, Gold Diggers of 1935, Go Into Your Dance, Broadway Gondolier, Stars Over Broadway, Shipmates Forever, Living on Velvet, In Caliente, Page Miss Glory, Hearts Divided, Colleen, Cain and Mabel, Gold Diggers of 1937, Sing Me a Love Song, San Quentin, Melody for Two, Mr. Dodd Takes the Air, Gold Diggers in Paris, Garden of the Moon.





WILL EARHART

Now director of music for Pittsburgh public school system. Author and writer on musical education. A frequent contributor of articles to various musical magazines. Recognized authority on music teaching methods.

Native of Franklin, Ohio. Educated in public and private schools. Teacher and supervisor of music in various Ohio cities. Received Doctor of Music degree from University of Pittsburgh in 1912. His progressive ideas in musical instruction are widely followed. Has done much to develop musical study in relation to child education. Stresses need of youth of America for instrumental as well as vocal training. Among his works are:

Calm At Sea, Below in the Valley, Farewell, Oh 'Tis the Melody, Cradle Song, The Song of the Drummer, Golden Sun Streaming, Sleep Little Angel, By the Light of the Moon, If Thou Be Near, Blessed Redeemer, As From the Sun a Ray, Soul of My Heart, To Part Ah Grief Unending, The Jailer's Slumber Song, Return to the Mountain Home, Night and Dreams, Here Amid the Shady Woods, The Song of the Nightingale, The Cradles, Serenade, Leave Me in Sorrow, Request, Ring Ring De Banjo, Come With Thy Sweet Voice Again.



GUS EDWARDS

At present in Hollywood. A picture based on his life, called *The Star Maker*, was a recent Paramount release. Has been called the Columbus of the amusement world. Discovered such personalities as Eddie Cantor, Georgie Jessel, Walter Winchell, Eleanor Powell, Georgie Price, Elsie Janis, Groucho Marx.

All of these talented performers, as youngsters, appeared in his musical productions when vaudeville was the popular form of entertainment. Among his works are:

SHOWS: Sho-Window; PICTURES: The Gamblers; SONGS: By the Light of the Silvery Moon, Goodbye Little Girl-Goodbye, Tammany, School Days, Morning Noon and Night, Wonderful You, Every Day Is Mother's Day For Me, When You're in the Arms of the One You Love, When the Roses Bloom Again, I Can't Tell Why I Love You, Every Mother's Lullaby, Old Fashioned Rose, Someone's in Love With You, Minstrel Days, Orange Blossom Time, Back in My Old Home Town, Wrap Me in a Spanish Shawl, That International Melody, Side By Side By the Zeyder Zee, Hello Melody Goodbye Jazz, Honeymoon Parade, His Master's Voice, Member When, Out of a Clear Sky, I'm Gonna Meet Minnie Tonight.



DUKE ELLINGTON

Between barnstorming and composing popular tunes, he's still working on his symphonic history of the Negro race. Been at it five years now. Born in Washington, D. C., where his father was a government employee. After finishing high school he won a scholarship at Pratt Institute, but never claimed it, because piano playing paid him better.

Formed his own band in 1924 and hit New York. After being turned down everywhere, returned to Washington. He came back to Broadway two years later and this time one engagement led to another. Won an American Society of Composers, Authors and Publishers first prize award of \$2,500 for *Solitude*. His works include:

Rockin' in Rhythm, Mood Indigo, It Don't Mean a Thing, Drop Me Off in Harlem, Sophisticated Lady, Solitude, Blue Feeling, In a Sentimental Mood, Yearning for Love, I Let a Song Go Out of My Heart, Creole Love Call, Mississippi Moan, Haunted Nights, Syncopated Shuffle, Moon Over Dixie, Sweet Chariot, Sump'n 'Bout Rhythm, Caravan, Alabamy Home, Steppin' Into Swing Society, Skronch, The Blues I Love to Sing, Black and Tan Fantasy, Blue Bubbles, New Orleans Low Down.



MISCHA ELMAN

Genius of the violin. One of the greatest attractions of the concert halls. Made first public appearance before concert audience when five years old. Born in Stalnoje, Russia. Studied with Fidelman at Royal Music School, Odessa, for five years. In 1902 accepted invitation of Professor Leopold Auer of Petrograd Conservatory to study with him. Has honorary degree Doctor of Music from Chicago Musical College. Greeted as great artist in St. Petersburg at age of 13. Has made several tours of the capitals of Europe. Made debut in New York, 1908.

Has since appeared with all major American and European orchestras, in addition to touring the Orient. His annual concert tour of the United States is a major musical event everywhere. Among his works are:

Contra Danses, Orientale, Serenade, Song Without Words, Das Herzenschlussellein, Der Toten Mutter, In a Gondola, The Departure, Die Herrliche (The Enchantress), In Stillen Garten, Deep River, Grandmother's Minuet, Mischa Elman Favorite Encores, After a Dream (Apres un Reve), Dew Is Sparkling, Passepied, Polka Boheme, Scarf Dance, Mischa Elman Concert Folio, A Woman's Love, Eli Eli, Notturmo, Romance, Tango.



FATHER FINN

Noted founder and conductor of the Paulist Choristers, famous boys' choir of St. Paul's Roman Catholic Church, New York City, since 1918. Born in Boston, Mass. Educated at Boston Latin School, St. Charles College, Maryland, Catholic University Magister Cantorum, and the Vatican in Rome. Has a Doctor of Literature degree from Notre Dame. Ordained a priest in 1906. Organized Paulist choristers at St. Mary's Church in Chicago.

His choral group made a tour of Europe in 1912. Transferred with choir to New York in 1918. The broadcasts of his organization since early days of radio have set a high standard in American choral music development. Has composed more than 60 Christmas Carols. Is the author of *Epitome of Choral Technique and Art of the Choral Conductor*. Included among his works are:

Tell Him a Welcome, Sleep of Divine Infant, A Wassail Gentes, The Hills, The Virgin Lullaby, Noel Alleluia, Te Lucis ante Terminum, The Easter Sermon of the Birds, A Rhythmic Trilogy for Easter, The World Itself Keeps Easter Day, Cease Thy Weeping Magdalena, Come See the Place Where Jesus Lay.





WILLIAM ARMS FISHER

As editor and writer, has a tremendous influence in the music world. Born in California, he had a thorough musical education in this country and England. After writing songs, became editor and publication manager for Oliver Ditson Co. On retirement in 1937 was vice-president of firm.

Edited The Musicians Library, Music Students Library, Music Students Piano Course and A Course of Study in Music Understanding. Is a past president of the Music Teachers National Association. Author of Notes on Music in Old Boston, Ye Olde New England Psalm-Tunes, Music That Washington Knew, 150 Years of Music Publishing. Among his works:

Swing Low Sweet Chariot, Steal Away, Sometimes I Feel Like a Motherless Child, Wearying For You, Lassie With the Lips So Rosy, Goin' Home, Eili Eili, Deep River, Be Comforted Ye That Mourn, What a Tryin' Time, I'm Troubled in Mind, How Sleep the Brave, Hymn of Peace and Good Will, Awake Thou That Sleepest, Nelly My Lous and Me, So Near to God, Sleep Darling Sleep, Eastern Morn. I Know Not Why, The Rose of Ispahan, The Angel at the Door, Don't Be Weary Traveler, I Heard a Cry, Tell Me So, When Allah Spoke.



RUDOLF FRIML

One of the most prolific composers of recent times. Currently on a world cruise. He gave up a promising career as concert pianist and composer of classical music to write American light operettas. Born in Prague, Bohemia. Studied at Prague Conservatory. Dvorak was his composition instructor. Jiraneck, his piano teacher. Kubelik a fellow student.

Came to America in 1906 for concert engagement at Carnegie Hall. Has composed music for many of the most successful musical plays seen on Broadway since the turn of the century. Has collaborated with Oscar Hammerstein II, Gene Buck and many other topnotch lyricists. His list of works includes:

SHOWS: Luana, The Lottery Bride, The Vagabond King, The Musketeers, The White Eagle, Ziegfeld Follies of 1921, Smoke Rings, June Love, High Jinks, Firefly, Rose Marie; SONGS: I Found a Bud Among the Roses, When I Waltz With You, Madeleine, Bring Back My Blushing Rose, Two Lovely Eyes, Roses in the Garden, Chansonette, Florida, The Moon and You, When I Hear an Old Fashioned Waltz, No Foolin', A Gypsy of Song, I Want the World to Know, My Sweet Bambina, On the Blue Lagoon.



IRA GERSHWIN

Brother of the late George Gershwin. Wrote lyrics for most of his famous brother's musical compositions. Record as lyricist places him in ranks of foremost present day writers of popular music. Native New Yorker. Educated in public schools and City College of New York. Fond of books from early childhood. Often reads 10 or 12 novels a week.

Before turning to music was photographer's assistant, shipping clerk, reviewer for theatrical trade journal. First wrote lyrics under name of Arthur Francis in order to gain recognition in own right. His works include:

SHOWS: Ladies First, La La Lucille, Dere Mable, Vogues and Vanities, Two Little Girls in Blue, Dangerous Maid, The Sweetheart Shop, For Goodness Sake, Scandals of 1922, Be Yourself, Lady Be Good, Funny Face, Rosalie, Girl Crazy, Strike Up the Band, Crazy Quilt, Social Register, Let 'Em Eat Cake, Life Begins at 8:40, Porgy and Bess; PICTURES: Shall We Dance; SONGS: Cheerful Little Earful, Soan, Do What You Do, Liza, I've Got a Rainbow, Feeling I'm Falling, Maybe, Sweet and Low Down, That Certain Feeling, When the Castles Come Tumbling Down.



L. WOLFE GILBERT

He liked Hollywood climate and movie money so much he opened his own publishing house on the coast. Born in Russia, his family settled in Philadelphia when he was about three. Attended school there until 14, when he came to New York. Tried to get on the stage, but wound up as copy boy on the Post. Finally clicked with a rep show, then followed vaudeville, burlesque, night clubs. While touring with John L. Sullivan he wrote his first song.

Ups and downs were followed by succession of smash hits. Then came executive jobs in publishing industry. Among his works:

PICTURES: Love Among the Millionaires, Paramount on Parade, Romance of Rio Grande; SONGS: My Son My Son, Take Me to the Swanee Shore, Mammy Jimney's Jubilee, My Mother's Eyes, My Sweet Adair, Don't Wake Me Up Let Me Dream, My Little Dream Girl, Shades of Night, I Miss My Sues, Oh Katharine, Mama Inez, Marta, The Peanut Vendor, Jeannine I Dream of Lilac Time, Lily of the Valley, Ramona, Hitchy Koo, Waiting for the Robert E. Lee, Hello Aloha How Are You, Chiquita.



EDWIN FRANKO GOLDMAN

Generally regarded as America's greatest living bandmaster. Creator of famous band bearing his name. His mother was famous concert pianist. Native of Louisville, Ky. Came to New York to study music. Won scholarship in National Conservatory. Studied composition under Dvorak, cornet under Jules Levy. Youngest cornet soloist with Metropolitan Opera orchestra.

Organized his symphony orchestra in 1918. In 1924, through gift of Guggenheims to New York City, his outdoor concert became civic enterprise. Has written many books on band conducting and organizing. Has honorary Doctor of Music degrees from Phillips University and Boston University. Honorary life president of American Bandmasters' Association. Honorary music counsellor of the Boy Scouts of America. His works include:

Cherokee March, On the Green, Springtime Fancies, Columbia March, The Spirit of Youth, On the Campus, Central Park March, Italian Fantasy, Theme and Variations, Tribute to Sousa, Valley Forge, In the Clouds, Southern Echoes, On the Heights, Happy Go Lucky, Jubilee (The Goldman March Album), On the Mall, Sunapee, Sagamore, Eagle Eyes, Indian March, Radio City, Mother Goose, Pride of America, Chimes of Liberty.



Damon Runyon On ASCAP

(From syndicated column, "The Brighter Side," by Damon Runyon, copyright 1937 by King Features Syndicate, Inc.; reprinted by special permission)

ABOUT twenty-five years ago the songwriters and song publishers of the United States took up serious consideration of the fact that while they made the nation's songs, the nation was not paying for them. This reminiscence, we might add, was somewhat characteristic of the nation up to that time.

For a great many years the nation had made a practice of leaving its songwriters to die broke, with appropriate pauses a few generations later for a few tears in their memory, perhaps on the occasion of the unveiling of a bust. A couple of orders of ham and eggs while the songwriters were alive would have done them more good.

So many of our old-time songwriters died broke that it became the popular impression that a songwriter was supposed to die broke, like Stephen Foster. The impression was generally enhanced by a little tradition that the songwriter loved a beautiful girl, but failed to get her, so he wrote a song about his love for her shortly before he curled up and died broke.

We do not find any special impression of the song publisher. Perhaps he was supposed to be some nice old man with whiskers who published the songs as a hobby. Anyway, if a couple of lads got together in a back room and sweated out a lyric and melody that some optimistic publisher produced in printed form, and the nation sang, the nation seemed to feel that the glory of authorship was sufficient reward.

Finally Organized

We fear the nation never got to know its songwriters. Songwriters cannot eat glory. They thrive better on salary.

Years ago a song born of inspiration and hard work could be pirated by any theatre or other place of public entertainment and played and sung, with no thought of paying the authors or publishers. It was the same thing as appropriating the copyrighted work of a novelist, or playwright, or even of an inventor, without permission or pay, though it took a long time to convince some persons that a song was not public property.

Of course, the authors and publishers of songs got their money out of the original sheet music, and the sale of sheet music was a nice item in the days when popular songs sold up into the millions and individual songwriters made as high as \$100,000 a year.

But nowadays, when the radio has knocked the sheet music business cockeyed, and the playing of musical instruments is not the popular pastime it used to be, the writers and publishers have reason to thank their lucky stars that they got together those twenty-five years back and formed ASCAP.

Receipts Pooled

ASCAP means the American Society of Composers and Publishers. It represents the most shining example in this country of an industry solving its own problems. It is said that no member of ASCAP ever has been on relief.

The organization was not a new idea. It had existed for years before the late Victor Herbert and others got to agitating it here, in France, Germany, Italy and other countries. In France it is known as the Petite Doit, or small arts.

The fees collected on foreign compositions go to the countries in which the authors live, and the foreign countries in turn send to ASCAP the royalties collected on the use of American works abroad. The members of ASCAP are classified according to their past work and current activity, and all the money collected is pooled and then prorated yearly among the members in line with this classification.

The highest rating in the society is AA, and the top money is \$15,000. This, of course, has no reference to the publication royalty fees of the writer or the publisher. A member is rated according to the number and importance of his works, whether they have stood the test of time, how frequently they are played and the nature of the performance.

Wins Recognition

In short, in good times and bad a songwriter or publisher allied with ASCAP is practically assured of some income. He does not have to worry about starving to death, anyway.

In some parts of the country it is said ASCAP still meets with opposition from small networks and others who cannot see why they are not allowed to use copyright productions at their own sweet will, but in general the purpose and the value of the society is pretty well recognized.

Mr. Irving Caesar, a songwriter and publisher, volatile and sometimes voluble, summed up ASCAP right nicely one night at a dinner to Mr. Gene Buck, who used to author for Flo Ziegfeld, and who has been president of the society so long the younger members think he was born in the job. Mr. Caesar said:

"It is the outstanding and most successful of all cooperative movements."
"And everybody said 'Hear, hear!'"

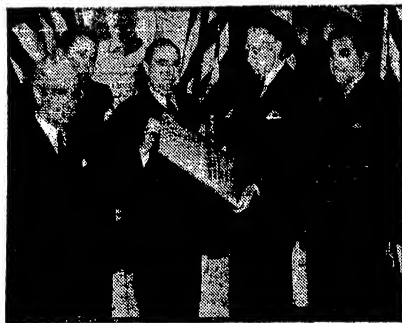
MUSIC REMAINS

By GLADYS SWARTHOUT

COUNTRIES may be conquered, boundaries may be changed and peoples may be merged, but fortunately, music remains.

The culture of a people is passed on through its art, music, literature, painting, sculpture. But while paintings, books and buildings can be destroyed, music survives. And from the songs of a people we learn their folkways, their beliefs, their manner of living.

Today composers and instrumentalists can make a tremendous contribution not only to music but to civilization by preserving the folk songs of the many nations on a constantly changing world map.



Gene Buck, ASCAP president, receiving from Postmaster Albert Goldman the first block of stamps in the Victor Herbert series. At left is Edwin Franko Goldman, and behind Buck is John Golden.

Government Honors Composers

By GENE BUCK

IN RECOGNITION of the cultural value and influence of music, a signal honor was conferred on American composers this year when Postmaster General James A. Farley directed the issuance of special postage stamps in memory of five noted creators of native music. The names thus commemorated in the Famous Americans series of stamps were Victor Herbert, John Philip Sousa, Edward MacDowell, Stephen Collins Foster and Elmerbert Nevin.

As evidence of the keen interest in these stamps among both collectors and the general public, first-day sales of the Herbert 3-cent stamp in New York on May 13th amounted to 1,234,128 copies, while 168,200 covers were cancelled. The first stamp in this series was bought by ASCAP's president from Postmaster Albert Goldman.

The MacDowell stamp, a 5-cent denomination, launched its sale in Peterborough, New Hampshire, on May 13th, when 210,208 stamps were sold and 135,155 covers handed. Sales on the other three issues were in slightly smaller amounts. The Foster 1-cent stamp had its first-day sale in Bardstown, Kentucky, on May 3rd; the Sousa 2-cent stamp in Washington, D. C., May 3rd; and the Nevin 10-cent stamp in Pittsburgh, Pa., June 10th. (Incidentally, issuing of memorial stamps in honor of noted American composers was suggested in the November, 1937, issue of ASCAP Journal.)

Medal to Cohan

Another government honor, in appreciation of the important role played by the songwriter in the life and history of the nation, was the presentation of a gold medal to George M. Cohan for his authorship of the famous World War song, "Over There." The medal actually was awarded to Cohan by Congress four years ago, but the presentation did not take place until this year. President Franklin D. Roosevelt personally handed the token to Cohan at the White House.

Songwriters Best Friends Of Orchestra Leaders

By ABE LYMAN

AMONG the many troubles an orchestra leader has—and having led my own orchestras for 25 years, I know them all—one of the worst is the monotony which creeps into dance music routines when once popular tunes shed their glamor and begin to bore listeners. In order to meet the everlasting demand for novelty and change, orchestra leaders are forced to resort to frequent and difficult arrangements, but the real "trouble shooter" is the songwriter who arrives at the critical moment with a new number intriguingly worded and catchily tuned.

For some years I was associated with that magnificent team of songsmiths, Gordon and Revel. With those boys around, there was never a dull moment, a complaining listener or a stale repertoire. Band leaders often find their own crews going haywire. Despite use of every trick in the bag, the listless gang plays like a bunch of zombies in a musical mechanism. The band leader who studies the psychology of his men, watching them as they play the same tunes over and over on the podium, or in the band shell, knows what other cannot detect. It's time to slip a new song into the routine; and when it's done, the effect is electric.

Waldorf-Astoria's Musical Fare

HOTELS should offer the public a change in music as often as possible and it's better still if the hotels if they can have different types of orchestras in their various dining rooms. That is one of the Waldorf-Astoria's secret of success, according to Ted Saucier, of the famous hotel's staff.

Saucier believes that every type of music from swing to Stravinsky, from the waltz and tango to the almost extinct Lambeth Walk, has a definite place in a hotel's music program. As proof he cites the Waldorf schedule, which includes concert music for luncheon, sweet music for dinner and swing for supper. Although the hotel has other music at all times in its various rooms, this serves as the main repertoire.

"No matter what the reputation of a hotel may be as far as atmosphere, food and service go, it can still attract more people to its dining rooms by offering them the type of music they want than by trying to force a particular kind down the public's throat," says Saucier. "You can't really build up a place as permanent as a hotel's dining room on just swing or sweet music, for like any other business a change of pace usually proves profitable."

The change of pace at the Waldorf has included the use of such different bands as Benny Goodman, Guy Lombardo, Leo Reisman, Hal Kemp, Orrin Tucker, Xavier Cugat and a host of others.

Mark Hellinger On ASCAP

OLD MAN HOMER, "smitin' his bleomin' lyre" for a hand-out at an ancient Greek banquet, got a direct return for his lyrics in the form of a feed. Centuries later the idea still persists that when a poet is fed, he's paid. The same goes for songwriters and non-union musicians. The gag is that songwriters are born—not paid.

David of old played his harp to contented sheep and got paid off in bleats. Solomon's songs had a better audience; better-looking anyway. A writer today doesn't even see his audience—and probably never will, unless television is made to work two ways.

Since music was born, the performer or user always felt he was doing the writer a favor by "advertising" his works. Book publishers in America re-printed the novels of Sir Walter Scott, to their profit, without paying a cent of royalty and advanced the specious excuse that they were making his works "popular." They were charter members of the lily-painters guild.

Charles Reade, when he wasn't writing novels, found time to pen essays and tracts on problems current in his day. He wrote a whole book, now out of print, on the piracy of literary works. The book was called "The Eighth Commandment," which Reade thought should be amended to read: "Thou Shalt Not Steal—Except from Authors." Book publishers of his day were in favor of the amendment.

Copyright laws caught up with the piratical practices of those days, and writing as a profession began to pay a little. But these laws were not passed, as one would imagine, at the pleadings of authors. The laws were passed because a buccaneering publisher squawked when a rival hi-jacked the book he had pirated! Anyway the author began to get a slice of royalty money.

Music, somehow, was never seriously protected by its creators until 1913. The copyright act of 1909 had granted certain rights expressly provided for under the Constitution, but the boys were too busy plugging the sales of sheet music and had no organization to protect their performing rights.

Then one evening the late Victor Herbert heard a singer in Shanley's restaurant entertain a packed house with selections from his operetta "Sweethearts," from which he derived a percentage of the gross. The restaurant, using the same music in competition with his show, paid him nothing. It took a Supreme Court decision to establish the rights of authors to collect a fee whenever their works were performed publicly for profit.

In order to collect this fee, against the organized opposition of all users of music, the American Society of Composers, Authors and Publishers was formed, in 1914. One of the first jobs of the Society was to prosecute willful infringers; practically the only means at hand with which to fight these pirates was the clause in the copyright bill which provided for a minimum statutory damage award of \$250 for each infringement.

While ASCAP has won nearly every court engagement on behalf of the writers, it has rarely collected this statutory award, because the Society is in the business of licensing the use of the music in its repertoire, and not the collection of penalties.

It has been a long, hard battle to protect the writers' property, and the end is not yet in sight. The important commercial users of music, while signing license contracts, have not relented in their effort to put the Society out of business. It is as if all the Chambers of Commerce and Better Business Bureaus were to combine to render ineffective the prosecution of commercial frauds.

The Supreme Court decision as well as the copyright act and the copyright provisions in the constitution are now being undermined at the instigation of commercial users of music. Anti-ASCAP legislation has been introduced in twenty-two states, and has actually passed in five, Washington, Nebraska, Montana, Tennessee and Florida. A government suit to dissolve the American Society is still pending in the United States court. Several new bills amending the Copyright Act have been introduced in Congress, and hearings on these are scheduled to begin shortly.

Since each individual violation of the composer's rights is bound to be ephemeral, intangible and fleeting, it is hard to conceive what standard will guide the jurists. Faced with a multiplicity of law suits, all over the country, with local influences guiding the damage awards, ASCAP may find it too expensive to sue, and in time the country will be overrun with musical and literary piracy. Facing a weakened organization of writers (which seems to be the aim of the larger music users) the radio, motion picture and hotel organizations will be in a position to dictate practically their own terms for the use of music—the life blood of their business.

Nowadays a song writer has to produce about ten times the number of songs he wrote in the days before radio, to satisfy the insatiable demand for new music. His earnings from these songs do not come to even half his earnings from the sale of sheet music and phonograph records in the era before radio. With his performing rights royalties thus diminished, it takes very little imagination to see that songwriters will have to find some other means of earning a living. They can't live on airs anymore.

Edward B. Marks' Collection

MOST extensive collection of photographs, illustrated sheet music covers, first editions and other memorabilia pertaining to music and related fields is owned by Edward B. Marks. Many of the illustrations in this issue are through his courtesy.

The veteran music publisher also did some first-rate songwriting in his early days. His "December in May," introduced by Lydia Yeaman Titus, scored a big hit and was sung by her throughout the world. "My Mother Was a Lady," "The Passing Policeman" and "Little Lost Child" were among other numbers written by Marks for outstanding artists including many Tony Pastor performers.

Ring Lardner On ASCAP

(The following excerpts are from an article by Ring Lardner in New Yorker Magazine a few years ago when the music industry and radio faced an impasse similar to the present one. The remarks remain so true today that they are reprinted by special permission.)

YOU probably know that radio and the writers are very close to a split. Unless one side or the other weakens the cronies, mooners and tromboneers will be limited to numbers that belong in "the public domain." Ruth Etting's theme will be "Last Board Watch, Ahoy!" Bing Crosby can try his glibness on "My Mother Bids Me Bind My Hair." And when you want to fox trot, you can tune in on George Olsen's rendition of "Work, For The Night Is Coming."

Radio, which for a while was using everybody's words and music as if they were Golly's free gifts to his favorite industry, finally was requested by the authors and composers to kick in and pay part of the losses suffered by the latter through the prodigal dissemination of their formerly profitable wares.

Decisions by a few hard-boiled courts convinced the new owners of God's Great Outdoors that Harry Ruby and Edward Eliscu felt better for an occasional sandwich, so they agreed to donate a million dollars a year to be divided among their members according to their classification.

Well, even a Class D cut in \$1,000,000 would have been nice a few years back, before radio reduced a promising song's span of life from twelve months to two weeks. But now, with sheet music selling like yachts and the manufacturers of rolls and records paying royalties in loose stamps, the young Irving Berlin's must remain singing waiters on the side unless radio, finding the music men firm gets big-hearted again and agrees to pay what is asked in the way of royalties.

The present arrangement ends soon. Then help yourself to Mozart and H. P. Danks.

The radio moguls' contention is quaint and their scheme to win the argument quaint. They are expected to charge that the Society of Composers, etc., is a monopoly seeking to deprive the common people of music that is justly theirs and ought to be given them as freely as paper drinking cup on a Motion local.

Propaganda setting forth this thesis will be prepared and will doubtless rouse the rabble to such demonstrations of mob fury as have not been witnessed in America since the Theatre Guild decided to close "The Apple Cart." Strong women, fat kids and midget-minded men, cut off from their nightly diet of "My Mom," "Hello Gorgeous," "Paradise" and "South in My Soul" and inflamed by the unfairness of it all, will riot through the main streets of every thorp and dump, throwing balls of worsted at the windows of former music stores and shouting: "Oop an alley with Allii! Bad luck to Buck! 'Oll and trouble to Raymond Hubbell! To heck with Anderson! Down with Brown! We'll kill ya de Sylva! Burn Kern! My Ruby blue be! Skin Berlin! Let Donaldson and Kahn eat cake! Is This the Youmans thing to do!"

And they'll wind up by marching and hitch-hiking to New York and camping in Longacre Square till the song-smiths, paralyzed with fear, acknowledge the freedom of the C's and E flats and surfer.

Radio's next step forward will probably be to force all members of the Authors League to hand their stuff over to Tony Wons for broadcasting instead of submitting it to newspapers, magazines and book publishers and making people pay to read it. Millions of red American, he-blooded men and she-blooded women are being unjustly deprived of Ernest Hemingway, Scott Fitzgerald, Edna Ferber and Socker Coe.

Tragic Fate of Genius

By ALBERT SPALDING

IT is sometimes the world's bad luck to lose its geniuses at an untimely age. America and ASCAP have suffered one of these losses in George Gershwin, who died at the age of 39.

Like Mozart and Schubert, Gershwin had a rare gift for melody. Like Mozart and Schubert, he seemed to have been born under a happy star of lyricism; his melodies flow, like theirs, with an irresistible spontaneity as from a natural source. Unlike these two Europeans, however, Gershwin was not destined to fulfill the whole circle of his talents. He died unsatisfied. Not content with the glamor and renown he had won with his light works, he longed to strike a deeper and more elevated note.

Among his attempts at symphonic music were, first, his "Rhapsody in Blue," orchestrated by Ferde Grofe. After this successful achievement, he studied composition with Rubin Goldmark to extend his command of technique. His next symphonic works were his "Piano Concerto in F" commissioned by Walter Damrosch for the N. Y. Symphony Society in 1925. Then came "An American in Paris" in 1928. "Second Rhapsody" in 1931; and his last serious work, "Porgy and Bess," in 1935. For this, he used the play Porgy by Dubose Heyward, also a revered member of ASCAP, whose death was, likewise, a great loss.

Whether George Gershwin was satisfied with himself or not, he gave us such joy, such entertainment, and such satisfaction in the theatre, that he must know by now that he did one of the most indispensable things that can be done: He entertained, amused and diverted.

That the good die young certainly applies to many composers. Pergolesi (composer of "La Serva Padrona") at 26; Mozart at 36; Schubert at 31; and our own Charles T. Griffes at 39. What these men would have done for music had they lived longer is difficult to say, of course. There is one thing, however, we can say: They would not have "stood still."



Stephen Foster Anniversary

By ETHEL PEYSER

ON July 4, marking the 114th anniversary of the birth of Stephen Collins Foster, a portrait of the composer by Howard Chandler Christy was unveiled at Bardstown, in the Old Kentucky Home, made famous in song. The painting was presented by the Honorable Order of Kentucky Colonels, and Governor Keen Johnson delivered the acceptance address. After speeches by well known persons in the music, radio and movie realms, the exercises were concluded with the reading of a letter from President Roosevelt commemorating the occasion.

The President recalled that on the same day of Foster's birth in 1826, the fiftieth anniversary of the adoption of the Declaration of Independence occurred. Under that immortal document, he said, was established a democracy which skeptics and reactionaries had prophesied would never endure. But it did, and it has, and it will.

Almost those same words might appropriately be applied to the works of Foster. Present day skeptics are forever saying his songs cannot live. Arguments are advanced to prove they are dated, that they are too sentimental to appeal to our modern hard-boiled era which scoffs at tear-jerking self-martyrdom, that they are relegated exclusively to a past period in our history.

But the fact remains that "Old Black Joe," "My Old Kentucky Home," "Massa in de Cold, Cold Ground" and a host of other lovely songs written by the great Troubador of the South (who was born in a suburb of Pittsburgh, but learned Negro music from his parents who were Southerners and from the Negro servants) have lived. New sheet music editions of Foster songs as well as album collections are constantly being reissued by our leading publishers.

America's Chance to Serve the Art of Music

By DR. DANIEL GREGORY MASON

THE sinister and widespread suppression of free scientific and artistic activity in Europe by political tyrannies and wars lays upon us in America a new responsibility to sustain and develop all the higher values in life, and opens up to us new possibilities to make our own contribution to human culture.

In music especially, our existing organizations and the widespread musical talent and love of music of our people make possible to us a future of signal service to art, provided we can maintain and gradually extend the degree of political and economic freedom we already enjoy. Now is the moment in the long, slow, arduous development of world music when we can to some extent repay our debt to our suffering brothers in Europe, and carry forward the torch they have handed us of artistic light in a world darkened by greed and the lust for power.

Our musical creators, whether of jazz and other popular music or of opera, chamber music, and symphony, are fortunate in having an organization like ASCAP to protect their rights, administer their affairs, and assure them of fair treatment. ASCAP is thus helping our native sons to play their part in the impressive artistic development that now seems within our reach, as well as the refugee musicians who bring to us their talents and their traditions, and receive in return the freedom to work that we rejoice to share with them.

We hail the future of American music, and aspire in all humility to contribute to it in the full measure of our individual talents.

Massed Singing For The Masses

By FANCHON KLAR

MASSED music has always brought people closer together in a feeling of unity and single aspiration than any other one thing.

At dawn on Easter Sunday, the Hollywood Bowl gets good sleepers up at 4 a.m. and brings them together in a sunrise service with a chorus of a thousand voices. The amphitheatre is packed with singers as well as listeners.

The knowledge of the unifying power of massed music is used adroitly in conventions and heterogeneous gatherings. The ancient Egyptians had the most colossal and gigantic choruses the world has ever seen. Martin Luther would never have introduced hymn singing to the congregation instead of leaving all the work to the choir had he not realized massed music's efficacy.

Now the municipality with the community choruses has caught on to the ways of the Church and ancient folk ways; we have professional, local, town, festival and club choruses—a total of more than 1,500 choruses in the U. S. A. They attest to the inestimable value and utility of massed music.

Walter Winchell On ASCAP

"Things I Never Knew Till Now About ASCAP"
(American Society of Composers, Authors and Publishers)

ASCAP was organized in 1914 to protect composers and authors against the widespread piracy of their music. In 25 years ASCAP has fought thousands of legal battles in behalf of its members and has won every case.

ASCAP was founded by Victor Herbert, Gustave Kerker, Glen MacDonough, Silvio Hein, George Maxwell, Louis A. Hirsch, Raymond Hubbell, Jay Witmark, and Nathan Burkan as attorney.

Today over a thousand American composers, authors and publishers are members of ASCAP, and about 45,000 European composers and authors are affiliated with ASCAP through their own performing rights societies, making available a world reservoir of music, from one source.

From 1914 to 1921 none of ASCAP's staff took a penny for his services, not even the late Nathan Burkan.

Stephen Foster's purse and the 33 cents in coins and "shi plasters" that it contained, his entire fortune when he died, are preserved in a memorial that cost half a million dollars.

No American songwriter has been on relief. None will be. ASCAP disburses about \$600 a day in relief and royalty advances. The money with which to do this comes from the membership dues and a portion of what is collected from radio stations, theatres, dance-halls, and other users of music in public performances for profit.

When you buy a sheet of music you have the right to play or sing the composition to your heart's content in private or in public so long as the performance is not for purposes of profit. When for that purpose, the proprietor of the establishment where the public performance is given is required by law to have a license from the copyright owner, and if the composer or publisher of the music is a member of the Society or any of its affiliates, ASCAP issues such license in his behalf. If not, license must be secured from the owner of the copyright or the performance is illegal. It took two years of litigation and a final decision in 1917 by Supreme Court Justice Oliver Wendell Holmes to establish this principle.

Broadcasters used to maintain that their performances were not public because the public was not admitted to their studios; that they were not broadcasting sound, but electrically energized waves; that the purpose was not profit. This at the time when radio was doing \$412,000,000 worth of business annually, and approximately 75% of radio time was devoted to the performance of music.

Today if every radio listener paid only 10c a year for all the music performed on the air the composers and authors of America could live in comparative comfort. Listeners, however, pay no direct fee. Radio, which profits from listeners, pays ASCAP only about 4c a year for every listener in America.

Motion picture theatres pay ASCAP about one cent out of about every \$6.83 they collect from their patrons.

Since radio a songwriter has to write four times as many hits to earn half as much as he used to before radio.

Songwriters are born, not paid.

An army marches 10 miles a day without music—with music 18 miles.

The first public performance for profit probably was when Homer sang for crumbs from the table of some Greek banquet. Lots of songwriters are still living off the crumbs of music fees grudgingly paid by people who clean up from its use.

Charles Read, the novelist, who waged a bitter fight against plagiarism and piracy of literary works in the United States, once wrote a book advocating that the Eighth Commandment should be changed to read "Thou Shalt Not Steal—Except by Pirates and Plagiarists." This sentiment is heartily endorsed by pirates and plagiarists.

Napoleon said: "Music, of all the liberal arts, has the greatest influence over the passions, and is that to which the legislator ought to give the greatest encouragement."

A frequently misquoted phrase actually reads: "Let me write the ballads of a nation, and I care not who makes its laws."—Fletcher of Saltoun.

ASCAP is a non-profit voluntary membership Society. After expenses are paid all remaining revenue is distributed to its members, including an apportionment to its European affiliates.

In 25 years of fighting piracy ASCAP has been awarded thousands of judgments. In no case has ASCAP collected these judgments, but has instead accepted a license contract and mere payment of legal court costs as satisfaction.

ASCAP adds about 40 new members to the Society each year, making available their creations as well as the new works of its older members.

Songwriters in ASCAP were born in nearly every State in the Union; they were born on nearly every day of the year; (That for astrology.)

Nearly 150 estates of deceased composer or author members of ASCAP are protected from need by their shares of the Society's income.

ASCAP IS THE SOLE REFUGEE AND PROTECTION FOR THE SONGWRITER AGAINST MERCILESS COMMERCIAL EXPLOITATION AND PIRACY OF HIS RIGHTS.

MUSIC LOWEST PAID RAW MATERIAL

The Chief Ingredient of Radio Programs Is Obtained by Broadcasters At Very Low Cost

Despite the fact that music is radio's greatest "raw material"—being the content of 92.4% of all time on the air—radio pays less for this indispensable ingredient than virtually any other U. S. industry. Whereas the makers of soft drinks, an industry in which profits are said to be possibly high, pay just about 40% of their intake for raw materials, radio pays only 3.4%. And whereas one of radio's biggest advertisers—motor vehicle manufacturers—have to shell out around 77% for raw materials, radio, at the very outside can get by with one-tenth of that percentage figure.

In the accompanying chart, the year 1937 is used as base because figures are plentiful in all fields. By "raw material" is here meant the cost of goods purchased necessary to manufacture. These costs were compared to the selling value of the product as it left the factory, and a percentage figure was obtained. In the case of radio, the industry took in \$115,872,489, of which ASCAP got \$3,874,732, or only 3.4%.

Even assuming that every minute of 1937 had been filled with music, instead of 92.4% of the total time, the cost to the radio industry would on this basis still be less than 7% so far as ASCAP is concerned. But inasmuch as ASCAP does not charge on a per-use basis, the broadcasters in 1937 could actually have filled every single minute of the year with ASCAP raw material, and still only paid that same 3.4%. If ASCAP doubled rates along with a doubling in the use of music, the percentage would still be ridiculously low when compared to raw material costs in other industries.

Eureka! The American Composer

By LEONARD LIEBLING
Editor of Musical Courier

IN 1802 there were only a dozen or so American composers who wrote in the larger forms, and Edward A. MacDowell was generally regarded as the best. At the same time, critical opinion held that his music showed preponderant European romantic styles and idioms, with more than a suggestion of Liszt, Raff, Schumann and Grieg. Performances of American symphonic works at the beginning of this century were few and far between, and not only because of the scarcity of orchestras. Our public did not believe in its native composers, and they were heard chiefly at specialized concerts devoted entirely to their music. It was MacDowell who protested at such exclusiveness, and when an "American program" scheduled his "Indian Suite" he wrote an open letter to the management saying, "If my music is not good enough to be heard beside European works, then I do not wish it to be played at all."

For a number of years after that American composers still studied in Europe for "musical atmosphere" and the acquisition of technique, and came home to write in the manner of the models they had consorted with abroad.

Then suddenly something began to happen, and it is difficult to say exactly when and why, for the World War did not start the change, but only developed it. Our composers became articulate and put up a fight. They wrote articles, lectured, entered into controversies with indifferent or sneering critics; chided and prodded and shamed the public, and, best of all, sought inspiration—and found it—in American subjects, American character, American folk songs, and "the American way of living." Lo and behold, the public responded, and the critics gave enforced attention! With something of pride, listening Americans understood that our composers could really write good chamber-music, sonatas, symphonies, oratorios and operas; and that after the World War the founts of European inspiration had dried and those of America were functioning with material fully the equal of the twentieth century examples from across the sea. America's musical swaddling clothes were discarded at last, and for good and all!

Strangely enough, part of the credit is due to American composers of popular music. Perhaps the "serious" colleagues the fulfillment that MacDowell himself prophesied in one of his professional lectures at Columbia University.

Many competent American composers are now meeting MacDowell's hope, and with recognizable nation background and feeling. Typical rhythms, melody, harmonies and orchestration are coming from their pens. More remarkable still, some of the Europeans have of recent years paid our music the greatest possible compliment by copying some of its unique ingredients into their own scores!

Enterprising publishers and conductors played their important part in helping public acceptance of American music. Credit also goes to the various societies which sponsored and performed the new music, and to the generous sources which instituted prize contests and paid Commissions. Then there is the beneficent role played by ASCAP, whose American Festival last autumn in New York signified the high point so far achieved in the glorification of our own long creators.

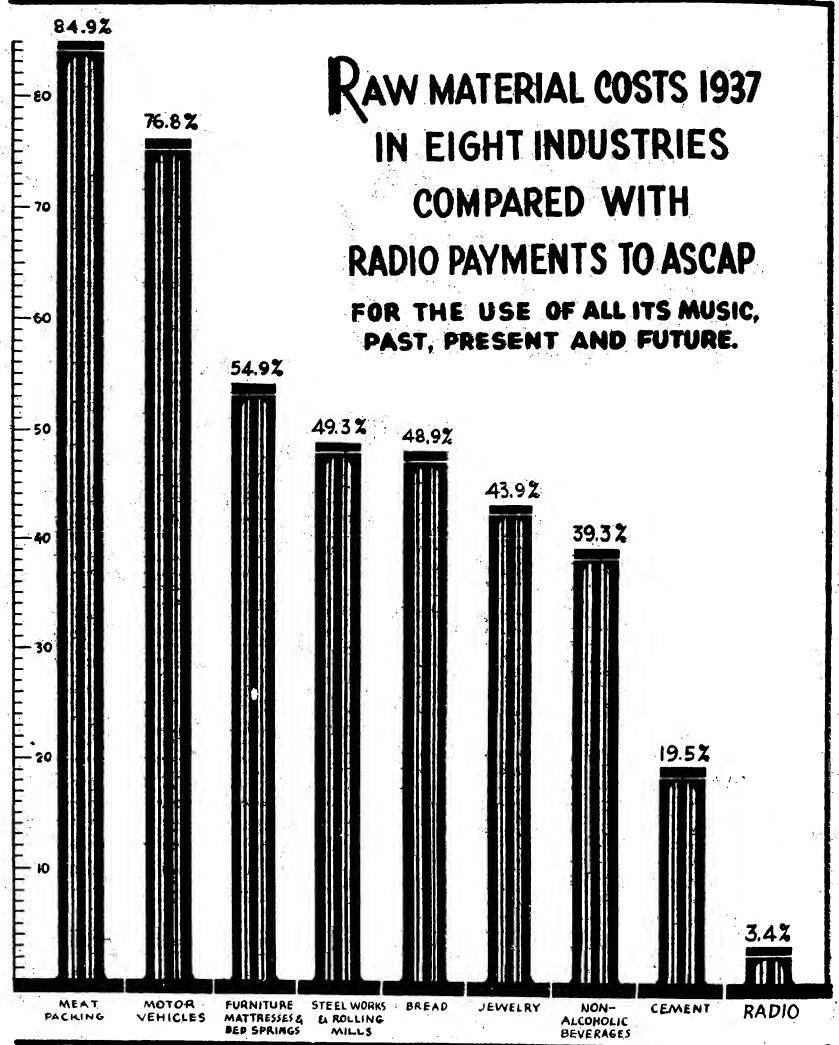
Under present conditions and favoring, and with the public and most of the critics now interested in American music, the future for the American composer beckons shinningly.

"A Friend in Need"

By JOHN ALDEN CARPENTER

WHEN any American composer tells his friends (and they all do) that ASCAP is a "friend in need," he is making a mild understatement. For he knows that the Society has advanced his cause and furthered his aspirations more effectively than any other factor in American life.

And he takes a special pride in the broad democracy of the Society, dedicated as it is to the fostering and protection of American Music, from swing songs to symphonies.



MUSIC AND RADIO'S HIT SHOWS

SET ownership and program popularity aren't the only things that can be measured in radio. The yardstick can also be applied to the matter of music's importance to the business of broadcasting, and it isn't necessary to go far afield in arriving at a sound equation.

While sustaining service is vital to maintaining interest in the medium, there's the incontrovertible fact that what actually makes the works go 'round is what drops into the till from the sale of time. With that premise set down, attention is then turned to one of radio's prime laboratories for determining relative and potential values, the Co-operative Analysis of Broadcasting. It is through this instrument that the advertiser seeks to find out what dent his investment in time and talent is making on the country's radio ear.

According to this same Co-operative Analysis of Broadcasting the 25 leading evening programs from October, 1939, to April, 1940, were as follows:

1. Chase & Sanborn Hour.
2. Jack Benny.
3. Lux Radio Theatre.
4. Fibber McGee & Molly.
5. Kraft Music Hall.
6. Major Bowes.
7. Papadoni—Bob Hope.
8. Kay Kyser.
9. One Man's Family.
10. Kate Smith Hour.
11. Pct. o' Gold.
12. Fitch Bandwagon.
13. Fred Allen.
14. Good News.
15. First Nighter.
16. Gang Busters.
17. Burns and Allen.
18. Your Hit Parade.
19. Lowell Thomas.
20. Big Town.
21. Grand Central Station.
22. Al Pearce.
23. Rudy Vallee-Sealed.
24. Texaco Star Theatre.
25. Walter Winchell.

Of the 25 programs in this list only four, Gang Busters, Lowell Thomas, Grand Central Station and Walter Winchell, made no use of music whatever. Grand Central, like Gang Busters, which has left radio for good, chose sound effects instead of incidental music. As for the other dramatic sketches in the above roster, Lux Theatre, One Man's Family, First Nighter and Big Town, the preference has been for original scoring.

Deducting the eight dramatic shows and newscasters, there remains 17 programs. Every one of these 17 shows depends not only on published copyrighted music but on current pop tunes of more or less hit classification.

In terms of percentages the shows in the first-10 grouping that must have current music represents 80%, while the proportion of those in the list of 25 leading programs that are likewise dependent on this type of music figures 68%.

Herbert Hoover's Tribute To Gene Buck

FOLLOWING is the tribute paid by former President Herbert Hoover to Gene Buck at the testimonial dinner given by the Catholic Actors' Guild to the ASCAP president:

"I am glad to appear here with so many other self-confessed ex-presidents. Some of them may be yet hopeful, but all will join the ranks inexorably. That is the process of American life. They should not get too confident. And I can claim one superiority; I, at least, in my role as an 'ex' have learned to keep within the two minutes.

"It is not often in America that we take time out to publicly express our affections. We have come here to express our appreciation, but mainly our affection, to an American whose outstanding characteristic has been his kindness. If I were in fact trying to find the American who best expresses the great American quality of kindness, I would have chosen Gene Buck.

"There is a phrase of American democracy that has always inspired me with confidence and hope for America, and that is the unequalled development of associational activities such as The American Society of Composers, Authors and Publishers, that organization which Mr. Buck has presided over these many years, and the Catholic Actors Guild, the association that has organized this occasion this evening.

"That is a method of government, a method of democracy greater than political government. When men combine to settle the problems that arise in a people themselves outside of government, they are engaged in government and Mr. Gene Buck has been a great governor. But we are not here so much to express our admiration for what Gene has accomplished, as to express in a seldom expressed form, our affection."





SOME HITS OF PRE-RADIO DAYS

MELODIES WITH MEMORIES

WHEN SONGS SOLD IN MILLIONS





SOME HITS OF PRE-RADIO DAYS

MELODIES WITH MEMORIES

WHEN SONGS SOLD IN MILLIONS





SOME HITS OF PRE-RADIO DAYS

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SOME HITS OF PRE-RADIO DAYS

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MELODIES WITH MEMORIES
SOME HITS OF PRE-RADIO DAYS



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SOME HITS OF PRE-RADIO DAYS

MELODIES WITH MEMORIES

WHEN SONGS SOLD IN MILLIONS



ASCAP'S Versatile Composers and Authors

SINGING SONGWRITERS

Gene Austin Eddie Leonard
 Gene Autry Jack Leonard
 Bing Crosby Jack Little
 Frank Crumit Carmen Lombardo
 Vaughn DeLeath John Mercer
 Geraldine Farrar Harry Richman
 Al Jolson Rudy Vallee

VERSATILE VIRTUOSI

Charles W. Cadman Muriel Pollack
 Abram Chasins Vee Lavinhurst
 Mischa Elman Sergei Rachmaninoff
 Morton Gould Albert Spalding
 Percy A. Grainger Efreim Zimbalist
 Jascha Heifetz Mischa Levitzki
 Fritz Kreisler Rudolph Ganz
 Oscar Levant Alec Templeton
 Mana-Zucca

COMPOSER-CONDUCTORS

Ben Bernie Wayne King
 Frank J. Black Jerry Livingston
 Larry Clinton Abe Lyman
 Xavier Cugat Matt Malneck
 Walter Damrosch David Mendoza
 Duke Ellington Russ Morgan
 Ted FioRito Erno Rapee
 Edwin F. Goldman Nathaniel Shilkret
 Johnny Green Noble Sissle
 Ferde Grofe Jimmy Van Heusen
 Werner Janssen Joe Venuti
 Isham Jones Fats Waller

COMEDIANS

Phil Baker Sid Silvers
 George Jessel Ed Wynn
 Georgie Price

PRODUCERS

George M. Cohan Earl Carroll
 Eddie Dowling Billy Rose

Even Great Composers Had Their Light Moments

By ARTHUR SCHWARTZ

WE are so accustomed to thinking of the great composers as stately, humorless, alien individuals that it will take a great deal of enlightenment to present them to the American public as they actually were, as their contemporaries saw them. True, they had every reason to be dour, pessimistic, even morbid, siding how poorly rewarded they were for the golden music they poured forth.

Yet I am sure that contemporary evidence would reveal that many of these chaps had high moments of good humor, ecstasy and genuine interest in their surroundings.

Many of them who were not under the direct patronage of rich and titled personalities of their days lived hand to mouth without adequate compensation for their works or protection against piracy.

Fortunate indeed is the modern composer of serious music who has become a member of ASCAP and is thereby definitely assured against need.

As an individual, however, the American composer is quite apt to have a keen interest in sports, to participate in physical activity and to spend a fair share of his time in the theatre and night clubs as well as in the so-called temples of music.

Rachmaninoff, Stokowski and many others that I could name are often seen on Swing street. This has not detracted in any way from their serious contribution to our musical culture any more than it hurt any of the oldtimers to waltz in the ballrooms of old Europe or play in the gardens of their benefactors.

Long List of Tunemsmiths Came from Chicago

Chicago, July 30.

Chicago used to have a Tin Pan Alley. There are a few native Chicago songwriters such as Dick Jurgens, Eddie Howard, Ros Metzger, Holland Engle and Carl Hobergarten who are still pounding out songs. But in the main the glory of Chicago's pop song days is in the distant past. But in the early days of the century Chicago's songs were the songs of the nation. And a remarkable number of these songs have become a solid part of the American song catalog.

From Chicago comes Carrie Jacobs-Bond, Leo Friedman ("Meet Me Tonight in Dreamland"), Henri Petrie ("Asleep in the Deep"), Abe Olman ("Oh, Johnny"), Tell Taylor ("Down by the Old Mill Stream"), Walter Blauituss ("Isle of Golden Dreams"), Will J. Harris ("Sweet Sue"), Johnny Black ("Dardanella"), Thurlow Lieurance ("By the Waters of the Minnetonka"), Wendell Hall ("It Ain't Gonna Rain No More"), Zez Confrey ("Kitten on the Keys"), Abe Lyman ("Mary Lou"), Isham Jones, Gus Kahn, Egbert Van Alstyne, Shelton Brooks, Milton Ager, Joe Howard, Charles K. Harris, the Von Tilzer brothers, J. Kiern Brennan and scores of others.

WORLD'S LARGEST MUSIC HOUSE

By HERMAN STARR

MUSIC PUBLISHERS HOLDING CORP. houses under one roof the largest music publishing enterprise in the United States. This is rather a sweeping statement, but consider alone the vast catalogs of Witmark and Harms, both firms operating successfully for over half a century; then add to them the catalogs of Remick, New World, Schubert and Advanced Music Corp., and you will easily visualize the extent of these combined catalogs, numbering well over 70,000 titles.

Let us imagine we have here a huge scroll listing the titles of composers, which constitutes the foundation of our own publishing enterprise. Every turn reveals a page in history—a history of song hits, of shows, musical comedies and operettas, of entertainers, much of which I remember, and much in the memories of others far antedating my own.

Well, here is "Memories," the song itself. Another turn reveals "Ah, Sweet Mystery of Life," "Avalon," "The Blue Room," "Body and Soul," "California Here I Come," "Chattanooga," "Crazy Rhythm," "Dancing in the Dark," "The Desert Song," "Gypsy Love Song," "Hallelujah," "I'll See You Again," "I'm Falling in Love with Someone," "Indian Love Call," "A Kiss in the Dark," "Kiss Me Again," "L'Amour Toujours," "L'Amour," "Limehouse Blues," "Love Nest," "Liza," "The Man I Love," "Mother Machree," "My Wild Irish Rose," "Nagasaki," "Night and Day," "One Alone," "Poor Butterfly," "Put On Your Old Grey Bonnet," "Rhapsody in Blue," "Shine on Harvest Moon," "Sweet Adeline," "Somewhere Loves Me," "Smiling Through," "Tea for Two," "That Wonderful Mother of Mine," "What Is This Thing Called Love?," "When Day Is Done," "With a Song in My Heart."

To be sure, the scroll has turned rapidly, but titles such as these are the heavy, rock foundation on which thousands of other titles in our catalogs were born and had their being.

Let us turn again to the right-hand column, revealing the names of composers attesting to the quality of the titles. Here are Victor Herbert, George and Ira Gershwin, Sigmund Romberg, Franz Lehár, Dick Rodgers and Lorenz Hart, Cole Porter, Noel Coward, Ernest Ball, Arthur Penn, Egbert Van Alstyne, Chauncey Olcott. Another turn reveals Con Conrad, Rudolf Friml, Ray Henderson, Victor Jacobi, Arthur Schwartz, Vincent Youmans, Bud De Sylva, Gene Buck, Irving Caesar, Otto Harbach, Oscar Hammerstein II, Bert Kalmar, Mort Dixon, Howard Dietz, Harry Warren, Al Dubin, Carlo Roma, Gustav Luders, Jack Norworth, Jean Schwartz and Billy Jerome, Johnny Mercer, Richard A. Whiting, Gus Kahn, Billy Rose and Cliff Friend.

History in a business such as this means far more than mere reminiscence. It is not so much the whimsy of "remember when" as the importance of great motivating powers in entertainment, and their projection of melodies which are almost synonymous with their names. For example, Eugene Cowles with Herbert's "Gypsy Love Song," Fay Templeton and Lillian Russell with "Ma Blushin' Rosie" and the latter alone with "Come Down My Evening Star"; then Tom Seabrooke with "Mr. Dooley," Blanche Ring with "Bedelia," Eva Tanguay with "I Don't Care," Frank Morrell with "In the Shade of the Old Apple Tree," Harry Lauder with "I Love a Lassie," Nora Bayes with "Has Anybody Here Seen Kelly?," "Shine On Harvest Moon" and "When Apple Blossom Time in Normandy." Then there is Al Jolson with "Swanee," "Avalon," "April Showers," "Yoo-Hoo" and "California Here I Come," Libby Holman with "Moanin' Low" and "Body and Soul," Irene Bordini with "So This Is Love," Rudy Vallee and Harry Richman with "Dancing with Tears in My Eyes" and "I Love a Parade"—and the Andrews Sisters launched into fame with "Bei Mir Bist Du Schoen"—and these again are but a few.

Musical Comedies and Operas
 Another phase of the history in back of our catalogs is that of the show business—musical comedies, light opera, comic opera—a long list of productions going back 40 years. With the great operettas of Victor Herbert in the Witmark catalog as a cornerstone of this particular library, the Harms catalog offers practically all of the important productions since the Herbert era. Here are some of them: "Marry 'Em or Don't Marry 'Em," "Booby," "Society," "The Little Girls in Blue," "Sonny," "The French Doll," "The Lady in Ermine," "Little Nelly Kelly," "For Goodness Sake," "The Blushing Bride," "Wildflower," "Lady Be Good," "Rose Marie," "No, No, Nannette," "The Dream Girl," "The Student Prince," "Dearest Enemy," "The Girl Friend," "Charlot's Revue," "The Desert Song," "Strike Up the Band," "My Maryland," "A Connecticut Yankee," "Hit the Deck," "The New Moon," "The Three Musketeers," "Bittersweet," "Fifty Million Frenchmen," "Girl Crazy," "There's a Crowd," "Sweet and Low," Earl Carroll's "Vanities," "The Band Wagon," "Delicious," "Of Thee I Sing," "The Gay Divorcee," "Life Begins at 8:40," "Anything Goes," "Thumbs Up and Jubilee." Add to these the George White Scandals and the Ziegfeld Follies, and an impressive list of musical films and you will be amazed at how complete the picture of 'musical productions in America' will be.

Patriotic Numbers
 Roughly classifying the thousands of titles on the scroll, we have, for example, patriotic songs, many of which came into being during the last World War. Here are a few: "There's a Long, Long Trail," "My Buddy," "Madelon," "Till We Meet Again," "My Own United States," "The Story of Old Glory," "Then—Now—Forever," "The Unknown Soldier Speaks," "Song of the Marines" and "I Love a Parade."

Witmark from the famous Black and White catalog has scores of Irish songs—"My Wild Irish Rose," "When Irish Eyes Are Smiling," "Where the River Shannon Flows," "A Little Bit of Heaven," "My Irish Molly O''," "The Daughter of Rosie O'Grady," "That Old Irish Mother of Mine," and many others.

For many years Witmark was the corner for all minstrel performances, from songs to joke books and even burnt cork. Possibly you will recall a few of the titles: "Can't You Hear Me Callin' Caroline?," "My Little Sunflower, Good-Night," "Auntie Skinner's Chicken Dinner," "Cotton," "Plant a Watermelon on My Grave," "Are You from Dixie?," and, of course, the Gene Arnold minstrel material.

Educational Music
 And now let us turn to our Educational Division. The idea of entering the field of educational music was conceived in the old Witmark days, but not finally inaugurated until 12 years ago. Raised eyebrows and a not too cordial reception the part of the educators was anticipated, for it was

Music on Ocean Liners

THE orchestra and music play an even more important role on shipboard than in popular night spots on shore. Despite other attractions, it is the music on ship that steals the show.

Ship-music presents its own special problems to the orchestra, according to Edna Mae Stark, of the Grace Line. They must draw upon all music sources for a constantly changing library, since some cruises take as long as thirty-eight days. They must satisfy the desires of travelers from all parts of the country with varying tastes.

Al Donahue, the leader, who supplies orchestras to the Eastern Steamship Lines, and who claims that this is a big business in itself, believes that a ship-musician must be more versatile than one on shore. "He must be equally proficient in classical music and swing. Because steamers offer steady work at union scale the field attracts an excellent calibre of talent."

McArthur Urges Chance For New Conductors

IT'S opportunity we need. If a conductor is not given the opportunity to lead an experienced orchestra, how can he show his musicianship, his ability to read scores that will thrill his listeners? There is plenty of good conductor-material in America at present—and plenty of it is in the making. But a man must have a chance to prove that he has it in him.

This is the opinion of young 32-year-old Edwin McArthur, the All-American maestro, who is equally proud of being an Eagle Badge Boy Scout as of having taken the American public by storm when leading most of the outstanding orchestras in the country within the last two years. He considers himself lucky that the opportunity was given him and he intends to make good.

Asked if the composer is equally handicapped for opportunity to show his gifts, the writer of such popular songs as "Spring Came" and "We Have Turned Home Again" relaxed and admitted that the composer has better chances because he finds himself protected by an organization that has his interests at heart and that such encouragement tends to stimulate production.

As the Musical Director of the National Youth Administration, McArthur means to live up to that what he preaches. He lets the boys who show talent in this direction conduct the orchestra and he induces others who want the gesture to try their hand at every form of composition, from piano and violin solos to scores demanding a full orchestra.

"By giving boys and girls not only efficient training but also an opportunity to practice their gifts seriously," says McArthur, "we shall soon be able to draw from able scores for all occasions."

COIN PHONOGRAPH

By JAMES T. MANGAN, Mills Novelty Co.

THE boys who run coin operated phonographs want more records which gross \$50 (1,000 renditions) before they're played white and ready for the secondhand man. The bonanza of them all was "Beer Barrel Polka," particularly the job by Willie Glabe, "Stardust," with five years' steady run is without doubt second best in the music boxes, being crowded for that position by "Sweet Leliani." These two are iron songs which will never go out, according to the ops. "Old Man Moses" and "Josephine" are the other two records in the coin phonograph Hall of Fame.

Out of a typical menu of 20 records on a coin phonograph, at least 10 should be "Hit Parade" stuff, two or three novelties, four or five old-time favorites, and the rest pop stand-bys. Certain spots need a few torch numbers, "It Makes No Difference Now, etc." in the right places brings maudlin tears to plenty of eyes.

Favorite warbler among coin operators is Bing Crosby of Decca. Second: Dick Todd of Bluebird.

Coin phonograph business is now right now; big demand for a hit. A winner like "Beer Barrel Polka" has undoubtedly double the cash box intake of all the \$50.00 machines in taverns, cafes, restaurants, and highway stands.

rather difficult to conceive of the same publisher bringing out "Are You from Dixie?" and the Bach Choral Prelude, "A Mighty Fortress," arranged for Symphony Orchestra by Walter Damrosch, yet it was done, and successfully.

After investigating the needs of the educator from the educators themselves, the Witmark banner was carried into the highly specialized field of music education, pioneering in material for the symphonic band, and publishing a full score for band for the first time. The same pioneering in the field of choral music brought to light such series as the Ukrainian, under Koshetz; the Russian, under Kibalichki; the Mount Holyoke, under Clara Tillinghast, and a highly specialized series under Max Kroone. To the foregoing were added a timely method for band and orchestra, some instrumental ensembles and a few outstanding text books. This was the cornerstone of a firmly established business which won the confidence and respect of the music educator.

A new phase of the educational publications was inaugurated with the realization of the tremendous import of the standard catalog of Witmark. Incursions were made into the Herbert works translated into terms of choruses and instrumental adaptations, principally for band. The 'single standard' under the Witmark imprint was then abandoned for a broader contact with the vast storehouses of Musical Americana to be found in the Harms and Remick catalogs.

The Educational Division, operating closely with the Standard and Popular Divisions, has recently brought to light significant developments in the re-creation of the most outstanding melodies from the three catalogs, in a number of series of unusual arrangements and adaptations for piano solos in the teaching field, piano duets, duets for two pianos, ensembles for wind instruments and solos for clarinet, trumpet, trombone, saxophone, violin, and so on.

At present the Educational Division is in position to supply the educator with the widest variety of music materials available, works for symphonic band, symphony orchestra, junior and senior chorus, and text works.

Irving Berlin Inspires American Patriotism

Remarkable Reactions to "God Bless America"

IF OUR country should be faced with danger from invaders at some future date, the song that will rally our boys to the colors this time will no doubt be "God Bless America!"

Introduced by Kate Smith not so many moons ago, this brief patriotic piece, by Irving Berlin already has achieved the status of a classic. That the spontaneous and enthusiastic reception accorded the number were undreamed of by the author, is indicated by the fact that he wrote it as far back as 1917 and then tucked it away for 21 years.

The song's career was launched with a bang when Miss Smith sang it over the air on November 10, 1938. She has since broadcast the number nearly 70 times, in addition to recording it on phonograph records as well as for the screen and singing it at the N. Y. World's Fair.

Miss Smith and the Republican party are the only ones who have blanket permission to sing the number at will. Otherwise it's restricted. Dance bands particularly are not allowed to play it.

Democrats Use It Too

Although the G.O.P. announced that it would use "God Bless America," Wendell Wilkie's Presidential campaign, Democrat program officials also picked it as the theme song at the Chicago convention. The Democrats said the selection of the number was in response to "more than 10,000 requests from people all over the country."

It is largely as a result of this composition that Bucknell University recently conferred the honorary degree of Doctor of Music on Berlin.

The success of the song also has resulted in a large novelty business, catering to the millions who like to wear buttons or wave pennants inscribed with "God Bless America."

A demonstration of how the number already has become deeply rooted in the hearts of the people, and how they respond to its stirring sentiment, was given when the song was Memorial Day at Ebbets Baseball Field in Brooklyn.

The crowd arose, uncovered and stood with reverent attention as though the national anthem were being played.

Prize From the Press

Editorial tributes to the Berlin song have come from far and wide. The following, from The Constitution, Atlanta, Ga., a typical example of how newspapers and magazines have practically turned song-plugger for the number:

"GOD BLESS AMERICA"

This may be "song plugging." If it is, so be it. There is a song I have heard with increasing frequency, of late. Written by the creator of some of America's most popular "popular songs." As before, the writer has sought, exactly, the popular need.

It is called "God Bless America." It has simple yet heart-stirring words. The tune is thrilling, with a swing that is part nation and part music. You can almost hear the sound of a nation's feet, tramping forward, and you see, in your imagination, a nation's eyes turned upward to the source of all good strength.

It is a song to touch with deep emotion every truly American heart. It could be well if it was known, and sung frequently, in every home, in every school, in every church, its chorus should swell louder and louder until the very heavens echo to its sound.

If this is to be the song of the nation during these trying days of our peril, there is assurance that nothing, not all the forces of evil in the world, can ever blot out this song of faith and hope which is the real thing we call America.

So long as a people are more important, it has less value than the situation.

So long as a song is written such as this, so long as all Americans thrill to it, so long will America and all it means survive.

God Bless America! Land that I love.

All royalties from "God Bless America," amounting to over \$43,000 to date, will go into a trust fund established by Berlin for the benefit of the youth of the country. The co-trustees of the fund, Colonel Theodore Roosevelt, Gene Tunney and Herbert Bayard Swope, already have selected the Boy Scouts of America and the Girl Scouts of America as the first organizations to share in the patriotic fund. Other groups may receive donations later.

As Abel Green's comprehensive story on the "God Bless America" saga so ably explained, Berlin's extreme concern for the welfare of the song, in order to preserve its fullest value, for a time made him a target for misunderstanding and captious criticism.

The Scout organizations were selected, according to Swope, because the trustees felt that "the completely nonsectarian work of the Boy and Girl Scouts was calculated to best promote unity of mind and patriotism, two sentiments that inherent in the song itself."

Anybody Can Write a Song!

By EDGAR LESLIE

DON'T let the affirmative statement above mislead you.

To no greater extent than one swallow makes a Spring does one song make a songwriter. More often it makes of its creator a rainbow-chaser. I am referring to the "One-Ril-Chardl" who spring into prominence with an outstanding song and then pursue a career of futility in attempting to register a second hit. I hesitate to advance an explanation or likely I'd be sharing the slight of the poetical, explaining to the prospector why his rasher, which spouted out one day happened to dry up over night. I simply could not stand up under cross-examination.

A successful songwriter must of necessity possess the rhythmical endowments of a minstrel and a true knowledge of a music publisher's method of operation, of singers and musicians, of the manner and means by which songs may best be projected, the enabling sense to recognize changing standards and the ability to conform one's manner of expression to these requirements.

Another item on the "must-list" of songwriting qualifications is a complete understanding of the Copyright Law, the purpose of the Congress in enacting it, the needed means to preserve and keep inviolate the rights therein.

To creative talents against those who would infringe their rights. Nearly 1,200 men and women members and publisher members possessed of these requisites compose the membership of ASCAP through whose facilities a great majority of the songs of the nation are made available to users for dissemination to the peoples of the world on the most expeditious and economical basis yet conceived. There is a cultural contribution given in exchange for copyright protection.

They have kept faith with the government and there is every reason to believe that the government will continue to keep faith with them.

TWO OLDEST RADIO PROGRAMS ARE MUSICALS

IT MUST be anything but a coincidence that the two oldest programs on the networks are two straight musical events, namely, the Cities Service Concert Hour and the Voice of Firestone. Cities Service began its series Feb. 18, 1927, while the Firestone program had its initial airing Dec. 3, 1928. For radio these dates signify something away back. With music it's just another step from yesterday.

These two accounts are numbered among the country's outstanding merchandisers. When they came into radio they sought out an article of entertainment whose appeal would extend through all classes of consumer. Fine artists and good music was the key, and so the formula has persisted successfully, 13 years for Cities Service and 12 years for Firestone.

Music with a Purpose

By IRVING CAESAR

"PURPOSE MUSIC" must be spontaneous! This sounds impossible, but it isn't! A man with a social conscience who is a songwriter may be impressed with something such as the need for "safety," as I have been, and suddenly, the social consciousness blossoms into words and music (as my "Safety Songs").

This isn't new. Folk songs are the result of emotions and thoughts of the conscious and subconscious mind about numberless things affecting the feelings and social instincts of men and women; songs about love, nature, work, patriotism, war, holidays, railroading, transportation, and countless other things.

In the classical field, too, "purpose music" has always existed. Many works have been written for a patron or for a celebration. The spontaneity was not staked, for in each the opportunity of writing "purpose music" was the composer's outlet. Schubert's "Rosamunde," Brahms' "Academic Overture," Verdi's "Aida" each was written for "purpose—a girl's school pageant, gratitude to a university, and the opening of an opera house: some variety."

You recall, too, that in other bad old days the Finns were forbidden by the Russian government to sing "Finlandia," because it stirred them to hate their Russian oppressor. Verdi's "Ernani" met the censor's periscope and rapier before its first presentation in Paris. This certainly proves that music can accomplish its aim, or governments wouldn't fear it!

People have asked me if my "Safety Songs" were easy to write. Not always! Because of their spontaneity, they often needed editing. Such songs as these must sing themselves, and yet not be overwrought and maudlin.

These songs of mine, although the most satisfactory things I have ever written, have not as yet made money. The response, however, that I have had from thousands of children and adults has so far paid me "a million" of the of heaven—gratitude and affection.

Perhaps some day an American industrial company with a social conscience and resources to reach millions over the air will decide to sponsor the "Safety Songs," or me and my songs. Feeling as I do about the good they have already done in a small circle, I don't care if this seems to be a frank bid to get a larger circulating medium. The songs resulted from my spontaneous, subconscious desire to save lives and avoid unnecessary casualties. Therefore, I have no inhibitions in expressing my desire for a broader field of usefulness for these songs. In fact, I feel that I am consistent with modern trends to want to save lives.

Private industries will have to help in salvaging life or stop criticizing the government for inaugurating prospects for civilian betterment. I am safe in saying this, because I know many industries which are responding to their social consciences. Only recently I attended a luncheon for the presentation of the J. Walter Mack Award for Youth sponsored by a large industrial firm. It made me feel mighty happy to see about a thousand prominent men and women leaders in every branch of life, give their time to go to the luncheon and encourage this social enterprise. I think all this is definitely a step in the right direction.

If then, industry is moved to do a job "pro bono publico," certainly, the songwriter (the very essence of whose work stems from the emotions and social stimuli) should be moved from time to time to use his medium for a purpose other than to send the public through the door of escape with a hi-de-ho-ho-cha-cha. I once said in fun: "I wish someone would write me a 'Safety Song' for the Stock Exchange!" But seriously speaking, I hope to see more purpose music in our America, which needs so much from all of us at present and may need more in the future.

After all, "purpose music" for the songwriter is but balancing the scales between the songs that forget reality and the songs that remember it!

BARBER SHOP QUARTETTES

By SIGMUND SPAETH

THE barber shop quartette was a musical standby of the Gay Nineties and the early years of the present century. Its current revival is a logical phase of the national tendency toward nostalgia and the gathering revolt against sophistication, over-elaboration and high speed. It is typically American, definitely a form of folk-music, improvisational in character, and unmistakably of the soil.

How barber shop ballads originated, no one seems to know. The tradition of music in barber shops is a very old one, dating back to the Elizabethan days. Many waiting customers amused themselves with a duet or a three-part song. In Florida, claims to have had the first barber shop quartette in America, composed of colored barbers who harmonized by ear. Actually such music was heard in other places than the tonsorial parlors of the past.

"Sweet Adeline," generally considered the classic of its kind, was published in 1903. Other favorites include "By The Old Mill Stream," "Mandy Lee," "In The Evening by the Moonlight," "I Want a Girl," "You Tell Me Your Dream," "Way Down Yonder in the Cornfield," "Stille," "Meet Me Tonight in Dreamland" and "Dear Old Girl."

Balance in Musical Power Shifting to America

By GEORGE FISCHER

THE balance in musical power is fast shifting from oppressed Europe to free America where faith, conviction, purpose and vision of the future can reshape this world from the forces of darkness.



Stifling of creative genius in foreign countries by the spread of dictatorships has left our country as one of the few nations—and the most important one—where inspiration is still permitted, freedom of expression, this means not only greater dependence upon our country for musical and other artistic output, but it opens up new opportunities for our composers and authors.

Coincident with the decline and practical stoppage in the creation of great music abroad has come a slow but encouraging increase in important music here. The indications of an important creative epoch in American music are evident.

In seeking to express itself without the political restrictions and suppressions of totalitarian countries, certain amount of refuge, talent from abroad also is seeking a haven in America, and this will help to enrich our army of musical creators. So it is not indulging in boastfulness to predict that the time will come when this country will be the outright leader in the production of all types of music, from jazz to grand opera.

It is fortunate, too, that composers have here an organization like ASCAP to protect their rights, administer their affairs and assure them of a square deal.

A Musical "Isolationist"

By JOHN TASKER HOWARD

IN MUSIC, I'm a nationalist in my belief that America produces great composers in direct and even greater numbers than the old world. If that makes me an isolationist, well and good. Our country is growing and our young music is growing with it, in fact, it is growing so rapidly in one direction (the popular song) that we are ahead of the world in that field. American dance music is the favorite of bands all over the world.

There are two schools of contemporary composers—one on the rhythmic or jazz side, the other more in the direction of the concert and opera house. Gershwin, Grofe, William Grant Still, are a few of the hundreds of proponents of the former school.

To the latter belong Roy Harris, Deems Taylor, Copland, Abram Chasins, Horace Johnson, Roger Sessions and others. These composers—both the jazz and standard schools—are among the so-called high brows of the American musical world, because each school has its effect on the other. But there are literally hundreds of others like Berlin, Kern, Romberg, who are following the lead of Stephen Foster in composing the nearest approach to folk music we have yet produced.

The only agency which officially encourages American creators of music of all schools, ASCAP, The American Society of Composers, Authors and Publishers is concerned not merely with protecting the rights of composers and authors and securing adequate payment for the use of their compositions in public performance, but is most active in encouraging production, since after all ASCAP licenses not merely quality, but volume, of the best music.

Music at the World's Fair

By CAPT. EUGENE LaBARRE

Conductor of N. Y. World's Fair Band of 1940

THE spirit of John Philip Sousa, America's most famous band leader, is marching through the New York World's Fair of 1940 this year in one of the gayest band programs ever assembled. Bright music is giving a lift to the Fair. This World's Fair Band is nearly 90% bigger than last year's. It has been built on the lines of the famous old bands of Sousa's day that used to thrill America from coast to coast.

Seventy musicians have been picked for versatility as well as musicianship. In addition to the Sousa alumni, the personnel includes eight men from the Metropolitan Opera Association orchestra, four from Toscanini's NBC Orchestra, and three from the Philharmonic Symphony Society of New York.

Twilight concerts in the Band Shell precede the Fountain Display's background music. The programs have a popular twist. Operatic light classics, marches and the best of the popular tunes of the day are played in special arrangements.

The World's Fair Band has many soloists. Prominent among these is Del Stalgiers, one of the world's foremost cornetists; Edmund Wall, who for many years was Sousa's solo clarinetist; Simone Mantel, first euphonium at the Fair; Chester H. Hazlett, formerly solo saxophone with Paul Whiteman, and Ross Gorman, who plays a dozen different instruments.

There is a male quartet with an operatic baritone, an ocarina quartet, a flute sextet, an oboe quartet and a saxophone quartet to give novelty effects to the Twilight concerts.

Music at the 1940 Fair is greatly enhanced through the construction of a modern band shell in the American Common. This is available not only for the World's Fair Band, but for many of the 500 High School and intercollegiate bands, orchestras and choral societies which appear at the Fair this year.

A wide variety of music is also presented over the Fair's public address system. Popular tunes coming from loud speakers at all entrances suggest the holiday spirit of the 1940 Fair. Music of a more serious character, light classic and operetta arias, is presented by way of the speaker system along Constitution Mall.



MACK GORDON

One of most prolific members of Hollywood circle of songwriters. His tunes, written in collaboration with Harry Revel, have been among most outstanding contribution to musical pictures in recent years. Won nine bonus awards from ASCAP, based on popularity of his works. Born in Warsaw, Poland. Educated in public schools of Brooklyn.

First song hit, *Underneath the Harlem Moon*, attracted wide attention. Ziegfeld signed him to write songs for *Follies* of 1931. Later received long contract from 20th Century-Fox. Famous for sense of humor in Hollywood circles. Works include:

SHOWS: Ziegfeld Follies; *Fast and Furious*, *Smiling Faces*. *PICTURES*: *Broadway Through a Keyhole*, *Sitting Pretty*, *White Woman*, *We're Not Dressing*, *College Rhythm*, *Here Comes the Groom*, *She Loves Me Not*, *Shoot the Works*, *Gay Divorcee*, *The Old Fashioned Way*, *Love: Bloom*, *Stolen Harmony*, *Paris in the Spring*, *Two for Tonight*, *Collegiate*, *Poor Little Rich Girl*; *To Mary*—*With Love*, *Wake Up and Live*, *You Can't Have Everything*, *Ali Baba Goes to Town*, *Love and Hisses*, *In Old Chicago*, *Josette*, *Love Finds Andy Hardy*, *My Lucky Star*, *Rebecca of Sunnybrook Farm*, *Hold That Co-ed*; *Thanks for Everything*.

PERCY ALDRIDGE
GRAINGER

Famous piano virtuoso and composer. Native of Australia. Studied with Louis Pabst in Melbourne. Made first concert appearance at 10. Two years later his earnings enabled him to study in Germany. In 1901 toured England, Australia, South Africa, Holland, Scandinavia and other countries.

Though Bach is his favorite composer, he has consistently championed the moderns. Was first concert pianist to play Debussy, Ravel, Cyril Scott, Delius, Albeniz, Carpenter, Dett and Guion in many lands. Made American debut in 1915. Became American citizen in 1918, while serving as bandsman in U. S. Army. His works are:

SUITE: *In a Nutshell*. *COMPOSITIONS*: *Children's March*, *Gay But Wistful*, *Pastoral*, *Knight and Shepherd's Daughter*, *Molly on the Shore*, *Shepherds Hey*, *To British Folk Songs*, *The Sprig of Thyme*, *Willow Willow*, *Colonial Song*, *English Dance*, *The Lads of Wamphray*, *Shallow Brown*, *Spoon River*, *Ramble*, *To a Nordic Princess*, *Country Gardens*, *The Hunter in His Career*, *Handel in the Strand*, *Irish Tune from County Derry*, *Recessional*, *Tribute to Foster*, *Blithe Bells*, *The Nightingale* and *the Two Sisters*.



MARIA GREVER

Favorite composer of Latin America for more than two decades. Has nearly 500 songs to her credit. Two years ago, while threatened with blindness as a result of an eye infection, she composed her biggest American hit, *Ti-Pi-Tin*. Previously a creator of Spanish songs for which she wrote both words and music. List of singers who have sung her songs in concert halls include Enrico Caruso, Lawrence Tibbett, Tito Schipa, Nino Martini, Jessica Dragonette.

Is a native of Mexico City, of Spanish parentage. At an early age she mastered piano and violin, also studied voice. Following publication of her first song, *Besame* (*Kiss Me*), became an outstanding favorite of concert stage of Spanish speaking South American countries. Among her works are:

Andalucia, *Cancionera*, *Cacho de Oielo*, *Espana*, *How Could You Forget*, *I Do*, *Luna Sol y Mar*, *Muchachita Mia*, *Muyer Cubana*, *Only for You*, *Siempre*, *I Am Yours*, *Manana por la Manana*, *Hasta la Vista*, *Chiquitita Mia*, *What a Difference a Day Made*, *Ti-Pi-Tin*, *Let Me Go Back to My Dreams*, *Rosebud*, *Thanks for the Kiss*, *Make Love With a Guitar*, *My Margarita*, *Ese Tango*, *Come Back to Me*, *Yo NoSe*.



FERDE GROFE

His brilliant orchestra arrangements and masterly compositions were largely responsible for bridging the gap that long existed between the classic and the modern schools of music lovers. As a result, popular American music was given a hearing in America's leading concert halls, formerly reserved solely for the works of music masters of past generations.

Trained at an early age in the theory and practice of classical music, he turned to popular music composition with a thorough knowledge of fundamentals. Is a native New Yorker. Both his parents were talented musicians. Father was with the Bostonians, famous light opera company. Mother was a concert cellist. From infancy he was reared in cultural surroundings of classic music. His works include:

SUITES: *Three Shades of Blue*, *Grand Canyon Suite*, *Hollywood Suite*. *COMPOSITIONS*: *Rhapsody in Blue*, *Song of India*, *When I'm Alone With You*, *Russian Rose*, *Wonderful One*, *Coronado*, *No One Knows*, *Mississippi*, *Steppin' Around*, *Broadway at Night*, *Musette*, *Ode to Freedom*, *Tablao*, *Kilroney*, *An Ode to the Star Spangled Banner*, *Christmas Eve*, *Knutte Rockne*, *Symphony in Steel*, *Ruby*, *Miss Mischief*, *Wheels*, *Blue Flame*.



LOUIS GRUENBERG

Concert pianist and composer. He spends as much time as possible at his Santa Monica home. Between concert tours and turning down fabulous Hollywood offers, and the pleasant vacations at home, he is a prodigious composer. Born in Russia and educated there and at Vienna Conservatory. Made his debut as pianist with Berlin Philharmonic.

Toured the world giving recitals. Prizes awarded to him include: *Signale* (Berlin), *Columbia Gramophone*, *Victor Gramophone*, *New York Symphony* and *Lake Placid Club*. Became Chairman of the Composition Department of Chicago Musical College. He was co-founder of the League of Composers; Music Guild. Among his works are:

OPERAS: *Jack and the Beanstalk*, *The Emperor Jones*. *OPERETTAS*: *Lady X*, *Tommy*. *SPIRITUALS*: *Twenty Negro Spirituals*. *SONATA*: *Violin Sonata Number One*, *Violin Sonata Number Two*. *SYMPHONY*: *Symphony Number One*. *COMPOSITIONS*: *Larkspur*, *I Went Down Into the Desert*, *Poem*, *Creation*, *Daniel Jazz*, *Invocation*, *Festivities*, *The Lady With the Damask Mantle*, *Out of the Mist*, *Clearing at Dawn*, *Spring*, *There is a Garden*, *Sunset Gold*, *The Sleeping Beauty*, *Dance of the Veiled Women*, *Fleur D'Amour*, *Valsette*, *D'Amour*.





RICHARD HAGEMAN

At present he's living in Beverly Hills and doing some movie work. Born in Holland. He gave his first concert at the age of six. His musical education, started under his father, continued until he was 16. At 19 he was first conductor of the Royal Opera Company's French and Italian repertoire. Came to this country with Yvette Gilbert in 1906, joined Metropolitan Opera in 1908. Since then has conducted operas in all musical centers here. In 1937, for Paramount, started to compose original musical scores. His opera, Caponsacchi, was the first such work to be broadcast across Atlantic and the first American opera produced in Austria. Among his works are:

OPERA: *Caponsacchi*; COMPOSITIONS: *Do Not Go My Love, May Night, Grandma's Prayer, Happiness, Nature's Holiday, The Heart Is Like a Tomb, Devotion, When We Were Parted, Evening, Little Sorrows, Christ Went Up into the Hills, The Night Has a Thousand Eyes, Christmas Eve, Song Without Words, To a Golden-Haired Girl, Sundown, I'm Mad About You, The Smile in Your Eyes, Primavera, Music I Heard With You, The Rich Man, This Thing I Do, The Little Dancers, Animal Crackers.*



OSCAR HAMMERSTEIN, II

His current musical spectacle, American Jubilee, is the standout attraction at the New York World's Fair. His Show Boat, with its memoable Ol' Man River, will be revived again this season on Broadway. Which will make it the most revived show in the history of modern musicals. Born in New York City. Scion of a noted theatrical family. His grandfather, Osear Hammerstein, was a legendary figure on Broadway.

During his academic career, he wrote several college shows. Started as stage manager. Holds record for having a succession of shows on the Main Stem for seven straight seasons. Commutes between New York and Hollywood. Among his works are:

SHOWS: *Very Warm for May, American Jubilee, The Great Waltz, The Lady Objects, May Wine, Music in the Air, Free for All, Sweet Adeline, Rainbow, New Moon, Show Boat, Golden Dawn, The Desert Song, The Wild Rose, Song of the Flame, Sunny, Rose Marie, Jimmie, Tickle Me, PICTURES: High Wide and Handsome, Roberta, The Night Is Young, I'll Take Romance; SONGS: Why Was I Born, I Told Every Little Star, Rose Marie I Love You, Indian Love Call, Whio, Bambolina, Why Do I Love You, Only Make Believe, Lover Come Back to Me.*



WILLIAM C. HANDY

"Granddaddy of the blues," divides time between Tin Pan Alley and working for advancement of his race. Born in Alabama. Preferred to work in the mills rather than follow his family in the pulpit. Organized vocal quartette for Chicago Fair. Became a bandmaster in Kentucky. Swept into prominence in Memphis when his band actually played a political faction into office. Here he turned to composing. No member of his race was ever honored as he was in Memphis when Paul Whiteman invited Handy to share the platform with him in 1936.

Because publishers originally frowned on his blues, he published Memphis Blues himself. Later established his own publishing firm in New York. Among his works:

Saint Louis Blues, Darktown Revellie, Chicago Gouge, Memphis Blues, Beale Street Blues, Aunt Hagar's Blues, John Henry Blues, Hesitating Blues, Joe Turner Blues, Yellow Dog, The Rough Rocky Road, Basement Blues, Atlanta Blues, The Birth of Jazz, Sing 'Em Low, Way Down South Where the Blues Began; SPIRITUALS: W. C. Handy's Collection of Negro Spirituals, The Good Lord Sent Me You, I've Heard of a City Called Heaven, Somebody's Wrong About De Bible, Go Down Moses, Steal Away, Bright Star of Hope, Thinking of Thee.



HOWARD HANSON

Composer-conductor-educator, for years director of the Eastman School of Music in Rochester, N. Y., was born in Nebraska and educated at Luther College, University School of Music, Institute of Musical Art. Received his Bachelor of Music degree from Northwestern University. Honorary degrees: Northwestern, Syracuse, Horner Institute and many other colleges.

He won the first American Prix de Rome competition in 1921. Has served as guest conductor with almost all our famous orchestras. He is a member of a great many music organizations, as well as a fellow of the American Academy in Rome, Royal Academy of Music, Sweden's National Institute of Arts and Letters. Among his more famous works are:

From Scandinavian Suite, Opus 13: Vermeland, Reminiscence, Lullaby, Longing, Clog Dance; Symphony No. 1 in E Minor, Nordic Opus 21: Three Miniatures, Opus 12; Two Yuletide pieces, Opus 19: Impromptu, March Carillon, Symphonic Poem, Luz Aeterna, String Quartet, The Lament for Beaulieu, Pan and the Priest, Merry Mount Opera, Three Poems from Walt Whitman, Songs from Drum Taps; Palestrina: Pope Marcellus, Mass, Kyrie, Gloria, Credo.



ROY HARRIS

Current head of the composition department of the Westminster Choir School at Princeton, N. J., and director of the Festival of American Music. He was born in Oklahoma of Scotch-Irish parentage. Had no musical education until 25. He won a Guggenheim Scholarship in 1927. In 1930 and 1931 he received a Creative Fellowship from the Pasadena Music and Arts Association. An accident to his spine in 1929 kept him in bed for six months. There, too, learned to compose without piano. He believes this greatly influenced his artistic career.

His orchestra works, symphonies, concertos, sextets and sonatas, as well as his choral works for unusual combinations of voices and instruments, have given him an international reputation. His works include:

Piano Sonata, Concerto, First Symphony, Story of Noah, Overture—Johnny Comes Marching Home, Farewell to Pioneers, Chorale for Strings, Second Symphony, Song for Occupations (Choral), Bach's Art of Fugue, Prelude and Fugue, Piano Violin Cello Trio, Symphonic Essays, Old Black Joe (Choral), Third Symphony, Sanctus (Choral), He's Gone Away, Three Variations, Piano Quintet, 4 Minutes 20 Seconds, Symphony for Voices.





LORENZ HART

At present he can be seen at his usual Broadway hangouts waiting until his two musicals for next season go into rehearsal. Born in New York. Educated at Columbia, where he got his A.B. Though lyric writer for innumerable hits and author of a number of musical books, has never written a song without his partner, Richard Rodgers.

Owes his present career to the fact that Rodgers was stuck at Columbia for a lyric writer to collaborate on school show. Despite his job, translating works, Rodgers induced him to work on the musical show. Claims this was his post-graduate work and that it paid better dividends than any other p.g. work he ever heard of. His works include:

SHOWS: *Too Many Girls, Higher and Higher, Babes in Arms, On Your Toes, Jumbo, Simple Simon, Heads Up, Spring Is Here, Present Arms, One Damn Thing After Another, A Connecticut Yankee, Betsy, Peggy Ann, Garrick Gaities, The Girl Friend, Fifth Avenue Follies, The Melody Man, Dearest Enemy*; **PICTURES:** *Mississippi, Hallelujah! I'm a Bum, Phantom President, Love Me Tonight, The Merry Widow*; **SONGS:** *My Heart Stood Still, With a Song in My Heart, Ten Cents a Dance, I Married an Angel.*



JASCHA HEIFETZ

Long recognized as one of the world's outstanding violinists, he has an equally enviable reputation as a composer. Born in Vilna, Russia, the son of a noted violinist, he learned to fiddle as soon as he learned to walk. He was admitted to the Imperial Conservatory in Petrograd after making the highest mark ever earned on an entrance examination.

At 12 he made his debut as a full-fledged artist. Musical crowds in Russia, Germany and Scandinavia hailed him as a genius when he appeared there on his first concert tour. Made his American debut in 1917. Since then has spent more time in this country than anywhere else. Received more money for his motion picture debut than any established movie or opera star has ever received for the same amount of time. Still active as both concert artist and composer. Among his works are:

Estrellita, Larghetto, Rigaudon, Hora Staccato, Sevilla, Tempo Di Valse, Danza De La Gitana, L'Après-Midi D'Un Faune, Mouvemens Perpetuels, Rondo (In Es), All Wein, The Bumble Bee, Sea Murmurs, Tango, Sarabande, Two Gavottes, Humoreske, Children's Suite, Prelude, Cadenzas.



RAY HENDERSON

Very busy planning production of his own, two shows for Broadway next season. Buffalo born. As a boy, played the organ in church. Received thorough musical education. Private tutors instructed him in theory, harmony and counterpoint, but failed to dissuade him from modern trends. Chicago Conservatory of Music likewise failed.

He worked at odd jobs, sold music, finally hit Broadway and talked so well a music publisher gave him a job as song plugger. Then worked in the arranging department. Finally accompanist for vaude headliners. First published song was a smash. George White started him in the theatre by introducing him to Lew Brown and Buddy DeSylva. His works:

SHOWS: *George White's Scandals of 1926-28-31-36, Say When, Forward March, Hot-Cha, Flying High, Follow Thru, Three Cheers, Hold Everything*; **PICTURES:** *Curly Top, Sunny Side Up, George White's Scandals, 1934, Indiscreet*; **SONGS:** *Just a Sweet Old Gent and a Quaint Old Lady, Don't Tell Her What's Happened to Me, My Sin, Sonny Boy, Broken Hearted, It All Depends On You, Bye Bye Blackbird, I'm Sitting On Top of the World, Alabama Bound, Follow the Swallow, That Old Gang of Mine, Annabelle.*



BILLY HILL

Today he can satisfy his wanderlust on Pullmans instead of under box cars, and missing a meal is only a sign of weight-worry. There was a time things were different. Born in Boston, educated in public schools. A capable violin player, he reached the far West, where he organized the first jazz orchestra for a Chinese restaurant in Salt Lake City. This after riding range, making up pay rolls and carrying an engineer's transit. Success and failure alternated.

Started selling songs outright so he could eat. Came to New York and worked as doorman in Fifth Avenue apartment while waiting for recognition. Among his works:

On a Little Street in Singapore, Cabin in the Carolines, Just Say Aloha, Empty Saddles, Lights Out, Wagon Wheels, There's a Home in Woomin, The Last Round-Up, Colorado Moon, There's a Cabin in the Pines, The Old Spinning Wheel, Have You Ever Been Lonely, They Cut Down the Old Pine Tree, For Molly and Me, While the Band Is Playing, Playmate, Rockabye My Baby Blues, I'll Tell the World She's Mine, Sleepy Head, Peaceful Valley, In a Little Town Across the Border, Rain, Twilight Down in Tennessee, Just an Old Fashioned Mother, Manyana-Tomorrow.



JOHN TASKER HOWARD

Occupies outstanding position as author as well as composer and pianist. Splits time between radio and writing. Born in Brooklyn. Mother a gifted musician. A grand-uncle was sponsor for Henry Ward Beecher in the East. Attended Williams College.

His scholarly writings on music won early recognition. Managing editor of *The Musician* in 1918. Music editor of *McCall's*. Edited music department of Weedon's *Modern Encyclopedia*. His books include *Our American Music, Stephen Foster, America's Troubadour, Ethelbert Nevin, Studies of Contemporary American Composers*. Musical works:

Negro Lament, Chant Negre, A-Walking By, In the Valley at Home, A Modern Lullaby, There Is Sweet Music Here, The Sun Will Shine Again, Refuge, To a Baffling Lady, The Primrose, The First Nowell, Her Image, Jenny Kissed Me, Intaglio Waltzes, Minuet, Reverie, Country Dance, Rocco, Valse Arabesque, Serenade, Bourree, Foster Sonatina, March of the Grenadiers, Program of Stephen Foster Songs.





OTTO A. HARBACH

One of the most versatile as well as most erudite members of ASCAP, he spends a great deal of his time on the organization's problems. Born in Salt Lake City. He worked his way through Knox College. Got his A.B. in 1895, his M.A. in 1898 and an honorary degree of Doctor of Literature in 1934. Started to get his Ph.D. at Columbia, but became a reporter instead. Has earned a living fiddling in Salt Lake City, teaching English at Whitman College and writing advertising copy.

High spot in one of Broadway's most successful careers was 1926. No less than five of his musical plays were produced in that one season. His works include:

SHOWS: Forbidden Melody, Roberta, The Cat and the Fiddle, Nina Ross, Golden Dawn, Lady Fair, The Desert Song, Song of the Flame, The Wild Rose, Criss Cross, Sunny, No No Nnette, Rose Marie, Betty Lee, Jack and Jill, Wildflower, Blue Kitten, O'Brien Girl, Tickle Me, Jimmie, Mary, Tumble In, Little Whopper, Going Up, You're in Love, Katinka, High Jinks, Firefly, Madame Sherry, Girl of My Dreams, Bright Eyes, Three Twins; SONGS: Rose Marie, Indian Love Call, Sunny, Who.



JOSEPH E. HOWARD

Veteran songwriter and showman is now making personal appearances. His singing act is still a show stopper. Ran away from home in New York at eight. Farmed in Missouri and sold papers in Kansas City. Made his formal debut on the stage as Little Eva. Still doesn't know where he learned to play the piano. At 16 he was well known in western theatres as a song and dance man.

Established as a popular songwriter in Chicago, he turned to producing vaudeville acts. Among his varied works are:

SHOWS: Time Place and Girl, Girl Question, Prince of Tonight, Stubborn Cinderella, Honeymoon Trail, Land of the Nod, Goddess of Liberty, Sweetest Girl in Paris, Golden Girl, Flower of the Ranch, My Baby Face, Broadway Honeymoon, Miss Nobody From Starland, District Leader, Love in Politics. SONGS: I Wonder Who's Kissing Her Now, Good Bye My Lady Love, Hello My Baby, Honeymoon, If All the Moons Were Honeymoons, What's the Use of Dreaming, On a Saturday Night, Lonesome Tonight, Naomi, Sweet Little Mary Ann, Meet Me at the New York World's Fair.



RAYMOND HUBBELL

Unlike a lot of songwriters, he never had to do anything else. His first song clicked and he's been writing ever since. A native of Urbana, Ohio. Educated in the public schools of his native state. He migrated to New York a few years after becoming a professional tunesmith.

Member of The Lambs, and that's his only hobby. Prefers doing scores for shows, but turns his hand occasionally to an ordinary song. Among his works:

SHOWS: Three Cheers, Yours Truly, The Girl From Cook's, Ziegfeld Follies, Elusive Lady, Better Times, Sonny, Good Times, Among the Girls, Happy Days, Miss Millions, Hitchy Koo, The Kiss Burglar, Cheer Up, Come to Bohemia, The Big Show, The Model Girl, Hip Hip Hooray, Fads and Fancies, A Winsome Widow, Three Romances, Bachelor Belles, The Air King, Girl From the States, Jolly Bachelors, Midnight Sons, A Girl of the Helm, Knight for a Day, About Town, Mexicana, Fantana, The Runaways, Chow Chow. SONGS: Imagine Me Without You, Yours Truly, Someone Else is Blue, That's Gratitude, Poor Butterfly, A Little World of Our Own, I'm Lonely for Only One, In the Pale Moonlight, Keep Your Love for Me, Hello Honey, Oh You Fascinating Girl.



FREDERICK JACOBI

Since 1936 he's been teaching composition at the Juilliard Graduate School. Takes time off to lecture at various universities. Born in California, he completed his education in New York at Ethical Culture School and in Berlin at Hochschule for Music. Thorough musical education led to Metropolitan Opera, where he served four years as assistant conductor. Twice he received award from Society for Publication of American Music.

His music has been featured by San Francisco Symphony orchestra and the Philadelphia, Chicago, Rochester, Boston and other symphonic organizations. Commutes between his home in Northampton and his office in New York. His works include:

The Fairy Isle of Janjira, In the Night, The Look, Love and Death, A Mock Song, Paradox, Roundel, Ballade, Three Preludes for Violin and Piano, String Quartet, Sabbath Evening Service.



PHILIP JAMES

Divides time now between teaching, composing and guest-conducting symphony orchestras. Born in New Jersey, attended C.C.N.Y. where he made Phi Beta Kappa. Was musical director with Victor Herbert and Winthrop Ames. Choirmaster of several churches.

Served as conductor Brooklyn Orchestral Society, Symphony Orchestra of Orange, Montclair and Newark; Bamberger Symphony Orchestra. Professor of Music, New York University; Instructor in Music, Columbia; bandmaster and commanding officer, A.E.F. Headquarters Band. Won NBC's first prize for orchestra suite. Won Juilliard Foundation's Publication award, 1937. Won first prize Women's Symphony Orchestra, 1938. Among his works:

My Heart is Like a Sweet-Toned Lute, Peace Be to This Home, Fete, The Nun, A Song of the Future, Evening, Moonlight, Victory Riders, My Little Pretty One, I Am the Vine, Spring in Vienna, A Spring Song, Daria, I Know a Maiden, Pride of May, Lullaby, Phillips, O Be Joyful in the Lord, Love's Springtide, Ballad of Trees and the Master, When Thou Commandest, I Have Considered the Days of Old, A Hush Song, Transit, Lux Deus.





J. ROSAMOND JOHNSON

One of most erudite Negroes in music, has inspired hundreds of his race. Born in Florida, was an excellent piano player at four. Studied at New England Conservatory of Music. Took additional courses in London. With his brother, James Weldon, wrote a comic opera. Though unproduced, it brought them to New York. With Bob Cole, they wrote many hits.

With Cole he headlined in vaudeville till latter retired. In 1912 became musical director for Oscar Hammerstein's Grand Opera House in London. Organized and headed Music School Settlement for Colored People. Has written books about music, given concerts and lectures. Returned to stage in *Porgy and Bess*. Besides two books of spirituals, works include:

Under the Bamboo Tree, Lazy Moon, Castle on the Nile, The Maiden With the Dreamy Eyes, Nobody's Looking But De Owl and De Moon, Congo Love Song, Tell Me Dusky Maiden, Mandy Let Me Be Yo' Beau, Sugar Babe, Big Chief, Shoe-Fly Regiment, Red Moon, American Beauty and the Beast, Humpty Dumpty, Lit'l Gal, I've Got Trouble of My Own, Maybe in the Springtime, Maybe You Will Love Me, African Drum Dance No. 1, Betty Lou, Mississippi River, Just an Old Banjo, The Swallow, Dry Bones.



GUS KAHN

Among most prolific lyric writers in the country, he still hopes to write the great American novel. When he was five, parents came to Chicago from Germany. At 14 he worked for clothing manufacturer. Got job on a German newspaper, but when he sold his first song he quit. Later he married the girl with whom he wrote the song.

Spent much time writing material for vaudeville stars as well as shows. Has done more than his share to establish film musicals. Among his works:

SHOWS: Whoopie, Music For Madame; PICTURES: Honolulu, Girl of the Golden West, Everybody Sing, A Day at the Races, Rose Marie, Thanks a Million, Caravan, Kid Millions, Flying Down to Rio. SONGS: Blue Lovebird, Blue Venetian Waters, Josephine, Waitin' at the Gate For Katy, One Night of Love, You've Got Everything, There Goes the Girl For Me, Dream a Little Dream of Me, I'm Through With Love, A Little Old Church in the Valley, Where the Shy Little Violets Grow, Liza, She's Wonderful, Ready For the River, Chloe, If You See Sally, There Ain't No Maybe in My Baby's Eyes, There'll Come Time, Let's Call It a Day, Carolina in the Morning, Toot Toot Tootsie Goodbye, Ain't We Got Fun, Your Eyes Have Told Me So, Pretty Baby, Memories, I Wish I Had a Girl.



BERT KALMAR

Now in Hollywood writing songs and motion picture scenarios with his partner, Harry Ruby. Ran away from his New York home at 10 to become child prodigy magician with tent show. Quit magic to be a comedian in burlesque. From burlesque to vaudeville.

Started writing parodies. Soon turned to original songs. Like all songwriters wanted his own publishing house. Achieved ambition. Through Belle Baker, met Harry Ruby and the two teamed up, an association that has continued 25 years. Among his works:

SHOWS: Animal Crackers, Good Boy, Five o'Clock Girl, The Cuckoos, The Ramblers, Helen of Troy New York. PICTURES: Walking on Air, Hips Hips Hooray, Kid From Spain, mos 'n' Andy, Top Speed. SONGS: Three Little Fishes, Three Little Words, Oh What a Pal Was Mary, Hello Hawaii, Look What You Have Done With Your Doggone Dangerous Eyes, Timbuck Too, My Sunny Tennessee, Roll Along Missouri, Believe Me, This Must Be Heaven, The Songs My Mother Used to Sing to Me, My Heart Wants to Dance, Look What You've Done, Get a Little Fun Out of Life, Reaching for the Moon, I Love You So Much, Why Am I So Romantic, Watching the Clouds Roll By, Some Sweet Someone.



JEROME KERN

His *Show Boat* set for Broadway revival again this season, is now a classic. Born in New York. First music teacher was his mother. Attended New York College of Music, later studied abroad.

Worked for Charles Frohman in London, where he learned about the theatre. On return, served as staff writer, music salesman and pianist. Since 1911, has been responsible for some of Broadway's biggest musical hits, also Hollywood's better productions. Some of his works:

SHOWS: Roberta, Music in the Air, Cat and the Fiddle, Sweet Adeline, Blue Eyes, Lucky, Show Boat, Criss Cross, Sunny, Sitting Pretty, Sally, Hitchy Koo 1920, Night Boat, Dear Sir, Stepping Stones, Bunch and Judy, Cabaret Girl, Good Morning Dearie, Leave It to Jane, Oh Boy, Girls Will Be Girls, Have a Heart, Little Miss Springtime, Rock a Bye Baby, Head Over Heels, Oh Lady, Lady, Love O' Mike, Girl From Montmartre, Little Miss Fix-It, La Belle Patee, Kiss Waltz, Very Good Eddie, Nobody Home, Girl From Utah. PICTURES: High Wide and Handsome, When You're in Love, Swing Time, Show Boat, I Dream Too Much, Roberta.



FRITZ KREISLER

Still a towering figure in the music world, he speaks to his concerts via airplane. Born in Vienna. At seven he was an acknowledged prodigy. Studied at the Vienna Conservatory, though under minimum entrance age, then at the Paris Conservatory. At 12 he won the Premier Grand Prix de Rome. Despite acclaim on concert tour, laid aside violin for medicine.

After ten years he returned to the violin. Since then musical career interrupted only by World War. He served as a Captain with the Austrian Army. A prolific composer, his unearthing many lost treasures of violin compositions in the ancient libraries of France and Italy has contributed as much to the rich libraries as his own compositions now available for violinists. Among his works:

Caprice Viennois, Serenade Espagnole, Gypsy Caprice, Tambourin Chinois, Cradle Song, Romande, Song Without Words, Moment Musical, Rondo, Gavotte in E Major, A Spanish Dance, Scherzo, Minuet, Andantino, Toy Soldier's March, Viennese Melody, Indian Lament, Paradise, Mazurka, Sketches from Scheherazade Danse Orientale, Chanson Arabe, Hindoo Chant, Songs My Mother Taught Me, Madly in Love, Stars in My Eyes.





MAYHEW LESTER LAKE

All-around man of music. Band and orchestra arranger, composer, director. Has more than 2,000 original compositions and arrangements of musical works to his credit. Pioneer in creation of symphonic musical backgrounds for motion pictures. Expert in scoring films.

Among composers who have acclaimed his genius for orchestration are Rimsky-Korsakoff, Debussy, Saint Saens, Kreisler, Herbert, Sousa, Goldman, Grainger, Hadley. Native of Southville, Mass. Studied violin, piano, harmony and counterpoint before joining Boston Symphony Orchestra at early age. Has been called a musician for musicians, since his work has been largely confined to embellishment of other composers' creations. His works include:

Wedding March, Songs from the Old Folks, Society One Step, Old-Timers Waltz, Indian Love Song, Hail Hat the Gang's All Here, Easter Chimes, Day at the Fair, Among the Roses, Love Comes and Goes, Aloha Oe, Ave Maria, Humoresque on Three Blind Mice, Lou'sanna Evenin' Song, Shadows, Berceuse, When Summer Comes Again, Tomorrow, America, Forget Me Not, Longing for Home, Hymn to the Sun, When Gabri'l Blows the Horn, Gypsy Caravan March, Dolores.



EDGAR LESLIE

Has been writing song lyrics for more than 30 years. As a boy he started selling song parodies to dialect comedians appearing in vaudeville. Native New Yorker. Has written songs in collaboration with many of the outstanding songsmiths of his time, including Irving Berlin, Harry Warren, Walter Donaldson.

In recent years has been teamed with Joe Burke. Together they have written many songs that landed on Your Hit Parade, network radio program. A member of board of directors of ASCAP, devotes much time to affairs of the society. Among his works:

PICTURES: Hot for Paris, Cameo Kirby. SONGS: It Looks Like Rain in Cherry Blossom Lane, A Little Bit Independent, On Treasure Island, In a Little Gypsy Tearoom, Moon Over Miami, The Moon Was Yellow, You've Got Me in the Palm of Your Hand, Reminiscing, Me and the Man in the Mood, Among My Souvenirs, Shalimar, Rose of the Rio Grande, Gin Gin Ginny Shore, Get Out and Get Under, Million Dollar Doll, Robins and Roses, Somewhere With Somebody Else, Just a Little Home for the Old Folks, By the River Sainte Marie, Wasting My Love on You, Sweet Seventeen, Forget Me Not, I'm on My Way to Dreamland.



SAMUEL M. LEWIS

He might have been a violinist, but he had to help support the family, so the violin was put away for job in a theatre ticket broker's office. This association started him writing songs.

At the age of 16 he wrote his first hit. After that it was a cinch. Noted particularly for his excellent special material. Has supplied Al Jolson and other stars with outstanding numbers. Served one short stretch in Hollywood, but likes the climate in New York much better. Among his songs:

Love What Are You Doing to My Heart, Put Your Heart in a Song, To Know You Is to Want You, This Time It's Love, Lawd You Made the Night Too Long, Forbidden Love, There's a Ring Around the Moon, Cryin' for the Carolines, I Kiss Your Hand Madame, Then You've Never Been Blue, King for a Day, Laugh Clown Laugh, Keep Sweeping the Cobwebs Off the Moon, Cheerie Beerie Bee, There's a Cradle in Caroline, Take in the Sun Hang Out the Moon, In a Little Spanish Town, I Ain't Got Nobody, Dinah, Five Foot Two Eyes of Blue, I'm Sitting on Top of the World, Ten Ten Tennessee, My Mother's Rosary, Tuck Me to Sleep in My Old Tucky Home.



THURLOW LIEURANCE

World's foremost authority on Indian music. Born in Oskaloosa, Iowa. Studied at Cincinnati College of Music. A rare feeling for the exotic and a desire to know more about the original inhabitants of this continent led him to spend many years among Indian tribes. Recorded their tunes and studied their customs.

His work along these lines eventually led to a professorship at University School of Music in Lincoln, Nebraska. Meantime his compositions had spread his fame. Now divides his time between teaching, writing and giving advice to innumerable students who write their theses on the American Indian. Among his works:

By the Waters of Minnetonka, Reverie, Blue Mist, Remembered, Midnight Lagoon, Purple Pines, Among the Pines, To Celia, On Cherry Hill, And I Ain't Got Weary Yet, The Good Rain, Star of Mine, Silver Stream, Dying Moon Flower, From the Old Homestead, In Mirrored Waters, Hymn to the Sun, God, Holiday Pleasures, The Tulip, Irish Spring Song, I Wonder Why, Came the Dawn, If I Hadn't Had You, My Dear, At Parting, The Sandman, Sunbeams, A Prayer.



ROBERT MacGIMSEY

An accomplished lawyer, successful real estate dealer and cotton planter, his chief occupation today is composing. Occasionally appears on the air, where his three-tone whistling has earned him a unique distinction. Louisiana born, son of a mathematics professor. Sang in the choir as a child, played piano, saxophone and harmonica. Music originally side-tracked him from law course while he studied under Frank Damrosch.

Working as secretary to U. S. Senator Ransdell, he met Gene Austin who pressed him into "whistling-service" for a recording. Fame as a whistler brought him to New York. By 1932 his compositions were as famous as his whistling records. Besides original music, he compiles books of spirituals and lectures on Negro music. Among his works:

Hush-a-Bye Baby, Abraham, Religion Ain't Nothin' to Play With, Shadrack, Trouble, Down to De Rivah, Thunderin' Wonderin', Land Ov Degradashun, Sweet Little Jesus Boy, To My Mother, Daniel in the Lion's Den, Jonah and the Whale, Jeri-Jericho, Roofs, Workin' Slavin', Old Slave, The Old Home, Tower of Babel, Nebucadnezza, I Was There When They Crucified My Lord, My Child Asleep.





ALBERT HAY MALOTTE

One of the most versatile men of music. Wrote the musical setting for *The Lord's Prayer* and the original score for *Ferdinand the Bull*. Born in Philadelphia, the son of a choir-master. Began his musical career as a choir boy. Studied piano and organ. At 14, wanting to be a composer, he showed Victor Herbert a few of his pieces. For three years Herbert coached the young musician.

Despite his success at writing, he became a featured concert organist in motion picture theatres. Then opened an organ school in Los Angeles. When sound arrived he closed the school to join one of the studios. His works include:

PICTURE: *Hi Gaucho*. WALT DISNEY SILLY SYMPHONY SCORES: *Cock o' the Walk, Broken Toys, Orphans' Picnic, Moving Day*. BALLET MUSIC: *Carnival in Venice, Little Red Riding Hood*. COMPOSITIONS: *Bob-o-Link, My Fascinating Girl, Melancholy Moon, Bring Back the Old-Fashioned Waltz, Someday I'll Forget, Why Do I Care for You, Maybe Perhaps, Melody of My Love*.



MME. MANA-ZUCCA

Her Miami home is the centre of musical activity in the Floridian resort. Today she's as busy turning out tunes as she was years ago composing songs sung the world over by Caruso, Galli-Curci, Tibbett, Bori and Thomas. Born in New York on Christmas Day. Became a student of Alexander Lambert at the age of seven. At eight she made her debut as guest soloist in Carnegie Hall with the New York Philharmonic.

Several seasons of concert triumph, additional study in Europe. Followed her piano triumphs with success as concert singer. Then light opera. With advent of jazz, did arrangements for Whiteman and Grofe. Among her works:

Supposing, *Because of You, Eili Eili, Hast Thou Forsaken Me, I Love Life, In the Gloaming, Ah Love Will You Remember Me, Speak to Me, Morning, Love's Adoration, Mother Dear, What Is a Kiss, Roaming Gypsy, The Ocean, All for You, Worship, Bolero De Concert, Sunbeams, Ain't No Use, The Thrill of a Lifetime, Mona Lisa, I Could Not Love This World So Much, Grow Old, Along With Me, Interlude, A Pleasant Memory*.



DANIEL GREGORY MASON

Head of the Department of Music at Columbia University, he has devoted a long career to the development of musical culture in America and has contributed many important symphonies. Born in Brookline, Massachusetts, of a long line of distinguished musicians. His grandfather wrote *Nearer My God to Thee*. Educated at Harvard. His lectures on musical appreciation were begun soon after he completed his course. Helped organize the first adult education classes in music sponsored by New York's Board of Education.

He joined the staff at Columbia in 1909. His first Symphony was played by Philadelphia Orchestra in 1916. The great orchestras of most large American cities have played his music. His volumes on music and musicians have become authoritative text books. Works:

COMPOSITIONS FOR PIANO: *Birthday Waltzes, Country Pictures, Elegy, Quartet, Sonata, Silhouettes, OVERTURE: Chanticleer*. OTHER COMPOSITIONS: *Diaperimento, Romance and Impromptu, Four Songs, Impromptu and Ballade, Yankee Doodle, Six Love Songs, Russians, Three Pieces for Flute Harp and Strings, Symphony No. 1 in C Minor, Variations for String Quartet On a Theme of John Powell, Fanny Flair, Rosina*.



JOSEPH MCCARTHY

A New York-Hollywood commuter ever since 1931 when he first listened to movie offers. Born in Massachusetts, he quit school at 16 to clerk in a store. Started to experiment with songs which never got further than the corner music store. Then sang in cafes.

Met George Krey, Boston publisher, who engaged him as song plugger. Two songs and he went into publishing himself. Then New York and a job with Feist. Hit after hit. A short time with von Tilzer, back to Feist and then a crack at musical comedy. Since then has divided efforts between stage and screen. Among his works:

SHOWS: *Rio Rita, Irene, Ziegfeld Follies*. PICTURES: *Man Trouble, Song o' My Heart, High Society Blues*. SONGS: *Happy Days, You're Always in My Arms, When Your Heart's in the Game, Someone Loves You After All, That's How I Need You, You Made Me Love You, Polly Put the Kettle On, Keep Your Eye on the Ball, The Same Old Way, On the Old Lake Trail, Let's Do and Say We Didn't, Saw Mill River Road, To Love You—That's Why I'm Living, If Every Star Was a Little Pickaninny, I Miss You, Crying, Nearing the Day, I'd Like to Put You in a Big Glass Case, Take Oh Take Those Lips Away*.



JIMMIE McHUGH

At present in Hollywood preparing score for Kay Kyser's new picture, *You'll Find Out*. Boston horn. Graduated from St. John's Prep, got job as office boy at Boston Opera House.

Left there for job with music publishing firm. Wrote first songs during this time. Came to New York to open publishing office for George Friedman. Joined Mills as professional manager. Did Cotton Club shows. Met Dorothy Fields, teamed up with her. Did *Blackbirds* for Lew Leslie in 1930. Then other Broadway hits and movies. Among his works:

SHOWS: *Palais Royal Revue, Singin' the Blues, International Revue, Hello Daddy, Blackbirds of 1928*. PICTURES: *The Road to Reno, Youth Takes a Fling, That Certain Age, Mad About Music, You're a Sweetheart, Hitting a New High, Merry-Go-Round of 1938, When Love Is Young, Breezing Home, Top of the Town, Banjo on My Knee, King of Burlesque, Hurrah for Love, Flying High, Love in the Rough*. SONGS: *I Feel a Song Coming On, Music in My Heart, Lovely to Look At, I Won't Dance, Lost in a Fog, Dinner at Eight, I Can't Believe That You're in Love With Me, Everybody's Got Somebody But Me, The Loneliest Girl in Town, When My Sugar Walks Down the Street, My Kid, Hinky Dinky Parlay Voo, ETERNAL*.





JOHN MERCER

Bing Crosby's favorite songwriter. His latest, Mr. Meadowlark, written with Walter Donaldson, is sweeping the country. Has made an enviable reputation for unusual titles. Born in Georgia, he became a business man when the depression wiped out family fortune. Finding recreation in a Little Theatre group, he hit New York when they won a contest.

Wrote a song for Garrick Gaieties in hope of getting a job in show. Continued to write songs. Then Hollywood, radio engagements, contract with RKO to write and act. Songs remain his forte. Owns his own publishing house. Among his works:

SHOWS: Blackbirds of 1939, Americana, Paris in Spring, Pajama Lady. PICTURES: Going Places, Garden of the Moon, Cowboy from Brooklyn, Hollywood Hotel, Ready, Willing and Able, Old Man Rhythm. SONGS: You Must Have Been a Beautiful Baby, Weekend of a Private Secretary, I'm an Old Conhand, Goody Goody, Pardon My Southern Accent, Lazy Bones, Have You Got Any Castles Baby, Bob White Whatcha Gonna Swing Tonight, When a Woman Loves a Man, Fool That I Am, Down a Long Long Road, There's a Ring Around the Moon, What Will I Do Without You, You and Your Love, Talking in My Sleep.



GEORGE W. MEYER

ASCAP's present secretary continues to turn out enough hits to retain his high rating in the Society. Boston born, had a flair for the piano, finally learned to read music. Proudest of fact he has written as many "million-copy" songs as any other member of the songwriting profession. Started in New York as a pianist.

Wrote his first big hit in 1909. His most popular song is For Me and My Gal, which sold 3,000,000 copies. Admits being sentimental. When his wife, inspiration for the song, died, he had the title inscribed on her tombstone. Among his works are:

SHOWS: Dixie to Broadway, Come Easy, Whitebirds, Blackbirds. PICTURES: Big Boy, Maybe It's Love, Foot-light and Fools, Girl from Woolworth's, Broadway Babies. SONGS: For Baby and Me, Ten Ten Tennessee, Row Row Rosie, Tuck Me to Sleep in My Old Kentucky Home, Now I Lay Me Down to Sleep, Everything Is Peaches Down in Georgia, For Me and My Girl, If You Were the Only Girl and I was the Only Boy, My Mother's Rosary, When You're a Long Long Way from Home, Lonesome, Girl I Left Behind Me, I Believe in Miracles, Come on and Baby Me, Beautiful Annabelle Lee.



EDNA ST. VINCENT MILLAY

One of the world's foremost living poets, she's a member of ASCAP by virtue of her opera and the hundred or so poems that have been set to music to become consistent sellers. A native daughter of Maine, she got her A.B. from Vassar; her Doctor of Literature from Tufts, Russel Sage Foundation College, Colby College and the University of Wisconsin. New York University awarded her the degree of Doctor of Humane Letters.

A Pulitzer prize winner for poetry in 1922, her The King's Henchman, written with Deems Taylor and produced by the Metropolitan Opera Company, brought fame in still another field. Plays the piano reasonably well. Divides her time between her up-state New York farm, her island off Maine and the West Indies. Among her works are:

OPERA: The King's Henchman. SONGS: Aria Da Capo, Two Slatterns and a King, The Lamp and the Bell, Elaine, God's World, The Princess Marries the Page, Thursday, From a Very Little Sphinx, My Candle, The Return from Town, The Little Tavern, The Harp Weaver, A Prayer to Persephore, Vanished Summer, Afternoon on a Hill.



JAMES V. MONACO

In Hollywood his time now is divided into three parts: one Paramount, two Santa Anita or any other track, three his wife. Born in Italy, his parents settled in Chicago. After a minor musical education, he played piano in a cafe. Soon after scored as songwriter.

His first song clicked and since then he's been hauging out hit after hit. Went to Hollywood in the early days of sound.

SHOWS: Harry Delmar's Rebels. PICTURES: If I Had My Way, Road to Singapore, The Star Maker, East Side of Heaven, Doctor Rhythm, Sing You Sinners, The Golden Calf, Let's Go Places. SONGS: You're Gonna Lose Your Gal, You've Got Me in the Palm of Your Hand, Me and the Man in the Moon, If We Can't Be the Same Old Sweethearts, You Know You Belong to Somebody Else, You Made Me Love You, Row Row Row, Longing, It Might Have Been a Different Story, Love Has Passed Me By, Crazy People, Out of the Frying Pan Into the Fire, Fraidy Cat, Baby, Just a Smile, Didi-veer.



GEOFFREY O'HARA

Few male singers of today have not at some time featured works of his in their concert programs; few women's cultural organizations have not heard him lecture. A native of Ontario, Canada, he hated music as a boy because governess-teacher beat him when he made mistakes.

Sang in a choir, played church organ. Left a bank after four years to tour in vaudeville. Caruso was responsible for his initial success. Entertained in army camps. Worked in Washington as instructor in native Indian music. Among his works:

OPERA: Peggy and the Pirate. COMPOSITION: To You I Send My Heart, Lead Kindly Light, K-K-K-Katy, Your Eyes Have Told Me So, Sweetheart, There Is No Death, Love Gives All, Rose o' the World, All Erin Is Calling, Softly Now the Light of Day, Annie Laurie, Give a Man a Horse He Can Ride, Just to Be Near You, Witches' Chant, Campus Moon, A Long Long Time, What's the Trouble Little Man, Rainfall, Gold Star Mother of Mine, Carrying on with You, There's a Light in the Window, Song of the Christmas Chimes, Shepherds the Hush of the Night, Give Me Back My Sunny Spain.



RIGHTS OF SONGWRITERS UPHELD BY SUPREME COURT

Classic Decisions of Late Mr. Justice Holmes Confirmed Constitutional Rights of Composers and Authors

RADIO'S 'NUISANCE SUIT' TACTICS

CONVENTIONS MUST HAVE MUSIC, SAYS JIM FARLEY

"THERE could be no political convention or meeting without a band and music," declared James A. Farley, Postmaster-General of the U. S. and chairman of the Democratic National Committee, at the Democratic convention in Chicago.

In making a convention a success, Farley stated, "A band and music are as necessary as delegates."

Radio Depends on Music

By L. WOLFE GILBERT

Hollywood, July 30.

WHEN all fails the radio listener, and when the sponsor, producer, as well as sustaining broadcaster is in a quandary—MUSIC CAN BE DEPENDED ON.

Surveys have shown that about two-thirds of the radio time is devoted to music in all its various forms. Not only does music lead in quantity, but in variety and quality. It certainly leads in diversity of entertainment.

Drama on the ether waves has its deserved place, but is limited oftentimes because television is not yet prevalent. You have to stretch your imagination. Standout comedy programs and personalities are welcome, but are as scarce as hen's teeth. Educational and political narratives often become controversial, but likewise have their deserved place. But there is always the old reliable tonic ready to turn to.

When in doubt, DEPEND ON MUSIC. It is beyond question the only "sure fire." Whether you prefer Arturo Toscanini, or Kay Kyser—Meredith Willson or Glenn Miller—Raymond Paige or Benny Goodman—Morton Gould or Duke Ellington is your prerogative. When you want Crosby, Kate Smith, Nelson Eddy, or Rosa Ponselle, you will eventually get them. But how? The great radio systems must alter these personalities through their channels via music.

Music for breakfast—dinner music—birthday music, folk music—for every taste, mood, and occasion. It relaxes and is also inspirational. RADIO AND MUSIC ARE SYNONYMOUS.

When you speak of radio, you think of music.

George Gershwin

By PAUL WHITEMAN

GEORGE GERSHWIN has left a fitting monument in his music. Mere words cannot pay tribute to his genius. Not only do his songs continue to enchant the public, but his works continue to serve as an inspiration to songwriters.



No more fitting testimonial to his hold on the public can be shown than the crowds turned away annually at the Lewisohn stadium's Gershwin memorial concerts.

Here was a man who singly contributed more to making mere jazz a fitting, idiomatic, original expression of American tempo in music, than any other twenty composers. Here was a man, who by the very strength of his music could make it possible for an orchestra, now over in this case, to open the portals of Carnegie Hall, concert Mecca of the nation, to jazz.

And more than even all this, his influence is still felt today. Innumerable composers who have succeeded in the popular field have turned to more serious composition. Most of them admit that they were turned in this direction either by Gershwin personally or through his music.

In life he served by creating music. In death his music continues to serve.

Self Censored Music

By JOSEPH R. FLESHER

NO composer or author member of ASCAP is permitted to write obscene or salacious lyrics. Double entendre innuendo lines are forbidden by the Society.

Occasionally a questionable song is produced, but the author and publisher are promptly called to account and the objectionable lyrics amended.

These regulations are self-imposed, because the vast majority of songwriters desire to uphold not only the integrity, but the dignity of their profession.

The Old Songs Never Die

Still active in the music business, in Chicago, is the man whose songs swept the country 25 years ago. Egbert Van Alstyne set young hearts a-flutter with "In the Shade of the Old Apple Tree", two years later came "I'm Afraid to Come Home in the Dark"; then "What's the Matter with Father," "Cheyenne," "Won't You Come Over to My House," "San Antonio," "There Never Was a Girl Like You."

"Back, Back, Back to Baltimore" was one of Van Alstyne's earliest songs. The tune he wrote 25 years ago, "Memories," was recently performed over 20,000 times in one year, according to ASCAP's latest program analysis.

By CHARLES SCHWARTZ
Member of Schwartz & Frohlich, Counsellors

THE law which ASCAP seeks to have observed clearly, sound and based on internationally recognized principles. It is the Federal copyright act, giving composers and authors the right to enjoy royalties from their creations when these fruits of their genius and industry are employed by others for profit.

No one can have a dispute with such a law. A showman would not expect a tailor to let him wear the suits he makes without paying for them. Why expect a songwriter to allow commercial usage of the product of his labors without compensation?

Necessity for ASCAP

Necessity for the formation of ASCAP arose from the impossibility of songwriters and publishers individually to protect and enforce their rights under the copyright law. Music is used commercially on such a wide scale, by so many persons and in so many forms, that the owners of copyrights could not obtain the royalties due them by individual effort. Deliberate and continuous piracy and general infringement of their rights was the universal custom before ASCAP came along.

It was easy for the users of music to get away with this literal theft because the thousands of owners of copyrights could not separately afford to track down and prosecute the music for profit without paying for the privilege.

And, on behalf of the users of music, it might be said that it would have been a superhuman task for them to locate and obtain the necessary license from the owners of every composition.

Composers Scattered

In fact, one of the probable reasons for the universal piracy of music was to be found in the utter impracticability of a producer of public amusement in making effective contact with the great number of different copyright owners whose rights would be involved in any well-balanced musical program. If such a showman had wanted to comply with the law, he would, in order to obtain proper licenses, have had to make contact, well in advance of his presentation of a program, with probably 50 different copyright owners. Their addresses in many cases would be unknown to him, and it would have been a practically impossible procedure for him to attempt to contact and secure individual licenses from several hundred copyright owners in the United States and several thousand in foreign countries.

Then there would be the greatly different terms and conditions specified by each copyright owner. One would likely desire a certain percentage of the box-office receipts for the use of his works; another might stipulate that the royalties be paid in advance; a third might specify that the work could only be performed once; another might desire to have a copy of the program; another would demand mention in all advertising, and so on.

Other questions arise as a result of the differences in copyright law as between the United States and foreign countries. It is to be remembered in this connection that an average dance hall will use about 85 different musical numbers in an

(Continued on Page 70)

Sigmund Romberg Talks On Music and Morale

EVERY public leader realizes that maintaining the morale of a people is one of the most important factors in overcoming the stress brought on by war or uncertain economic conditions. These same leaders recognize music as one of the important factors in arousing and sustaining public morale.



"Without morale a man is half licked, and that goes for an army and nation as well. But music can defeat defeatism. It can do more to lift a person's morale than almost anything else in the world," stated Sigmund Romberg.

The composer, whose operettas are destined for immortality, had a score of examples ready.

"The last war proved what music could do to morale. The English had 'I's a Long Long Way to Tipperary'; the French had 'Madelaine' and we had 'Over There.' Many a medal for bravery owed its inception to the inspiring lift given to the soldier by a song. The feats on college gridirons that were aided by the school song, at the right moment, are legion."

"Visualize how different things might be today had Chamberlain taken the Grenadier Guards band with him to Munich, and had they played 'Rule Britannia' at the crucial moment of appeasement."

"During the French Revolution the sons of La Patrie were fired by the martial strains of 'La Marseillaise.' Frenchmen of today might still be fighting just as heroically had some inspired conductor waved his baton for the strains of 'Sambre et Meuse,' when Premier Reynaud had his last conference before France admitted defeat.

"Our depression years," concluded Mr. Romberg, "produced their own songs that helped overcome the dark days. 'Who's Afraid of the Big Bad Wolf,' 'Happy Days Are Here Again' and 'Whistle While 'You Work' put new spirit into many a dispirited person."

How Great Songs Are Born

By GERALD MARKS

Great songs come out of deep feelings. The songs that endure were not put together by artisans apt in skilled carpentry, but by writers with profound emotions, giving voice to words and music which are immortal, because they are fundamental with human beings everywhere.

The way to be a successful songwriter is not to be a songwriter at all. Be something else. Get a deep, consuming feeling about something. The song will come out.

Music on Railroads

By GEORGE P. JAMES

Passenger Traffic Manager, Atlantic Coast Line

FURTHER evidence that everyone enjoys good music is found aboard the Florida Special, through Pullman train to Florida. Carrying the only Recreation-Entertainment car in the world, the Florida Special provides music and games enroute from New York to Miami, all under the direction of a competent hostess.

Various types of music have been furnished on this car. When the car was placed in daily operation in 1934, a three-piece Hawaiian trio proved popular with the patrons. Since 1938, however, string accordion players have been used. Playing a wide range of semi-classical and popular music, these artists supply novel entertainment at intervals during the afternoon, evening and the following morning. Community singing constitutes one of the most popular phases of the musical program.

Atlantic Coast Line Railroad and Florida East Coast Railway; sponsors of the Florida Special, feel well repaid for providing this splendid form of recreation which so many tell us enhances the enjoyment of modern travel, especially to the vacationist. Thousands of Comment Cards indicate the appreciation of the travelling public for this added service. During the past two seasons the accordion players were under the direction of Cy Washburn, of New York. All music played was through arrangement with the American Society of Composers, Authors and Publishers.

Freak Arrangements

By JACK ROBBINS

AS a music publisher, I am in favor of a more rigid control of a song's interpretation to prevent freak arrangements from destroying its melody and true character beyond recognition. This condition has always existed, but has become more serious within the past few years.

Some of the younger element among band leaders, mistaking a pseudo-style and synthetically manufactured musical tricks for truly distinctive renditions, have sacrificed melodies, butchered phrasing and accelerated slow ballads into racy fox-trots in an attempt to stand out.

There seems to be a "battle of arrangers" today. Ballads are given renditions and rhythm numbers are so over-arranged they lose their identity. This not only hurts the publishers and composers but injures the orchestra leader's own standing. Sales figures and box-office reports verify this.

The veteran musical director understands this situation more readily from experience and that is why sponsored programs always offer such extremely fine renditions. This music is played down to the level of mass understanding, consequently most successful in winning audiences.

Any large music publisher, like Feist or Robbins, invests thousands of dollars in launching a new song. This investment can be seriously jeopardized if the song is mutilated by distorted interpretations.

The men and women who write the songs and the publishers who accept them know best how they should be sung and played. If artists adhered to the sincere advice of writers and publishers, everyone concerned would benefit.

Fellowships For Composers

THE John Simon Guggenheim Memorial Foundation is awarding 40 to 60 fellowships a year to United States citizens for research in any field and for creative work in the fine arts, including music. Heretofore, the Guggenheim Fellowships were generally granted for work abroad, but during 1940-1941, a limited number will permit the winners to carry on their work in America.

Established in New York in 1925 by former Senator John Simon Guggenheim and his wife as a memorial to a son who died, these fellowships are open to men and women between the ages of 25 and 40 years, irrespective of race, color or creed. Appointments are made ordinarily for a period of one year, with stipends up to \$2,500. Fellowships in music are given only to candidates who have plans for creative work in composition, or for research in the history or theory of music.

Some fortunate ASCAP members who have won Guggenheim Foundation Fellowships in the past two or three years are: Marc Blitzstein, William Grant Still, Roger Sessions, Roy Harris, Stuart Douglas Moore and William Howard Schuman.

343,000

WHAT RADIO HAS DONE TO PIANOS

RADIO'S invasion of the music field (at an outside cost of only 3.4% in 1937 for this raw material, as explained elsewhere in this issue) has caused a huge loss to music publishers in the sale of sheet music and wrought havoc in such related industries as the manufacture of pianos, phonographs, etc. Despite these sheet music losses, however, ASCAP has maintained its rates at an even keel over a long stretch of time. Its new licenses give reductions ranging from 33% to 50% to a great majority of the radio stations. These are effective Jan. 1.

Under the new setup, the networks will pay their own bills for the first time. Heretofore they so flangled it that instead of ASCAP receiving 5% of the advertisers' payments, it averaged less than 3.4% in 1937. The network did this by draining off huge sums as service charges, after which ASCAP got its share from the stations.

How great the loss in annual sheet music sales has been, is something not subject to statistical measurement. A good indication, however, may be obtained by comparing the increase in total radio homes, year by year, with the decline in the sale of pianos (see cut). In 1923 the piano industry disposed of 343,000 units at prices that represented a pretty good profit. At this time there were barely 1,000,000 radio homes. By 1939—after six years of radio broadcasting (practically all of them without much, if any, recompense to ASCAP)—piano sales had fallen off by 87% while radio homes increased 300%. Sheet music sales fell off accordingly. And the piano people were glutted with a flood of second hand

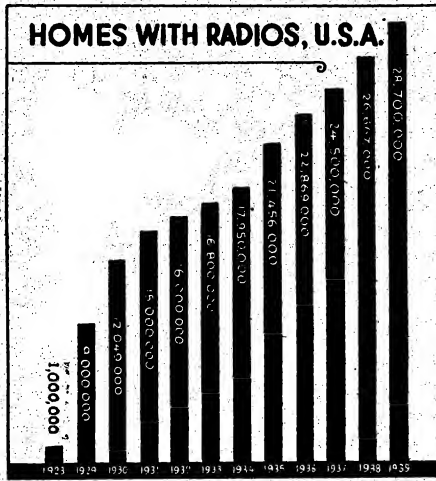
pianos (technically called "jallopies") which prevented new production, and gave the industry a headache for almost 10 years.

Today, piano sales are slightly better than after the debacle occasioned by radio. However, in certain respects the chart accompanying this article makes a liar of actuality. While more new pianos are being sold—due to the streamlined console jobs, plus the eventual petering out of the overcrowded second-hand market—the aggregate of piano-owning families is perhaps not moving upward very much. In short, there are more new pianos, but fewer second-hand jobs. This probably results in something of a stalemate, and certainly isn't helping sheet music sales very much. The sheet music market, to sum it up, has been rendered a staggering body blow by radio from which complete recovery is dubious.

But there is a more insidious effect born of radio, which cannot be charted in any way whatsoever. That is the change in song style: sioned by this medium. Within recent years, writers have had to cater to the demands of the so-called "name bands" and fashion tunes to fit their style. In many instances these "style" songs cannot be sung, and in most instances they do not lend themselves to piano-playing unless the player is a complete expert. This radio-born development has been another factor in the decline of sheet music sales, and above all it has been one factor preventing a comeback in this field. The year 1938, for instance, was so notable in its plethora of "style" songs that it has become a dubious classic in that direction.

114,043

PIANOS SOLD IN U.S.A. 1923-1939



Military Band Music Has Universal Appeal

By WILLIAM F. SANTELMAN
Leader, United States Marine Band

IN THE seventeen years that I have been a member and Leader of the United States Marine Band it has been my privilege to travel in nearly every State in the Union on concert tours and official trips. During these trips I have seen every evidence that the youth of our America is turning to band music, not only as a profession, but also as a recreation and interesting accomplishment.

Each year produces its new crop of young boys and girls who are enchanted by what they can produce with so little effort. The fact that most band instruments are easier to play than string instruments I think has had a great deal to do with this fact. The country is indeed most fortunate in having a large group of conscientious musicians who have taken these youngsters in hand and with great effort and time are producing results that in some cases is truly amazing.

In many instances these young groups have developed into symphonic bands that not only do a good job with those pets of all Americans—the stirring military march, but have entered into the field of more elaborate and complicated works of a symphonic nature.

Every band library contains many of the classical works with which every good musician should be thoroughly familiar and are now searching for numbers of a more up-to-date character. Unfortunately, music written primarily for military or symphonic bands is not produced as rapidly as music for orchestras, and so it is often necessary to make arrangements of orchestrations so that our band libraries can be extended. Here, then, is an opportunity for American composers to enter a field that at the present time is limited to a small group.

American Music Increasing in Quality, Quantity

By EDWIN H. (BUDDY) MORRIS

QUALITY, as well as quantity, is on the upgrade in the production of American music. To us in the publishing field, this improvement in craftsmanship coming hand in hand with the increase in output is a distinctly gratifying sign, and an indication that the protection and encouragement of writers by the American Society of Composers, Authors and Publishers is having beneficial results.

The increases are noted in both the serious and the popular fields. Our songwriters gradually are making better use of their heritage and environment along the same lines as our native poets, dramatists, painters and literary artists.

Helping this situation along is the growing public acceptance and appreciation of the works of our composers. The process is slow, but shows signs of gaining momentum. Creators of music, after all, must write for a public, regardless of its size or kind. The response of this public largely determines the incentive of the composer.

At any rate, the fact remains that American songwriters are finding themselves, gaining a deeper consciousness of their country, its people and their emotions, and consequently are turning out more works that are destined to be truly representative of America and to find their way into the repertoires that live.

SETTING EMOTIONS TO MUSIC

By MAX STEINER, Warner Bros. Studios

Hollywood, July 30.
MANY so-called serious composers are still unwilling to give serious attention to film music. They insist on weighing it against the symphonic music of the classicists and, they say, find it wanting.

Before there can be any discussion of film music, this fallacious comparison must be corrected. Film music cannot be compared to the symphonic works that are written for concert performance. In the first place, their intent and function are entirely different. Good film music is written for a specific purpose and, if the film composer refuses to recognize the dictates of the picture, he may write a great symphony, but it will serve the film badly.

This type of music, which refuses to identify itself with the action of the film, is called the "over all" school and one to which I cannot subscribe. I like to term my method—facetiously, of course—the "Mickey Mouse" type; that is, I permit myself to be dominated by the story and the characters, and synchronize the music to them.

This theory is based on a sound psychology that underlies all my efforts; and that is that the ear must hear what the eye sees or else it is disturbing.

When I am assigned to write a picture, I see the picture in the projection room before I begin to work. I ask myself, "What does this picture sound like?" When that is determined, the rest is a matter of cold-blooded analysis of the story and the characters so that I may write the most effective musical score to express them. I devise themes for the characters, for things, for incidents. I translate the visual image into sound.

I've always held the belief that you couldn't run a Marine Corps without a good band. How could a Marine step out parade without a really peppy band that stirred things up? If I were on an expedition and the necessity arose of leaving the field kitchen or the band behind, I'd leave the chow and take the music.

Another thing I've learned about military band music is that it has just as strong an appeal to the feminine sex as the masculine. The women love the good old marching marches as well as the male brigade. We receive hundreds of letters from the ladies who listen to our regular broadcasts from Washington over the NBC major networks. And we get letters not only from persons in this nation but throughout the world, which proves that military band music is universal in its appeal.

Jay Witmark Recalls Musical Tastes of Public Early ASCAP Days Are Generation Behind

By NATHANIEL SHILKRETT

"A CROONER was the match that lit the straw that fired ASCAP," stated Jay Witmark, one of the nine founders of the organization, as he vividly recalled the early days of the Society.



"When Victor Herbert heard a crooner doing 'Kiss Me Again' atrociously, as well as illegally, the piracy and mangling of his work showed the need for an institution that would protect the men of music. The final step prior to the official organization of the Society was taken at an informal meeting of nine enthusiastic men in the Lambs' Club, on a blustery, wintry afternoon early in 1914. It was the hour of relaxation for men of the theatre between matinee and evening shows.

"Apart from the lively group of actors, seated in a remote corner and engaged in earnest conversation were the men. Victor Herbert and George Maxwell were the leading spirits. Nathan Burkan, Gustave Kerker, Glen MacDonough, Louis A. Hirsch, Silvio Hein, Raymond Hubbell and myself, all lent our voices to the arguments. Herbert would shake his massive head to emphasize his point. Maxwell would rap with his signet ring to concentrate his listeners' attention. Hirsch was outspoken and aggressive. Hubbell was loquacious. Burkan, though even then conservative, quiet and mild, lent brilliance to the original plans.

"When dinner time came," continued the only living honorary member and founder of ASCAP, "the party disbanded to Luchow's; there the discussion continued. A fortnight later there was a meeting of more than one hundred charter members, and for the first time American creators of music were banded together for their mutual protection of copyright properties. A milestone in American music became history."

Besides his duties as business executive of the big Witmark firm, Jay Witmark was a member of the ASCAP board of directors for 17 years and its treasurer for many years. On retiring from the music business, the Society elected him an honorary member, the first such honor conferred by the Society.

THE general public is anywhere from one to several generations behind in its musical tastes and appreciation. Much pro and con discussion has taken place, and is still in progress, on this very interesting and controversial subject. Facts, however, tend to support the existence of a time-lag. Many reasons may be found for this condition. One is that it takes time for progressive accumulation of adherents to standard works. Another is the worship of composers who have stood the test of time. This goes hand in hand with a hesitancy to accept new works, and even actual opposition to modern composers who explore new fields and attempt new forms.

Classics of the past also are "to take." They are familiar friends and it does not require much effort to listen to them. New music, on the other hand, demands closer attention. It disturbs the musical slumbers of listeners who like to relax completely at musical events.

Of course, the older classics were written at a time when life was more leisurely; consequently they contain spontaneity and charm that do not characterize music created in our present era of speed and turmoil.

A few generations from now, no doubt, contemporary composers of merit will have built up followings as substantial as those now counted by their brothers of the past. Unfortunately, even one generation hence may be too late to do some of these present composers any good. But ASCAP will see to it that the belated rewards are enjoyed by their heirs.

Top Songs of Top Writers

The 126 songwriters on pages 54-63 have written more than 15,000. Every writer has dozens of hits to his credit.

Listed is at least one each of their songs which the public will never forget.

HOW SHEET MUSIC SALES FELL

Sheet music sales—once the bread and butter of music publishers—have, along with the decline in sales of pianos and phonographs, dropped to a much lower level than in pre-radio days. While exact figures on sheet sales are unavailable, the general trend can be seen by comparing five good-selling songs from pre-radio days with five songs recently considered to be good sellers. It will be noted (see cut) that the word "good" today means about 1,100,000 less sales than in the 1915-19 days.

The songs selected for the accompanying chart were not necessarily the No. 1 sellers in their respective years, but they were somewhere among the first 10. Sales figures were supplied by the publishers of the songs.

The American Note in Music

By GUSTAVE SCHIRMER

THERE was a time when the cloak of Americanism had to cover various shortcomings in the music of our composers. That time is gone. Our serious composers need no longer fear comparison with the composers of other countries. The old musical supremacy of Europe, especially, is a thing of the past.

Our younger composers of art songs, brilliant piano pieces, chamber music, and symphonic works not only are displaying a remarkable mastery of their craft, but are on the road to developing a style that is truly American, as American as Walt Whitman, Bret Harte, or Mark Twain.

It has taken American musicians longer than it took American writers to evolve an authentic national style. And it was the composers of popular music who were a step or two ahead of the composers of serious music. The latter now not only have caught up with their popular colleagues, but they are adding to the national note a rich variety of individual expressions.

These serious composers of ours are gaining increasing recognition from the American public, their works are more frequently performed. It is a source of profound gratification that they, too, enjoy the protection and all the benefits of The American Society of Composers, Authors and Publishers.

Kate Smith is No. 1 Booster For American Songwriters

By BEULAH LIVINGSTONE

KATE SMITH is regarded by songwriters as their No. 1 booster. In the light of composition and it suits her style, the song is as good as "made." And the fact that Miss Smith is obliged to use a half dozen numbers or so on every one of her weekly radio broadcasts means that in the space of 10 years on the radio, not to mention her personal appearances, she has put over a sizeable amount of music.

"My preference in type of song," says Miss Smith, "is a melodious number. I have always loved melody and always had the desire to sing melodious songs that vibrate with sympathy. And I've been fortunate in that, through the encouragement of ASCAP, we have so many prolific writers who turn out such a quantity and variety of songs for every type of voice."

Miss Smith's vast and enthusiastic public following likes her singing not only because it is stirring but because it touches the heart. She has the knack of "personalizing" her songs, making them sound as though they were directed to each listener individually, which results in about 500 fan letters a day.

A typical instance of the kind of song with which Miss Smith can go to town is "God Bless America." The patriotic sentiment and direct appeal of this Irving Berlin number and her resounding rendition of it, brought an instantaneous flood of congratulations and demands for encores from her listeners. She has sung the number on nearly every program since Armistice Day in 1918 and it will probably always remain associated with her just as her famous theme song, "When the Moon Comes Over the Mountain."

Simple Ballads Live Longest, Declares Von Tilzer

"The old and simple ballads will always remain in American music and gradually become our folk music," says Harry von Tilzer, veteran songwriter and publisher, who was a national favorite in the gay nineties when America bought sheet music and played the piano and sang sentimental ballads.

"I have always had very little patience with extreme wizards and have always maintained that modern jazz and swing, which make up so many of the grotesque song hits of today, will be forgotten," declares von Tilzer.

"How many of the hotcha tunes of today can stand up in permanent popularity alongside any of the songs of Stephen Foster, of 'Carry Me Back to Old Virginia,' and ballads of that type? But the American modern tune can not be ignored. It is literally the song heard 'round the world and I suppose it has its place in these blitz times."

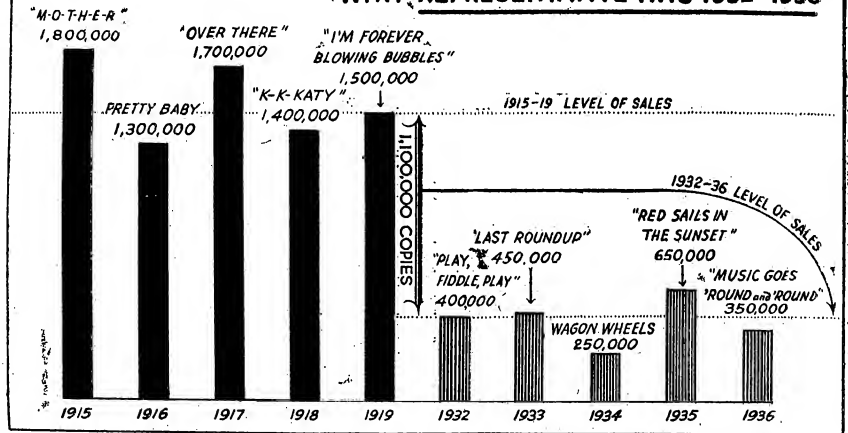
"My musical career goes back a long way, to the days of Tony Pastor's, and among my ballads which went well over the million mark were 'Down Where the Cotton Blossoms Grow,' 'I Want a Girl,' 'A Bird in a Gilded Cage,' 'Down Where the Wurzbarger Flows' and 'Last Night Was the End of the World.'"

"Those were days before the American Society of Composers, Authors and Publishers and my first hit, 'My Old New Hampshire Home' sold for \$15. That was all I got, although the song sold more than 2,000,000 copies and was performed wherever music was played, from coast to coast!"

"So I decided to become a publisher, and brought out the first songs of many youngsters who turned out to become great composers and authors."

"Their old songs, that had sung to mother years ago, are the rejuvenated swing hits of today."

SHEET MUSIC SALES: REPRESENTATIVE HITS, 1915-1919, COMPARED WITH REPRESENTATIVE HITS 1932-1936



Serious Music Offers Little Incentive

By FERDE GROFE

THERE is practically no incentive for an American composer to devote his life to the creation of serious music. I say this even though I might be considered an exception, but I cannot ignore the fact that the major portion of my earnings in the last few years have been as a conductor, and not as a composer. This despite the fact that "On the Trail" from my "Grand Canyon Suite" is regularly performed on the radio and that I derive a modest income as a member of ASCAP.

The works of American composers are rarely taken up by the major symphonic orchestras, and when they are performed, payment to the composer is far below the physical cost of the necessary orchestration. It was only in recent years that radio programs included more than a mere ten percent of serious music in their seeming perpetual performance of popular tunes.

This is not to infer that a popular song is easy to write as so many standard composers have found out to their dismay. But, on the other hand, one can turn out a great deal more in the popular field than in the standard, and the chances of creating a hit song are relatively greater.

The standard composer's work, however, is more enduring, his prestige is generally higher, even though, as a rule, his compensation is lower. He needs encouragement, however, and freedom, not so much from financial troubles, as from the fear of larceny of his works.

Musical Melting Pot

By J. J. BREGMAN

ASCAP is the melting pot of music just as America is the melting pot of races. Nowhere else on this globe can you find a spot where the songwriters can turn out, with equal facility, a Negro mammy number or an Irish ballad, a patriotic Yankee air or a Latin lullaby, a St. Louis blues or a Cuban rumba, a cowboy chant or a "Japanese Sandman," an ode to the beautiful Ohio or a Spanish fandango.

There is color, richness and variety in our American popular songs that set them apart from the contemporary works of all other countries. They also have a spontaneity that strikes a responsive chord in every part of the world, and this is proven by the fact that our song hits find their way to favor in almost every foreign nation as well—or at least in those countries where dictators have not locked the doors against foreign music along with other things.

We have everything in the U. S. A. to assure the continuous growth and advancement of musical creation. We have vast sources of inspiration, a wealth of material to draw upon, freedom of expression, a large and appreciative public, and ASCAP to see that songwriters and publishers get a square deal.

Organ's Contribution to Music

By PIETRO YON

Honorary Organist of the Vatican, Music Director at St. Patrick's Cathedral, New York.

THE organ's great contribution to the music world is just now getting its deserved recognition.

The concert organist is the outgrowth of the church organist, but until recently there was little demand for the former.

Yet today there is still not enough interest in this form of musical entertainment shown by the local managers of the larger cities that possess suitable instruments. They could meet the increasing demand for organ recitals by engaging leading organists, thus permitting music lovers to hear fine organs and fine artists.

We have enough concert organists in the United States. We have generous patrons who have fostered organ building. Conductors, managers of concert halls and musical societies could aid in developing this phase of musical art appreciably, merely by including such recitals on their season's schedules. We are due for a boom in organ recitals but that boom depends on bookers and managers. The public and the organists are ready.

MUSIC AT RADIO CITY MUSIC HALL

By W. G. VAN SCHMUS

(Managing Director)

THE American masses are musically intelligent and what they may lack in technical training they make up in appreciation of good music, just as players who knew nothing about the technique of drama can enjoy the theatre. There is no aristocracy of music lovers. A great artist's creations are a permanent heritage of mankind. Our broadcasts over the Radio City Music Hall of the Air bring letters of appreciation from all over the country.

I regard the theatre and the films with their wider appeal to the masses, as equally powerful agents for the expression of the best in music. It is really amazing to compare the symphonic music one hears today with the music performed less than 20 years ago.

At Radio City Music Hall, it is part of our job in the presentation of the music of the great masters to sometimes edit, adapt and arrange these works for the medium through which they are to be expressed. Some may raise their hands in horror at this treatment of old masters, but who reads Chaucer today, or even Shakespeare, as originally written?

Another policy of the Music Hall is constant experimentation with music that is new. Many modern works—not so-called program music but compositions based of conservative rhythm and meter—are adaptable for stage presentations. All in all, the stress we have placed on good music has been a strong box-office factor.

The staff members who assist in this work include Leon Leonidoff, producer; Erno Rapee, director of music; Russell Markert, producer and director of the Rockettes; Florence Rogge, associate producer and director of the ballet corps, and Gene Snyder, co-director of the Rockettes.

No Formula For Success In Song Writing

By CARRIE JACOBS-BOND

I HAVE often been asked my "formula for song writing." I do not know that I really have one. My idea of a song is of course a poem interpreted by music. I myself do not understand how a song can be written with a note or several that express alone the words—I should say to be sung as you would speak them. I'm talking about songs like mine—the story is the thing to me, the music is background.

I published my own songs for many years, not because I could not get a publisher—I had two publishers to begin with, but they never seemed to sell the songs and I had to have them sold so I began to sell them myself. However, I do not know now how I could manage it but I do not have to. That fine friend of the authors, composers and publishers, ASCAP, takes all that worry off the minds of many musicians—more than has ever been told and I am among the grateful ones.

MUSIC AT AMUSEMENT PARKS

By IRVING ROSENTHAL

Owner-Operator of Palisades Amusement Park

WITHOUT music, amusement parks today might just as well close up. I'm not talking about the usual corny carnival accompaniments that don't mean a thing to business but supply a Mardi Gras atmosphere necessary to separate the public from its dollars. I'm talking about music the music that is in itself one of the world's most useful industries.

Name bands are the salvation of an amusement park. All the attractions in the world don't do an operator one iota of good unless he has something that will bring the public into the park—and that something, in the last five years has proven to be nothing other than music as played by name bands.

So, songwriters, take a bow.



They All
Say It With Music





Barber-Shop Quartette . . . Opera . . . Jitterbugs . . . Organ . . . Irving Berlin's "Louisiana Purchase" . . . Symphony Orchestra . . . Radio

THEY ALL SAY IT WITH MUSIC





On the Screen
 •
 Vaudeville
 •
 Radio
 •
 Metropolitan
 Opera
 •
 "Hellzapoppin"
 •
 In the Aisles
 •
 On The
 Florida Special
 •
 THEY ALL SAY
 IT WITH MUSIC





MITCHELL PARISH

One of first New Yorkers to enlist for current Civilian Military Training Camp at Plattsburg, N. Y. A master at word phrasing, as exemplified in Stardust, he wrote some of his biggest hits while working as an errand boy for a music publishing house. Despite an enviable record of successive hit songs, he doesn't believe he is a success.

Native New Yorker, goes to work every day as court bailiff. Tells the people when to rise and be seated when the judge enters the court. Forced to take the job awhile back after three years without a song hit. Today he is one of the top lyricist in the profession. Among his works are:

SHOWS: Earl Carroll Vanities, Blackbirds, Palladium Frolics, Cotton Club Parade, Continental Varieties. **SONGS:** The Lamp Is Low, Stairway to the Stars, Deep Purple, Does Your Heart Beat for Me, Stars Fell on Alabama, Sophisticated Lady, Sentimental Gentleman From Georgia, Cabin in the Cotton, Stardust, Anabelle, Moon dust, Organ Grinder's Swing, You're So Different, Dream Shadows, Christmas Night in Harlem, Emaline, I Would If I Could But I Can't, Turn Back the Clock, Carolina Pines, Angel Eyes.



COLE PORTER

Now represented on Broadway in the hit musical comedy, Du Barry Was a Lady. Also writing numbers for Panama Hattie, new musical show for next season. Rated among the topnotch song creators, specializing in stage and screen productions.

Born in Peru, Indiana. While attending Yale, wrote football songs and college musicals. Studied law at Harvard. Transferred to Harvard School of Music. During World War served with Foreign Legion in France. Later attended Schola Cantorum, Paris, for advanced musical studies. Brilliant pianist, noted for original style in rhyming words and use of musical phrases. Writes both words and music. Among his works are:

SHOWS: Du Barry Was a Lady, You Never Know, Leave It to Me, Anything Goes, Gay Divorcee, Wake Up and Dream, Fifty Million Frenchmen, Paris. **PICTURES:** Broadway Melody, Rosalie, Born to Dance. **SONGS:** Friendship, Get Out of Town, My Heart Belongs to Daddy, In the Still of the Night, I've Got You Under My Skin, I Get a Kick Out of You, You're the Top, Night and Day, What Is This Thing Called Love, You Do Something to Me, Let's Do It, Do I Love You, Rosalie, All Through the Night, Begin the Beguine.

SERGEI
RACHMANINOFF

Celebrated pianist, he is in addition a brilliant composer and director. Born in Onega, Noregorad, Russia. Father was an army officer, mother an accomplished musician and his first teacher. At nine began studying music at St. Petersburg Conservatory. Displayed natural talent and gift of perfect pitch. At 13 was enrolled in Moscow Conservatory.

Studied under Sverev, a real disciplinarian, and thenceforth his progress was rapid. Met Tchaikowsky and made a two piano arrangement of that famous composer's Manfred symphony. Came to America for concert tour in 1909. His second American tour in 1918 was highly successful. America his home ever since. Among his works are:

Prelude in C Sharp Minor, Polka, The Fountain, Morning Serenade, In the Silent Night, The Pied Piper, Fantaisie, Etudes Tableaux, Second Concerto C Minor, First Concerto, Second Suite for Two Pianos, Glorious Forever, Scherzo From a Midsummer Night's Dream, Bohemian Caprice, Capriccio on Gypsy Themes, Hungarian Dance, As Fair As Day in Blaze of Noon, Francesca Da Rimini, Hymn to the Mother of God, When Yesterday We Met, Theme on Corelli, Trois Chansons Russes, Liebesleid, Humoresque.



RALPH RAINGER

Born in New York, family moved to Newark, N. J., where he attended public schools. Began studying piano when six. Played in orchestras with such musicians as Ted Fio Rito, Benny Krueger and Nick Lucas. Attended Damrosch Institute of Musical Arts. Gave up music for law school; graduated with honors.

Started practicing law but gave it up for songwriting. Moanin' Low, won him quick recognition. Teamed with lyricist, Leo Robin, wrote some of most notable songs for films. Among his works are:

SHOWS: Little Show, Tattle-Tales. **PICTURES:** Gulliver's Travels, Paris Honeymoon, Give Me a Sailor, Big Broadcasts of 1935-37-38, Waikiki Wedding, College Holiday, Three Cheers for Love, Palm Springs, Millions in the Air, Rose of the Rancho, Four Hours to Kill, Here Is My Heart, Little Miss Marker, Shoot the Works, The Way to Love, Torch Singer, A Bedtime Story. **SONGS:** Love in Bloom, Faithful Forever, What Goes on Here in My Heart, Thanks for the Memory, If I Should Lose You, Love Is Just Around the Corner, June in January, Do I Love You, Take a Lesson From the Lark, Please, Moanin' Low.



HARRY REVEL

Composer-member of the team of Gordon and Revel. Native of England. Studied piano, at 15 was professional pianist in orchestras.

Travelled with his father, a salesman, through most of the European countries and mastered a dozen different languages. Music was his absorbing passion. Mastered piano composition through tireless study without formal instruction. First gained recognition in London when he composed music for Charlot's Revue. Settled in America in 1928. Met Mack Gordon and during the first week they worked together they turned out record number of 19 popular tunes. Among his works are:

SHOWS: Fast and Furious, Smiling Faces, Ziegfeld Follies. **PICTURES:** Thanks for Everything, Hold That Co-Ed, My Lucky Star, Love Finds Andy Hardy, Josette, Love and Hisses, Ali Baba Goes to Town, You Can't Have Everything, Wake Up and Live, Poor Little Rich Girl, Collegiate, Two for Tonight, Paris in the Spring, Gay Divorcee, She Loves Me Not, College Rhythm, Shoot the Works, We're Not Dressing, Broadway Through a Keyhole, Sitting Pretty, Love in Bloom, Stolen Harmony.





LEO ROBIN

Now putting finishing touches on score of musical comedy for Broadway next season. A native of Pittsburgh, son of a noted Jewish poet, got his A.B. at U. of Pittsburgh. Did newspaper work, publicity, then hit New York with a letter to George S. Kaufman.

From Kaufman to Lewis Gensler to Ira Gershwin to Buddy De Sylva was the path that finally led to Greenwich Village Follies. Then a job with Harms and the lyrics for a number of hit shows. Toured Europe with the Gershwins. Hired by Paramount on his return. Became one of Hollywood's topnotch writers, first with late Richard A. Whiting, then with his present partner, Ralph Rainger. Among his works:

SHOWS: *Bubbling Over, Hit the Deck, Judy, Allez-Oop, Just Fancy, Hello Yourself, Russian Blue Bird Revue.* **PICTURES:** *Gulliver's Travels, Give Me a Sailor, Paris Honeymoon, Big Broadcasts of 1935, 1937, 1938; Waikiki Wedding, College Holiday, Three Cheers for Love, Rhythm on the Range, Palm Springs, Rose of the Rancho, It's a Great Life, Here Is My Heart, Little Miss Marker, The Way to Love, My Weakness, Torch Singer, A Bedtime Story, One Hour With You, Playboy of Paris, Monte Carlo, Close Harmony, Dance of Life.*



RICHARD RODGERS

While partner Larry Hart spends his time around Broadway, he leads a simple rural existence in his Port Washington home awaiting first rehearsal calls for his most recent show. Son of a prominent physician, native New Yorker. Is really responsible for the team since he persuaded Hart to write an undergraduate varsity show at Columbia, where he got his A.B.

The college association resulted in a permanent collaboration that hit its stride with The Garrick Gaieties. The team has since been compared, and favorably, with Gilbert and Sullivan. Occasionally lured by Hollywood, but prefers Broadway. Among works:

SHOWS: *Too Many Girls, Higher and Higher, Babes in Arms, On Your Toes, Jumbo, Heads Up, Simple Simon, Spring Is Here, Present Arms, One Damn Thing After Another, A Connecticut Yankee, Betsy, Peggy Ann, The Girl Friend, Fifth Avenue Follies, Garrick Gaieties, Dearest Enemy, The Melody Man, Poor Little Ritz Girl.* **PICTURES:** *Mississippi, Hallelujah, I'm a Bum, The Phantom President, Love Me Tonight.* **SONGS:** *I Didn't Know What Time It Was, There's a Small Hotel, Soon, Ten Cents a Dance, From Another World, Johnny One Note, It's Easy to Remember, Lover.*



SIGMUND ROMBERG

Preparing his autobiography between film, stage and radio chores. Native of Hungary, set out to be an engineer. Mother was famous novelist, father a talented amateur musician. Never attended a music school, but at 10 had mastered the violin, piano, cello, trumpet, drums.

After year in army, came to America. Got job as pianist in Hungarian cafe, later became leader at Bustanoby's till his first show opened. Numerous successes followed. A few are:

SHOWS: *Forbidden Melody, May Wine, The Night Is Young, East Wind, Nina Rosa, New Moon, My Princess, Rosalie, Bonita, Cherry Blossoms, My Golden Girl, My Maryland, Desert Song, Princess Flavia, Student Prince, Dream Girl, Louie the 14th, Passing shows of 1916-17-18-19-23-24, Dancing Girl, Lady in Ermine, Springtime of Youth, Blushing Bride, Rose of Stamboul, Love Birds, Blossom Time, Poor Little Ritz Girl, Magic Melody, Monte Christo Jr., Follow the Girl, Melting of Molly, Sinbad, Over the Top, Doing Our Bit, Maytime, Show of Wonders, Girl from Brazil, Robinson Crusoe Jr., A Brazilian Honeymoon, Her Soldier Boy, Hands Up, Ruggles of Redgap, Maid in America, Blue Paradise, A World of Pleasure, Whirl of the World, Dancing Around.* **PICTURES:** *Girl of the Golden West, Let Freedom Ring, Children of Dreams, Viennese Nights.*



HAROLD J. ROME

Turned songwriter because young architects couldn't earn living during depression. Now preparing another revue for Broadway, the composer of Pins and Needles has contributed much in the way of freshness. Born in Hartford, entered Trinity, then transferred to Yale, where he got his A.B. in 1929. Entered Law School, then School of Architecture, graduating.

Connected with New York firm, but music remained his prop. His actual start was as musical director of Green Mansions, where he wrote three revues a year for three years. Then he found Labor Stage. Among his works:

SHOWS: *Pins and Needles, Sing for Your Supper, Sing Out the News.* **SONGS:** *Papa Don't Love Mama Any More, I've Got the Nerve to Be in Love, Back to Work, F.D.R. Jones, What Good Is Love, Sunday in the Park, Doing the Reactionary, Chain Store Daisy, Nobody Makes a Pass At Me, Men Awake, Papa's Got a Job, My Heart Is Unemployed, How Long Can Love Keep Laughing, Ordinary Guy, Not Cricket to Picket, One Big Union for Two, Benny Sent Me, The General Unveiled, Four Little Angels of Peace, One of These Fine Days, Sing Me a Song of Social Significance.*



BILLY ROSE

With two Aquacades and his Diamond Horseshoe flourishing, his songwriting activities are not on their former scale. But has many plans for Fall in way of musical diversions. Bronx born, became shorthand prodigy; during war put gov't stenographic bureau in shape.

Decided to be a songwriter and after several weeks with books, records, statistics, but no musical knowledge, wrote Barney Google. Successful, he turned his hand to night clubs. Then Hollywood. Back to Broadway as a theatrical producer with Crazy Quilt. Works include:

SHOWS: *Aquacade, Casa Manana, Music Hall Revue, Diamond Horseshoe, Casino De Paree, Crazy Quilt, Take a Chance, Be Yourself, Sweet and Low, Great Day, Harry Delmar's Revels, Padlocks of 1927, Le Maire's Affairs.* **SONGS:** *Yours for a Song, I've Got a Feeling I'm Falling, There's a Rainbow 'Round My Shoulder, Tonight You Belong to Me, Here Comes the Showboat, And the Band Played On, Fifty Million Frenchmen Can't Be Wrong, Me and My Shadow, In the Middle of the Night, I Found a Million Dollar Baby, When You're in Love, Follow the Swallow, If I Can't Get the One I Want, You Left Me Out in the Rain, That Old Gang of Mine, Barney Google, You've Got to See Mama Every Night.*





HARRY RUBY

Composer-member of the songwriting team of which Bert Kalmar is the lyricist. Their association has continued unbroken for 25 years. Started composing while appearing as pianist in vaudeville. Native New Yorker. High school and business school education. Self-educated in popular music composition.

Met Kalmar, a vaudeville actor, and their partnership writing songs and creating scenarios for Hollywood pictures has been outstanding in show business. Baseball is his hobby and he is reputed to be the most rabid baseball fan anywhere. Among his works are:

SHOWS: Twinkle Twinkle, Helen of Troy, New York, Cuckoos, Animal Crackers, Good Boy, Five o'Clock Girl, The Ramblers. *PICTURES:* Walking on Air, Hips Hips Hooray, Amos 'n' Andy, Kid From Spain, Top Speed. *SONGS:* Three Little Words, Three Little Fishes, Baby Face, This Must Be Heaven, Songs My Mother Used to Sing to Me, My Heart Wants to Dance, What a Perfect Combination, Look What You've Done, Get a Little Fun Out of Life, Reaching for the Moon, I Love You So Much, Why Am I So Romantic, Watching the Clouds Roll By, Some Sweet Someone, Happy Go Lucky Bird, Believe Me, Roll Along Missouri, My Sunny Tennessee.



ARTHUR SCHWARTZ

Just finished another show for new Broadway season. Has more earned degrees than any other ASCAP member: A.B., M.A., LL.B. and J.D.; also Phi Beta Kappa. Is a Brooklynite. Taught English. Practiced law four years. Contributed half the score of 1926 Grand Street Follies. With Howard Dietz, wrote First Little Show. Other works:

SHOWS: Stars in Your Eyes, American Jubilee, Between the Devil, Virginia, At Home Abroad, Revenge With Music, She Loves Me Not, Flying Colors, Band Wagon, Princess Charming, Three's a Crowd, Queen High. *PICTURES:* That Girl from Paris, Under Your Spell. *RADIO MUSICAL SERIES:* Gibson Family. *SONGS:* Dancing in the Dark, Something to Remember You By, I Love Louisa, New Sun in the Sky, High and Low, You and the Night and the Music, Louisiana Hayride, A Shine on Your Shoes, Alone Together, If There's Someone Lovelier Than You, Love Is a Dancing Thing, Got a Brand New Suit, I Guess I'll Have to Change My Plans (Blue Pajama Song), I See Your Face Before Me, By Myself, This Is It, It's All Yours, How Can I Ever Be Alone, Tennessee Fish Fry.



ROGER SESSIONS

Is one of America's most noted teachers and composers. He was born Brooklyn and educated at Harvard, where he received his Bachelor of Arts degree. Later he took post-graduate work in music at Yale. From 1917 to 1921 he taught music at Smith College. One of his compositions interested Ernest Bloch, who coached him for some time. When Bloch became director of the Cleveland Institute of Music, he became his assistant.

In 1925 he won a Guggenheim scholarship and spent eight years in Europe. While he was living in Florence some of his best works were presented for the first time. In 1934 he was commissioned to write a Symphony for the Philadelphia Symphony Orchestra. Since then he has devoted almost all of his time to composing. Among his works are:

Symphony No. 1, Sonata for Piano, Suite From Black Maskers, On the Beach of Foulana, Three Choral Preludes for Organ, Scherzino, March, Concerto for Violin and Orchestra, String Quartet.



CHARLES S. SKILTON

Dean of the School of Fine Arts at the University of Kansas, he is one of our best known composer-conductor-teachers. A native of Northampton, Mass., he studied with many of New York's more famous teachers before attending the Hochschule in Berlin. Returning to this country, he became music director and conductor at Salem, N. C., and taught at Trenton, N. J.

Then came a teaching post at the University of Kansas, where he organized and conducted the University Orchestra, which has maintained an enviable record among similar type orchestras. His operas have been widely performed. His compositions have, in his own lifetime, become classics. Among his works:

Suite in E Minor, Choral Responses, From Forest and Stream—12 Songs, Cradle Song of the Fisherman's Wife, Suffer Little Children, American Indian Fantasia, Legend for Orchestra, Meditation, Sioux Flute Serenade, Ten Modern Trios, Organ Meditation, Lord of All Being Throned Afar, Forest Trail, Kickapoo Social Dance, Nocturne, A Moravian Legend, The Guardian Angel, Gambling Song, Flute Serenade, Deer Dance, Shawnee Indian Hunting Dance, Suite Primeval, The Sandman, Cantata—The Witch's Daughter, Music To—Electra.



ALBERT SPALDING

Noted violinist-composer, has done much to raise the standards of radio music. Built up a large following via his air programs. Born in Chicago, son of noted sporting goods manufacturer, he had a hard time getting started. Early musical education began in New York, continued in Florence and Paris. In 1902 he was graduated from the University of Bologna.

Made debut in Paris in 1905. Within two years he was eminent. In 1908, returned to this country and equalled his European success. Toured abroad until World War. Served as an artillery observation officer. Returned to music after the war. Among his works are:

Melody by Lully, Andantino, Scherzo Giocoso, Siciliano, Musical Period No. 1 and 2, Romance, Prelude, Nostalgic and La Caguette, Alabama, Berceuse, Suite in C Major, Etchings, La Folia, Castles in Spain, Caprice, Lettre De Chopin, From the Cotton Fields, Four Teaching Pieces, String Quartet in E, G Major Nocturne, 21st Psalm, Wiegandien, Free Transcription of a Bach Chorale—Christmas Cantata.





OLEY SPEAKS

His songs, of folklike quality, are favorites with many leading radio vocalists. Sincerity marks his works. A native of Ohio. Worked in railway office at Columbus before coming to New York to study singing. Became baritone soloist at St. Thomas' Church, New York. Then turned composer.

Sales of some of his songs have run close to one million copies. Member of Mendelssohn Club, Town Hall Club, The Lambs, and Beethoven Association, also on ASCAP board of directors. Among his works are:

SONGS: *On the Road to Mandalay, Sylvia, To You, Morning, In a Rose Garden, Softly Now the Light of Day, O Little Town of Bethlehem, Hills of Kerry, Still Still With Thee, How Long Will Thou Forget Me, Evening Song, Lord Is My Light, Gently Lord, Oh Gently Lead Us, I Am With Thee, For You Dear Heart, Sunshine and Happiness, He's Such a Lil' Trouble, Day Is Dawning, Thy Will Be Done, King of Love My Shepherd Is, Ashes of Roses, Since We Parted, Never a Winter But Sang of May, Life, Day Is Past and Over, Venetian Serenade.*



ANDREW B. STERLING

Writer of many song hits of a generation ago, still sung in programs of musical memories. Native New Yorker. With Harry Von Tilzer, wrote songs that won great popular acclaim before the turn of the century.

With Joe Howard he wrote the famous minstrel cake walk song, *Hello Ma Baby*, and with Kerry Mills he produced *Meet Me in St. Louis Louie*. Among his works:

Wait Till the Sun Shines Nellie, Last Night Was the End of the World, On a Sunday Afternoon, Take Me Back to New York Town, Goodbye Eliza Jane, Under the Anheuser Busch, Under the Yum Yum Tree, Stories Mother Told Me, Mariutch Do the Hootcha Ma Kooch, Are You Coming Out Tonight Mary Ann, All Aboard for Dreamland, Down Where the Cotton Blossoms Grow, Strike Up the Band Here Comes the Sailor, When My Baby Smiles at Me, Sleepy Valley, Mammy Lou, Ain't You Coming Out Ma'inda, Somebody's Waiting for Someone, Mister Johnson Goodnight, It's a Long Way Back to Mother's Knee, Ragtime Goblin Man, Where the Sweet Magnolias Bloom, In a Hammock Bull for Two, Goodbye Boys, Down Where the Swanee River Flows.



WILLIAM GRANT STILL

Distinguished Negro composer, specializing in spirituals. Born in Woodville, Miss. Educated at Wilberforce University, Oberlin Conservatory of Music and New England Conservatory. His Symphony in G Minor was presented by Leopold Stokowski in New York in 1937.

Has written many choral and orchestral works frequently heard on radio. Received two Guggenheim fellowships and Harmon award in 1928 for most significant contribution to American Negro culture. Has been arranger for W. C. Handy, Paul Whiteman, Paul Robeson. Active in radio as a director and arranger of musical programs. Works include:

Kaintuck, Africa, From the Black Belt, From the Journal of a Wanderer, La Guiblesse, Quit Dat Foll'nish, No Matter What You Do, Breath of a Rose, Winter's Approach, Darker America, Afro-American Symphony, Keep Me From Sinkin' Down, Guine to Sing All Along De Way, Laud Ah' Wants to Be a Christian, Rising Tide, Lenox Avenue, Three Visions—Dark Horsemen, Summerland, Radiant Pinnacle, A Deserted Plantation, Spiritual, Young Missey, Dance, Scherzo, Seven Traceries for Piano.



DEEMS TAYLOR

One of foremost American composers, also critic, radio commentator, writer, editor, linguist. His King's Henchman and Peter Ibbetson set boxoffice records for American operas presented at Metropolitan. His orchestral suite, *Through the Looking Glass*, widely played.

Gotham born. While attending New York University, composed music for four comic operas produced by students. Has written for newspapers, magazines. Was assistant Sunday editor, New York Tribune; associate editor, Collier's; music critic, New York World; editor-in-chief, Musical America. Wrote book, *Of Men and Music*. Among musical works:

OPERAS: *Peter Ibbetson, King's Henchmen.* SUITES: *Through the Looking Glass, Circus Day.* OTHER COMPOSITIONS: *Turn Not From Me, Heav'n Heav'n, O Vanish Loveliness, Before the Shrine, Song for Lovers, Sometimes I Wonder, What Sorrow Mine, Humming Bird, Little Fisherman, Christmas Snow, Rest and Slumber, To the Spirit of Music, After a Dream, Dance Little Maid, After Sunset, Whistle My Lad, Time Enough, Jolly the Boarders Along, My Love My Darling, Land of Heart's Desire, Lament.*



ALEC TEMPLETON

Famous blind pianist and composer, also star of own weekly radio program. His novelty piano act is currently in great demand. Is both a concert artist and a featured entertainer in night clubs. Has unusual ability as a comedian and mimic, combining serious music with humorous interpolations and comment at the piano.

Born in Cardiff, Wales. Educated at Worcester College, where he studied pipe organ. Met Sir Henry Walford Davies, who helped him in piano and organ improvisations. Continued studies at the Royal Academy of Music. Made debut in Aeolian Hall, London. Came to America in 1938. His works include:

Topsy Turvy Suite, Bach Goes to Town, Soldier's Minuet, Undertaker's Toccata, Ghost Rhapsody, Mother's Lullaby, Miniature Suite, The Piper, Allegro Scherzando, Gifts, Voyage a La Lune, Hebridean Song, God Save the People, Hast Thou Not Known, Siciliana, Elegie, Trio in D Minor, Sonata, Pastoral.





HARRY TIERNEY

Now working in Hollywood. Did not have the usual struggle to achieve success. His earliest songs, composed while at school, found their way into Broadway productions. Born at Perth Amboy. First music teacher was his mother. Enrolled at Virgil School of Music, his piano skill was such that he appeared on concert stage while still a student. As his contributions to Broadway shows increased he became a trans-Atlantic commuter, working in London as well as New York. Though he has a hundred successful shows to his credit, Omar Khayyam, which he considers his best effort remains unproduced. Works include:

SHOWS Rio Rita, Irene, Ziegfeld Follies, Cross My Heart. *PICTURE* Irene *SONGS* Mississippi, If You Can't Get a Girl in the Summertime, Saw Mill River Road, I'd Like to Put You in a Big Glass Case, When Your Heart's in the Game, You're Always in My Arms, Let's Pretend We're Sweethearts, Moon Over Mulberry Street, Gretchen, My Dream Is in My Arms, Keep Your Eye on the Ball, If You're in Love You'll Waltz, Following the Sun Around, Ranger's Song, Kinkajou, You've Got Me Out on a Limb, Castle of Dreams, Alice Blue Gown, Dream of Annie Laurie, Cute Little Way of My Own.



JIMMY VAN HEUSEN

Outside of his song royalties he's collecting for the Aquacade at N. Y. World's Fair which he wrote with Joe McCarthy and Billy Rose, also getting weekly salary from Paramount for music for Jack Benny's new film, Love Thy Neighbor. A musician's pianist. Born in Syracuse, attended Syracuse University and wrote the college shows.

Left for a job with radio station where he prepared special songs. Harold Arlen heard his music and told him to come to New York. Then hit after hit. His works include:

SHOWS Swingin' the Dream. *SONGS* Imagination, Shake Down the Stars, Love's a Riddle, Oh You Crazy Moon, Heaven Can Wait, Deep in a Dream, Love Is in the Air, Darn That Dream, Speaking of Heaven, Make With the Kisses, Good for Nothing, This Is Madness, If You're Ever in My Arms Again, Argentina Skies, It's the Dreamer in Me, Shadow Sweetheart, Anytime at All, Blue Rain, There's a House in Harlem for Sale, Unforgettable, Harlem Hospitality, If I Look Like I Feel, Say Something Sentimental.



ALBERT VON TILZER

A Californian by adoption, he has settled into a life of relaxation but not retirement. Still bats out a song on occasion. A native of Indianapolis, he joined his older brother, Harry, who had become a successful songwriter and publisher, after serving a short time as musical director for a vaudeville troupe. Wrote his first hit after being a publishing exec for four years. Turned out many hits for stage and screen, also won recognition on the concert stage, is a skillful pianist thoroughly schooled in music. His works include:

SHOWS Bye Bye Bonnie, Jumping Jupiter, In New York Town, Greenwich Follies, Ziegfeld Follies, Up and Down Broadway, Linger Longer Letty, Some Day, Honey Girl. *PICTURES* Birth of a Nation, Gift of Gab, Rainbow Over Broadway, Rawhide. *SONGS* Forever is a Long Time, Kathleen Mavourneen, Just for Auld Lang Syne, I Used to Love You But It's All Over Now, I'm the Lonesomest Gal in Town, You'll Be Sorry That You Made Me Cry, Wait Till You Get Them Up in the Air Boys, Take Me Out to the Ball Game, Smarty, I'll Be With You in Apple Blossom Time, Hold Me Just a Little Closer, Give Me the Moonlight Give Me the Girl, Dinah, Dapper Dair, I'm Sorry, Oh, By Jingo.



HARRY VON TILZER

Still interested in composing and discovering young songwriters. Born in Detroit. Played piano from earliest years. Ran away from home to join a circus when 14. Two years later was a rep actor; sang and often composed his own songs. Then to New York.

Tony Pastor took interest in him. Sold his songs to actors. Soon entered music publishing business as Shapiro, Bernstein & Von Tilzer. In 1902, established own firm, which is still going. First published Irving Berlin and George Gershwin. Among his works:

Just Around the Corner, That Old Irish Mother of Mine, The Little Wooden Whistle, And the Green Grass Grew All Around, Ragtime Goblin Man, On a Sunday Afternoon, A Bird in a Gilded Cage, Save the Daylight for Somebody Else But Save the Moonlight for Me, Mammy's Goodnight Lullaby, Take Me Down Where the Wurzburger Flows, Wait Till the Sun Shines Nellie, Happy Hottentot, I Want to Go to the Land Where Sweet Daddies Grow, Humpty Dumpty, Mammy Lou, In Our Irish Home Sweet Home, Down Where the Cotton Blossoms Grow, I Want a Girl, When the Harvest Moon Is Shining, I Just Can't Make My Heart Behave, All I Want is Just Your Love Out of the Clear Blue Sky, Are You Coming Out Tonight Mary Ann, Picture Without Frame.



HARRY WARREN

Half of Hollywood's most prolific songwriting teams (Al Dubin's the other half). Self-taught in music. The eleventh child of a poor Brooklyn bootmaker, he picked up an accordion, the first of ten instruments he plays, and learned to play by ear. At 15 joined a carnival show. Then in rapid succession became a stagehand, movie extra, piano player at the studio and assistant director. After the war, played in dance halls. Landed job as song plugger. In 1923 his first group of numbers were published. Among his works:

SHOWS Crazy Quilt, Laugh Parade. *PICTURES* Honolulu, Going Places, Garden of the Moon, Gold Diggers in Paris, Mr. Dodd Takes the Air, Melody for Two, Sing Me a Love Song, Gold Diggers of 1933-35-37, Cool-teen, Hearts Divided, Cain and Mabel, In Caliente Shipmates Forever, Stars Over Broadway, Broadway Gondolier, Go Into Your Dance, Dames, Wonder Bar, Spring is Here, Page Miss Glory, Roman Scandals, 20 Million Sweethearts, Moulin Rouge, Footlight Parade, Forty-Second Street. *SONGS* I Found a Million Dollar Baby, Would You Like to Take a Walk, Cheerful Little Earful, You Must Have Been a Beautiful Baby, Here We Are, What Dida Wanna Make Me Love You For Nagasaki, Where Do You Work-a-John, Rose of the Rio Grande.





MABEL WAYNE

One of this country's foremost feminine composers. Brooklyn born, she left school at 16 to go on the stage. Singer, dancer, musician, she toured the larger circuits for many years. Between shows she composed songs. L. Wolfe Gilbert liked one. She went to California on the royalties.

Established as a composer, she became a radio star. Made pictures in London. Devotes most of her time now to traveling. Among her works are:

PICTURES: *Sweet Surrender, King of Jazz.* SONGS: *Little Man You've Had a Busy Day, Alone on the Range, Moon Over Monterey, Manyanna Tomorrow, When the Clock Is Striking Twelve, When the Right One Comes Along, Chiquita, Ramona, Cheerie Beerie Bee, In a Little Spanish Town, Don't Wake Me Up Let Me Dream, I Want the World to Know, My Angelina, Do Ya' Love Me, Please Put on Your Wraps and Toddle Home, Let Us Have Peace, I Wonder Who's Waltzing With the One I Love, My Heaven on Earth, A Rose and a Kiss, Waltzin' round With Rosie, Some Day You'll Realize, Lover Where Are You, Why Have You Forgotten Waikiki*



PERCY WENRICH

His activities in Hollywood, where he has made his home since 1934, are devoted to serious music with only an occasional popular tune. A child prodigy in Joplin, Missouri, where he was born, he started composing at an early age. Studied at the Chicago Musical College. Placed first songs with Frank Buck, who was then partner in a music publishing firm. Plugged songs in Gimbel's in Milwaukee.

Hit New York with a song that sold over a million copies. Opened publishing firm. Sold catalog and service to Feist. Went into vaudeville after the war. Has contributed to the stage and screen. Among his works:

Put on *Your Old Grey Bonnet, Rainbow, Moonlight Bay, Hello Wintertime, Crinoline Girl, You'll Get Nothing From Me, There's an Old Flame Burning, Love's Little Journey, Look for the Girl, Eyes of Minnetouka, Moonlight Lullaby, Lindy Lady, You Better Keep the Home Fires Burning, Lantern of Love, Rainbow of Your Smile, Love Rules the World, Baby, Bells of San Gabriels, By the Old Oak Tree, Each Little Kiss, Silver Stream, When the Moon Hangs High, Sail Along Silvery Moon, Any Place Is Heaven, First Kiss of Love.*



CLARENCE CAMERON WHITE

Violinist-composer has won many notable distinctions. Born in Tennessee, raised in Oberlin, Ohio, and Washington, D. C. He studied music at Oberlin, got his Doctor of Music from Wilberforce, his M.A. from Atlanta. Won the Haruon Foundation medal and award for distinguished service to music in 1927; a two-year fellowship of the Julius Rosenwald Foundation in 1930; the David Bispham medal for composition in 1932.

Started as violin virtuoso. Taught in Boston from 1910 to 1922. Then turned to composition. Headed music department of State College in West Virginia. Served in similar capacity at Hampton Institute. Among his works:

Nobody Knows De Trouble I See, Hush My Honey, On the Bayou, I'm Going Home, Bear De Burden, Valse Coquette, Jubilee Song, Levee Dance, Sometimes I Feel Like a Motherless Child, Plantation Song, Honey Chile, Blow Gabriel Blow, Great Day, Lord I Want Two Wings, Cradle Song, I'm Troubled in Mind, Down by De Ribber Side, Bandanna Sketches, Serenade, Springtime, Tambour, Ouanga, Sinner Please Don't Let This Harvest Pass, Pantomime, Suite on Negro Folk Tunes.



GEORGE WHITING

Native of Chicago, composer divides his time between his music firm and new songs. Started in cafes. Harry Von Tilzer heard him sing his own song and published it. In 1909 he wrote a few with Irving Berlin.

In San Francisco he met Sadie Burt, with whom he teamed up, on and off stage. From night clubs to the Passing Shows of 1913-14. Also appeared in vaudeville. Four daughters are his prime outside interest. His works include:

Oh Oh Oh What I'd Do For a Girl Like You, West of the Great Divide, Blue Heaven, Strolling Thru the Park One Day, That's How Rhythm Was Born, Give a Little Love, Don't Let Your Love Go Wrong, Sunday Is Daddy's Day With Baby, Believe It Beloved, Hasta Manana, Love and Kisses, Rhythm and Romance, It Happened on the Island of Hawaii, Without a Shadow of a Doubt, White I'm in the Mood, Don't Let Your Love Go Wrong, I'll Be Blue Just Thinking of You, Just Beyond the Blue, That's My Idea of Heaven, Raquelle, Every Little Bit Helps, Somewhere This Summer With You, Beautiful Eyes, All the Luck in the World to You, High Up on the Hilltop.



JACQUES WOLFE

Head of the music department at Abraham Lincoln High School in his native New York. Served in army during the war and turned his composing talents to transcribing Negro songs. When he read the John Henry stories he wrote author Roark Bradford that he would like to do opera on them. Had Lawrence Tibbett, who introduced most of his songs, in mind.

Bradford invited him to New Orleans. Realizing Louisiana Negroes were different from Virginia Negroes he had been writing about, he destroyed operatic score he had written and started all over. Result was John Henry play, with Paul Robeson. Works:

SHOWS: *John Henry.* CYCLE: *Cahawba Days.* COMPOSITIONS: *De Glory Road, Who's Gonna Mourn for Me, Shortnin' Bread, Like the Gentle Rain, Gwine to Hebb'n, Debbil Foot, Raindrop Prelude, On the River, Janitor's Boy, De Hallelujah Rhythm, Sailormen, God's Word, The Hand Organ Man, Betsy's Boy, Bone Come A-Knuttin', Sad Songs in de Air, Darky Lullaby, Lost, Prairie Waters by Night, Heave Me Into the Wave, Swing Along, Sundown in My Soul, Cease Firing.*





HARRY M. WOODS

Despite the fact that he is one of the most prolific songwriters in the business, very few people know anything about him except his songs. Was born in Massachusetts.

Started his writing career while he was still a youngster. Now lives in Westport, Conn. Has written for stage, screen as well as radio. Doesn't spend much time on Broadway. Among his works are:

Just an Echo in the Valley, Little Street Where Old Friends Meet, River Stay Way From My Door, It Looks Like Love, When the Moon Comes Over the Mountain, Man From the South, A Little Kiss Each Morning a Little Kiss Each Night, Heigh-Ho Everybody Heigh-Ho, My Old Man, Since I Found You, I'm Looking Over a Four Leaf Clover, Take in the Sun Hang Out the Moon, Your Flag and My Flag, What's a Feller Gonna Do, Where Is My Old Girl Tonight, Paddlin' Madeline Home, Oh How She Can Love, Long Lost Mama, Red Red Robin, Spread a Little Sunshine As You Go, Who'd Be Blue, Tenthin' Down in Tennessee, You're So Easy to Remember, That Lonely Little Bluebird, You Darlin', Hang Out the Stars in Indiana, Lovable, The Voice in the Old Village Choir, I Nearly Let Love Go Slipping Through My Fingers, I've Just Got Eyes for Susie.



JACK YELLEN

Lyric writer and music publisher whose Down By the Ohio was recently revived. Now preparing songs for Ed Wynn's new Broadway revue. In recent years has been working in Hollywood. Born in Poland. Family came to America and settled in Buffalo.

Graduate of U. of Michigan with a B.A. degree. Started writing songs while in college. Was reporter on Buffalo Courier. Credited with being largely responsible for the Dixie cycle of songs. His first big hit was Are You From Dixie. For many years with Milton Ager as songwriting team and music publishers. Among his works are:

SHOWS: George White's Scandals, You Said It, John Murray Anderson's Almanac, Rain or Shine, PICTURES: Happy Landin', Sing Baby Sing, George White's Scandals, Chasing Rainbows, They Learned About Women, King of Jazz, Honky Tonk. SONGS: Happy Days Are Here Again, Are You From Dixie, Down By the O-Hi-O, Mama Goes Where Papa Goes, Yiddishe Momme, I Wonder What's Become of Sally, Could I—I Certainly Could, Lay Me Down to Sleep in Carolina, Ain't She Sweet, She Don't Wanna, Are You Havin' Any Fun, A Gypsy Told Me, Learn to Croon, Sweet and Hot, Lucky Me Lovable You, Dream Kisses.



PIETRO A. YON

One of the foremost organists of our time, still serves as musical director of St. Patrick's Cathedral in New York and teaches. His compositions have done much to change liturgical forms. Born in Italy; his musical education took him through the Royal Conservatories of Milan and Turin. Became assistant organist in leading churches in Rome.

At 20 he was invited to become organist in Church of St. Francis Xavier. Gave the first organ concert for paid admission at Aeolian Hall, New York. Was given his present post in 1926. Has two hobbies, mountain climbing and photography. Among his works:

Nine Masses, Sixteen Motets, Depuis Ce Jour, The Fool of Thule, Your Pleading Eyes, First Concert Study, Moonbeams, Alpine Nocturne, Rain, Minuetto Antico E Musella, Italian Rhapsody, Ave Maria, American Rhapsody, Hymn of Glory, The Triumph of St. Patrick, Sonata Cromatica, Mountain Slopes, Danza Tripolina, Christmas in Sicily, Three Hours' Agony Service, Echo, L'Organo Primitivo, Nena, Veneziana, Dance At Twilight.



VINCENT YOUMANS

Having conquered Broadway and Hollywood he is now spending most of his time on the more serious forms of musical composition. Native New Yorker. Early musical education along formal and classic lines. Attended prep school but did not reach college. Instead took a job in Wall Street.

During the war he was in entertainment unit. Turned to popular music and began composing. End of war found him an integral part of the songwriting business. Musical comedies then Hollywood. Ill health forced temporary retirement. Recovered and back on the job again. Among his works:

SHOWS: Smiling Through, Great Day, Hit the Deck, No No Naniette. PICTURES: Flying Down to Rio, What a Widow. SONGS: Bambolina, Wild Flower, I Love You, Tea for Two, I Want to Be Happy, Hallelujah, Sometimes I'm Happy, More Than You Know, Soy-Oui Cherie, Love Is Like a Song, Time on My Hands, Drums in My Heart, Carioca, Orchids in the Moonlight, You're Everywhere, Kathleen Mine, Through the Years, Mississippi Dry, Happy Because I'm in Love, You Started Something, Oh Me Oh My.



EFREM ZIMBALIST

Among the foremost contemporary violin virtuosos. Studied violin with father, an orchestra conductor, in native Russia. Then entered Imperial School in St. Petersburg and studied under Leopold Auer for six years, winning gold medal and scholarship. Made successful concert debut in Berlin.

His American debut took place in 1911 with the Boston Symphony Orchestra. Has since toured extensively in all parts of the world and appeared as soloist with all leading orchestras. Is a naturalized American citizen and in 1914 married Alma Glick, famous operatic soprano. Among his works are:

MUSICAL COMEDY: Honey Dew. COMPOSITIONS: Fantasy on Rimsky, Slavische Tans, A Reverie, A Monody, Chanson Triste, Four Creole Songs, Two Songs of Little Russia, One Hour's Exercises for Violin, Le Cag D'Or, Improvisation of a Japanese Tune, Persian Song, Sonata in G Minor, Karuka-Karuka.



Writing for the Feet, Not the Heart

By FREDERICK V. BOWERS

ONE of the principal reasons—perhaps second only to radio—why popular songs of today have a shorter life than the tunes of 40 or more years ago is that contemporary composers write too much for the feet and not quite enough for the heart.

Simplicity was the keynote of song hits back in the Nineties when my ballad "Because" sold about 4,000,000 copies and the original "Always" ran up a sheet music sale of nearly 2,000,000. The melodies were simple and so were the lyrics and the keys.

Today, however, with jitterbugs and boogie-woogies dancing up and down the land, sound seems to have superseded sentiment. A great deal more attention is paid to novelty and trick arrangements than to the original melody.

I know of very few cases where special arrangement was responsible for the success of a song. Of course, we have had modern swing revivals of oldtime numbers, but these were largely exceptions and usually accidents.

Pop Songs Must be Aimed At Nation's Youth

By GUS KAHN

THE successful popular songwriter must address himself to youth. While the middle-aged and older folk may do their share of singing and dancing to the songs of the day, their real love is for the songs of yesterday which, aside from their beauty, have the charm of nostalgia, and revive in their hearts the sentiments, the dreams, and the romance of other days and other nights.

To keep in step with the times, a songwriter whose success has been bought at the price of years, and who is no longer one of the "kids" himself, must make it a point to mingle with the younger generation. In doing this, he not only recaptures his own youth, but gets the slant of the young mind of the present day.

There are certain fundamental things which will appeal to all people during all the years to come, but the style in which they are presented, the tempo with which they are sung and danced, are ever-changing, and only the young can be the songwriter's guide in this.

And while we are on the subject of keeping older writers young, a much more important problem for American music is to encourage the younger writer so that we may keep American music young. ASCAP and membership therein a beacon light to young composers.

AN AMERICAN MUSIC CENTER

By SERGEI KOUSSEVITZKY

IF THERE ever was a time to speak of music in the New World, it is now. There is hope for humanity, and all those who believe in the value and inheritance of culture and art should stand in the front rank.

The thing that fills me with deep gratification is the realization this month of my long-cherished dream, the starting of a great American music center. I first thought of creating a music center in Moscow in 1913, but the war and revolution intervened.

Now we have laid the cornerstone of the Berkshire Music Center, and I look into the future of the project with faith and confidence.

There are 325 students in the new school, and among those who have contributed gifts of scholarships are the American Society of Composers, Authors and Publishers, the Rockefeller, Carnegie and Juilliard Foundations and the president of the New England Conservatory of Music.

With encouraging cooperation of this kind, we have every confidence that the Berkshire Music Center will carry on as one of America's foremost endeavors so long as culture and art exist.

Emphasis on Appreciation

By ALFRED WALLENSTEIN

ALTHOUGH America has turned out a vast number of composers, nearly all of them were products of their own inclination and carelessness; for this country has devoted more effort to musical education and appreciation than to encouraging writers of music, especially creators of more serious works.

The training of singers has been on an extensive scale, with the result that the United States is ahead of all countries in the number of eminent vocalists, but the development of composers has been neglected by comparison.

The response I receive from my own radio broadcasts indicates that America has the greatest potential audience in the world for the appreciation of good music. The worship of foreign works has been due principally to the death of operatic type music originating here.

Music In the Parks

By DR. EDWIN FRANKO GOLDMAN

MUSIC in the open has been in vogue for many years in most of our large American cities, particularly in New York. Up to a few years ago all the music in the New York parks was made possible through funds provided by the city government.



Until about twenty years ago the bands were rather small and inadequate, and the programs not of a type that would be called interesting from the musical standpoint. In fact, the concerts in Central Park in those days were really "promenade concerts."

People walked up and down the Mall as the band played music mostly of a light character. There were no seats, so that people could not listen attentively or in comfort. Concerts were given twice a week, and then only during the afternoons. But many advances and changes have taken place in the past 15 years.

The series of 60 concerts now given by The Goldman Band attracts nightly audiences of from 20,000 to 40,000 thousand, and frequently more. The concerts are given in Central Park on Monday, Wednesday, Friday, and Sunday evenings, and in Prospect Park, Brooklyn, on Tuesday, Thursday and Saturday evenings.

When we started our regular series of summer band concerts in 1918 we were the only ones in the field. Arnold Volpe started an orchestral season soon after and a few years later the Philharmonic took over his concerts at the Stadium. Audiences in those days were not as "music-minded" as they are today.

Open-air concerts and music festivals are now given in all parts of the United States and their number increases each year. Symphony orchestras were formerly just a thing for the winter months—just as bands were considered only practical for the summertime.

In many New York parks concerts are given by bands other than mine; mostly W. P. A. bands. There are also a few concerts by Symphony Orchestras. The Goldman Band series, which are known as the Daniel Guggenheim Memorial Concerts, remain unique in their field by virtue of performance, the character of programs and number of concerts.

RINGLING BOOSTED MUSIC

MUSIC is an integral part of the spell of the circus, the late John Ringling used to say. As proof that he meant it, the Ringling Bros.-Barnum & Bailey outfit has carried the most famous of all circus bands for some 20 decades. It's led by Merle Evans, who is equally adept at conducting for the acts under the big top or giving daily concerts on the green at the circus' winter quarters in Sarasota, Fla.

Not much music has been written for, or of, the circus. John Ringling felt that this neglect by composers was an oversight—that the merry outdoor show world, taking in also the carnivals, fairs and amusement parks, besides being extensive users of music, provided colorful atmosphere for the inspiration of composers.

Writing Songs for Films

By RALPH RAINGER

FIFTY ideas for a song are rejected for every one that finds its way into a motion picture—in spite of the fact that the ideas are furnished by the situations and dialogue in the script.

Songs are written and rewritten after auditions to the director, supervisor and company heads. Changes are made and whole songs rejected after days of work before finally an acceptable composition finds its place in the film.

Generally five or six songs are used in a musical picture and if one of these turns out to be a hit, lucky indeed are its creators. It is quite rare that working in film studios, on a salary, the writers have an immediate measure of reward for their efforts. But, when subsequently these songs are added to the repertoire of the nation, additional compensation should accrue to the creators.

The same set of principles holds for the writers of a light opera or musical comedy. If it were not for ASCAP, a writer's livelihood would last only as long as he was actively engaged in writing for a salary. All the years of his accumulated work continuously performed for somebody else's profit, would not net him a penny.

Night-Clubbers Fickle on Music

By JOHN ROY

Managing Director, Rainbow Room, New York

THE WHIM of the supper club patronage is fickle. Yesterday it was the Big Apple. Today it is the Viennese Waltz, the Conga and the Rumba. Surely, in their percentage payments to songwriters, ASCAP must recognize this trend better than do we. One must keep his ears attuned to the dance floor to know.

We, in the Rainbow Room, frankly confess that we do not know. We have tried swing bands, sweet bands, and some "arf an art." Our older patrons object to loud music, with its consequent laryngitis, during their dinner. Our youngsters object to the "sweet" type as having no life.

But there is a fallacy in classifying all bands into either the "hot" or "sweet" class. There is a medium. A band may be lively without being over-arranged, without being loud, and without needing an insecticide to curb its trumpets. Neither need a "sweet" band wallow through stock arrangements. They need not completely "bury the tune."

Just give us a clean cut leader with personality, a band of good musical ability and willing to take direction, and we will get along as we have been doing, while the dive-bombers have annihilated most of the rest of us.

Frank Stanton's Widow In Tribute to ASCAP

Atlanta, July 30.

ONE of the most ardent boosters of ASCAP lives in Atlanta. She's Mrs. Frank L. Stanton, Sr., widow of Dixieland's famous rhymer. Regularly, Mrs. Stanton, who is an invalid, receives from ASCAP a substantial check which enables her to maintain her home and spend her declining days in economic security.

The two Stanton poems, "Mighty Lak A Ross" and "Just A-Wearyin' for You," which have become American classics, were written and set to music long before ASCAP came into being.

The music for "Just A-Wearyin' for You," written and dedicated to Mrs. Stanton, was written by Carrie Jacobs-Bond. Stanton's pecuniary gains from these two songs were practically nil, although both must be included in any list of American "classics."

I tried repeatedly to get him to take some sort of action to get what was coming to him out of the sale of his songs, but he was too intent on his newspaper work and rhyming to be bothered about such things, Mrs. Stanton said. It was not until after Mr. Stanton died in 1927 that I even heard of the American Society of Composers, Authors and Publishers. It was a lucky day for me when my case came to their attention and it has proved to be a "lifer" for me.

At Christmas time in 1929 I received a check from ASCAP and have been receiving one regularly every three months—and the ones I receive now are considerably larger than those I received at first. These checks have enabled me to keep my home.

Although I have never had the pleasure of meeting Mr. Gene Buck, I consider him one of my best friends as I feel that he, more than anyone else, is responsible for the recognition of Mr. Stanton's contribution to American music. His interest in me has proved that he, and the organization he represents, have a humanitarian and profound feeling for their own people and their kin.

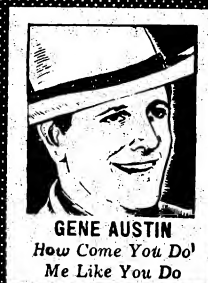
Atop Mrs. Stanton's dresser where she can see it from her bed, where she is now forced to spend most of her time, is a James Montgomery Flagg picture of Gene Buck, autographed to her by Buck. This is one of Mrs. Stanton's prized possessions and she displays it with loving pride to her visitors.

Several years ago when an anti-ASCAP bill was introduced in the Georgia Assembly, Mrs. Stanton took an active part, from her sickroom, in bringing about its defeat. She wrote letters to music lovers and rallied the aid of newspaper friends, who joined her in the fight to defeat the proposed legislation. Backers of the measure, sensing that it was doomed to defeat, never had the nerve to bring it out on the floor of the assembly.

First ASCAP Licensees

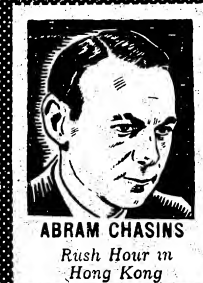
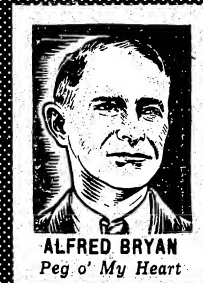
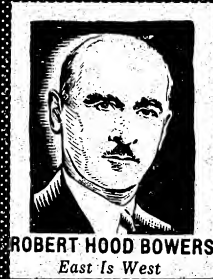
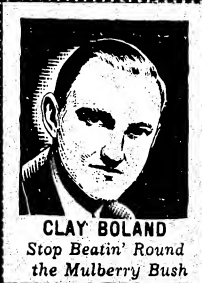
By MARY E. BROOKS, Accounting Dept.

Table listing ASCAP licensees with columns for business name, location, and license date. Includes entries for Restaurants, Churches, Radio, and various amusements.



+ TOP SONG WRITERS! + TOP SONG HITS! +





+ TOP SONG WRITERS! + TOP SONG HITS! +





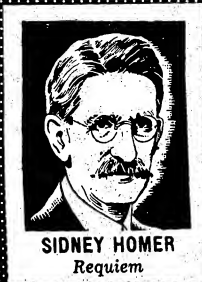
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+ TOP SONG WRITERS! + TOP SONG HITS! +





+ **TOP SONG WRITERS!** + **TOP SONG HITS!** +





HOWARD E. JOHNSON
*When the Moon Comes
Over the Mountain*



J. C. JOHNSON
Believe It, Beloved



ARTHUR JOHNSTON
Pennies from Heaven



ISHAM JONES
*I'll See You in
My Dreams*



ROBERT KATSCHER
When Day Is Done



JAMES KENDIS
*I'm Forever
Blowing Bubbles*



WALTER KENT
*Mama, I Wanna
Make Rhythm*



CHARLES F. KENNY
Make Believe Island



NICK A. KENNY
Make Believe Island



GUSTAV KLEMM
Annapolis Lullaby



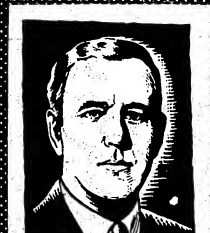
TED KOEHLER
Stormy Weather



WALTER KRAMER
Pleading



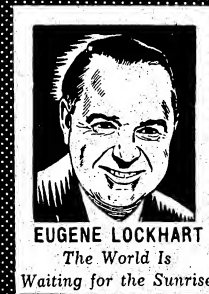
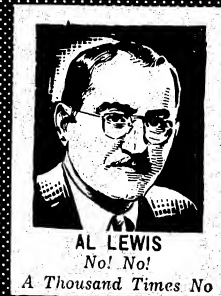
CLARE KUMMER
The Bluebird



FRANK LA FORGE
Song of the Open

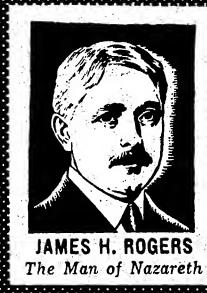
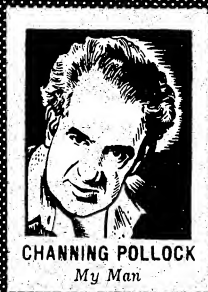
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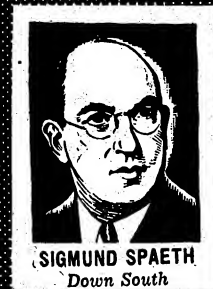
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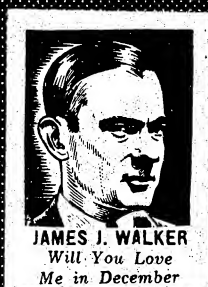
+ TOP SONG WRITERS! + TOP SONG HITS! +





+ TOP SONG WRITERS! + TOP SONG HITS! +





+ TOP SONG WRITERS! + TOP SONG HITS! +



Auto-Radio Music

THAT music actually has charms to sooth the savage breast is partially proven by the fact that truck operators are now providing radio installations for their drivers. According to General Motors officials, recent tests have proven that the auto radio, instead of being a handicap, is conducive to safe driving, especially on the longer trips. Music relieves the monotony of long drives and also prevents sleepiness.

About 6,000,000 cars are now radio-equipped, and customer surveys indicate that, among people having radios in their old cars, over 96% wanted sets installed in their next cars.

MUSIC FOR HEALTH

By GEOFFREY O'HARA

MEN of science at last got around to investigating the power of music to cure physical and mental ills. Already reports are being made which little short of astounding, unbelievable miracles! No longer need we clasp down on this subject, speak in whispers behind closed doors, because science has spoken. Many very excellent articles have been written, books, lectures. There isn't room here except to mention the fact that they exist. Interested readers can discover the names of the writers and the books by making enquiry.

My interest was first aroused when I was working among the Navajo Indians before the Great War. I saw with my own eyes cures made with music. I was present at the Hopi Snake Dance performed to bring rain, and I saw it rain!

When the war was over and we returned to civil life, I was much attracted by the work of Wm. van der Wall and others in our insane asylums. Scores of patients were started on the road to recovery; put back into useful occupations, and some were cured as if by a miracle, simply through the scientific use of music.

My attention was then directed to rain-makers; and here again, I found much to be learned. One scientist told me that a certain Indian rain song had produced three days of rain out of a perfectly clear sky. Many such cases have been scientifically recorded, not simple sentimental, foolmerry—no, but truly accredited work of scientists. Now it can be told. It IS true. Music hath charms to cure the savage breast.

The youth of today are going to crack the atom, unlock the secrets of nature. We shall learn that music is one of the greatest, if not THE greatest power in our Universe, that MAN is part of it all, and is effected by vibration as by no other thing.

What is music anyway. It is founded on the laws of sound. Sound, in turn is founded on the laws of vibration is the infinite law of the Cosmos itself, the key-note of it all.

Some ASCAP Statistics

By GEORGE HOFFMAN, Comptroller, ASCAP

THE membership rolls of ASCAP contain 1,109 authors and composers and 137 publishers, including the names of many deceased members whose estates share in the annual distribution of the Society's income.

Currently there are 33,272 users of copyrighted music for public performance for profit serviced by ASCAP through the New York office and 31 district offices in the United States.

Out of every dollar received by the Society in fees, approximately 20% is used for operating expense, making approximately 80% of the gross annual income available for distribution to members and foreign affiliates of the Society.

Receipts and disbursements are carefully supervised, all payments being examined by a finance committee, consisting of several members of the board of directors. Certified public accountants and ASCAP's own auditing department regularly balance the home office books and those of every field representative.

Lighter Music May Predominate

In Television, Says Dr. Goldsmith

MUSIC in television will play a role different from the one it plays in radio broadcasts, according to Dr. Alfred N. Goldsmith, consulting engineer in radio and motion pictures, former vice-president of RCA, and past president of the Institute of Radio Engineers and the Society of Motion Picture Engineers.

"In radio, the one sense of hearing is all-important, while in television both eye and ear are attracted and the ear will yield superior rights to the eye," Dr. Goldsmith points out. "It may therefore be assumed that a larger percentage of so-called lighter music will be in demand for telecasts and that through this medium the need for composition of less complicated instrumentation will arise."

Musical Movies

By DARRYL F. ZANUCK

Hollywood, July 30.

MANY times the death knell has been sounded over screen musicals, but screen musicals will never die. There may, as in the past, be periods where the public taste becomes jaded through over-emphasis in the production of this type of film. But that happens whenever any one form of entertainment becomes a cycle. There can be too much comedy, too much melodrama or too much of music.

The present state of the public mind is favorable toward screen musicals. People need a reaction to the heavy pall of gloomy world events. Music is the tonic.

NO CREED OR COLOR

By JACK MILLS

ASCAP can readily pride itself upon its liberal membership. Its own emancipation policy which has fostered music from the Society's inception. Every race and every creed expresses its soul musically through its membership.

We might well be proud of W. C. Handy, whose blues are a native negro folk expression, and of Irving Berlin, whose patriotic fervor is as true and revealing that of the descendants of our first settlers.

Such Negroes as Duke Ellington, Cab Calloway and Handy are definitely leaders of their race. Likewise their compositions such as "Sophisticated Lady," "Minnie the Mocher" and "St. Louis Blues" become important contributions to American music.

Now there any discrimination against a good old Irish song, the minor cadences of a Jewish melody, the orthodoxy of religious music, the lazy rhythms of our Pan-American neighbors or the "hot" improvisations of our American composers.

The Amateur Musician

By JUDGE LEOPOLD PRINCE

Founder and Conductor of the "New York City Amateur Symphony Orchestra"

SOME 11 years ago my son, then a boy of 13 expressed the wish to play ensemble music. He had talent but when looking for an orchestra we found nothing open for him and so we decided to form our own orchestra. It was surprising how many youngsters joined us. Soon we were too large a group for my apartment and a rehearsal hall had to be found. Thus began an organization which has survived in spite of many hardships.

To me, an orchestra of amateurs represents an ideal outlet for the youth in a Democracy. In our present day labor setup, there is a vast amount of leisure. Boys and girls must find their leisure-time activities.

While it is important that our civic communities should enjoy the cultural advantages of hearing professional symphony orchestras, it is even more important that these municipal groups provide their citizens with facilities for making music themselves. In my opinion there is no finer means of building character than participating personally in great music. Ensemble playing brings with it discipline in accuracy, precision and group cooperation, that can scarcely be equalled in any other field of pleasurable endeavor.

An amateur orchestra gives these young people, who are about to be our voting citizens, a chance to become acquainted with the philosophies of poets and musicians. These speak a universal language. They preach The Golden Rule.

Through this parent organization other amateur orchestras have arisen in this city and other States. Many a boy and girl who started with us received a chance thus for a public dignified debut which eventually led to engagements with professional orchestras of national repute. The members are not paid in money. But the joy of doing is its own reward, and freedom to do makes the doing doubly pleasurable.

Song Policy Goes Over Big At Paramount Theatre

By ROBERT WEITMAN,

Managing Director, New York Paramount Theatre

SAY IT with a beautiful song! And the New York Paramount gladly keeps saying it with music—sweet, hot, swing, torch, old, new. Songs have been of vital help in the success established by our theatre at the Crossroads of the World during the past five years. At that time we inaugurated our highly successful policy of 2 for 1 shows—screen attractions and leading bands supported by stellar in-person attractions.

We have catered to audiences which are song-conscious. They like music. More than that, they like to sing. We know this from the success of Don Baker at the Paramount organ console. For five years, Baker has been playing the leading song hits and we've found that most of our patrons not only know the tune hits of the day, but are familiar with the lyrics.

During the past five years, I would hazard a guess that more than 3,000 songs have been played and sung in the Paramount Theatre. Many of the nation's most popular songs were first heard in our theatre. And during the lifetime of the Paramount, most, if not all, of the leading singers of the day have appeared there in person.

Music and Big Business

By I. J. FOX
Fifth Avenue Merchant

TOO many people have overlooked the fact that music today plays an important part in big business. And by that I'm not referring to the influence of music as a sales factor via radio. It's influence here has not been overlooked, except by the radio chains themselves on the sundry occasion when it suited their purpose.

What I am referring to is the influence, as a sales factor, that music actually exerts in the selling of merchandise. Fashion shows are one of the biggest individual assets of any organization in the clothing business, and music does more to break down sales resistance at fashion shows than the most glamorous model in a group of male buyers.

Not only is it an important factor in breaking down sales resistance, but its influence in serving as a background for new designs is tremendous.

John Wanamaker's and many other big department stores have used music to draw customers by presenting afternoon organ concerts and vocal programs by leading artists.

Music At the Races

By MIKE CASALE

MUSIC is as much a part of the entertainment as the running of the horses at Empire City Race Track on Saturdays and holidays, the days when the band does its stuff at the track. The music helps the winners to celebrate, helps the losers to forget, and gives pleasure to the also-rans.

Older folks, who are racing minded, prefer the operettas. Younger turf enthusiasts request hot music. The heavy-betting regulars appreciate the harmony of a lullaby to relax their strained emotions. "God Bless America" is a big favorite with all Empire City fans; many in the stands would rather hear this patriotic piece than try to beat an 8-to-1 shot.

Du Bose Heyward—In Memoriam

By J. ROSAMOND JOHNSON

D. BOSE HEYWARD has passed on. But he will never pass out of the hearts of his fellow ASCAP members and all others who knew him.

Admired, honored, loved and respected by everyone who came in contact with him, Heyward's personal life was no less an inspiration than his varied achievements. His long battle against physical odds softened instead of embittered him.

James Russell Lowell once asked: "When will poets learn that a glass blade of their own raising is worth a barrow-load of flowers from their neighbor's garden?" Du Bose Heyward's creative genius knew no necessity to borrow from others' barrows. His poems, his song, his plays, and his novels were all distinctly colored with his great warmth, his independent thinking and originality.

Born and educated in Charleston, Heyward founded the "Poetry Society of South Carolina" and his first book, "Carolina Chansons," written in collaboration with Hervey Allen, breathes his deep affection for his native South.

A sympathetic understanding of the problems and struggles, the whimsicalities, the foibles and virtues of the Negro race have made "Mamba's Daughters" (in which I played Lawyer Frazier) and "Poetry" (in which I was Rev. Quintus Whaley) the most outstanding of Heyward's novels. In the dramatizations of both these books, the author collaborated with Dorothy Heyward, his beloved and talented wife, who with their daughter, Jennifer, survives him.

But most famous of all the great-hearted southerner's fine works is his opera, "Porgy and Bess," set to music by another of ASCAP's most gifted members, who has also journeyed to the Great Beyond—George Gershwin. Rarely in the history of the theatre have words and music found a happier association!

Music in Public Schools

By GEORGE CARTLAN

SINCE the teaching of music in the public schools of the United States was started experimentally with the appointments of Lowell Mason in 1838 as Director of Music in Boston, the time has been indeed marked by great accomplishments.

So much so, that today, 102 years later, every town, village and hamlet boasts of its own school bands, orchestra and chorus. Thousands of such organizations are in existence throughout our country.

From the first, the object of teaching music has been to make everyone conscious of its beauty, to understand it, and to enjoy it as part of their lives. And, as I have noted through my work as Director of Music for the Board of Education, New York City, great strides have been made.

Much has been done both vocally and instrumentally for the talented pupils. Graduates of our high schools are rapidly taking their place in the leading musical organizations of this country. New York City is represented in every major symphony orchestra of the United States with two exceptions. Our leading radio stations are manned by high school graduates, dance orchestras and motion picture theatre musical groups are the product of musical America.

No longer is it necessary to depend on foreign countries to supply the demand as it was once for instrumental virtuosi. Every high school in the country has its own A Capella chorus and many cities are forming a special group known as the All-City Chorus. America is leading the world today in chorus singing.

Much as the former culture of Europe will be missed, we have no need to fear that America will not only preserve the tradition of the Old World, but will build largely toward culture for surpassing the old.

Growth of ASCAP Membership

TOTAL ASCAP membership now stands at 1,246, which includes 1,109 composers-authors and 137 publishers. This compares with 246 composers-authors and 33 publishers in January, 1923, when the Society began collecting money from radio stations.

To be eligible for membership, a writer must have five published works, which are being commercially performed, to his credit. He also must show continued activity as a writer or composer.

Publishers, to gain membership, must be business at least a year, have a catalog that is being publicly performed for profit, and show evidence of the permanency of his firm. In 1938, copyrighted music works numbered 37,862. Of this number, 32,756 were published.



FELIX ARNDT



HAROLD ATTERIDGE



LEOPOLD AUER



ERNEST R. BALL



JAMES W. BLAKE



HENRY BLOSSOM



ANNE CALDWELL



GRANT CLARKE



WILL D. COBB



CON CONRAD



FREDERICK S. CONVERSE



HENRY CREAMER



REGINALD DE KOVEN



DOROTHY DONNELLY

THEIR MUSIC
WILL NEVER DIE





NAHAM FRANKO



ANATOLE FRIEDLAND



GEORGE GERSHWIN



LEOPOLD GODOWSKY



HENRY HADLEY



CHARLES K. HARRIS



SILVIO HEIN



VICTOR HERBERT



DuBOISE HEYWARD



LOUIS A. HIRSCH



GEORGE V. HOBART



WILLIAM JEROME



JAMES WELDON JOHNSON



GUSTAVE KERKER

THEIR MUSIC
WILL NEVER DIE





RING LARDNER



CHARLES B. LAWLOR



FREDERICK KNIGHT
LOGAN



BALLARD MacDONALD



EDWARD MacDOWELL



THEODORE A. METZ



THEODORE MORSE



ETHELBERT NEVIN



CHAUNCEY OLCOTT



HORATIO PARKER



HUGO RIESENFELD



JAMES WHITCOMB RILEY



CARO ROMA



ED ROSE

THEIR MUSIC
WILL NEVER DIE





GEORGE ROSEY



GUSTAV SAENGER



REN SHIELDS



A. BALDWIN SLOANE



EDGAR SMITH



HARRY B. SMITH



JOHN PHILIP SOUSA



FRANK L. STANTON



JAMES THORNTON



ROY TURK



RICHARD A. WHITING



WILLIAM H. WOODIN



JOSEPH YOUNG



RIDA JOHNSON YOUNG

THEIR MUSIC
WILL NEVER DIE





PAUL DRESSER

ABRAHAM HOLZMANN

KARL HOSCHNA



ROBERT A. KING
(KEISER)

MANUEL KLEIN

H. SYLVESTER KROUSE

GLEN MacDONOUGH



CHARLES McCARRON

STANLEY MURPHY

E. T. PAULL

WILLIAM
FREDERICK PETERS



HENRY W. PETRIE

DR. ALFRED G. ROBYN

ALFRED SOLMAN

THEIR MUSIC
WILL NEVER DIE



WRITERS' RIGHTS

(Continued from page 40)

evening; an average radio station on full time will use more than 200 different titles a day, and a night club, cabaret or theatre will use on the average not less than 40 to not more than 100 different titles in the course of a program.

Well-balanced, diversified and entertaining programs acceptable to the public cannot be built within the catalog or repertoire of a single copyright owner. Very often on a program of 100 compositions there would be 60 different copyright owners concerned.

Serves Both Sides

So, in 1914 ASCAP was formed as a voluntary, unincorporated, non-profit association with two objectives in mind:

- (1) To create a central, convenient source at which law-abiding entrepreneurs of public entertainment might secure legal licenses to use copyrighted musical compositions; and
- (2) To establish an instrumentality which might in a dignified and lawful manner protect and safeguard the legal rights of music creators, assure them a reasonable return from their valuable rights, encourage and stimulate them to the further production of the material essential to the continued successful conduct of public amusement; and to safeguard them against indigent old age.

Despite the benefits and advantages of such an arrangement, there was opposition to it from the start. This opposition came, naturally, from operators of theatres, hotels, dance halls, and other places where music was an important part of the business. And the only basis for their opposition was the fact that they didn't want to pay for something which they had been getting for nothing—even though they had been taking it illegally.

In other words, this anti-ASCAP element began to wage a battle for the right to continue stealing!

Economy of ASCAP

Granted now that there can be no quarrel with the copyright law and the right of composers and publishers to collect royalties thereunder, the next question is how this may be done in the best interests of both sides.

If there were no ASCAP and music users had to deal with thousands of individual writers and publishers, the expenses to the music users in negotiating these separate licenses would be many times what they now pay for their ASCAP license. In addition, lack of uniformity in the demands of different copyright owners would result in chaos as well as added cost.

On top of this, the composers and publishers would have to charge a great deal more for music so that they, too, could meet the additional costs of separate licenses, policing the country to detect infringements, and paying for the inevitable maze of litigation.

Harassing ASCAP

The favorite method of harassing ASCAP, in an effort to evade paying the music license fee, is to sponsor inimical legislation. This has been tried by movie theatre owners and radio broadcasters in almost every state in the Union.

In court actions, for 25 years, ASCAP has won every important suit contending the principle that copyright music used for profit should be paid for. There no longer is any question about that right. But the movie theatre men and broadcasters have sponsored bills to prevent the composer from exercising his rights!

Most of these attempts, however, have failed because the law and facts were too clear to allow of more than one interpretation. In Michigan, for instance, when Governor Frank Murphy vetoed an anti-ASCAP bill about three years ago, he quoted the opinion of his attorney-general, reading in part:

"We have made a careful study of this act, and of the law applicable thereto, and are of the opinion that the act is clearly invalid because it is an unconstitutional attempt to destroy the exclusive right of copyright owners, guaranteed to them by the United States constitution and the Federal Copyright Law.

"The exclusive rights conferred upon copyright holders under the act of Congress above referred to cannot constitutionally be impaired or taken away by the states.

"We are of the opinion that Senate Enrolled Act No. 125 is in violation of the prohibitive measures, having no relation to the public welfare or necessity, to impair the ability of copyrighted owners to exercise their rights through membership in a Society of such nature; that since copyright owners can only effectively enforce their rights under the Federal copyright laws through membership in such an organization, the act thereby seriously impairs and interferes with the ability of copyright owners to exercise their copyrights at all.

"It might further be pointed out that, aside from the question of constitutionality, the provisions above referred to would put the State of Michigan into the business of licensing and administering copyrights."

The Public Suffers

Despite the clearness of the issue as shown in the foregoing opinion, four state legislators were lobbied in such force by the broadcasting and movie theatre interests that ASCAP was forced to stop doing business in those states.

As a result, the people of Kansas, Montana, North Dakota and Washington are denied the privilege and pleasure of hearing most of the world's best music unless they get it from sources outside their state.

This is a disregard of public interest far more flagrant than the unsupported claim that an ASCAP music license costs too much. It shows the extreme lengths to which powerful amusement interests are willing to go in their attempts to escape payment of the royalties due composers and publishers.

And the ironical part is that they spend thousands of dollars to get out of paying a few hundred.

But ASCAP is continuing its efforts in the firm belief that justice will eventually prevail in all of these states and that the Society will be vindicated there as it has everywhere else.

First Big Court Victory

One of the first important test suits involving music copyright infringement was the case brought in New York by Victor Herbert against Shanley's cabaret in 1917. The cabaret, which had a \$2 cover charge, had a vocalist who sang the leading song from Herbert's operetta, "Sweethearts," accompanied by an orchestra. The operetta was then playing at the New Amsterdam Theatre.

In declaring the performance at the cabaret an infringement, Justice Holmes of the U. S. Supreme Court said:

"If the act under the copyright are infringed only by a performance where money is taken at the door, they are very imperfectly protected. Performances not different in kind from those of the defendants could be given that might compete with and even destroy the success of the monopoly

President Inspired Song Hit

President Roosevelt can take credit for the newest patriotic song to sweep the country, "I Am an American." For it was after listening to him address youths who were soon to assume the duties and obligations of citizenship that Paul Cunningham, Ira Schuster and Leonard Whitcup wrote the tune.

Mercer-Morris publishing company has been doing a big promotion job on it. In co-operation with Gray Gordon, buttons are being distributed to radio listeners, a truck will be sent to tour the country playing the song, the writers make a personal appearance each night in a Loew theatre to sing it and every avenue open to plugging has been utilized.

that the law intends the plaintiffs to have. It is enough to say that there is no need to construe the statute so narrowly. The defendants' performances are not aleemosynary. They are part of a total for which the public pays, and the fact that the price of the whole is attributed to a particular item which those present are expected to order, is not important. It is true that the music is not the sole object, but neither is the food, which probably could be got cheaper. If music did not pay, it would be given up. If it pays, it pays out of the public's pocket. Whether it pays or not, the purpose of employing it is profit, and that is enough."

Theatre Suit Won

After the Herbert vs. Shanley decision, while hotel men made some effort to work out an agreement with the Society, motion picture theatre owners refused to concede that the decision was applicable to the playing of copyrighted music in their houses. They declared that no direct admission fee was charged for hearing the music and that the music was incidental to the entertainment. It was, therefore, necessary to test out the issue.

In a suit brought by Raymond Hubbell, a member of the Society, against the Royal Pastime Amusement Co., motion picture exhibitor, for the unauthorized playing of Hubbell's song, "Poor Butterfly," which was a hit of the then current New York Hippodrome production, the case was decided in favor of Hubbell, the court holding that the copyright law applied to motion picture theatres.

Although many movie exhibitors presented elaborate stage presentations which often look as much as an hour or more and were advertised as the main attraction, they refused to pay anything to the music authors. The Motion Picture Exhibitors League of America brought suit in the name of its members, the 174th Street & St. Nicholas Amusement Co., against the Society to restrain it from conducting its operations on the ground that the defendants were a monopoly in restraint of trade. The court ruled in favor of ASCAP, saying:

"The fact that the music of the authors who are members of the association is popular and in demand presents just so much more reason why it should be protected, and its unauthorized use at public entertainment given for profit prevented. Practically the exhibitors of moving pictures seek to obtain by injunction the right to publicly perform copyrighted musical compositions for profit, without a consent of the holder of copyright and without compensation to him."

Radio Brings New Problems

With the development of broadcasting there was a new invasion of the rights of the authors. Radio took the most popular musical hits of the day and, by constant grinding and repetition, killed them off in a few months. Besides greatly shortening the life of a song, radio ruined the sales of sheet music and phonograph records, from which the authors had previously derived the major part of their royalties. Yet the broadcasters openly declared they would not pay for licenses from copyright owners. They recognized the right to collect any tax until the law plainly states that such payment must be legally collected.

The challenge was accepted by the Society and a suit brought in behalf of a member, M. Witmark & Sons, against Bamberger & Co. in the U. S. District Court of New Jersey. Judge Lynch in that case held radio broadcasting to be a public performance for profit.

Notwithstanding the Witmark decision, broadcasters refused to respect the rights of authors. In its campaign against ASCAP, the National Association of Broadcasters, through the medium of its NAB Bulletin, issue of Feb. 18, 1936, mapped out a program urging "litigation, legislation, the establishment of an independent source of music supply," and various other steps to combat the association organized for the protection of songwriters.

Thus, by threats of numerous and costly lawsuits, hostile legislation and various campaigns to harass, vex and annoy the Society, the broadcasters sought to obtain their own terms from ASCAP. It was the same method pursued by movie theatre owners.

In addition to instituting separate suits in State courts, the NAB filed complaints against the Society with the Federal Trade Commission and the Department of Justice. Both of these government agencies, after thorough investigation, gave ASCAP a clean bill of health.

Congressional Bills Fail

Next a flood of bills was introduced in Congress to exempt exhibitors, broadcasters and hotel owners from any liability in respect of the public performances of musical works for profit. Extensive and exhaustive hearings were held thereon, and all bills failed of passage.

In 1934, threats were made by NAB officials that unless the Society renewed its existing licenses upon the same terms and conditions, barrage of new legislation, suits and complaints would be launched. When ASCAP refused to submit to this kind of approach, the broadcasters brought suit, through one of their members, for dissolution of the Society. This case, Pennsylvania Broadcasting vs. Buck, is still pending in the U. S. District Court for the Southern District of New York.

In this same District Court, a suit against the Society was started by the Government. After 10 days of hearing, the Court suggested that both parties might stipulate as to the remaining facts and an adjournment was taken sine die. This stipulation has not yet been entered, the last draft having been submitted November 19, 1936.

Andrew W. Bennett, who represented the Government in the foregoing case, and who, as agent for the Department of Justice, made an exhaustive study of ASCAP before the case was begun, left the Government in 1936 to accept a retainer from the National Association of Broadcasters.

Thereafter the activities of the radio men took a new turn. Unable to induce Congress to emasculate and destroy the Copyright Act and leave creators at the mercy of the broadcasting industry, the radio interests adopted a new and more sinister program. They began to go into the individual States. When Montana went to court against the Society, the Chief argument for the State was made, not by its Attorney-General, or State's Attorney, but by Alfred J. Schweppe, paid

ELLIOTT ROOSEVELT

(Continued from page 4)

numerous affiliates and subsidiaries. These, he said, include artists' bureaus, concert bureaus, lecture bureaus, recording companies; transcription companies, networks and many other affiliate stations. It also controls numerous individual stations by virtue of long term contracts.

Chains Foster Monopolies

"All these activities," said Roosevelt, "tend to eliminate competition and freeze out independent concerns." It is, as an illustration, that independent broadcasters were forced to purchase electrical transcriptions of shows now on the chains from subsidiaries controlled by the chains, which monopolized this, highly important field.

To continue the quotations: "The FCC grants a license gratis to radio stations on the understanding that they will be operated in the public interest. The chain controlled N.A.B. has now organized a \$2,000,000 subsidiary Broadcast Music, Inc. (BMI). They have done this for the announced purpose of using that music exclusively and barring the music of the 1,000 composers and authors represented by ASCAP. I consider this an extremely dangerous precedent. Barring men like George M. Cohan and women like Carrie Jacobs-Bond from the air is definitely not in the public interest. Exclusively plugging the music of subsidized songwriters and subsidized subsidiaries is definitely in their own individual interest, without regard for the FCC, or the public, or the rights of other songwriters. If this discrimination is permitted, there is nothing to stop the chains from ultimately swallowing up the music publishing industry. It would then have an unhealthy control of tremendous investments involved in allied industries such as motion pictures, the theatres, dance halls, hotels, night clubs and other activities too numerous to mention, which depend in great part for music to safeguard investments. The right to dictate conditions on music over the air opens up the right to dictate conditions covering other form of activity which makes use of radio. The opportunity for discrimination is too obvious to necessitate denunciation. The picture is clear and tells its own story. If the radio chains can compete with music publishers and bar them from the air, it can compete with its own customers by setting up subsidiaries for the manufacture of all sorts of products.

"I am not being an alarmist, but I see no difference between organizing a music publishing company and barring all other music publishing offices from the air, and organizing a cosmetic company and barring all other cosmetic companies from the air. I think this whole tendency to monopoly should be scotched before it gains any further headway. Otherwise, I can see years of expensive litigation.

"No newspaper," continued Roosevelt "has ever dared to dare to advertisers as the radio chains do. For example, down Texas on a certain section of one of the chain units an advertiser who only wants to use one station must buy time on at least five stations out of seven, to get on that particular network. At the same time he is barred from using competing stations in the town. Their control of affiliated stations has actually given them a strangle hold on radio.

"I feel that the five-year deal I have entered into with ASCAP, with its adjustment clauses covering business fluctuations, is fair and equitable and indicates both a premise and a promise for equitable renewals.

"If the chains were as fair in dealing with their affiliates as ASCAP is in dealing with its licensees, radio would surely be operating in the public interest as intended by the U. S. Government in granting them gratis licenses."

attorney for the NAB. Schweppe also made the main argument for the State of Washington in the Society's action there in 1937 against the state's anti-ASCAP law, and in the U. S. Supreme Court's hearing of the appeal in this case, which had been dismissed by the Tacoma court for lack of jurisdiction.

Threats Resumed

In 1938, the Society's contracts with the broadcasters, which expire next December, came up for renewal. Negotiations were opened by the radio men, particularly Neville Miller, president of the NAB, and the conferences also were attended by representatives of CBS, NBC and groups of affiliated and non-affiliated independent broadcasters. Mr. Miller and the other contract men were repeatedly asked to prepare a proposed new contract in a form that would be agreeable to the broadcasters, but none was ever presented to the Society. However, as the negotiations progressed, the broadcasters threatened that they would revive the pending Government suit and that they would form an organization of their own which would publish music and enable them to operate without licenses from the Society.

Following up their threat, the radio men organized Broadcast Music, Inc., with capital stock subscribed to by many of the broadcasters who have been requested to make such subscription by the NAB. This corporation is actively engaged in obtaining contracts with songwriters and has in the preparation of an important and substantial catalogue of music which it has announced that it will license to radio stations. Strangely, although the broadcasters have complained of the blanket licenses issued by the Society, the proposed Broadcast Music license is a blanket license.

The anti-ASCAP campaign was carried to heights of absurdity last February when the broadcasting and movie theatre interests of Montana caused the arrest in Phoenix, Ariz., of Gene Buck, President of the Society, on charges of "collecting money under false pretenses" in connection with ASCAP's collection of copyright fees. Although the Governor of Montana refused to issue extradition papers and the Arizona officials stated they would not honor any extradition documents, the insult and humiliation had been achieved.

The Society has been able to furnish a service to radio, movies, dance halls, etc., far cheaper than those users could possibly furnish the same service themselves. This has made the ASCAP license a valuable asset of each and every one of these establishments. Many of them have tried to deprive the composers of the right of collective bargaining by charging them with being a monopoly. Yet in the same breath these very users urge that the Society does not represent a substantial portion of available music.

ASCAP does not purport to have all the available music in its repertoire. It does, however, assert that it is the only cooperative agency through which composers and authors and their publishers have been able effectively to protect the right of public performance for profit against willful piracy. Certain users wish to have the availability of this repertoire of music for their own private profit without any payment whatsoever. The only plan for payment advanced by the users is one under which the user should be made only if and when a user were caught in the act of piracy. This is what the so-called "per piece" system amounts to.

Million Copy Songs, Authors, Composers and Publishers

Compiled by SAM KOPP

(Illustrated on page 23)

SONG	AUTHOR-COMPOSER	PUBLISHER
Sidewalks of New York	C. V. Lawlor, J. V. Blake	Paull-Pioneer
Love Me and the World Is Mine	Dave Reed, Ernest R. Ball	Witmark
Down Where the Wurzburger Flows	Vincent P. Bryan, Harry Von Tilzer	Harry Von Tilzer
Let the Rest of the World Go By	J. Keirn Brennan, Ernest R. Ball	Witmark
Sweetheart of All My Dreams	Artie Kay, Fay Bell, Bert Love	Shapiro, Bernstein
Beautiful Ohio	Ballard MacDonald, Mary Earl	Shapiro, Bernstein
Mammy O'Mine	Macco Pinkard, William Tracey	Shapiro, Bernstein
Hearts and Flowers	T. M. Tobani, Mary D. Brine	Carl Fischer Inc.
Id Leave My Happy Home	Harry Von Tilzer	Shapiro, Bernstein
Casey Jones	Edw. Newton, T. Laurence Seibert	Shapiro, Bernstein
Old Man River	Oscar Hammerstein 2d, Jerome Kern	T. B. Harms Co.
Down South	W. H. Myddleton, Sigmund Rosenthal	E. B. Marks
I Want a Girl	Will Dillon, Harry Von Tilzer	Harry Von Tilzer
A Bird in a Gilded Cage	A. J. Lamb, Harry Von Tilzer	Harry Von Tilzer
The Prisoner's Song	Guy Massey	Shapiro, Bernstein
Mother Was a Lady	Edward B. Marks	E. B. Marks
Tea For Two	Irving Caesar, O. Harberg	T. B. Harms
Last Night on the Back Porch	Low Brown, Carl Schraubstaeder	Shapiro, Bernstein
When the Bell in the Light House Rings	Arthur J. Lamb, Sloman	E. B. Marks
Inaah Love Call	Otto Harbach, Oscar Hammerstein 2d, Rudolf Friml	Harms Inc.
Let Me Call You Sweetheart	Leo Friedman, Beth S. Whitson	Paull-Pioneer
The Glow Worm	Paul Lincke	E. B. Marks
Carolina Moon	Benny Davis, Joe Burke	Mercer & Morris
Poor Butterfly	Raymond Habel, John Golden	T. B. Harms
I Love You Truly	Carole Jacobs Bond	Carrie J. Bond & Son

(Illustrated on page 24)

Down By the Old Mill Stream	Tell Taylor	Forster Music
If You Knew Susie	B. G. De Sylva	Shapiro, Bernstein
Sylvia	Oley Speaks, Clinton Scollard	G. Schirmer
On Promised Land	Herbert Scott, Reg. De Koven	G. Schirmer
Oh! Bying Dreams of You	Herbert Ingraham	Shapiro, Bernstein
Ain't She Sweet	Jack Yellen, Milton Ager	Ager, Yellen & Bornstein
That Naughty Waltz	Edwin Stanley, Sol A. Levy	Forster
Yearning (Just for You)	Benny Davis, Joe Burke	Irving Berlin Inc.
Oh How I Miss You Tonight	Benny Davis, Mark Fisher, Joe Burke	Irving Berlin Inc.
Trees	Joyce Kilmer, Oscar Rasbach	Schirmer
Rebaz Band March	Samy J. Lincoln	Mills Music
Baby Face	Benny Davis, Harry Akst	Remick
You of Are (They Are Calling You)	Alfred Bryan, Willie Weston	Mills Music
By the Beautiful Sea	Harold R. Atteridge, Harry Carroll	Shapiro, Bernstein
Strike Up the Band (Here Comes a Sailor)	Andrew B. Sterling, Chas. E. Jones	Harry Von Tilzer
There's a Rainbow (Round My Shoulder)	Al Jolson, Billy Rose, Dave Oreyer	Irving Berlin Inc.
Love Me And the World Is Mine	Dave Reed, Jr., Ernest R. Ball	Witmark
The Peanut Vendor (El Muisnero)	L. Wolfe Gilbert, Moises Simons, Marion Sunshine	E. B. Marks
Peggy O'Neil	Harvey Pease, Ed. G. Nelson, Gilbert Dodge	Feist
When My Baby Smiles at Me	Ted Lewis, Andrew B. Sterling, Bill Munro	Harry Von Tilzer
Alabama Lullaby	De W. Wolf	Feist
All Alone	Irving Berlin	Irving Berlin Inc.
Tuck Me to Sleep in My Old Tucky Home	Joe Young, Sam M. Lewis, Geo. W. Meyer	Irving Berlin Inc.
When You Wore a Tulip	Jack Mahoney, Percy Weirich	Feist
Break the News to Mother	Charles K. Harris	Chas. K. Harris

(Illustrated on page 25)

On a Sunday Afternoon	Andrew B. Sterling, Harry Von Tilzer	Harry Von Tilzer
Liberty Bell	Joe Goodwin, Halsey K. Mohr	Shapiro, Bernstein
My Gal Sal	Paul Dresser	E. B. Marks
Am I Blue	Harry Akst, Grant Clarke	M. Witmark
I Can't Give You Anything But Love	Dorothy Fields, Jimmy McHugh	Mills Music
Till the Sands of the Desert Grow Cold	Ernest R. Ball	Witmark
Moonlight and Roses	Lemare-Black-Moret	Robbins
You Made Me Love You	Joe McCarthy, Jimmy Monaco	Broadway Music
What Does It Matter	Irving Berlin	Berlin Inc.
I Wonder What's Become of Sally	Jack Yellen, Milton Ager	Ager, Yellen & Bornstein
What'll I Do	Irving Berlin	Berlin Inc.
My Mammy	Joe Young, Walter Donaldson, Sam M. Lewis	Berlin Inc.
I'm Sorry I Made You Cry	N. J. Ciesi	Feist
Smiles	Lee S. Roberts	Remick
All That I Ask of You Is Love	Edgar Selden, Herbert Ingraham	Shapiro, Bernstein
Just Try to Picture Me Down Home in Tennessee	William Jerome, Walter Donaldson	Mills Music
I Didn't Raise My Boy to Be a Soldier	Alfred Bryan, Al Plantadosi	Feist
Take Me Out to the Ball Game	Jack Norworth, Albert Von Tilzer	Broadway Music
Yes! We Have No Bananas	Frank Silver, Irving Cohn	Shapiro, Bernstein
Me and My Shadow	Al Jolson, Billy Rose, Dave Dreyer	Berlin Inc.
Cheer Up Mary	Alfred Bryan, Jimmy Kendis, Herman Paley	Mills Music
Whispering	Malvin and John Schonberger	Mills Music
Yes Sir! That's My Baby	Geo. Kahn, Walter Donaldson	Berlin Inc.
Just a Baby's Prayer at Twilight	Sam M. Lewis, Joe Young, M. K. Jerome	Mills Music
Rock-a-Bye Baby	Etta J. Cauning	Shapiro, Bernstein

(Illustrated on page 26)

After the Ball	Chas. K. Harris	Chas. K. Harris
Woe Down Yonder in New Orleans	Henry Creamer, Turner Layton	Remick
Dardanella	Felix Bernard, Johnny S. Black, Fred Fisher	Mills Music
Sweet Sue Just You	Will J. Harris, Victor Young	Shapiro, Bernstein
On the Mississippi	Barata MacDonald, Harry Carroll	Shapiro, Bernstein
My Blue Heaven	Walter Donaldson, George Whiting	Feist
In the Evening By the Moonlight	Andrew B. Sterling, Harry Von Tilzer	Harry Von Tilzer
Ain't Little Girl, That's a Nice Little Girl	Thomas J. Gray, Fred Fischer	Shapiro, Bernstein
Sweet Rosie O'Grady	Maude Nugent	Mills Music
Margie	Benny Davis, Con Conrad, J. Russel Robinson	Mills Music
The Rose of No Man's Land	James Caddigan, James A. Brennan	Feist
Come Josephine in My Flying Machine	Fred Fischer, Alfred Bryan	Shapiro, Bernstein
Always	Irving Berlin	Berlin Inc.
How Ya Gonna Keep 'Em Down on the Farm	Joe Young, Sam M. Lewis	Mills Music
Marcheta	Walter Donaldson	Mills Music
Sonny Boy	Victor Schertzinger, Lew Brown, Al Jolson, Ray Henderson, B. G. De Sylva	Leeds Music Crawford Music

PUBLISHER	AUTHOR-COMPOSER	SONG
K-R-K-Katy	Geoffrey O'Hara	Feist
Honey Boy	Albert Von Tilzer, Jack Norworth	Jerry Vogel
A Smile, Will Go a Long, Long Way	Benny Davis, Harry Akst	Mills Music
I Used to Love You, But It's All Over Now	Irving Berlin	Berlin Inc.
You Are the Ideal of My Dreams	Low Brown, Albert Von Tilzer	Broadway Music
Always	Herbert Ingraham	Shapiro, Bernstein
Shine, Shine Harvest Moon	De Sylva-Green-Henderson	Shapiro, Bernstein
When You're a Long, Long Way From Home	Jack Norworth, Nora Bayes	Remick
	Sam M. Lewis, George W. Meyer	Broadway Music

(Illustrated on page 27)

Wait Till the Sun Shines Nellie	A. B. Sterling, Harry Von Tilzer	Harry Von Tilzer
Rose of Washington Square	Ballard MacDonald, J. F. Hanley	Shapiro, Bernstein
The Old Spinning Wheel	Billy Hill	Shapiro, Bernstein
There's a Long, Long Trail	Stoddard King, Zo Elliott	Witmark
Collegiate	Brown-Jaffe-Box	Shapiro, Bernstein
My Melancholy Baby	Norton-Watson-Burnett	Joe Morris
Red Wing	Chattaway-Mills	Paull-Pioneer
Indiana	MacDonald-Hanley	Shapiro, Bernstein
Always	De Sylva-Green-Henderson	Mills
Over There	Geo. M. Cohan	Feist
On the Road to Mandalay	Rudyard Kipling, Oley Speaks	Schirmer
Where the River Shannon Flows	James I. Russell	Witmark & Sons
Mickey	Harry Williams, Neil Moret	Mills Music
Carolina Sunshine	Hirsch-Schmidt	Harry Von Tilzer
Missouri Waltz	Logan-Shannon	Forster
It Ain't Gonna Rain No Mo'	Wendell Hall	Forster
Pagan Love Song	A. Freed, Nacio Herb Brown	Robbins
Girl of My Dreams	Sunny Claps	Mills
My Old New Hampshire Home	Sterling-Von Tilzer	Remick
I May Be Gone for a Long, Long Time	Low Brown, Albert Von Tilzer	Broadway Music
Blue Skies	Irving Berlin	Berlin
Take Me Back to N. Y. Town	Irving Berlin	Harry Von Tilzer
Let the Rest of the World Go By	J. Keirn Brennan, Ernest Ball	Witmark
There's a Girl in the Heart of Maryland	Ballard MacDonald, Harry Carroll	Shapiro, Bernstein
Love's Own Sweet Song	C. C. S. Cushing, E. P. Heath, Emmerich Kalman	E. B. Marks

(Illustrated on page 33)

You're a Million Miles from Nowhere	Sam M. Lewis, Joe Young, Walter Donaldson	Mills Music
Then I'll Be Happy	Chiff Friced, Sidney Clare, Lew Brown	Berlin Inc.
Tonight You Belong to Me	Billy Rose, Lee David	Mills Music
Always in the Way	Chas. K. Harris	Chas. K. Harris
Oh Johnny, Oh Johnny, Oh!	Ed. Rose, Abe Olman	Forster
Song Is Ended	Irving Berlin	Berlin Inc.
Somebody's Waiting For Me	Edw. B. Sterling, Harry Von Tilzer	Feist
Wedding Bells (Are Breaking Up That Old Gang of Mine)	Willie Raskin, Irving Kahal, Sammy Fain	Mills Music
The Mansion of Aching Hearts	Arthur J. Lamb, Harry Von Tilzer	Harry Von Tilzer
Oh! What a Pal Was Mary	Edgar Leslie, Bert Kalmar, Pete Wendling	Mills Music
All the World Will Be Jealous of Me	Al Dubin, Ernest R. Ball	Witmark
That Tumble Down Shack in Athlone	Richard W. Pascoe, Monte Carlo, Alma M. Sanders	Mills Music
You'd Be Surprised	Irving Berlin	Berlin Inc.
My Sunny Tennessee	Bert Kalmar, Harry Ruby, Herman Ruby	Mills Music
I Never Knew	Gus Kahn, Ted Fiorito	Berlin Inc.
Oh How I Wish I Could Sleep Until My Daddy Comes Home	Sam M. Lewis, Joe Young, Pete Wendling	Mills Music
Kello Central, Give Me No Man's Land	Sam Lewis, Joe Young, Jean Schwartz	Mills Music
Russian Lullaby	Irving Berlin	Berlin Inc.
Where the Morning Glories Twine Around the Door	Andrew B. Sterling, Harry Von Tilzer	Harry Von Tilzer
Shine	Ford Dabney, Cecil Mack, Lew Brown	Shapiro, Bernstein
Who's Sorry Now	Bert Kalmar, Harry Ruby, Ted Snyder	Mills Music
Nobody's Sweetheart	Gus Kahn, Ernie Erdman, Billy Meyers and Elmer Schoebel	Mills Music
Flourine	Ernest J. Schuster	Paull-Pioneer
In the Shadows	E. Ray Goetz, Herman Finck	E. B. Marks
Would You Care	Chas. K. Harris	Chas. K. Harris

(Illustrated on page 29)

Meet Me Tonight in Dreamland	Leo Friedman, Beth S. Whitson	Shapiro, Bernstein
For Me and My Gal	Edgar Leslie, E. R. Goetz, George W. Meyer	Shapiro, Bernstein
Because	Charles Horwitz, Fred V. Bowers	Shapiro, Bernstein
The Sheik of Araby	Harry B. Smith, Francis Wheeler, Ted Snyder	Mills Music
M-O-T-H-E-R	Howard Johnson, Theodore Morse	Feist
Yip-I-Addy-I-Ay	Will D. Cobb, John H. Flynn	Shapiro, Bernstein
When the Harvest Days Are Over	Howard Graham, Harry Von Tilzer	Harry Von Tilzer
The Trail of the Lonesome Pine	Ballard MacDonald, Harry Carroll	Shapiro, Bernstein
Remember Baby Shoes	Irving Berlin, Al Plantadosi, Joe Goodwin, Ed Rose	Berlin Inc.
Moonlight on the Colorado	Robert A. King, Billy Moll	Shapiro, Bernstein
St. Louis Blues	W. C. Handy	Handy Bros.
My Little Nest of Heavenly Blue	Sigmund Spaeth, Franz Lehar	F. B. Marks
Among My Souvenirs	Horatio Nichol, Edgar Leslie	Crawford Music
Just a Girl That Men Forget	Al Dubin, Fred Rath, Joseph J. Green	Mills Music
Ramona	Mabel Wayne, L. Wolfe Gilbert	Feist
Where the Sweet Magnolias Bloom	Andrew B. Sterling, Harry Von Tilzer	Remick
On the Banks of the Wabash	Paul Dresser	Paull-Pioneer
Last Night Was the End of the World	Andrew B. Sterling, Harry Von Tilzer	Harry Von Tilzer
My Little Dream Girl	L. Wolfe Gilbert, Anatol Friedland	F. B. Marks
Parade of the Wooden Soldiers	Leon Jessel	E. B. Marks
Where the Cotton Blossoms Grow	Andrew B. Sterling, Harry Von Tilzer	Remick
Stardust	Mitchell Parish, Hoagy Carmichael	Mills Music
Dearie	Clare Kummer	E. B. Marks
Till We Meet Again	Rammond B. Egan, Richard A. Whiting	Remick

THE NEW SEASON'S STAGE MUSICALS



BROADWAY MUSICAL STARS

De Marcos...Patsy Kelly...Eddie Dowling...Olsen & Johnson...Martha Raye...Ethel Waters...Jimmy Durante...Cab Calloway...Abbott & Costello...Bill Robinson...Ray Bolger...Tony Martin...Iika Chase...



THE NEW SEASON'S SCREEN MUSICALS



HOLLYWOOD MUSICAL STARS
Nelson Eddy & Jeanette MacDonald... Judy Garland & Mickey Rooney... Bob Burns... Ritz Brothers & Andrew Sisters... Martha Raye... Gloria Jean... Frances Langford... Grace MacDonall... Oscar Levant... Carmen Miranda... Dennis Durkin... Robert Paige... Jane Withers... Jack Benny... Mary Martin.



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Est. of
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*Williams, Arthur
Williams, Clarence
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Williams, Spencer
Williams, W. R.
*Williams, Wiluan
Wilson, Al
*Wilson, Buck
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Wilson, Ira B.
Wilson, Irving M., Est. of
*Wilson, Lawrence
Wilson, Mortimer, Est. of
*Windish, Samuel
Winnie, Jesse M.
Winteritz, Felix
*Winters, Fernie
Wolf, Daniel
Wolfe, Jacques
*Wood, Clement
*Wood, Guy B.
*Wood, L. Fred
*Wood, Leo, Est. of
*Woodin, William H., Est. of
*Woodman, E. Huntington
Woods, Harry M.
†Wragg, Russel
*Wright, Basil
*Wright, Bob
Wright, Frank A.
Wrubel, Allie
*Wynn, Charles
Wynn, Ed
*Yellen, Jack
Yoell, Larry
*Yoelson, Asa
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Youmaus, Vincent
*Young, Joseph, Est. of
*Young, Rida, Johnson,
Est. of
*Young, Victor (Standard)
*Yoelling, Victor (Popular)
†Zador, Eugene
Zamecnik, J. S.
*Zamora, Julio
Zeno, Norman
Zimbal, Franz
*Zuera, Ramon
HONORARY
Bilner, E. F. (deceased)
Burkan, Nathan
(deceased)
Wilmark, Jay

*Fseudonym.

†Added since List of April 1, 1939.

‡Added since List of March 1, 1940.



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AS OF MARCH 1, 1940

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Madison Square Garden Using More Music

There is an imperative need for music written specifically for sporting events, according to officials of Madison Square Garden, who see an increased demand on part of spectators for music with their sports. One fact, however, is becoming clear: sport spectacles are not sufficient in themselves, for the crowds want the added stimulus, excitement and entertainment value that music gives.

Sports need music with a definite touch that readily identifies itself with that sport just as martial music is easily recognized, it is pointed out. Some countries, Czechoslovakia in particular, built the music into an integral part of their athletic festivals, before Munich.

Sometime ago Madison Square Garden put in a new ceiling to obtain better acoustical results. They have an organ and novachord installed and more or less constant use. Future plans of the Garden include more use of music.

ASCAP and Musicians' Interests Are Mutual, Says Rosenberg

By assuring compensation to songwriters from a large variety of sources, ASCAP has not only stimulated a continuous output of music necessary for the functioning of orchestras, but has in many other ways served as one of the life-lines of musicians, writers and performers, in the opinion of Jacob Rosenberg, president of the Associated Musicians of Greater New York, Local 802, A. F. of M.

"Both ASCAP and the A. F. of M. play important roles in filling the demand of the public for musical entertainment," says Rosenberg, "because they occupy key positions in the entertainment field. Each has a substantial membership whose interests call for daily protection and advancement, and consequently it is to the best interest of both to maintain a harmonious relationship, and a mutual understanding of each other's efforts, viewpoints and differences."

Blues Become Permanent

By DUKE ELLINGTON

Everyone will freely admit that the Blues have been a dominant force in Jazz, and the amazing thing to me is that in spite of the variety of treatments which the Blues have received at the hands of American composers they remain essentially unchanged. They seem to have become a permanent form of harmony that has far outlasted any other native American pattern.

One would think that this bright patch of tone color would at least have become tarnished by time and usage, but it remains vivid and lusty as ever.

Perhaps the stamina of the Blues, color and form is due to the bright hot flame that they passed through to come into being. The birth of the Blues was under the broiling southern sun and welled up out of the parched throats of a people in bondage. Since those dark days that gave the Blues to American music, peoples of all races with all sorts of troubles have found this simple but well tempered musical expression adequate to their needs, and there is no reason for supposing that the Blues have become outmoded as a means of expressing, in music, the longing and frustration that comes to all people at times.

A lot of young American musicians have been deceived by the simplicity of the Blues pattern into thinking that it is narrow and restricting. They evidently feel that such a simple arrangement of notes offers less than the more modern harmonies. Perhaps they are right, but I think not. Granted that in many cases the Blues have been overworked, it still remains true, in my opinion, that the Blues must be one of the bases of any genuine American music. There is no other form in music that contains so much of meaning to Americans, for the Blues were born out of the struggle to make this country strong and powerful and their content expresses every American's right to hope and work for those things he holds dear—Freedom and Security.

Blaufuss on Boogie

By WALTER BLAUFUSS

Chicago, July 30.

Years ago it was jazz. Later came swing. Then we got boogie woogie. And now the rumor is going around that the boogeyman is about to chase the boogie out of town. All new styles of music have had their enthusiastic supporters and their violent denouncers. Each has attracted hordes of loyal and sometimes hysterical fans, and each has strut its metaphorical hour and shuffled on its way. The style may change, but music itself remains.

What does it all prove? Just this: American music has vitality, enterprise and flexibility. Our composers have versatility, ingenuity and adaptability; they are quick to sense changing public moods and adjust themselves to the new tastes.

American music is in a robust condition. The same applies to music fans—at least, that's the way it is out here in Chicago, a stronghold, where jitterbugs talk it as seriously as opera lovers.

So, don't get hot and bothered about the periodical changes in band and music styles. Let not the hue and cry of the pros and cons disturb you. So long as the guardian angel of melody, ASCAP, is on the job, all will be well with the musical world.

Spur to Native Opera Seen

American composers with a leaning to the operatic are on the threshold of a greater opportunity for recognition in the opinion of opera executives and artists.

Events in Europe are expected to alienate many staunch supporters of foreign-language operas and place American operators in a more receptive mood toward native works. In addition, it is pointed out that musical development here has reached the point where our composers can turn out operas that will compare favorably with works from other countries.

Music and Dancing Related

By ARTHUR MURRAY

Dancing is conversation to music. The more skill you acquire, the more words you will have with which to converse in the interpretation of music.

As for natural grace and rhythm, the colored savage in the depths of darkest New Guinea probably has more of both than the most privileged citizen of the civilized nations. But because music is primitive, his conversation and dancing knowledge reflect the limits of his living.

In a complex civilization, such as ours, music follows the design and mood of daily living. A war, a treaty, bring changes of rhythm, new patterns of music, which are immediately reflected in the dance. For example, the present popularity of Latin-American music and dances is a definite outgrowth of a desire to weld together the spirits of these nations as well as their politics.

Licensing Systematized

By HERMAN GREENBERG
Assistant General Manager, ASCAP

Twenty years ago, when I started working for ASCAP as field representative of the New York district, the Society had just begun to systematically enforce the legal rights of its members, supported by a recent Supreme Court decision. It was a hard fight on all fronts. Few public enterprises, whose success depended almost entirely upon the use of music were willing to pay ASCAP a fee for the use of the copyrighted works of its members.

Since then we have come a long way. More than 15,000 theatres operating in all sections of the country are now on our license lists. Today we have no difficulties with theatre circuits and few with independent theatre operators.

Through our branch offices, every effort is made to service all types of commercial users of the copyrighted musical works of our members. This covers the issuing of licenses for broadcasters, restaurants, cabarets, dance halls, skating rinks, circuses, carnivals, sound trucks, steamships, trains, fairs and many others.



Women Composers More Serious

By MARIA GREVER

Women are more serious composers than men, but not so abstract in the creation of melodies. Women generally write of the simpler things or on subjects with emotional backgrounds. No woman has written a great symphony yet, but women songwriters have turned out a great deal of semi-classical music.

Music is international. It has been called the universal language. America has taken to its bosom songs by composers of every land, in the popular field, in which American songwriters are supreme. British, Austrian, French, Italian, Czech-Slovakian, Polish and other European composers are strongly represented in popular song in America.

Spanish and Mexican music is especially popular at this time. My own song, "Ti-Pi-Ti," which was the first popular song I wrote after nearly 500 standard compositions, attained wide popularity a few years ago.

Juilliard Foundation

By MURRY GREEN

The Juilliard Foundation established in New York in 1920, provides for the furtherance of music in America and benefits both the musician and his audience. The Juilliard School, with Ernest Hutcheson as president, comprises the Institute of Musical Art, originally founded in 1905 by Frank Damrosch and James Loeb, the Juilliard Graduate School and Juilliard Summer School.

Institute of Musical Art, of which George A. Wedge is dean, offers instruction in all branches of music. There is a separate preparatory department for children. The Graduate School provides free instruction for unusually gifted American and Canadian students ready for advanced study. Fellowships are awarded through examinations conducted by the faculty. Oscar Wagner is dean. The Summer School is open to all who are interested in music.

Lectures and recitals are given by members of the faculty, alumni and visiting artists. A model radio studio is fully equipped for training of students in broadcasting technique. The library contains, besides its big reference and circulating collections, over 4,000 recordings of musical works.

More Fortunate Than Foster

By VAUGHN DE LEATH

There have been many changes in music and radio since I sang into a photograph "lily horn" behind which was hidden an improvised microphone. I will remember the number—Stephen Collins Foster's "Old Folks at Home."

Stephen Foster! A name beloved by music lovers—professional and laymen alike, for the simplicity of melody and the sincerity of story have made his songs live through the years until in our time he is finally being accorded his richly deserved recognition. Too late, alas, to do him much good, for as many of you know he died in a hospital ward in dire poverty. This could never have happened had ASCAP existed in his day, for ASCAP not only protects our rights—collecting fees for us which we could not do individually, and distributing them fairly—but its members have the comfort of knowing that the organization stands by in time of need, to help over the rough spots. Stephen Foster would have had care and consideration had there been such an organization in his day. He might even have lived a longer time and thus given to the world more of his immortal songs.

Gov't Music Archives Made Available

Washington, July 30.

Congress' long-range plan to increase availability of the more than 1,000,000 items in its music archives is due to go into operation late this year. Sound laboratory, being set up with a \$41,520 Carnegie grant, will make possible a photo-duplication service under the Music Division, comparable to the widely used photo-duplication setup in other branches of the library.

At present the Division's vast store of recordings has been available only to those able to visit the Library in person or to have expensive individual copies made. New plan will provide for reproduction on records of various items for public use at a nominal cost, the money going into a revolving fund to perpetuate the plan.

Photo-duplication will be especially important in regard to the huge collection of songs in the Archive of American Folk Song. More than 10,000 tunes have been assembled on field trips during the 14 years the Archive has been operating. Since most are on discs, just as originally recorded, and plans to transcribe them are still up in the air, there is no way for the public to make use of the collection. It is impossible even to play off the tunes for those who visit the library, without wearing the records down. The duplication plan will make the collection, largest folk song library in the world, available for the first time to students, professional musicians and the public.

The music division, established in 1879, now has custody of more than 1,000,000 items, and averages additions at the rate of 18,000 per year. Until 1902, most were copyrights. Since then gifts, purchases and bequests, including a wealth of first editions of modern classics and original masterpieces, have lifted the collection to one of the two or three largest existences.

Several gifts have been in the form of foundations, providing for concerts under the Library's auspices. Best known are the Elizabeth Sprague Coolidge Foundation and the Gettrude Whittall Foundation, including a gift of five Stradivari stringed instruments and funds for concerts upon them. Small admission charges are made for the concerts to perpetuate the funds.

CBS Concert Head Sees Need For New Music

"OPPORTUNITY, in the world of music today, knocks not once but a hundred times," according to F. C. Coppicus, executive vice-president of the Columbia Concerts Corp., and head of their Metropolitan Musical Bureau.

Coppicus believes there is no reason for talent to lie hidden. He has served as an executive with the Metropolitan Opera Company, has managed Caruso, Marion Talley and many others, and now, in addition to his other duties, supervises the annual tour of such stars as Lily Pons, Josef Hoffman and Lotte Lehman.

Innumerable reasons make this an era of opportunity, Coppicus feels. First: the expanded high school music departments, organized today that a good many have little chance to escape a scholarship at a recognized musical institution. Second: the small town radio stations, offering an opportunity for the type to get experience and a hearing. Third: the regular auditions that have become so widespread in the music world.

These are aided and abetted by a score of teachers, coaches, agents, radio scouts, producers and angels. No light can remain hidden.

Coppicus believes that even young composers have a far better opportunity today than at any other time. "The demand for new compositions in the popular as well as classical field is almost insatiable," he says.

Daddy of the Blues

By WILLIAM C. HANDY

They call me the "daddy of the blues" and I guess I have been blame enough times in my life to earn that title. In spite of the fact that my songs "St. Louis Blues," "Memphis Blues" (which I sold outright for \$100) and "Bole Street Blues" have come to be accepted as outstanding musical successes I faced grave financial difficulties after I went into the publishing business. Only my membership in ASCAP saved me from bankruptcy.

My life has been marked by many setbacks as well as a modest degree of success. The biggest days were those when royalties from the sale of sheet music and phonograph records were at their peak. It is generally accepted that that was the heyday of the music industry. Radio came along in 1921 and swept those royalties aside without replacing the revenue to the creators.

It was a valiant and forceful struggle against great odds that ASCAP put up in those days and many members who were in the prime of their careers sacrificed everything to help win.

ASCAP Fellowships

The country-wide ASCAP Fellowship Competition for Composers and Authors of College Musical Plays is in its second year. Its purpose is to encourage development of creative talent among students in institutions of higher learning. Winners of awards are required to perform in further study along creative lines.

For the purpose of the competition, the United States is divided into eight regions, with one Fellowship Award of \$720 in each region. The sum is shared equally by the creators of the winning play. Three judges for each region are selected from college faculties in the region. They pass on the script, not performance, although production of the play before an audience of not less than 200 is required.

ASCAP undertakes to submit winning plays to producers for stage and screen, all rights remaining the property of the creator. ASCAP's membership list reveals the names of many whose creative talent was first disclosed in college days, notably Deems Taylor, Oscar Hammerstein II, Olli Harbach, Arthur Schwartz, Rodgers and Hart, and Harold

Greetings to the Members of N.A.B.

We asked for the privilege of having a representative address the members of N.A.B. at their convention in San Francisco. The request was denied. Courteously, cordially, and conclusively.

Not being able to deliver our message to you in person, we now deliver it to you in print. Here it is:

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AMONG THE SUGAR CANE • GOOD BYE MY LADY
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ARMS • BLACK AND TAN FANTASY • IT DON'T
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A BABY • SOUTH OF PAGO PAGO • I'LL PRAY
FOR YOU • DOES YOUR HEART BEAT FOR ME
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WHISPERING GRASS • OH GEE OH GOSH OH
GOLLY I'M IN LOVE • GIVE BABY GIVE • CARRY
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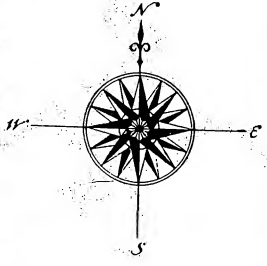
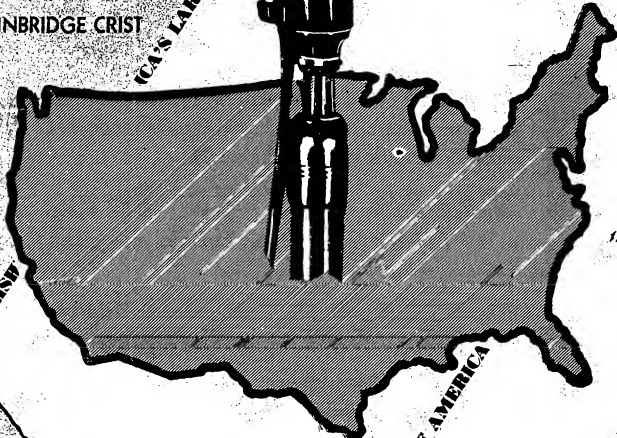
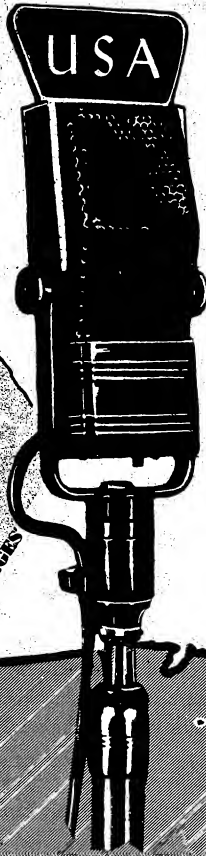
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 DERFUL MOTHER OF MINE • THINE ALONE • THREE LITTLE WORDS
 TILL WE MEET AGAIN TWO HEARTS IN THREE QUARTER TIME
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 WHEN DAY IS DONE WHEN HEARTS ARE YOUNG
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ASCAP and Gene Buck

Continued from page 5

heart was in the South. And because John Howard Payne, who wrote 'Home Sweet Home' died homeless.

Gene Buck was one of the convivial gathering. So were Raymond Hubbell, Louis A. Hirsch, Silvio Hein, Jay Witmark, George Maxwell, Glen MacDonough and Gustave Kerker. So was Nathan Burkan. Buck, speaking of him, unconsciously

grows lyrical, reverting to his early days as a song writer. 'Nathan Burkan was a grand lawyer and a grand guy. Nat was more than a lawyer. He was a law-giver. He came of a line that were law-givers in the Holy Land and whose laws you can read to this day in the Holy Book. He became guide, counselor, friend, brain, mouthpiece, battler, and bucket-upper for us all, from that night until the day he went to plead his

last case before the Great Judge of the Court of Last Resort, way up there beyond the rainbow. If I'm helpless, but even a peasant would have to talk like a poet if he knew Nat Burkan as I did. Nat went to bat at the drop of a hat, for us people in show business. And you don't forget a guy like that.'

Gene's Gaelic generosity was stirred at that first meeting. So was his imagination. Before the group called it a day, he had 'dug down' to give the idea of. Since that eventful evening in 1914—with civilization on the road to the first World War—that inspiration—born idea has

never stopped spreading its roots—or its fruits.

It has become, all in one, a beneficial organization that is forever paying out benefits; a cooperative that has divided the fruits of its labors cooperatively; an Institute of Ethics based on the standards of the Bar Associations and the Medical Societies. It has taken care of its own and never asked any local State or Federal body to assume one dollar of its burdens, has never failed to pay a dividend—good times and bad; has created and executed a system of democratic policy under which men and women of all creeds, colors, races and nationalities have equal rights, equal representation, and equal rewards for equal results; and has solved the problem of getting capital and labor to work together harmoniously and wholeheartedly, in a thoroughly democratic way.

Democracy That Works

Gene Buck tells you that democracy works. He's proven it. Every year since 1914. Through two World Wars. It's working now, better than ever. The America way. The ASCAP way. Gene says it's because "we've really tried to give democracy a chance to show what she can do. We had an idea and we stuck to it. And that's all there is to it."

But another reason might be because Gene dug down in his jeans the night the idea was born. And dug down regularly to keep it alive. He's the President of ASCAP, but for his first 10 years of office he never drew a cent of salary. He refused to. It would have cramped his style.

He talks in explosive expletives. He's a verbal volcano. A zealot with a vision and a mission. A crusader for democracy, the elemental fundamental democracy kids learn in school. And he says to you, solemnly, even soulfully, that it works. And then he proves it—by the record.

Buck is a big time executive now, with a big league income way up in the upper brackets. But he doesn't work any harder. He can't. Paid or unpaid, he gave the job everything he's got. But he works his way. And no contract.

'Never had a contract. Never wanted one. It cramps my style. Me? I'm free. Never had a contract with Flo Ziegfeld. Helped him stage 26 Ziegfeld Follies, and what all. If of mine. Of course, we've faced you're for a guy and he's a right

guy, that's all that matters. You understand him and he understands you—that's in your heart—and lawyers can't put that on you—that's in your heart—and lawyers can't put that on paper."

Profile

Gene Buck is long, lean and lanky. Maybe rangy is a better description. He reminds you of his pal, the late Will Rogers. He's breezy, free and easy and has much of the jaunty informality of that celebrated song-smith, the Honorable Jimmy Walker. He also makes you think of Gary Cooper. Not because of his looks, but, well, because he's rangy.

He talks a blue streak. He's as nervous as a cat. He doesn't smoke cigarettes, he eats them. He has ruddy skin, aquiline features and the coldest, palest blue eyes you ever saw, until he starts swearing, and then they start gleaming and glowing. He has to swear, because his words are too slow for his thoughts. He talks fast, but thinks much faster. He is so deadly serious and so sincerely earnest on his fetish of democracy and ASCAP, and ASCAP and democracy, that he almost becomes hypnotic. Politics lost a spellbinder when Buck decided to become a song writer, and ultimately found himself the mouthpiece of America's song writers, composers and publishers.

They're the labor and capital of music, and he's the Orpheus who has soothed their savage breasts. They used to battle, for credits, for prestige, for royalties, percentages, profits; profits from each other, and from the "mechanicals," meaning the movies, phonographs, wired music, radios, "the mechanicals"—the machine without heart, soul, spirit, emotions—because it's a machine.

But when Buck as "Orpheus" smites his bloomin' lyre, even the machine begins to respond. On the same basis that a steel bridge reacts to the vibrations of a violin on a given note. Legend has it that a violinist—and not necessarily a long haired one—can set a bridge to swaying and perhaps to crashing if he sets to fiddling in grim earnest.

'There's nothing like that in my mind toward 'the mechanicals,' I promise you," assures "Orpheus" Buck. "We have our differences, but that's what gives a kick to this job of mine. Of course, we've faced

(Continued on page 90)

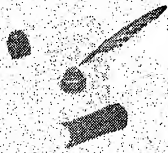
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- "With the Wind and the Rain in Your Hair"
- "My! My!"

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- | | | |
|---------------------------|---------------------------|-------------------------|
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| "Beyond the Blue Horizon" | "Lonesome Road" | "Please" |
| "Blue Hawaii" | "Louise" | "Small Fry" |
| "Champagne Waltz" | "Love in Bloom" | "Some Day" |
| "Cocktails for Two" | "Lover" | "Song of the Vagabonds" |
| "The Funny Old Hills" | "Moonlight and Shadow" | "Thanks" |
| "Give Me a Moment Please" | "My Ideal" | "Thanks for the Memory" |
| "I'm Yours" | "My Silent Love" | "Twilight on the Trail" |
| "June in January" | "One Hour with You" | "Vagabond King Waltz" |
| "Just One More Chance" | "Only a Rose" | "When We're Alone" |

(Penthouse Serenade)

ASCAP and Gene Buck

Continued from page 83

with the problem of whether the machine will become the master of men, or vice versa, but that's a common problem to society today. We solved the problem of the sexes, creeds, colors, races, and nationalities working together in our set-up. We solved the problem of employer and employee working together. We did it through giving democracy a chance to do her stuff. And we'll solve the problem of machine versus man in the same way. Don't tell me it can't be done. We've done it. We're doing it. We'll keep on doing it.

Here's how we run ASCAP:

Smooth running democracy.

"Suppose you come to one of our annual dinners. You're invited right now. Where do you think we run our party? At the Ritz-Carlton Hotel right in New York City. Now there's a nice high hat hash house for you. One of the swankiest joints in town. We have held it there every year for years. And why? Because nothing's too good for our boys and our girls. And who do you think sits on the dais? Well, almost anybody. He might be an old-timer or he might be a budding newcomer. And when I say "he" that also goes for "she." Music doesn't know sex. He might have come over on the Mayflower or he might have swum over, for all we care. We don't give a tinker's damn whether his grandmother sang a lullaby to him. Argentine, Portuguese or Greek. All we want to know is has he got a little music in his heart.

"Music, you know, is the one uni-

versal language, and if a guy has contributed just one word to its dictionary, or can contribute or will contribute, he's one of our own and we'll go to bat for him. Whether he is a Briton who writes spiritedly, a Handy who writes blues, a Carrio Jacobs-Bond who writes songs of the spirit, or a Ferde Grofe who writes spicily. Or an Irving Caesar who bats out popular songs, and in between becomes a benevolent Pied Piper of Hamelin saving kids from accidents of the workaday-world with his "Songs of Safety." Or an Oscar Hammerstein 2d and a Jerry Kern, who wrote "Old Man River" and hundreds more. Or Walter Fische, or Carl Fischer's, the music publishers that the Toscanini's, Barbaroff's, Stokowski's, Menuhin's, Kreisler's and Paderewski's go to for music, counsel and friendship. Or a George M. Cohan, or a Rodgers and Hart. Or a Rachmanoff, Heifetz, an Elman—yep, yep, they're composers, too. Or any of these new young fellows that are battling out suites and sonatas and symphonies today. Or a young and up-and-coming publisher like Herman Starr, whose mind and men are tuned to the tempo of the times. Or the widows-or children or heirs of John Philip Sousa, Victor Herbert, George Gershwin, Ethelbert Nevin, Edward MacDowell, and many, many more. All have a right to attend. All have a right to sit on the dais. And all have a right to get up

and speak their piece, because it's "To-waiting Tonight!"

"That's what I call Democracy doin' her stuff. But that isn't the only time. Or the only place. Because that would be making a sucker out of her. It's working all the time. Every day in a thousand and one different ways. And if they've got dough coming to them from their out of the licenses from 'the mechanicals', that dough reaches them, whether they're on the desert, in the jungle, on the South Seas, in a back street in the Village, or if they're with the British Grand Fleet. And yes, if they're in a concentration camp. Dough has gone to all those people in all those places. And it's going to continue to go to them, to their heirs, and to their estates, from now until hell-freezes over.

"We function and we flourish because all of us are adults. And all of us who have any claim to creative talent, work through fits and starts and moods and impulses and emotions and inspirations and moodiness and hunches, and instinct and intuition and just plain perspiration.

"We—all of us—realize that the best of us sometimes get the worst of it, as far as the breaks are concerned. And so we all of us realize that we need each other. The guy who wrote forty hits forty years ago, and has run dry since, has the right to believe that he's got another hit in him. And the guy, who has just batted out a first hit, has the right to feel cocky, and the right to believe he can keep on batting 'em out.

Seen 'Em Come and Go

"You see, Mister, we don't get far that hooey about dictators and God-geniuses. We know a lot of talented guys and smart guys and wise guys. We've seen them come and we've seen them go, but we haven't seen anybody yet who can do everything all by himself; write the words and the music and publish it and sell it and exploit it and popularize it and keep on keeping it popular, and so on and so on. He can do it once, twice, three times. Then suddenly he slows up. Then he realizes the other guy has something to offer too. The guy who writes the words needs the guy who writes the tune, and they both need the guy who is willing to risk his dough for a couple of guys whistled because a couple of guys whistled a tune to him and banged it out on a piano for him for a couple of minutes.

"That's the secret of our success, Mister. The realization that everybody's got something to offer and that the other guy needs what he's got to offer. And an even break for

everybody. And don't let anybody give you this hooey that they can do everything by themselves. Ziegfeld helped me through life. He was mighty good to me. So was Victor Herbert. So were a lot of guys. I admit it and I'm glad to admit it. I'm honored to this day that they thought enough of me to want to help me. Show me a guy who claims he did everything by himself and I'll show you a chump or an ingrate or a guy with an awfully bad memory.

"Now that I've spoken my little piece of philosophizing and lollipoping and generalizing, let me tell you specifically and concretely how we function. What we do and what we try to do. What our problems are and how we handle them. Who is for us and who's agin us, and why.

"We defend a songwriter in life and his dependents after he's gone. And always and always, we defend his right to write what's in his heart.

"Believe it or not, in this year of grace, he's still regarded as fair prey for the racketeer and the exploiter. He's pushed around in the courts and kicked around in the legislatures. All because he writes about the moon in June, instead of about autos, or litigants, or suburban lots, or oil wells, or stock issues.

"He's been condemned unheard in the courts, he's been ostracized and extradited, and right today exiled from the sovereign states of Washington, Maryland, North Dakota and Kansas. All because there's a song in his heart, and hunger in his heart for the rights enjoyed by other fellows who write.

"The big boys of the radio chains have threatened to muzzle him and run him off the air starting New Year's Day. There's a swell way to ring out the old year and ring in the New Year.

"You think I'm kidding? I'm only telling you what the chain gang has publicly and privately announced for months. Beginning New Year's Day, the music of George M. Cohan is going to be "given the air" by the boys who control the air. Carrie Jacobs Bond "gets the air" too. So does Irving Berlin, Victor Herbert, George Gershwin, John Philip Sousa, Edna St. Vincent Millay, Walter Damrosch, Vincent Youmans, Jerome Kern, Oscar Hammerstein II, Rudolf Friml, and 1,000 more.

"Think of it! Running 'The Stars and Stripes Forever' off the Barring 'You're a Grand Old Flag' Making 'God Bless America' verboten! Yep, I'm talking about America, and the plans of the radio chain boys for Americans!

"The radio chains now have the

individual broadcasting stations enchained. We hope the individuals will soon be unchained. Elliott Roosevelt, president of a Texas radio company, has already led the way in changing enchained to unchained. We believe others will follow the lead of this two-listed Texan.

"What are we going to do? Well, I'll tell you. We're going to say it with music. The public wants music and the public must be served. And when the public says "Music, maestro, please," they shall have music."

HOLLYWOOD, ASCAP ANNEX

By L. WOLFF GILBERT

Hollywood, July 30.

In the early days of ASCAP, song-domin was divided (not equally) between New York and Chicago. Gus Kahn, who resided in Chicago, was made a member of the board of directors, and travelled back and forth for ASCAP meetings.

The advent of the talking picture, and important radio programs, enticed the writer's great numbers out to Hollywood. A formidable representation, consisting of scores of members, numbering among them Jerome Kern, Stigmund Romberg, Gordon and Revell, Harry Warren, Gus Kahn, Jimmy McHugh, Walter Donaldson, Houzy Carmichael, Harold Arlen, Carrie Jacobs Bond, Jack Bremner, Albert Van Tilzer, Charles Wakefield Cadman, Sam Costlow, Lew Pollack, Gus Edwards, Arthur Freed, Ted Koehler, Herb Magidson, Jimmy Monaco, Ralph Rainger, and Leo Robin, Harry Ruby, Jean Schwartz, Ned Washington, Percy Wenrich, Ira Gerulwin, Nacio Herb Brown, Jack Yellen, Bert Kalmar, Neil Morel, Sidney Clare, Louis Alter, Jay Gorney, Sid Mitchell, Sam Lerner and Ted Snyder have either built homes or made long-term leases.

Gene Buck and John Paine have expressed themselves as believing that Hollywood is the second capital of the amusement industry. The beautiful new ASCAP offices here are managed by Murray Stravers, and supervised by Dick Powers, who is the head of the entire West Coast.

Since 1939 I have virtually been the liaison contact between the writer-members on the Coast and the home office. It's an honorary post and I love it.

1894 • 1895 • 1896 • 1897 • 1898 • 1899 • 1900

1901 • 1902 • 1903 • 1904 • 1905 • 1906 • 1907 • 1908 • 1909 • 1910 • 1911 • 1912 • 1913 • 1914 • 1915 • 1916 • 1917 • 1918 • 1919 • 1920

1921 • 1922 • 1923 • 1924 • 1925 • 1926 • 1927 • 1928 • 1929 • 1930 • 1931 • 1932 • 1933 • 1934 • 1935 • 1936 • 1937 • 1938 • 1939 • 1940

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IN THE OLD TOWN
MOTHER WAS A LADY
THE GLOW WORM
UNDER THE BAMBOO TREE
GOOD OLD SUMMER TIME
IDA (SWEET AS APPLE CIDER)
MY GAL SAL DOWN SOUTH
SPRING, BEAUTIFUL SPRING
PARADE OF THE WOODEN SOLDIERS
SARI WALTZ AMAPOLA
FRASQUITA SERENADE
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D.C. Frankly Woos H'wood Co-op To Cement Latin American Goodwill

U. S. film and radio personalities can swing the countries of the west-hemisphere over to complete unity and pro-U. S. policies by good-will tours to Central and South America, according to top Government officials, who are anxious to see big names make personal and pleasure trips to the southern hemisphere countries during the next few months.

According to intensive surveys made by U. S. State Department representatives in C. A. and S. A., the No. 1 subject of interest and influence in the hot countries is Hollywood, both through motion pictures and radio broadcasts. Musical names figure for the most part among the favorites, but there are a number of copy acts that translate comedy routines into Spanish and Portuguese. (Flibber McGee and Molly have a Guatemala echo, for one.)

With diplomatic and economic negotiations at Havana now in progress, officials in Washington feel that gains made there can be solidified and even topped by personal tours of good will by big names who will stress inter-American friendship, the need for the democracies to stick together, and anti-Fifth Column sentiments.

The recent Toscanini tour and the forthcoming Stokowski jaunt are along the lines envisaged by Washington, where Government tops are also anxious to see film names emulate the symphony orchestras—and soon.

Ruby Keeler's Burnup At Jolson's Ad Libbing Reason She Quit 'Hats'

Weekend notes from Chicago's Loop concern name players in the two legit attractions, 'Hold Onto Your Hats' and 'Life With Father.' Ruby Keeler, who handed in her notice to leave 'Hats,' is said to have objected to Al Jolson making ad lib references to their married life. She is divorced and why Jolson insisted she be in the cast is something of a mystery. She has a run of the play contract, but he has agreed to its cancellation. Eunice Healey was slated to take over Miss Keeler's part Monday (29).

Dorothy Gish stepped into 'Father' temporarily, thereby appearing on the stage with her sister, Lillian, who plays the lead femme part, for the second time in their careers. They were first together in 1901, when they were kid actresses. Part assumed by Dorothy is that of one of the four maids, who are successively fired or leave the job, and none have lines. She went into the show because of the illness of Shirley de Me. The Gishes first appeared together in 'Romola,' a film made in 1924. The earlier stage play was 'Her First False Step.'

Gracie Fields' Sellout

Vancouver, B. C., July 30. Three hours after the reserved seat sale for the Gracie Fields concert on Aug. 5 began the auditing boxoffice reported a complete sell-out. A total of 2,334 tickets were sold. Weather permitting, the concert may be held in the Clem Davies stadium at the rear of the Auditorium where there is a capacity of 10,000.

On the program with the English Comedienne will be Anne Neagle, English star of stage and screen, and Sir Cedric Hardwicke, British actor.

Miss Fields will give 34 concerts in Canada, proceeds to the Navy League and to the King George fund for sailors.

Earlier Press Time

This week's VARIETY went to press early yesterday (Tuesday), instead of its usual late-Tuesday closing time, because of the special ASCAP insert.

500 Cocoanuts A Week Upsets Coconut Grove

Not everything is a serene palm tree in the Coconut Grove of the Park Central hotel, New York, these torrid nights, because there are a couple of other burtnaps besides the thermometer. One of those on fire is the comedy trio of Sid Tomack and the Reis Bros, while the other is Sally Rand, who from her actions is their erstwhile employer, and from her costume has no right to be burning up.

Last Tuesday (23) was the end of the first week of Miss Rand's engagement at the Park Central and (Continued on page 102)

FLYNN SKIPS COMISH IN SELZNICK ACTION

Los Angeles, July 30. Errol Flynn pulled a fast one on Myron Selznick agency by calling off his action against the outfit before the State Labor Commission, leaving the Selznick lawyer, Barry Brannen, to fight battle without opposition.

Case dates back to last August, when Flynn sought relief from his Selznick contract, charging that he had failed to receive proper representation and that he had to negotiate a salary raise at Warners all by himself. In his latest move, Flynn declared the Labor Commission has no jurisdiction in an agency-client controversy when the contract has been terminated by either side. In that event, he contended through his attorney, Joseph Cummins, the decision is up to the state courts. Leo L. Schauer, attorney deputy for the Commission, took the case under submission.

Presidential Help

Mexico City, July 30. President Lázaro Cardenas gave his personal certified check for \$2,000 to Augustin Lara, a Mexican songwriter who has worked in Hollywood, so that the composer can undertake a concert tour in the Argentine.

'My government is indebted to those artists who give glory to Mexico,' President Cardenas remarked when he presented the check.

Eddie Root, Dancer, Points Up S. A.

Time for U.S. Talent; Rave Over Rio

Providence, July 25. Editor, VARIETY: Have read with great interest the article on South America in your issue of July 10 regarding Toscanini's tour. I had the pleasure of making the trip to Buenos Aires on the S. S. Brazil with Toscanini and the NBC Symphony and have just returned. Everyone on board enjoyed listening to their rehearsals, including the crew, and they gave two broadcasts during the voyage as you probably know. Their success in South America was everything Ray Josephs says in his article and more.

Owing to the comparatively few performances given, the trip will cost NBC \$250,000, so it really is a good will tour, according to John (Continued on page 114)

IT'S THE EMPIRE NOW

English Pix Will Broaden Scope to Include Dominions

Montreal, July 30. Consensus of opinion among British actors and producers passing through Canada is that English-made films will in the future reflect the spirit of the Empire rather than that of Britain alone. Reason given is that war has brought members of the British Commonwealth more closely together than ever before. In the mother country, show people, among others, have grown more deeply conscious of the Empire.

Talk is that future British screen yarns will take cognizance of the Commonwealth as a whole. The insular viewpoint hitherto prevalent in films will in all likelihood give way to a broader thematic treatment, taking in even the far-flung outposts. British producers are awakening to the fact that the interest at home in the peoples of Canada, Australia, New Zealand, India, etc., is far greater than originally estimated and that there are ready-made audiences for films dealing with the historic and current aspects of these countries.

HEAT - GROGGY SLEEP IN THEATRES

Milwaukee, July 30.

With the town engulfed in a week long heat wave during which the mercury hit a record high of 102, Warner-Sax built up a lot of good will by throwing open their air conditioned Uptown and Garfield theatre lobbies as sleeping quarters as many of the suffering public as could be accommodated.

There was no charge for the privilege, the only requirement being that sleepers be bona fide residents, make reservations in advance until space was exhausted, and their own blankets and pillows. Special men and women attendants were on duty all night to service the customers.

S. A. PAYS OFF

Success of Mpls. Aquatennial Laid to Plentitude of Femmes

Minneapolis, July 30. Stressing of sex appeal with beautiful girls in scanty attire abundantly in evidence as the piece-de-resistance of the most important events, is credited in large part for the success of the first local Aquatennial celebration, which will be made an annual summer event. Newspapers and officials estimate that 2,000,000 spectators were entertained at the 40 major events on the nine-day program. Before the celebration was half over on the fourth day—it was 'off the nut' and assured of a sizable profit.

A large group of leading businessmen and civic leaders underwrote the Aquatennial for \$110,000, its estimated cost.

SAILINGS

July 25 (Los Angeles to Sidney) Gordon Ellis (Mariposa).

Eddie Root, Dancer, Points Up S. A.

Time for U.S. Talent; Rave Over Rio

Wages Ease Off 11.2% For Pic Workers in June

Hollywood, July 30. June was a tough month for motion picture workers, exclusive of actors and execs. A drop of 11.2% under the wages for May was disclosed by the State Labor Commission.

Weekly payroll for June averaged \$43.45, collected by 12,004 wage earners, a drop of 9.3% in the average number of workers. Compared with June, 1939, the decrease was 15% in wages and 20.5% in the number of workers.

Flock of Show People Constantly Up in the Air From Coast to Coast

Triple Dose of Rough Stuff

Hollywood, July 30. Three cinematic tough guys, George Raft, Humphrey Bogart and John Garfield, are assigned to do their rough stuff in 'Bad Men of Missouri' at Warners.

Michael Curtiz directs, starting Sept. 15.

Stage Spec Plus Racing New Gag At Chicago Track

Chicago, July 30.

Utilizing showmanship, the Washington racetrack here is readying a series of spectacles for its American Derby Week, Aug. 4-10, and will give the customers full show in addition to the regular horse race card.

Through the cooperation of John Balaban, of Balaban & Katz, producer Frank Cambria is coming in to stage a spec tagged 'Cavalcade of the Horse,' which will include a re-statement of the running of the first American Derby in 1884. All costumes and traditional ceremony of that era will be reproduced.

Walter S. Gregory, managing director of the Palmer House, is in general supervision of the event. Gregory has been utilizing show business methods at Washington Park for some time, and it was at Washington Park that the racetrack version of bank night was first tried.

ABBOTT, COSTELLO WILL SPICE UP U'S 'RIVIERA'

Hollywood, July 30.

Universal signed Bud Abbott and Lou Costello to add humor to the picture, 'Riviera,' featuring Allan Jones and Robert Cummings.

Comic duo, subbing for Fred Allen on the air during the hot months, report for film work Aug. 20.

Up to Gladys George If 'Lady' Will Tour

'Lady in Waiting,' presented by Broker, Pemberton at the Martin Beck, N. Y., during last spring, will not resume on Broadway, although that had been tentatively planned. Comedy is expected to go to the road, but only if Gladys George, who starred in it, returns from the Coast for that assignment. She signified intention of doing so before going to Hollywood.

Otherwise 'Lady' will not tour, manager figuring a one-woman show. He awaited presenting it until Miss George was free of studio engagements, which explains its arrival on the boards rather late in the season. Should 'Lady' be road-showed, dates will be limited to the key stands.

GLORIFYING THE PESTS

Book on Autograph-Hounds With All-Star Galaxy

Metro last week paid \$20,000 for screen rights to 'The Youngest Profession,' a book about autograph-chasers which will be published by Doubleday in the fall. ASG agency negotiated the sale for author Lillian Day. Virtually all other studios were also interested in the property.

Judy Garland will be starred in the film, it is expected. Role is something of a femme Henry Aldrich who is always getting herself into scrapes in her efforts to get signatures of film stars. Each fictionalized incident in the book is woven around the name of an actual player. It is understood that Metro will use as many as possible of these people to play themselves in the film.

By EDMOND S. FISH, JR.

A \$50,000 revolution went flying out of LaGuardia Field, N. Y., last week, lagged and insured up to the hilt. It was the first production model of a new sound camera designed for the 20th Century-Fox studios on the Coast, and it went the fast way, sTWAoliner.

Ever since sound moved into the film business, cameramen have been driven wacky trying to get close-ups and other shots without the noise of the camera being recorded in the soundbooth and this revolutionary camera will do the trick, according to E. G. Hines, president of the General Theatrical Supply Co., and Herbert Griffin, v.p. of Cine-Simplex, passengers on the TWA ship.

No more blimping for the cameramen, said Hines, referring to the giant blimp arrangement that has hitherto been tossed over the camera to deaden the noises nearby.

Birds Vincent Lopez has got the bird, or the pair of 'em, by this time, if Mrs. Clara Adams has had her way. Mrs. Adams, foremost woman first-fighter, homed on the sTWAoliner after going to Los Angeles on the high-flyer's maiden trip—where she booked passage on the first Clipper passenger flight to New Zealand in late August. In the baggage compartment of the TWA bird rode six (Continued on page 112)

All Hollywood British Filmers Make 'Raffers Ring' for Charities

Hollywood, July 30. British colony benefit picture, 'The Raffers Ring,' goes into work Aug. 19 at the Pathe Studio, with Robert Stevenson producing. Stars, supporting players, directors and writers are donating their services for the film, which will be distributed at cost by RKO for the benefit of American and British charities.

Players who have volunteered thus far are Brian Aherne, Freddie Bartholomew, Madeleine Carroll, Ronald Colman, Gracie Fields, Errol Flynn, Joan Fontaine, Greer Garson, Cary Grant, Sir Cedric Hardwicke, Charles Laughton, Anne Lee, Vivien Leigh, Herbert Marshall, Victor McLaglen, Ray Milland, Anne Neagle, Merle Oberon, Maureen O'Hara, Laurence Olivier, Claude Rains, Sabu and C. Aubrey Smith. Directors are Edmund Goulding, Alfred Hitchcock, Zoltan Korda, Frank Lloyd, Victor Saville and Herbert Wilcox.

New Trial For Snyder

Los Angeles, July 30. Martin 'The Gimp' Snyder was granted a new trial by the California Supreme Court, throwing out his conviction on a charge of attempted bribery of an Alderman, pianist and present husband of Ruth Etting, the former Mrs. Snyder.

The high court ruled that the jury had not been adequately instructed.

L.A. to N.Y.

Phil Baker, Charles Bennett, Herrol Buchanan, Jack Colby, E. L. DePatie, Dr. Harold Edgerton, Helen Gahagan, Tom Gallery, Cliff Henderson, Irene Hervey, Allan Jones, Robert Kallach, Walter Kane, Elin Kazan, Arthur Ripley, Victor Saville, Leo Spitz, Verne Walker.

N. Y. to L. A.

Joe Bernhard, Faith Bennett, Mort Blumenstock, Cynthia Carlin, Nancy Carroll, Ray Collins, Lili Damita, Betty Flavin, Brenda Frazier, Marty Jurow, Marge Kerr, Florence Lake.

WAR OF PAPRIKA IN PIX

Some Sapoloed Top Grossers

Vast majority of the picture business' top-grossers do not fall into the category of risqué vehicles, according to claim by industry chiefs. Following list with some of grossed shows few of this type:

'Snow White', with more than \$3,600,000 gross; 'Singing Fool', about \$3,000,000; 'Four Horsemen of Apocalypse', \$4,500,000; 'Ben Hur', \$4,000,000; 'Birth of a Nation', \$3,500,000; also \$3,500,000, 'Big Parade', 'Cavalcade', 'Jazz Singer', 'Covered Wagon', \$3,000,000 and under. 'Broadway Melody', 'Cockeyed World', 'San Francisco', 'Whoopie, Ki! From Spain', 'The Freshman', 'The Kid', 'The Gold Rush', 'Ten Commandments', 'Roman Scandals', 'Grand Hotel', 'Little Women', 'I'm No Angel', 'She Done Him Wrong', 'Cimarrón', '42nd Street', 'Gold Diggers of Broadway', 'What Price Glory?', 'Saratoa', 'Emma', 'Min and Bill', 'Rio Rita', 'See Hawk' and 'Way Down East'.

Others with domestic gross of \$1,500,000 include: 'All Quiet on the Western Front', 'Anna Christie', 'Beau Geste', 'The Champ', 'City Lights', 'Dead End', 'Stella Dallas' and 'Hunchback of Notre Dame' (first version).

N.Y. Fair Making Plea for Attendance; Many of the Big Shows in the Red

'See the Fair now or never, it closes Oct. 27 forever.'

That is the text of outdoor paper which is to be posted within a radius of 300 miles of New York with the idea of attracting patronage from those who have delayed attending what is conceded to be the world's greatest exposition. Paper is to be put on all available space, but also understood that it will be posted in subways and other public places where there is a charge for space.

Because of the heat wave, war and other factors, attendance is running as much as 50% under last year. It's known that some major shows are operating in the red, with no chance of recapturing the original investments.

Aquacade started out with a weekly gross now put at \$26,000 and climbed to \$51,000 which is said to have been high this season. Last summer the aquatic show was credited grosses as high as \$130,000 in a single week and made a net profit of around \$750,000.

'Railroads' has been losing about \$5,000 weekly. Rail lines backing the spectacle set up a deficit for that eventuality and there (Continued on page 102)

Cascaret Time

Concluding his program over WMCA, New York, last Thursday afternoon (25), Sam Brown announced (verbatim):

'We have brought you 15 minutes of recorded song with the romantic baritone, Tony Martin—now it's time for Cascarets.'

WB Makes 1st Strawhat Pic Buy—Mother

First picture rights buy among pictures tried out in country summer stocks this season was consummated last week, when Warners obtained 'Four Cheers for Mother,' recently tried out at Locust Valley, L. I. Play will not be attempted on Broadway, but several strawhat stocks have listed it for performance.

Price paid by the film end is said to be \$10,000, unusual for a try-out that other picture firms did not appear to be interested in. 'Mother' is a collaboration by Philip Dunning and L. G. Lighton, latter a newcomer in the field. Authors figure the WB offer was too attractive to be passed up. Fact that the chances for regular production were not definite counted in the rights being disposed of.

GAMBLING LID ON TIGHT AT SARATOGA

Saratoga Springs, July 30. Annual race meeting and Saratoga's gay month started Monday (29) with not roulette wheel (turning or dice game rolling, as predicted early this summer. Even the horsepans, where bets on out of town races could be previously placed, are lidded.

Orders to clamp down on gambling, except of course the pari-mutuels at the track, are said to have come from Governor Lehman. It is the third successive summer that the betting treaty have been on the outside looking in.

August, however, is expected to be dotted with social functions and parties. Such gatherings will include restaurants who have not visited the Spa for many years, mostly having been forced out of European resorts because of the war.

Entertainment lineup for Saratoga racing season (opened July 29) has at Arrowhead: 'Im', 'Ernie', 'Holst's Orchestra' and 'Hugo Minnifant's swing-rumba-coonga combination', 'Josephine Houston', singer; 'Dan Lopez' and 'Maxine Barzal', dance team.

At Meadowbrook; Allan Cross and Henry Dunn (who have warbled at the Spa in previous seasons); Rod (Continued on page 104)

NOTE TREND TO SLIGHT SEXOLA

Haysians Admit a Trend to the Double-Entendre and Franker Situations in Recent Cycle of Releases

PAST AND NOW

Cycle of spicy features calculated to bolster dwindling boxoffice and recoup losses in the foreign market looms for 1940-41 season. Growing tendency to insert two-edged gags and a bit of sex has been noted by the Hays office production code perversions now for the last months. And admittedly the Haysians currently are under pressure to permit more paprika into productions.

New attitude by some producers regarding some spice recalls that slightly off-color productions helped to overcome the depths of 1932-33 depression years. Kickback of this leniency on nudily, questionable situations and themes was the Legion of Decency campaign which produced the present strict production code.

What some industry leaders fear now is that any overly rowdy stuff will bring new cries from minority groups, with these vocal organizations carrying their troubles to Washington with cries for strict censorship, etc.

Nudity and costumes were the chief complaint back in 1932-33. Today the principal squawks embrace dirty wisecracks and gags.

Forrester's 75¢ Suit vs. Dietrich Ready for Court

Jack Forrester, repatriated American film producer, formerly a stage juvenile at the Folies Bergeres and Casino de Paree, in Paris, will have his attorney, Saul E. Rogers, start suit in N.Y. supreme court this week against Marlene Dietrich for \$75,000. Of this amount, \$15,750 is cash advanced on a contract whereby she was to make a picture in France for Forrester-Parant Productions, Forrester acting on behalf of his company whose 'General Without Buttons', 'That They May Live' and other French films are known in America.

'The question whether the European war is an act of God' figures in Forrester's petition for return of the \$15,750, plus the damages claimed. Deal dates back to last Aug. 22, when he permitted her to return to America to make 'Destry Rides Again' for Universal with the (Continued on page 104)

More Films Into, But Less Coin Out of Asia

Hollywood, July 30. American films are increasing their markets in Asia, but not getting out a corresponding amount of coin, according to Del Goodman, Fox Eastern manager for 20th-Fox, who passed here en route to the home-office.

Financial frecking, banking regulations and political manipulations, he said, have reduced Hollywood's profits to microscopic size.

While American film market in interior China has tripled since the Japanese invasion, Goodman declared, diplomatic phengaling has reduced the revenues to one-third.

Carryovers From Pre-Hitler Days Still in German Film Biz in U.S.

Mysterious Disappearance

Disclosure last week that Walter Ebeling, 31, publicly and contact man for the Garden theatre, N. Y., had disappeared was viewed with complete puzzlement by the management of the house. Ebeling, police id, was visiting a friend near South Bend, Ind., and the morning of July 9 drove off in his car. He hasn't been heard from since, although blood-stained clothing found Sunday (28) near Lafayette, Ind., were identified identical to those Ebeling was wearing.

Ebeling was employed by the operators of the Garden, which plays German pictures, a kind of in-between man with the Yorkville population. He was Swedish-born but lived in Germany and was a naturalized American. He was said to be neutral in international politics.

Nazis' Dictum On Dutch Pix; See Ditto In France

With official word received in New York last week that the only foreign pictures allowed on the screen in Holland must be those censored in Berlin subsequent to Jan. 1, 1937, reaction in the trade this week is that the same regulation will apply to all Nazi occupied zones including France, Belgium, Denmark and Norway.

There is nothing that American companies can do about the arbitrary ruling, which forces product of all U. S. distributors, excepting Metro, 20th-Fox and Paramount, from German-controlled territory. Distributors which withdrew, or were forced out of Germany, cannot very well stay on in German-occupied nations under the regulation.

Interpretation of the Nazi edict in N. Y. is that as far as the Germans are concerned all territories which they occupy presently are regarded as Germany.

Check reveals that the three majors doing business in Germany sent 20 features in to that country during 1939. Estimated that about 28 (Continued on page 102)

'IS THERE A DOCTOR IN THE PARKING LOT?'

Milwaukee, July 30. Before the Drive-In theatre opened here this summer, the management sent a letter to all doctors within a 25 mile radius, advising them that when they attended the show they would be parked in a specially reserved space where they could easily be reached in case of emergency, an outdoor application of the 'leave your seat number at the box-office' idea.

Woman patron was overcome by the heat the other night, taken by ushers to the theatre office and given immediate medical attention by a physician summoned from the special parking area reserved for the medic.

Nix Mander for Army

Montreal, July 30. Miles Mander, English-born character actor, returned to Hollywood last week after having reportedly been turned down for enlistment with the Canadian Active Service Forces. Mander, brother of Geoffrey Mander, English M. P., is over the age limit.

By HERB GOLDEN

Phenomenon of the distribution and exhibition of German pictures in the United States is the active role played by non-Aryans—Two of the three houses which exhibit nothing but Deutsche films in Yorkville, heavily-Nazi section of Manhattan, are Jewish-operated, while one of the two major distributors and two of the three minor distributors are Jewish.

Another odd circumstance is that the property housing the largest and most important of the German film theatres in Yorkville, the Casino, is owned by Local 802, American Federation of Musicians, many of whose members and officers are Jewish. Jacob Rosenberg is prez of 802. Before conversion of the property on 86th street near 3d and 4th streets, it was used as a dancing hall.

In every case the story of the Jewish distributors and exhibitors is identical. Their consciences bother them and they'd rather be in any other line of endeavor, they maintain, but they were in the German film business before Hitler's rise to power and giving it up now would deprive them of their bread and butter.

Management of its two principal theatres being Jewish isn't viewed with complete satisfaction by the population of Yorkville. There have been several disturbances, all more or less minor, in which Nazis have resented what they termed 'profiting' on them.

Jewish exhibitors and distributors declare they never handle any Nazi propaganda pictures. That's true on the surface, but when it is remembered that not a camera can turn in the (Continued on page 114)

Nazi Propaganda in U.S. Blamed for Downbeat in Canadian Tourists

Regina, Sask., July 30. Bad roads and Nazi propaganda are getting the blame from Saskatchewan theatre men for the non-materialization of the American tourist influx which they have looked forward to for the past few months.

More than the usual amount of criticism is being directed at Saskatchewan roads this year, especially by American tourists. They are unanimous and enthusiastic in saying that American tourist traffic would be much larger if Saskatchewan had dustless highways.

Another reason for the ebb of American attendance is believed to be adverse rumors spread by pro-Nazi influences in the United States. Several of the visitors from the United States have come to Canada expecting to pay 60¢ a gallon for gasoline, excessive prices for accommodations and even to be subjected to a barrage of martial regulations and a suspicious scrutiny of all their actions. They admit finding conditions contrary to expectations.

MCA'S PACKAGING YEN FOR LEGIT A LA PIX

Marty Jurow, of the legit and film department of Music Corp. of America, left on Friday (26) for Hollywood. He'll stop over for a few days in Chicago on the way out. Jurow's trek is to line up film names for Paris in shows on Broadway for the fall. MCA is attempting to package legiters in similar manner to what it has been doing with pictures and radio shows.

Bernhardt's WB Pic

Kurt Bernhardt gets the director chore on 'The Lady With Red Hair', the Miriam Hopkins starrer at Warners. Picture is based on the career of Mrs. Leslie Carter.

\$700,000 Looks Like Final Total of Show Biz's Gross for Canada

Toronto, July 30. With returns from 61 small theatres still outstanding, Canadian motion picture industry has collected \$695,448 for Canada's war chest, will total expected to go over the \$700,000 mark. Seven bombers will be purchased with the proceeds. Nationwide benefit was staged in every theatre in Canada on the evening of July 15, admission being by a minimum of two 25¢ war savings stamps.

Reports from 969 theatres showed that more than 604,900 seats were sold that night. Highest per-seat average was \$1.90.

Calgary's Total

Calgary, Alta., July 30. Total receipts in Alberta from the 'Stamp Out Hitler' theatre party were \$58,812.50, according to V. N. Skerret, provincial organizer.

Calgary accounted for \$20,800 and Edmonton \$14,530.

A total of 118 theatres, the province took part in the enterprise, with more than 40,000 people attending the programs.

'QUIXOTE' SECOND FOR CAPRA AT WARNERS

Hollywood, July 30. 'Don Quixote', Cervantes' classic satire on the age of chivalry, is slated as the next production by Frank Capra and Robert Riskin, following their current picture, 'Meet John Doe', at Warners.

Riskin has worked out the preliminary script.

Producer Chides Exhibs' False Evaluations of Stars as Major Cause for Abnormal Film Costs

Squawk by exhibitors that rentals are too high because of exorbitant production costs is nothing but a boomerang that flies back into the faces of theatre operators, Walter Wanger declared recently in a discussion of film costs in New York. Wanger asserted that producers are well aware when they are being hounded for salaries by stars, but are forced into paying fees that are too large because of exhib demands for certain players.

Producer maintained that the unwillingness of exhibs to give a break to a film with anything less than a top star name, despite what other qualities it might have, forces the film-makers to bid against each other contrary to their better judgment and push prices way up. Stars, he said, naturally know when they are in demand and take full advantage of the situation, leaving the producers no alternative than to pay what's demanded.

Wanger asserted that most exhibs study neither the plot of a picture nor the film itself, but merely scan it for names and make complete judgment from that. He termed such action unshowmanly and not always in line with audiences' actual insistence.

Must Encourage Producers
"If exhibs want to see rentals come down through reduced production costs, which are impossible as long as top production quality and star names are required," Wanger said, "they must encourage producers by giving a break to films slightly out of the ordinary. They must go out and sell these pictures. It will not only result in more variety in types of films, but create new audiences."

Other participants in the discussion pointed out, in support of Wanger's contention concerning demand for stars, that many pictures recently with top names did poor or mediocre business. This proves that it is not the players so much, but stories and other qualities which affect b.o., it was said.

METRO'S 'BOOM TOWN' SIGNALS PETROL CYCLE

Hollywood, July 30. Dramatic oil is gushing all over Hollywood since Metro brought in 'Boom Town' with an expensive cast and a heavy ballyhoo. Four other studios are readying pictures with petroleum backgrounds for early release.

Warners has 'Flowing Gold' and Paramount has 'Cherokee Strip' in the cutting rooms. 'The Devil's Pipe Line' goes into production at Universal this week and 'The Girl from Havana,' another oily tale, is before the cameras at Republic.

Pallos' U. S. Plans

Steven Pallos, associate of Alexander Korda for many years, who arrived in the United States about two weeks ago, is planning to remain for about three months. Pallos, who handled the financial end of the Korda productions in England, is in the U. S. on business concerning Korda films financed by Prudential Insurance Co. Ltd. Korda is now being bankrolled by Bankers Trust Co. of N.Y.

Pallos will also look after other film investments of Prudential in this country. A new outfit, London Film Export Co., Ltd., has been set up to assume management of the Korda-Prudential pix.

Gable's Sing-Singer

Hollywood, July 30. Clark Gable goes up the river for his next Metro starrer, 'Osborne of Sing Sing,' slated to start at the end of his four-week vacation. Jack Conway directed 'Sing Sing' on Gable's schedule pushes back 'Witch of the Wilderness' and 'Tortilla Flats.'

Films Co-op With U. S. in Stressing National Defense

Hollywood, July 30. New trend in the picture studios is to put the soft pedal on anti-foreign and to build up the American defense idea through films devoted to the exposition of the armies made in the development of the Army, Navy, Air Corps and Marines. The idea has the hearty support of all branches of the national defense in Washington.

In feature productions and shorts, the studios are making authentic pictures to dramatize the training required in the various branches of national protection. Pictures will be released through regular U. S. channels and in other countries to show what preparations are being made for the defense of democracy.

The Warner studio has been making patriotic shorts for some time and is understood to have governmental sanction in the production of a new series of two-reelers dealing with military service. Paramount is working with Washington on its student flyer feature, 'I Wanted Wings.' Metro, with government collaboration, is filming 'Fight Command.' Other Hollywood studios are putting their shoulders to the wheel to help the government task of preparedness.

WPA SURVEY ON FILM BIZ DUE IN BOOK FORM

U. S. Works Progress Administration is working on a comprehensive survey of the film business, which eventually is to come out in book form. Material on pictures dating back as far as 1890 has been collected and compiled for publication as part of the writers' project.

Sidney McKeen, veteran with newsreels for years, is assisting in making this detailed study of the picture business. McKeen, who worked with the old Hearst newsreel and also Paramount News, also did some shorts for the Government several years ago.

Patsy Kelly Subs For Goodman in 'Parade'

Hollywood, July 30. Patsy Kelly moves into the cast of Republic's 'Hit Parade of 1941' to fill the spot left vacant when Benny Goodman entered the Mayo clinic in Rochester, Minn. Band leader will require several weeks to recuperate from an operation for his sciatica ailment.

Mono Corral's Ritter

Hollywood, July 30. Tex Ritter closed a deal with Monogram to make seven musical westerns for the 1940-41 program. Pact, under negotiation since early spring, is Ritter's third with Mono. First two were for eight pictures. Actor, currently on an eastern stage tour, returns to film work in September. Edward Flinney produces.

20TH ASKS 30G FROM CENTURY ON '38-39 PIX

Twentieth-Fox's suit for \$38,000 against the Century circuit, operating in Brooklyn and on Long Island, follows failure of the chain to play out product bought from the distributor for the 1938-39 season and for the current year (1939-40). Efforts to adjust the matter have proven fruitless, it is understood. The Century circuit, meantime, has not bought 20th-Fox for the coming season ('40-41).

Action against the exhibitor, defense was first revealed last week in the New York Supreme Court, when note of issue was filed setting trial for Sept. 23. Papers had been filed last April 9 and the answer was made on July 19, consisting largely of counter claims.

It is believed there is a possibility the suit may be settled before the trial date through adjustments which might include a 1940-41 contract for the 20th-Fox pictures.

The 1938-39 and 1939-40 deals which it is claimed were not carried through, as agreed upon, called for the company's features as well as shorts and newsreels approximately 25 of the Century houses. Pictures in question were not played nor paid for in accordance with the contracts.

2 COLO. TOWNS FIGHTING FOR 'KIT CARSON'

Denver, July 30. Two cities in Colorado are fighting with telegrams and letters as the bullets in a battle to gain the world premiere of United Artists' film 'Kit Carson.' It had been practically set to hold it at Trinidad on Aug. 21, the opening date of the Kit Carson rodeo, but La Junta entered the fight and at last reports the fight was about even.

Telegrams and letters by the hundreds poured into the United Artists exchange and the Fox Intermountain headquarters in Denver, all setting forth the claims of the two localities they are accorded the honor. Citizens are already growing bolder and merchants are painting their windows with assertions that their town must have the 'Kit Carson' premiere. The story is getting newspaper headlines throughout the region, and the Trinidad and La Junta sheets are according it the No. 1 spots on page 1. George R. Gomperts, assistant U. A. exploitation chief, is here working on the publicity. Merchants in the two towns are subscribing to a fund to insure grabbing the premiere. Petitions asking for the event and signed by practically every citizen in and around the towns were circulated by Boy Scouts.

Kit's Grandson
United Artists discovered a grandson of Kit Carson, the scout—Kit Carson III—and promptly took a lien on his time until after the premiere. He was taken to Colorado Springs where he met Wendell L. Wilkie, Republican candidate for president, and his old friend, Gov. Ralph Carr, of Colorado. Press services grabbed photos of the group and Kit Carson III went on to Denver where he was royally entertained before leaving for Hollywood with all expenses paid, and the best of everything. In California he was the guest of Hollywood biggies and then moved on to the Frisco Expo where 'Kit Carson Day' was proclaimed for Wednesday (31). At the fair he was the guest of the California Gov. Olsen. After that he will return to Colorado for the premiere, which is promised to be on as big a scale as many others. Gov. Carr of Colorado has practically agreed to decree 'Kit Carson Week' and hopes even to outdo a nearby sister state—Kansas—on the putting on of a world premiere.

Denver, originally thought of as a world premiere site, has been eliminated. Kit Carson, the Scout, spent much of his life in the regions around La Junta and Trinidad, the contesting cities.

Falstaff Turned Pagliacci

By WILLIAM KERRY HALLIGAN
Hollywood, July 30. Wander aimlessly down Hollywood boulevard any time of the day or night and you will find a group of curious sightseers examining the corns in concrete imbedded in the cement flagging of Grauman's Chinese. You will find a lot of footprints there but you won't find Sid Grauman's, he is as modest as a nun and as smart as a slap on a sun-

burned back. He knows that the stars of tomorrow fade with the coming of today's dawn. There has been too many a squawk about whose toes should be immortalized—so many in fact that they call them the 'Foot-Prince of Wales.'

Stars may come and go but Grauman goes on forever. You hear arguments about his nationality—Grauman's Chinese. Grauman's Egyptian, but as a matter of fact he is a misplaced Manhattanite. He is the last frontier of that vanishing American, a showman who likes to sit up all night and talk about it. He will go anywhere but bed. He is the Nate Lewis and the Mori Singer of Chicago, the Rubie Bernstein and the Jimmy Cannon of Gotham, he is the Duke of the Dawn Patrol and once you start him reminiscing, time is not the essence.

We sat in a booth at the Vine St. Broadway. Nicholas Dandolos, the forever Ulysses; Louie Cohen of the vice cops; Dick Hyland, the sports scrivener; the silver Marjorie; and the silver Marjorie; the harjahl of the Mutuels, Al Scelvey, Grauman and myself. The Scelvey was telling a story of a local Pegler, lad with the sadistic eye of a painless dentist minus the wit of a Dorothy Parker.

No matter whose came up this fellow had him in the grease, he paniced everybody from Astor to Zimbalist. He put the old blitzkrieg on everybody and no prisoners taken. At last a movie news item mentioned that was knock-proof, a local Bill Corum, a Mark Hellinger of the flickers. 'There's, guy no one can put the blast on.' He's a stand-out, everybody agreed.

'He isn't a bad fellow the defamer agreed, but boy, Michael Finn joined the party shortly.

'Fatty' Then Arbutckle's came up and Grauman cut in. 'I wouldn't tell this on Fatty but I know it's okay with him. I'd like to tell the story when he was alive.' Back on the sidewalk and he made a deal with the owner to put Arbutckle at a table in the window each day at 5 with a sign proclaiming the fact that he was an attraction at Grauman's theatre. The stunt packed the restaurant. I had agreed to pay the proprietor 75c a meal but business picked up so much that the boss of the place agreed to feed Arbutckle for nothing and throw in a meal a day extra for.

'Fatty was a big hit in my theatre and after a month or so he demanded \$50 a week. I couldn't pay him that much and he quit. The next time I saw him he made a personal appearance for me at my Los Angeles theatre. He was a picture star at each performance and I had picked him up and how I had started him on the road to success. He told the audience that he was proud to appear at Grauman's—a \$1,000,000 guy with a \$1,000,000 theatre.' It made me feel very happy.

Then one day not so long after, the San Francisco Arbutckle disaster struck, and he was pilloried on the cross of misinformation and false accusation. He looked it standing up, although it broke him financially, physically and mentally. A lot of film had passed through the cutters' wheels since that far day in San Jose when I had first seen him waiting on tables. Fame is a fleeting thing. You work all your life to see your name in electric lights and you are in the darkness.

We weren't in the darkness though, the pale gray light of another day was filtering through the Brown Derby window. I looked at my strap watch. It was 7 a.m. 'I guess you will have to excuse me fellows,' said Grauman. 'I think I'll turn in early tonight.'

Suit Over 'Pastor Hall' Film Held To Be Inevitable

Legal action looms over screen rights to 'Pastor Hall' after three days of discussion by opposing attorneys last week ended in a stalemate. It was hoped that an amicable settlement would avoid legal tactics, but all parties at the moment, however, appear to be farther apart than ever.

Participating in the gab sessions were George Garfield, his attorney, Leslie Kirsch, and Bert Meyers and William Fitelson. Garfield is administrator of the estate of Ernst Toiler, from whose unproduced play the script of 'Pastor Hall' was prepared. Fitelson and Meyers represent Grand National Films, Ltd., which sold American rights to the picture to James Roosevelt. Garfield maintains that Charter Films, Ltd., an indie outfit which made 'Hall' for GN, never cleared rights to the play. Roosevelt, nevertheless, continued plans for releasing the film through United Artists and press previews already have been held in New York and on the Coast. It is understood that U. A. is seeking to open the film at the Rivoli, N. Y., now closed for the summer, later this month.

Although attorneys on both sides admitted that nothing but court action is on the horizon, Murray Silverstone, U. A. chief, maintained last week that the picture will be released on schedule, come what may. It is believed an agreement will be held up, if might become valueless. GN maintains that screen rights were purchased for 500 pounds through Garfield's authorized agent in England and a check sent to cover the amount. Garfield contends that the purchase was not made through an authorized agent, but a broker, and the check was not sent until after GN had received notification from U. S. that the deal was off.

Kirsch declared that in any court action that might ensue, United Artists and Roosevelt will be held equally legally responsible with GN and Charter Films.

SEC ORDERS EDUC'L STOCK OFF CHI BOARD

Washington, July 30. Stock registration of Educational Pictures was ordered withdrawn Friday (26) by the Securities & Exchange Commission, following approval of an examiner's report which held the defunct concern violated Federal statutes through failure to submit an annual report for 1939. Action of the Government agency means any formal trading in Educational paper—there never has been much interest in it—will be unofficial.

Over-the-counter trading will be permissible, assuming anyone wants to engage in it, but the pretaxed and common will be stricken on Aug. 5 from the Chicago Board of Trade list, only place it was registered.

In its survey of the finances of listed corporations, the SEC recently gave only sketchy figures for Educational, none for 1934 or 1938. Document showed Educational had sales of \$2,313,000 in 1937, \$2,425,000 in 1936, and \$2,598,000 in 1935.

SELLERS' 'STRIKE' EVIDENT

Increasing Exhibitor Resistance To 'Consent' Further Beclouds Its Chances for Any Oct. 7 Finalization

Intensification of exhibitor resistance to the consent decree proposals as tentatively agreed upon by distributors and the Department of Justice, in settlement of the U. S. anti-trust suit, makes it highly problematical whether clauses under attack will be rewritten or whether the decree will be dropped.

Discounting the severe opposition among theatre operators, major as well as independent, that has developed within the past two weeks, opinion trade circles is growing that a final disposition of the situation will not be arrived at by Oct. 7. This is the date to which the suit against the major producer-distributors was adjourned.

Distribution sources express doubt that full accord on the consent decree, as tentatively laid out, could have been reached by Oct. 7 even if exhibitors hadn't kicked up a fuss, notably connection with four trade practices concerned. Pointed out among h.o. distributor informants that regardless of the exhibition side of the story, it is difficult to write a trade practice program along radical lines that would be agreeable to all and work satisfactorily for the various companies. There is still the opposition of the non-theatre owning majors to the whole consent decree to consider.

New Deal Clauses?

It is believed efforts may be made to rewrite the disputed clauses under a suit settlement with a view to meeting the complaints of the theatre operators. Disposition of the Government attorneys is to listen to the reason for opposition of exhibitors against controversial provisions of the decree. How much time this may require, sitting the variable complaints from hundreds of quarters, from Paramount pattern.

(Continued on page 107)

Mechanic Shortage Stalling Delivery Of Pix-Boxes Till Fall

Hollywood, July 30. Shortage of expert mechanics, due to the demand for tool makers for war preparation, is causing a hitch in the coin-in-the-slot picture business. Inability of the manufacturers to hasten production of 16-mm. projectors on a quantity basis means that the exhibition of minnie films on a national scale will be delayed until late in the fall.

Frank Orsatti has orders for 30,000 machines to be built for coin-in-the-slot and advertising displays, but the big problem is to get delivery mechanism. Mills Novelty Co., Chicago, is turning out projectors as fast as possible, but is not putting any of them out for general exhibition until at least 3,000 are finished. First deliveries to bar and cocktail lounge locations are slated for late October.

SETTING DATE FOR INCOME TAX TRIAL

Date for the trial of Joe Schenck and Joe Moskowitz, for alleged income tax evasion, was to have been set in the N. Y. federal court yesterday afternoon (Tues.). The chairman of the board of 20th-Fox and his personal rep. in N. Y., are understood to be seeking a trial some time in December, while the government will ask for an October date. During the several months since the indictment was handed up by a Federal grand jury, Matthew Corrigan of the Dept. of Justice has been investigating the activities of the accused men in Los Angeles, and is due back today (Wednesday).

Easy Switches

Hollywood, July 30. Harry Sherman puts in a bid for the quick-change title by altering 'The Round-Up' to 'The Roundup', simple feat of de-hyphenation.

His nearest rival Cecil B. DeMille, who changed 'Northwest Mounted Police' to 'North West Mounted Police.'

All 17 Houses In Jersey City Have Giveaways

In the midst of summer doldrums, Jersey City has become probably the No. 1 giveaway town of the nation. Every one of the 17 theatres in the city and suburbs is offering some inducement in addition to pictures to bring in the heat-soaked populace.

Loew's Jersey City breaks into the come-on column tonight with something new, a 'Silk Stocking Revue.' It's a beauty contest in which only legs are shown, bodies of the participants being hidden behind a velvet drape. Merchants donating wardrobes to the winners. Showgirls houses are probably offering the biggest bargains in an effort to bring the kids in for matinees. Houses are opening at 11:30 and offering two features, three cartoons, a serial, a newreel and a sports reel—plus ice cream—for 10c. Admiss is 15c for adults.

Orpheum, operated by Rosenblatt-Welt circuit, has a mind reader performing as added gadget. Last week it attempted a morning show for women consisting of 90 minutes of mind-reading and a picture and the option of remaining for a double feature in the afternoon—all for 15c. Ice cream giveaway has become standard in all the subsequent run houses, except Loew's in J. C. kids not even thinking of paying their dime admission anywhere that they don't get a nickel's worth of ice cream back. Some of the houses have succeeded in cutting the ice cream nut by making advertising deals with manufacturers.

MANNIE COHEN MAY RETURN TO FILM BIZ

Emanuel Cohen, who has been out of the industry since he stopped producing on the Coast, may shortly return in some producer capacity. In the couple years, Cohen has been in New Bedford, Mass., in the radio parts business. Understood this is the same business enterprise in which Cohen is interested in Brooklyn.

Cohen, who formerly was Paramount newsreel editor, also was actively identified with production for Par and later as unit producer, making several features for major company release including Paramount.

Jane Bryan—Pilot

Chicago, July 30. Jane Bryan, former film actress who gave up a Warner contract last New Year to marry Justice A. Dart, head of the Walgreen drugstore chain, is now an amateur pilot. She and her husband have their own plane, which they use to fly from here to their Colorado ranch. Mrs. Dart has told friends she has no desire to return to professional career.

DISTRIBS, NOT EXHIBS, HOLD OFF

Home-Offices Rejecting Contracts for as Little as \$10 and \$15 Differences—Expect Decided Upturn and Scramble for Product

NO SALES PUSHING

Minneapolis, July 30. Northwest Allied independent exhibitor members, who have been threatening a buyers' strike to force down film prices and eliminate percentages, now find the tables being turned on them. It's the distributors who, in effect, are on strike.

Trade here says the home-offices never have been so tough before. Submitted deals are being turned down right and left. There have been instances of contract rejections in New York where as little as \$10 and \$15 were involved, according to exhibitors. Some of the branch managers declare they keep their fingers crossed whenever they send a contract to New York for approval nowadays.

Moreover, the exhibitors assert, the companies are making great effort to sell and are not all too anxious to make deals at this time. The reason for this, according to the branch managers, is that many exhibitors feel that they should buy on the basis of present adverse business conditions and poor grosses. Distributors, on the other hand, are confident that a decided turn for the better is imminent and that, when it arrives, exhibitors quickly will develop an entirely different and more cheerful frame of mind and there will be a mad scramble for product.

Upturn Evident

If there had been no change in the unfavorable conditions of the past several months, exhibitors wouldn't have to do any buying because they'd soon be out of business and the product would be bankruptcy-bound too, branch managers assert. However, the reversal in trend already is in evidence, they declare.

As evidence of this, they cite, for example, the past four successive weeks at the State here, which, despite bad weather and other adverse factors, have been highly profitable. 'The Ghost Breakers' grossed \$9,500; 'New Moon,' \$8,500 in eight days; 'All This and Heaven,' \$10,000; and 'Andy Hardy Meets Debutante,' \$11,000. The first two held over for second weeks. The two last named will run three weeks. Similar improvement notices are being given over the entire territory, it's claimed. In line with all this, the trade is calling attention to the Minnesota Atlas Co.'s (Paramount) optimism regarding the outlook, which has prompted its \$150,000 program of theatre acquisitions and improvements.

Canadian Uprising

Montreal, July 30. Film salesmen warning the hinterlands report mixed reaction in talking new deals for product. In many towns and villages' hyped industrial activity due to requirements has made selling a cinch. In other spots some exhibs use excuse that war is calling many out service. These exhibs, in minority, are holding out for price concessions. For the most part, however, unemployment spectre is rapidly fading into the background as ever increasing number of workers are being absorbed into industry. Increased b.o. expected to manifest itself before the fall 'most centres.

Allied's Questionnaire

Philadelphia, July 30. The national Allied organization last week formally set up its product information bureau, authorized by the recent conviction. Office of the bureau will be here with Sidney E. (Continued on page 112)

Uncertainty Over Fall Admission Scales (Due to Extra Taxes) Main Cause for Stalling Product Deals

Can't Make 'Em Fly

Hollywood, July 30. 'An ancient sporting woeze, 'You can't keep a squirrel on the ground,' works the other way in the show business. You can't hoist a thesp in the air unless he feels that way. New ruling by the Screen Actors Guild reads: 'An actor cannot be required to travel by plane if he objects to this means of transportation.'

A factor which it hasn't been necessary to contend with to any such extent during this year, so far as negotiation of contracts between distributor and exhibitor are concerned, is the unsettled status of admission prices that will be charged for the coming season. It is holding up sales in many portions of the country with representative number of accounts.

Inability to close deals, although basic negotiations may have been entered into, is due in part to lack of decision by the exhibitor or buyer as to what scales will be charged this fall. Deals are also being held up by the distributors because they do not know how to sell accounts that are in doubt as to admissions nor how to set runs, clearances, time, etc. The question of whether the accounts is to be sold flat or on percentage, with guarantees, also enters into the problem. Split figures and the gross at which splits are to be designated is still another angle.

Amus. Taxes Up Again In June, U.S. Figures Show

Washington, July 30.

Though the public's tightening up on outlays for entertainment continued, the Government's grab from the 10% admissions bite kept running ahead of price cuts through June. Collection figures reflecting May grosses at theatres, night clubs, sports and other commercial diversions, were better than 1939 for the fifth consecutive month.

The June take, next to the last that will be based on the eight-year-old scale of 10% on everything above 40c, amounted to \$1,645,933. This was the fattest for this stanza, with the exception of 1937, since the rates were upped in 1932. The June 1937 grab was \$1,874,775, or \$229,172 better than this year. But this June was \$154,343 ahead of June, 1939, and roughly \$20,000 fatter than June, 1938.

As a result of the higher level of gross revenue, the Treasury during the first six months has snared \$477,354 more than it raked in the first half of 1939. With the rates jacked up effectively July 1, there is no doubt record-breaking contribution to meeting Government cost will be made in 1940 by all branches of the amusement and sports industries. Even 1937, the best year from the Treasury's viewpoint, the six-month figure was below this year's. The January-June, 1940, total is \$1,647,816 ahead of the comparable 1937 collections.

While the business remained better than nearly every previous year, the down-trend from the March high point continued. Collections have been steadily declining since the \$2,390,951 peak, but the \$145,492 slump between May and June collections was the smallest drop of the three.

WILLIE BIOFF LOSES PLEA FOR RELEASE

Chicago, July 30. Willie Bioff, now serving six-month sentence for pandering in the Bridewell, was denied his release a writ of habeas corpus Saturday (27) by Federal judge William H. Holly.

Bioff, who returned to jail last spring, sought to prove that the indictment on which he was convicted 18 years ago had not shown that he knew the origin of the \$29 he received from a prostitute, or that the currency was paid in legal tender of the United States. In his opinion, Judge Holly pointed out 'the Supreme Court of the United States has held that sufficiency of an indictment cannot be reviewed in habeas corpus proceedings.' The jurist also maintained that failure to enforce the sentence did not nullify the Chicago trial court's original act.

Uncertain business conditions, the rental levels that are being demanded as a basis for dealing, concern as to whether the 1940-41 product is going to improve the boxoffice of not, and other correlated factors are making it difficult for the exhibitor to decide what his scale of prices should be. But over and above these considerations is the new Federal tax law which begins at admissions over 20c.

Upping Prices?

While the majority of theatres have merely added on the tax, mulling at pre-defense tax admissions, much study is being given the situation with a view to determining

(Continued on page 107)

Thompson Readying Details for Industry's Red Cross Drive in Oct.

Major L. E. Thompson, chairman of industry's special committee named to map out proposed Red Cross drive in theatres this fall, has been huddling recently with Red Cross officials both in N.Y. and Washington. This step has been taken so that organizational work in the film business will have the full approval of the R. C.

Picture business, always has supported the cause but because of the War Relief activities and mandatory duties in connection with national defense, industry leaders conceived the plan for a comprehensive drive. All elements of the picture theatre business are represented on the current working committee of 11 named a couple of weeks ago.

So much initial preparation being made because the industry wants to do a good job with this fall drive, tentatively set for October. Discussions thus far have revealed that it would be impossible to organize a national drive of any scope by September. Also it was pointed out that October will be the first chance for film theatres to attain maximum attendance over a period of week or longer.

KARP MOVES INTO EXEC SETUP AT PAR

Hollywood, July 30. Jacob Karp was appointed assistant to Y. Frank Freeman and Henry Ginsberg at Paramount, at the same time continuing his old chores as head of the studio's legal department.

Karp takes over part of the duties formerly performed by George Bazin, as unit and executive studio man.

Lefty Dwells on Political Hot Air, 'Biscuit Eater' and Percy Williams

By JOE LAURIE, JR. Colocares, Cal., July 30.

Dear Joe: Well, at last the political conventions are over and we'll get at least a few weeks' rest before they go into their double-talk election routines. They sure hurt the picture business. Why go to a picture show when you can stay at home and listen to the Repubs and Democrats put on a vaudeville show over the radio P.F. (for free).

There's nothing new in the pictures they're producing, the same thing's happening only to different people. I did get a break though this week with a picture called 'The Biscuit Eater'. It may be an oldie to you folks in N. Y., but out here, where we're just getting 'The Sinking of the Maine', it's brand new and a wow. If you haven't seen this picture be sure and see it first chance you get. It's a tear jerker for men, women and kids. How can a picture miss that has a dog, a little pickaninny, a small white boy, some pups, and a dog dying in the last scene. Swell joke, that has the aches soaking wet with tears. I guess all it cost the producer was a couple of cans of Daniel-Ration, some watermelon for the little colored boy and something shiny for the swell little actor that plays the white boy.

I did a swell business considering that it's been hotter than a baker's shovel out here. Of course I used some showmanship. Exploited it by having Aggie baking biscuits in the lobby while her brother was eating.

He had a big sign on his back, 'The Biscuit Eater'. Naturally that created curiosity and they came in—to find out that biscuit-eating has nothing to do with the picture whatever. It's just what they call the dog. I with the picture-it gives the customers a surprise. Coming in expecting something else and getting something different is equal to a double feature. By the way, I ran the 'Biscuit Eater' as a single feature with some shorts and news, and nobody kicked. They came out crying, but not for their dough.

I received your letter telling me about your going out with the Lambs Club to the Lamb Wash at the Percy Williams Home in Long Island. I think it's a good idea to have the exploitation have, nothing to do with the picture-it gives the customers a surprise. Coming in expecting something else and getting something different is equal to a double feature. By the way, I ran the 'Biscuit Eater' as a single feature with some shorts and news, and nobody kicked. They came out crying, but not for their dough.

I guessed you missed a lot of the great old troupers that were there who have boarded the everlasting sleeper to the Great Beyond. That great trouper Bill Faversham; that grand boy comic James J. Morton; Barney Fenn, he of the 'magic' tricking feet; good old Jim Henshaw; Minnie Palmer; Mortimer; Snow; Major Rhinestoid, and a few others that have left the enduring perfume of a pleasant memory to all of us. It's swell of the Lambs to go there and pay tribute to the great living troupers that once made theatrical history.

I wonder what thoughts race through their memories as they watch the younger showmen, stars of the stage, radio and screen get up and do their stunts. And I wonder what thoughts race through the minds of the younger performers as they do their act to this audience of aristocrats of the stage? There are a lot of me and Aggie's friends there, so be sure to remember us to 'em when you see 'em again. Percy Williams sure was a great showman, with a remembering-heart, and will never be forgotten wherever grease-paint is used by Thalia's children. SEZ Your pal,

LEFTY.

P. S.—Tom Lindsay sez, 'A good scare is worth more to a man than good advice.'

F&M and 3 Indie Chains in St. L. In Product Pool

St. Louis, July 30.

A booking pact between the St. Louis Amusement Co., operated under contract by Fanchon & Marco, and three indie nabe circuits in St. Louis and adjacent St. Louis County has been consummated and talker product heretofore unavailable for the indie circuits will now be shown during the weeks when only slough flickers could be screened. The Shuchart Investment Co. that owns and operates the Norside, Executive and Will Rogers; the Ansell Bros. who own and operate the Ritx, Empress and Varsity, and a syndicate operating the Avalon, Columbia, Powhatan, Roxy and White Way all showing second run and subsequent run Metro, UA and Col product, are signatories to the booking pact.

The lack of sufficient product from these three producers, that results in gaps of eight and 10 weeks each year, plus the extended local showing of 'Gone With the Wind' at Loew's, first run Metro house here last winter, are the reasons the booking deal was made. It is known in film circles that the excess of Shuchart Investment and the Ansell Bros. are bitterly disappointed at the long run of 'Wind' (six weeks) as it caused a backlog of first run screen fodder and the five big houses showing M-G product were hard hit for talkers. From local exchanges they discovered all had been committed, under contract, to the Amusement Co. Shuchart Investment and Ansell Bros. tried to bridge the gap by showing 'Wind' after it finished its run at Loew's at the same admish scale, but the move resulted in a b.o. flopper. It was several months before the situation was cleared up.

One of the indie circuit excess said

the new booking pact was made to prevent a repetition of a similar muddle and was not to be construed as a fight for product between the Amusement Co. and the newly formed Greater Independent Circuit made up of 25 nabes owned by Fred H. Wehrenberg and Clarence Kalkvet exhibits. The Greater Independent Circuit has extended invites to approximately 35 other indie exhibits but, to date, none have accepted.

Ansell Bros. had a booking arrangement with the Amusement Co. two years ago but after a trial extending over 12 months exercised an option and dropped the deal.

Asst. Mgr. Who Shot Himself Was \$13,975 Short in His Account

St. Louis, July 30.

A claim for \$13,975 was filed last week in Probate court against the \$1417 estate of Robert Bernard Koch, assistant manager of the Fox-St. Louis Properties, Inc., who died last December of a bullet wound. The claimant is the company which employed him and is the lessee of the Fox theatre, 5,000-seater, operated by Fanchon & Marco, Inc. Notice of the claim said accountants discovered the shortage of \$13,975 in making their regular annual audit shortly after Koch's death. Prior to that time, the claim continues, neither the company nor its officers were aware of any shortage in Koch's accounts.

Mystery shrouded Koch's death even though a coroner's jury ascertained he had accidentally shot himself while cleaning a 40-year-old gun bequeathed him by his grandfather. The death occurred in Koch's home. He had been employed by the Fox-St. Louis concern for seven years, starting at \$40 a month and receiving \$90 a month at the time of his death.

M-DAY FOR MEINS

Hollywood, July 30. Cue Meins gets the pilot chore on Republic's forthcoming musical, 'Melody and Moonlight'. Robert North is handling the production end.

MILWAUKEE SINGLES; INSPIRES EDITORIAL

Milwaukee, July 30. With Milwaukee's theatres slated to go unanimously solo feature, beginning on Labor Day, interest as to the outcome is a common topic of discussion in the lay press as well as among picture patrons, and the conservative Milwaukee Journal, reflecting popular interest, unburdened itself of this editorial comment:

Toll on Double Features
The movie theatre patrons of the country are to be polled by the American Institute of Public Opinion, the Gallup organization, on the double features question. This is good news. There has been so much said about what people want and do not want in their motion picture programs—chiefly guessing—that it will be refreshing to have some facts.

The double features bill has long been under attack; it charged with being physically tiring, to the eyes of children and in general thoroughly unsatisfactory. An opponent will tell you that nine people out of ten are against it.

Samuel Goldwyn, the producer who thinks that motion pictures are committing suicide, what with cheap films, bank night awards and double programs, lays most of the falling off of revenue in filmland to the double bill.

Many people who keep check on their own experience, think this must be true. A Milwaukee East sider who used to go to a comfortable and well-run neighborhood theatre every week, and sometimes twice a week, has been there only twice this year. He doesn't like getting home at midnight. He doesn't like sitting through one poor picture to get to see a good one. Sometimes the bill is spoiled by the fact that he has seen one of the pictures elsewhere. He just is not much of a movie customer any more.

This man of course will say with Mr. Goldwyn that the double feature is the complete villain. But another east side

Duals' Excess Emotional Conflict Causes Femmes to Dislike Them

20TH GETS JUMP ON NEW SEASON PRODUCT

Hollywood, July 30. Production at 20th-Fox is stepping along so fast that the studio has a backlog of 12 completed pictures for the 1940-41 program, seven in work and seven more slated to start in the next month.

High-budget films ready for release are 'Brigham Young', 'Return of Jesse James' and 'Great Profile'. On call are 'Down Argentine Way' and 'California'. Reading for the cameras are 'Chad Hanna', 'Tin Pan Alley', 'Western Union' and 'Hudson's Bay Company'.

Scollard Now Biz Mgr. Of Par-Pub-Ad Dept.

C. J. (Pat) Scollard has been permanently assigned to Paramount's publicity and advertising department as its business manager. Bob Gillham is head of the department.

Scollard is in charge of budgets, expenditures to be made, campaigns, expense accounts and the like.

Scollard came into Paramount last winter, working at first on statistics over theatres in connection with the U. S. suit against the majors, later making a survey of each of the company's departments in line with economy measures.

theatre than the one referred to above went to single features in response to what it thought was the demand of its patrons. It lost business and had to go back to double showings.

So let's have the preferences of the theatregoers, duly obtained and recorded. We shall at least have answered the initial question—what do the people want?

It is not the time consumed by sitting through double-bill film attractions, but the emotional conflict resulting from too much drama at a single session, which is the chief reason ascribed by hundreds of women for their disapproval of duals. This is a conclusion reached by Mrs. Agnes Grew, director of the Women's Institute of Audience Reactions, which has finished a survey into twin-billing of features. Questions were asked of women in all sections of the country.

Fraction more than two-thirds of the women canvassed declared they were against double features. The count was 66.8%, with 6.3% declaring they had no convictions on the subject. In reply to a second question, 'If not in favor, would you prefer one longer film or one film of average length?' the response was 59.1% for the average length, and 33.9% for a longer film with only 2% unresponsive.

We And that the reason women are not attending motion pictures, said Mrs. Grew, 'is not due to the length of time they have to spend in the theatre, but because of the tax on their emotions when required to sit through double-bills. With two features, the strain is too great, and the average woman cannot follow and digest comfortably the exploits of two entirely different sets of characters widely different dramatic stories. The audience is confused and keyed up by such confusion, rather than relaxed and amused. In many instances where the actors or actresses unfortunately and by coincidence appear in both pictures on the double bill, the strain audience credibility and emotions is even more unpleasant.'

Survey also covered the debated question whether women stay at home for a radio program in preference to attending a film they wish to see. Vote was overwhelming that films had the first choice—with one exception. Many said they stayed home on 'Pot of Gold' night.

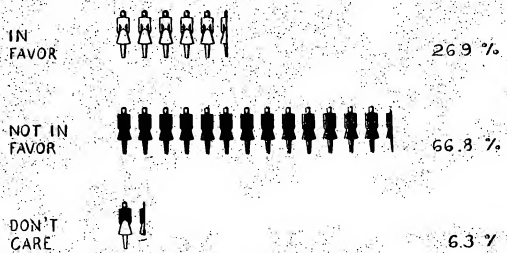
Entertainment Survey from The Woman's Viewpoint

Prepared by

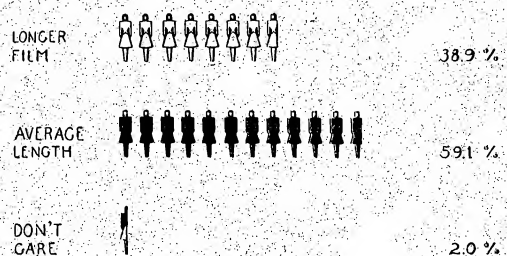
THE WOMEN'S INSTITUTE OF AUDIENCE REACTIONS

DOUBLE FEATURES

"ARE YOU IN FAVOR OF DOUBLE FEATURES?"



"IF NOT IN FAVOR, WOULD YOU PREFER ONE LONGER FILM OR ONE FILM OF AVERAGE LENGTH?"



EACH FIGURE REPRESENTS 5% OF THE WOMEN IN THE USA.

DELIVERY OBLIGATIONS VARY

Long-Established Theatre Owners Increasingly Wary of Gypsy Exhibs

Chicago, July 30. Established exhibitors throughout the country, with thousands of dollars invested and at stake in the exhibition industry, are becoming more and more alarmed at the spread of gypsy exhibitors who are raising boxoffice havoc through the rural districts of the nation. These itinerant exhibitors were always a quiet background threat, but they were never important until the recent perfecting of 16 mm. film and the availability of fairly recent Hollywood product on the small-sized film. In the past few years the number of roving exhibitors with no equipment but a projector, and a roll of film has zoomed from a mere handful to an estimated 1,500 and they are taking as much as \$600,000 weekly away from the boxoffice of the established theatres.

These roving exhibitors have no overhead, no municipal taxes to pay, no operator, no ushe, no upkeep. They play in churches, the undertaking parlor, schoolhouse or empty store, or outdoors.

They usually play towns of less than 1,000 populations which don't have regular theatres. Result is that these customers are kept from patronizing the established theatres.

Most fairly large towns, rural sections depend for a good deal of their trade upon the very small hamlets scattered within a radius of 20 miles. There may be as many as 10 towns of 1,000 population scattered around the vicinity, which means these 10,000 are discouraged from coming into the nearest big town because of the roving exhibitors.

These jackrabbit exhibs are able to show fairly recent, Hollywood stuff, though most studios have agreed to wait a full year before making their standard pictures available to 16 mm. However, many studios have been notably lax and a good deal of their trade upon the very small hamlets scattered within a radius of 20 miles. There may be as many as 10 towns of 1,000 population scattered around the vicinity, which means these 10,000 are discouraged from coming into the nearest big town because of the roving exhibitors.

These jackrabbit exhibs are able to show fairly recent, Hollywood stuff, though most studios have agreed to wait a full year before making their standard pictures available to 16 mm. However, many studios have been notably lax and a good deal of their trade upon the very small hamlets scattered within a radius of 20 miles. There may be as many as 10 towns of 1,000 population scattered around the vicinity, which means these 10,000 are discouraged from coming into the nearest big town because of the roving exhibitors.

Communities in 5 States Now Part of a Circuit

St. Louis, July 30. Subsidized wholly or partly by retail merchants in talkerless rural communities in Missouri, Illinois, Arkansas, Kentucky and Iowa, owners of portable talker equipment are increasingly reaping substantial income, and the St. Louis film exchanges that supply the product are doing OK. To keep the biz in their own communities, and to offset entertainment in other localities reached by short auto drives, the merchants are fostering cuffo shows once and twice a week. The idea, of course, has been around for some time, but its startling growth has become increasingly serious for the long-established exhibs.

With a dozen more circuits in operation, talkers are presented on about lots from May 15 to Sept. 15 and then moved indoors to spray houses, etc., for the balance of the time. In many instances the merchants pay not only the traveling circuit, a satisfactory fee for the presentations but also underwrite the film cost. When the shows move under a roof the only admission fee generally purchase certificate issued by the angel. The usual program consists of one feature, a serial (Continued on page 112)

'Boom Town' and 'Hawk' To Preem in Atlantic City

Atlantic City, July 30. This city, which used to be a focal point of the show biz, but has been neglected theatrically the past few years, is skedded to get two world film premieres next week, 'Boom Town' and 'The Sea Hawk.' Metro advised George F. Wieland (Wieland-Lewis chain), that the Apollo had been selected for 'Boom Town' Aug. 8. 'The Sea Hawk' will appear at the Warner Aug. 9.

Both Metro and WB gave the premiers to A.C. in response to a plea from Mayor Tom Taggart, who has hopes of regaining the city's former prestige as a try-out town.

'Daltons' Coffeyville Preem Gets OK Results At Minimum Cocts

Kansas City, July 30. Universal ran off its world premiere of 'When the Daltons Rode' at Coffeyville, Kansas, locale of the film climax, Thursday (25), with something of a minimum of expenditures. It was second such undertaking by the company in a week, with 'Boys from Syracuse' preem'd in New York previously, but probably done for half the cost of the eastern job. And this one at no shortage of publicity results or accommodation of press and exhibitors or any slighting of the populace.

Doings included the standard junket of players from Hollywood, including Andy Devine and Frank Albertson of the cast, George Marshall who megged the thriller, and Peggy Moran and Constance Moore, of the U roster. Crew assembled in K.C. and made Coffeyville via special train to partake in a pioneer day, celebration which started off with a parade, followed with rodeo, banquet, personal appearances, preem showing of the film in two houses at special prices, and the usual climatic ball.

A Chamber of Commerce Committee under R. L. DeHon staged the rodeo banquet and ball on a paying basis and took this burden off the film company. U's bill on the doings will be considerably under \$5,000, mostly for transportation and accommodation of stars and press, a good deal less than others in this area which netted scarcely more publicity.

Campaign was executed on comparatively short notice, with Senn Lawler, of the Fox Midwest office, going to bat only a fortnight before the preem in the two affiliated houses, Midland and Tackett. Dave Lipton, West coast publicist for Universal, was on hand only the Saturday before to follow up Lawler's opening bursts.

'Jenny' Leads Set

Hollywood, July 30. Doris Bowden and Virginia Gillmer assigned leads in 'Jenny' at 20th-Fox.

Formerly titled 'Hell, Jenny', script was adapted from a mag story by Harold Buchman. Latter, with completion of the job, is expected to rest on short vacation next week.

HARRY CAREY'S 'SHEPHERD'

Hollywood, July 30. Harry Carey has been signed by Paramount to play the lead in 'Shepherd of the Hills,' remake of the Harold Bell Wright story.

LATE RELEASES MAY CARRY OVER

Requirements of Each Major Shown by Analysis of Clause in 1939-40 Contracts Covering Films Not Generally Released on Specified Dates

MINIMUMS SET

Although producers have entirely completed this year's (1939-40) schedules, are well up, with a steady flow of product indicating better delivery than some years, a representative number of films promised for this season may become carryovers. Under this year's contracts of the distributors, minimum requirements so far as deliveries are concerned have been set, with expiration dates specified.

This means that if certain pictures that were delayed when the 1939-40 product was sold and contracted for, are not placed on general release by given dates, they are not covered under this season's deals.

An analysis of the contracts of the major companies in connection with pictures not generally released during the current (39-40) shows the following:

Columbia
This company sold 40 features and 16 westerns. Under its contract, it is obligated to deliver not less than 50 features and eight westerns, with any pictures not generally released after Sept. 30 next to be excluded. Thus, any additional, if made, would become 1940-41 releases.

Metro
Promising a minimum of 44 and a maximum of 52 features, Metro has a clause in its contract which says it must not deliver more than 44 features by Aug. 31. Any films delivered after that date are excluded under this year's contract.

Paramount
Accounts on this company's books hold contracts which simply specify that any features not generally released by Aug. 31 are excluded.

RKO
The 'not generally released' clause of this major contains the proviso that it is not obligated to deliver more than 52 or less than 42 pictures (not including the westerns, numbering six) which are placed on release nationally by Aug. 31. It is Paragraph 8 of the contract. Company sold 54 features.

20th-Fox
Any features in this company not delivered by July 31 (today) are excluded. The distributor is the only one beginning its new 1940-41 season as early as Aug. 1 and its latest release schedule takes it all the way through November. Twentieth-Fox offered 52 features, this season (39-40) but up to July 31, under obligation to deliver more than 42 by that date. This number, 42, included four English-made which were embraced in the company announcement.

United Artists
If any picture promised by this distributor for 1939-40 is not generally released by April 15, 1941, it may be cancelled by either party on written notice to the other within 10 days after April 15 next. Company promised 30 features and, if understood, will not make available more than 25 of this number. Chaplin's 'Dictator' was among this season's (1939-40) pictures, but whether it will be placed on general release prior to April 15, or whether it goes over on the 1940-41 contracts, is not known now.

Universal
The contract of this company stipulates that it will not make more than 40 or less than 32 pictures, excluding westerns, between Sept. 1, 1939, and ending Aug. 31, 1940. Thus, any feature generally released after Aug. 31 next are excluded. U promised

D.C. Parley on Reallocation Of Studio Pix Labor Groups Deferred; Pelton Returns West, Casey East

Suffrage Pic Launches Lloyd Unit at RKO

Hollywood, July 30. Frank Lloyd starts work as an independent producer at Universal Oct. 15 with 'The Lady From Cheyenne' as his first picture. Film deals with the fight for woman suffrage.

SEC Discloses A Few Tardy Small-Lot Deals, But No Fancy Deals

Washington, July 30. Small-lot transactions in film company stocks were made known last week, some of them tardily, by the Securities & Exchange Commission. No big deals showed up in the Government agency's semi-monthly check.

Periodical statement showed that Stanton Griffis picked up 1,000 shares of Paramount common, in two 500-share lots. Gives him 4,000 tickets. More than a year behind time, Edwin L. Weist let it be known he had acquired 100 shares of common in May, 1939, rounding up his holding of 3,200 pieces of second preferred. Adolph Zukor also was disclosed to have acquired 200 common tickets last April, the equivalent of his second preferred stake. Manufacturers Trust Co. of New York was shown picking up 200 shares of common in December last year. The bank also had in its vaults \$3,000,000 worth of 1947 debentures.

The SEC revealed that Paul G. Brown, of Philadelphia, grabbed 1,000 pieces of Universal Pictures common and that J. Robert Rubin dumped 2,300 shares of Loew's common. Leases Rubin with 27,613 ducaets. E. H. Seifert, of Fort Lee, N. J., confessed buying 400 shares of Consolidated Film preferred after snatching 100 shares in April, 1938. His most recent report showed he has 560 shares.

Coast Indies Campaign Against Daylight Saving

Los Angeles, July 30. Independent Theatre Owners association of Southern California started a campaign against the Daylight Savings measure, to be voted on next November. Robert H. Poole, executive manager of ITO, is sending data to all operators in the state showing the harmful effect of clock-tinkering on the theatre business.

Plan is to run trailers in all theatres advising the public to vote against the bill.

Used and sold 40 features, seven westerns, and seven actions.

Warner Bros.
This major, promising the shortest program (48) of any distributor but including no westerns or actions, gives the account opportunity to pick up late features up to Sept. 30. The contract states that pictures on the current (39-40) schedule released after Aug. 31 are excluded unless the exhib gives written notice not later than Sept. 30 that he elects to play all such late releases. This is in the event such pictures have ever placed on release from Aug. 31 to Aug. 31, 1941. If Warners fires the exhibitor that they are excluding given features, the exhib can still get them by writing to WB up to Sept. 30 this year that they are wanted except for any cases where such pictures are not released during the 1940-41 season at all.

Washington, July 30. Hearing on the application of the Hollywood studios before the wage-hour board for a reallocation of large group of the film crafts, which would place them outside the provisions of the present law, has been deferred and will not take place today (Tues.) as arranged. With apparent satisfactory status of the petition, Fred Pelton, member of the studio labor contact committee and Homer Mitchell, his attorney, left for Hollywood Monday (29). Pat Casey, chairman of the committee, who came east from the Coast last week with stopovers Chicago and New York, is not expected to put in an appearance here.

Application by the studios calls for the exemption of 5,500 workers from jurisdiction of the pay and time law. Most or great affected include cameramen, directors, sound technicians, gaffers and scores of other crafts. Working hours would be fixed at studios' discretion, if the reallocation petition is granted.

Vigorous protests against changes from the prevailing schedules have been filed with the Government board. Studio union leaders backing George E. Brown's contention that re-definition would breach the present compact under the studio basic agreements. In support of the stand of the president of IATSE, other groups have threatened demand for two years' retroactive pay, if changes are effected.

Screen Writers Would Also License Agents

Hollywood, July 30. With negotiations on a tentative contract between the Producers and Screen Writers Guild nearing the linking stage, the SWG is preparing to draft plans for franchising agents who handle studio bookings and sale of story material for the screeners. Once the Producer deal is out of the way, the Guilders said they would rush work on a licensing program for submission to the agents.

While the proposal still is in the conversational stage, it is reported, plans call for a limit of 10% on commissions. While there is no opposition to a 10% cut for studio placements, some writers feel lower rates should be placed on sale of story material. The proposed contract will be patterned along the lines of the Screen Actors Guild licensing programs, with a writer being given the right to cancel if his agent fails to provide him with work during a certain period.

The Screen Actors Guild has adopted a resolution limiting membership in the SAG to persons 18 years or over. However, a new classification to be known as 'Juvenile Members' has been created for persons between 14 and 18 years who desire to affiliate with the Guild.

The new ruling provides:

Except as hereinafter in this rule expressly provided, membership in the Guild is limited to persons of the age of 18 years or over. Minors who are between the ages of 14 years and 18 years shall be eligible for membership in the Guild, provided, however, that all such minors who shall be admitted on or after July 2, 1940, shall be subject to all of the membership requirements of Article 2 of the By-Laws and shall be known as 'Juvenile Members' of the particular membership class to which they are admitted.

Block Jumping of Members
The SAC also has adopted a rule prohibiting Class A Junior members, or Class B Special Members from transferring to Class B membership until they have been a member (Continued on page 112)

No Gold Rush for 'Maise' in L. A.

At \$18,100; Daltons' Ride to \$18,200, 'Drive Night', 17 1/2 G, Others Way Off

Los Angeles, July 30. (Best Exploitation: State)

First-runs are singing the blues again this week, with very little in the way of encouragement for them: 'Gold Rush Maise', coupled with 'Sporting Blood' at the State. Chinese, is getting the top gross, but no records are being crashed at any of the houses. 'Gold Rush Maise' holds over for another week at the United Artists (repeat), and Cathay. Cine is dark until (1), when repeat runs 'Conquest' and 'The Wind Storm' continues to attract to the Four Star. Both Warner houses are featuring 'They Ride By Night', while RKO and Fantages have 'When the Daltons Rode' (U).

Three outstanding stunts were included in heavy exploitation for 'Maise' and 'Sporting Blood'. For latter, temp was made with Hollywood Park race track, a Warner proposition, whereby 20,000 heralds lying in horse racing were distributed in cars at the racetrack on Saturday, biggest and best stunt for 'Maise', downtown bid comprised use of 15 girls dressed a la Maise, who distributed 15,000 heralds. Another stunt for 'Maise' was a wise feature contest conducted Monday through Saturday over radio station KMPC.

Estimates for This Week

Chinese (Grauman-F-WC) (2,024; 30-40-55-75)—'Gold Maise' (M-G), and 'Sporting Blood' (M-G). Hinting a little better tempo than preceding stanza and looks headed for comfortable \$8,600. Last week, \$8,500 (UA) and 'Saps Sea' (UA), satisfactory \$8,000.

Downtown (WB) (1,800; 30-40-55)—'Drive by Night' (WB) and 'Scatterbrain' (Rep.) (WB). Will likely get excellent \$9,000. Last week, \$8,500 West' (Rep.) and 'Gambling Seas' (WB), okay \$7,000.

Four Star (UA-F-WC) (900; 30-40-55)—'Mortal Storm' (M-G). Showing strength on second stanza and will likely hit profitable \$5,500. First seven days \$6,000.

Hawai (G.S.) (1,100; 30-40-55-75)—'Awaful Trail' (Col.) and 'Hold Woman' (Prod. Rel.). Three extra days added with around \$3,000 in sight. Gets Hollywood first run of 'Gone With Wind' (M-G) Aug. 5, day-dating with Cartlay Circle on repeat run.

Hollywood (WB) (2,758; 30-40-55)—'Drive by Night' (WB) at theatrical (Rep.) dual. Heading for very good \$9,500. Last week, \$9,000 West' (Rep.) and 'Gambling Seas' (WB), fair \$6,000.

Orpheum (M-G) (2,200; 30-40-55)—'Ski Patrol' (U), first downtown showing, and 'Bertie's French Follies' on stage. Girl show helping for big \$12,000 and wide picture to be changed. Last week, 'Hidden Gold' (Par) and 'Babies for Sale' (Col) with Major Bowes unit, okay \$9,500.

Fantages (Pan) (2,812; 30-40-55)—'Dalton's Ride' (U) and 'Can't Live Wife' (RKO). Looks like okay \$9,000. Last week, 'Private Affairs' (U) and 'Army and Windy Poplars' (RKO), very poor \$4,800.

Paramount (Par) (3,595; 30-40-55-75)—'Untamed' (Par) and stage show. Last week, 'Fishes' (M-G) and 'Saps Sea' (UA), failed to come up to expectations with around \$10,800.

United Artists (UA-F-WC) (2,100; 83-\$110-\$165)—'Gone' (M-G) (5th wk). Another \$7,000 in prospect after fourth week brought \$7,700.

Wishy (Blond) (2,100; 30-40-55)—'Pogo' (UA) and 'Saps Sea' (UA). On moveover, hitting poor \$3,200. Last week, 'Maryland' (20th) and 'Ouv. Town' (UA), satisfactory \$5,000.

State (Loew-F-WC) (2,414; 30-40-55-75)—'Gold Maise' (M-G), and 'Sporting Blood' (M-G). Disappointing \$9,500. Last week, 'Pogo' (UA) and 'Saps Sea' (UA), failed to come up to expectations with around \$10,800.

United Artists (UA-F-WC) (2,100; 83-\$110-\$165)—'Gone' (M-G) (5th wk). Another \$7,000 in prospect after fourth week brought \$7,700.

Wishy (Blond) (2,100; 30-40-55)—'Pogo' (UA) and 'Saps Sea' (UA). On moveover, hitting poor \$3,200. Last week, 'Maryland' (20th) and 'Ouv. Town' (UA), satisfactory \$5,000.

'Md.' Profitable \$4,300 In Sweaterling Lincoln

Lincoln, Neb., July 30.

'Maryland' is bringing the Lincoln a hefty lead over the town, and about the only major profit. Five day heat wave of such intensity (113 degrees at the high) aided the cooled houses some. 'Md.' has not expected make only five days, stuck around for a week.

'My Love Came Back' began today (Tues.), taking out 'Seventeen' after two poor weeks.

Estimates for This Week

Colonial (Monroe-Noble-Federer) (750; 10-15)—'Wild Bill' (Col) and

Two-in-One Western

Kanab, Utah, July 30.

RKO troupe of 100, headed by Tim Holt, opened a location camp here for the simultaneous production of two westerns, 'Wagon Train' and 'Fargo Kid'. Idea is to save time and money in production, since the same sets and pictures, the latter is under contract to make six RKO agebrusters this year.

'Daltons' Ride To Fair 6G, L'ville; 'Pogo' Mild \$5,500

Louisville, July 30.

Summer sun is bearing down during current stanza, revealing fears of a hot and dry season. \$5 mark, and with the terrific heat, patrons are conspicuous by their absence on the main stem. It was possible to shoot the provincial custom duty Fourth Avenue Sunday afternoon and that means that summer doldrums are here, although arriving belatedly. Product is on the so-so side.

The best picture in prospect for 'When Daltons Rode' at the Rialto. 'South of Pogo' at Loew's State is on the medium side, and dual of 'Cross Country Cousins' and 'Dr. Christian' at the Strand is pretty dull.

Six-week season of summer musical shows at Radio Amphitheatre closed with added performance Sunday (29) so that the show can no more alibing the light pic biz by blaming it on the open air shows, which have had the advantage of no state or Federal license. However, the exhibs have been almost unanimous that the summer operettas have done no harm to pic grosses, as the summer shows draw patronage from Kentucky and Indiana towns and attract patrons of the legit and concert class. At any rate, there may be a slight boost to downtown pic houses but that the Shubert troupe has departed.

Estimates for This Week

Brown (Loew's-Fourth Avenue) (1,000; 15-30-40)—'Maryland' (20th) and 'Manhattan Heartbeat' (20th). Dropping into a slump with the advent of sizzling hot weather. Look for 'Maryland' to drop to \$4,000. Last week, 'Hardy Debuts' (M-G), and 'Captain Lady' (M-G), took fair \$1,700 after two good weeks at Loew's State.

Kenny (Knox) (1,000; 15-30-40)—'Benny Rides Again' (Par) and 'Too Many Husbands' (Col). Getting light trade from patrons dropping to relax in cooled atmosphere, and pointing toward fair \$1,500. Last week, 'Dust' (20th) and 'Johnny Apollo' (20th), net \$1,700.

Loew's State (Loew's) (3,100; 15-30-40)—'Pogo' (UA) and 'Babies Sale' (Col). Some exploitation on this pair, with truck parading downtown streets with gals in South Sea. Looks like getting attention. However, in any great numbers while the torrid spell is holding on. May round up medium \$5,500. Last week, 'Sporting Blood' (M-G) and 'We Are Young' (RKO) did well enough to break some adverse factors, including opposit and heat, and wound up with fair \$6,000.

Mary Anderson (Libson) (1,000; 15-30-40)—'Helen in the Moon' (WB). Striking along for third stanza. Probably \$2,700, satisfactory considering pic has lingered quite a spell. Last week same film did nice \$3,000 on second week.

Palace (RKO) (2,600; 39-47)—'Pogo' (UA). Sorry \$7,500. Last week 'Maryland' (20th), stepped up in last half to hit \$10,000, satisfactory.

Lyric (RKO) (1,400; 39-47)—'Windy Poplars' (RKO). Piffle \$2,000.

Debutante (M-G) (2d run, fair \$3,500). Palace (RKO) (2,600; 39-47)—'Pogo' (UA). Sorry \$7,500. Last week 'Maryland' (20th), stepped up in last half to hit \$10,000, satisfactory.

'MD.' BRIGHT 17G, B'KLYN

Air Conditioning Helps Takes—'Susan' Dual Good \$16,500.

Brooklyn, July 30.

Sweating weather, gave the downtown districts some bid due to air-conditioned interiors. Biggest draw of the week was at RKO Albee showing 'Maryland' and 'Sailor's Lady'. Closely behind was Loew's (RKO) and 'Dr. Christian' (WB) and 'Honorable Oh, Baby'. Fabian Paramount's second week of 'Ghost Breakers' and 'Lone Wolf Meets Lady' okay.

Estimates for This Week

Albee (RKO) (3,274; 25-35-50)—'Maryland' (20th) and 'Sailor's Lady' (20th), Bright \$17,000. Last week, 'Brown's School Days' (RKO) and

Philly B.O.s Suffering From Heat; 'Untamed,' \$8,500, 'Md.' 12G, Both N.G.

Philadelphia, July 30.

The out-of-town exodus in full swing as the heat wave remains unbroken. There is a resultant drop in biz all along the line.

Suffering along with the other 'Untamed', at Earle, and 'Maryland' at Stanley.

Estimates for This Week

Aradia (Sablowsky) (800; 32-42-57)—'Ghost Breakers' (Par) (3d run). Neat \$3,800. Last week: 'Our Town' (UA), okay \$3,500 for third showing.

Boyd (WB) (2,500; 32-42-57-69)—'Heaven Told' (WB) (2d wk), Good \$11,900. Last week, nice \$18,000. 'Pride and Prejudice' (M-G), opens tomorrow (Wednesday).

Earle (WB) (2,350; 32-42-57-69)—'Untamed' (Par). Not good at \$8,900. Last week, 'Pogo' (UA), fair \$9,800.

Fox (WB) (2,423; 32-42-57-69)—'Drive by Night' (WB). Ratt-Sheridan stiffer netting good \$17,000. Last week, 'Love Back' (WB), fairish \$12,000 in eight days.

Karlton (WB) (1,066; 32-42-57-69)—'Love Back' (WB) (2d run). Okay \$3,800. Last week, 'New Moon' (M-G), good \$4,000 for second showing.

Keith's (WB) (1,970; 32-42-57-69)—'Hardy Debuts' (M-G) (2d wk), Fair \$4,200. Last week, 'Ghost Breakers' (Par), mediocre \$4,000 for second run.

Maryland (20th) (2,916; 32-42-57-69)—'Maryland' (20th). Weak \$12,000. Last week, 'Hardy Debuts' (M-G), okay \$10,000 for second run.

Slanton (WB) (1,457; 32-42-57-69)—'Not Too Late' (U). Fair \$4,200. Last week, 'Way Flesh' (Par) with Armstrong-Jenkins fight pic, fairish \$3,900.

Estimates for This Week

Century (Loew's-UA) (3,000; 15-25-40)—'Pogo' (UA). Holding fairish pace in spite of hottest spell in years and reaching out for possible \$6,500. Last week, second of 'Hardy Debuts' (M-G) added nice \$8,700 to solid opening round to \$12,700.

Hippodrome (Rappaport) (2,205; 15-25-35-40-55)—'Queen of Destiny' (RKO) plus dual. Not getting very far at \$10,000. Last week, 'Brown's School Days' (RKO) leaning heavily for support on local talent 'Stardust Revue', produced in conjunction with News-Post, attracted bullish daytime doors but fell down on night effort with final count a fairish \$11,400.

Keith's (Schamberger) (2,406; 15-25-35-40)—'Dalton's Ride' (U). In early at this stand and maintaining good pace considering bad weather. Should hit nice \$6,500 and somewhat better on night reaction. 'Hardy Debuts' (M-G) added nice \$8,700 to solid opening round to \$12,700.

New (Mechanic) (1,531; 15-25-35-50)—'Maryland' (20th) (2d wk). Holding mild pace of forced third stanza with uneventful \$3,500 final total. Previous brace had a total of \$13,300, which includes week preem day and date with nearly 1,000 seat shows at night. Extra good takings for this house.

Stanley (WB) (3,280; 15-25-35-40-55)—'Heaven Told' (WB) (2d wk). Okay, an okay reaction. Which would be extra big given better break in weather. Second stanza pointing to \$8,000 after rose opening to \$13,800.

'HARDY' 8 1/2 G, MONTREAL

'New Moon' H.O. Nice \$5,300—'Flesh and Blood' Okay \$1,500.

Montreal, July 30.

Flock of repeats leaves Palace with 'Andy Hardy' pic at top of page with a fine gross of \$8,500 in sight. 'New Moon' still going. Balance pretty good for summer.

Estimates for This Week

Palace (CT) (2,700; 25-35-45-55)—'Hardy Debuts' (M-G). Sighing fine \$8,500 for best gross in town. Last week, 'Beau Geste' (Par), repeat slipped to piffle \$4,000.

Capitol (CT) (2,700; 25-35-45-55)—'Those Were Days' (Par). Better than average \$4,500 in sight. Last week, 'Love Back' (WB) and 'Flight Angels' (WB), fair \$4,000.

Loew's (CT) (2,800; 30-40-60)—'New Moon' (M-G) (2d wk). Nice \$5,500 after good \$8,000 last week.

Princess (CT) (2,300; 25-34-50)—'Play Boy' (RKO) and 'Windy Poplars' (RKO). Doing well on latter pic for good \$3,700. Last week, 'Man Who Talked' (WB) and 'Conga Nights' (WB), fair \$3,000.

Orpheum (M-G) (100; 25-40-50)—'Hitler' (GN) (2d wk). Good enough \$2,500 after good \$3,500 last week.

Cinema de Paris (France-Film) (M-G) (25; 25-30-35-40)—'Perdu' (15th wk). Holding at \$600. Last week \$800.

St. Denis (France-Film) (2,300; 25-34)—'Rommi Jouie' (Homme Paris) and 'Balls in the Air'. Looks like better than average for hot season at \$3,500. Last week, 'Grisou' and 'Ballets Loie Fuller' \$2,800, good enough.

CINCY SIZZLES; 'LOVE BACK' 9G

Cincinnati, July 30.

Sizzling stretch which reached 11th consecutive day of above 90-degree temperature Monday (29), has burghers too undressed to visit cinemas and b.o. currently is a shade under last week's sub-summer mark.

Main lugger this week is 'My Love Came Back' for a fair Albee figure. Next best, but on the sorry side, is 'South of Pogo' at the Falace. Also down under 'Anne of Windy Poplars' in the Lyric.

Estimates for This Week

Albee (RKO) (3,300; 39-47)—'Love Came Back' (U). Fair \$9,000. Last week, 'Untamed' (Par), poor \$7,000.

Capitol (RKO) (2,000; 39-47)—'Heaven Told' (WB). Held over for second week after transfer from initial seven-day showing at the Albee. Okay \$4,000. Last week, (1st of 2d run), very good \$5,500.

Family (RKO) (1,000; 10-28)—'Babies Sale' (Col) and 'On Way' (20th), split with 'Babies' (Libson) (U) and 'Boys City' (Mono). Seasonal \$2,000. Ditto last week on 'Praise Life' (RKO) and 'Chan's Cruise' (20th), divided with 'Fishes' (20th) (WB) and 'Carson City Kid' (Rep).

Keith's (Libson) (1,500; 39-47)—'Maryland' (20th). Moveover from Palace for second week, \$4,500. Last week, 'Man Who Talked' (WB), poor \$3,500.

Lyric (RKO) (1,400; 39-47)—'Windy Poplars' (RKO). Piffle \$2,000.

Debutante (M-G) (2d run, fair \$3,500). Palace (RKO) (2,600; 39-47)—'Pogo' (UA). Sorry \$7,500. Last week 'Maryland' (20th), stepped up in last half to hit \$10,000, satisfactory.

Bill Elson May Reopen Big Mpls. Minnesota

Minneapolis, July 30.

The 4,000-seat, \$200,000 Minnesota theatre, which seemed destined to wind up as a parking lot since its abandonment by the Paramount circuit and the Benz Bros., may be re-lighted after all. The house may be taken over by Bill Elson, who had the Seventh Street theatre until RKO sold it to local syndicate, which will tear it down to make way for a garage and store building.

Local owners of the Minnesota have approached Elson and negotiations now are in progress.

Benz Bros., who operated the theatre recently, claimed their inability to make a go of it was due mainly to the fact that they couldn't obtain major screen product, all of which is practically sewed up by the Paramount-Singer pool. The steep unit proved too much for the Paramount circuit to crack.

Seattle Benefits From Annual Indian Gala; Disney Echoes, \$2,500

Seattle, July 30.

Pottah, annual local celebration with the Injun flavor, and rains last weekend tended to benefit the box offices.

Otherwise showmen are waiting for fall product and recoupment in this sector, due from national defense spending.

Estimates for This Week

Blue Mouse (Hamrick-Evergreen) (650; 30-40-50)—'Snow White' (RKO). Disappointing \$2,500, business at mats being especially okay. Last week, 'Not Tush' (U) and 'Windy Poplars' (RKO), five days, \$2,200.

Coliseum (Hamrick-Evergreen) (1,900; 21-35)—'Susan Good' (M-G) and 'Girls' Broadway' (M-G) (2d wk). Indicate big \$3,400. Last week, 'Eaton Russel \$4,500' and 'One Beautiful' (M-G) (2d run), \$2,900, good.

Fifth Avenue (Hamrick-Evergreen) (2,349; 30-40-50)—'Who Are You?' (RKO) and 'Gold Rush Maise' (M-G). Okay \$5,000. Last week, 'Maryland' (20th) and 'Cross Country Romance' (RKO), dual, \$4,100, terrible.

Bertie (J-VH) (1,650; 30-40-50)—'Lost Horizon' (Col) and 'Awaful Truth' (Col) (revivals) (2d wk). Anticipated good \$4,000. Last week, okay \$3,100.

Magic Box (Hamrick-Evergreen) (2,600; 30-40-50)—'Hardy Debuts' (M-G) and 'Phantom Raiders' (M-G). Moveover from Paramount. Looks like great \$3,500. Last week, 'New Moon' (M-G), good \$2,300, good.

Orpheum (Hamrick-Evergreen) (2,600; 30-40-50)—'Sporting Blood' (M-G) and 'Chan's Cruise' (20th). Expect only \$3,000, terrible.

Palace (CT) (2,700; 25-35-45-55)—'Those Were Days' (Par) and 'Captain Lady' (M-G). \$2,900, very poor.

Palomar (Sterling) (1,550; 30-40-50)—'Wagons Westward' (Rep) and 'Tommy' (Mono), dual, plus Martin Morgan in address 'Finest in Anticade'. Latter getting major billing; anticipates big \$5,400. Last week, 'Grand Ole Opry' (Rep) and 'Polack Bros.' circus on stage, \$7,000, mense. Circus was the draw.

Paramount (Hamrick-Evergreen) (3,039; 39-40-50)—'When Daltons Rode' (U) and 'Those Days' (Par). Good for fair \$4,500. Last week, 'Hardy Debuts' (M-G) and 'Phantom Raiders' (M-G) (2d wk), \$4,800, big.

Roosevelt (Sterling) (800; 32-42-57-69)—'The Show' (2d wk) and 'Texas' (WB) (2d run). Expect good \$2,100. Last week, '21 Days' (Col) and 'My Way' (U) (2d run), \$1,700, slow.

Winter Garden (Sterling) (100; 16-22)—'Pottah' (2d wk) and 'Pottah' (M-G) (2d run). Landing around \$900, okay. Last week, 'My Son' (UA) and 'Cheers Irish' (WB) (2d run), slow \$1,600.

Chi B.O.s Feeling Extreme Heat; Md.-Parker-Armetta OK \$30,000, Dead Enders, \$16,000, PAGO, 9C

Chicago, July 30. Weather has settled down to some real summer heat, and the loop houses, particularly Balaban & Katz, have taken what advantage they can of the situation by reminding the public of the cooling systems...

Chicago is coming through with the best gross with Maryland, helped by the presence of Frank Parker and Henry Armetta on the stage...

Estimates for This Week Apollo (B&K) (1,200; 35-55-65-75) New Moon (M-G) in its fourth loop stanza and going along in fine fashion to \$6,000...

Chicago (B&K) (4,000; 35-55-75)—Maryland (20th) and stage show. Frank Parker and Henry Armetta on the stage...

Garrick (B&K) (900; 35-55-65-75)—Untamed (Par). Filling in here, but without much meaning at \$3,500.

Oriental (Jones) (3,200; 28-44)—Florian (M-G) and vaude. Show is built up as a promotion under tag of 'South American War'...

State-Lake (B&K) (2,200; 28-44)—'Not So Tough' (U) and vaude. Joe Sanders band on stage. Picture pulling bright \$16,000...

United Artists (B&K-M-G) (1,700; 35-55-75)—Our Town (U) and Opened Saturday (M-G) both plenty of ad space...

Woods (Essaness) (1,200; 75-110-117.5)—Gone (M-G) (27th wk). Midweeks are falling off again to the trade...

'PAGO' \$8,000, PROV. Must Live (WB). Another slow one and promising only fair \$6,000.

State (Loew) (3,200; 28-39-50)—'Pago' (UA) and 'Captain Lady' (M-G). Best of so-so lot giving house fairly \$8,000.

Krupa-Andrews Plus 'Safari' Big \$32,000 in Det.

Detroit, July 30. (Best Exploitation; Michigan) It looks as if Krupa-Andrews will be this week with Fox and Michigan competing for business with first class stage shows...

Estimates for This Week Adams (Balaban) (1,700; 30-40)—Scatterbrain (U) and Not So Tough (U)...

Michigan (United Detroit) (4,000; 30-40-65)—Safari (Par) with Gene Krupa and Andrews Sisters...

Palm-Sate (United Detroit) (3,000; 30-40-55)—Love Back (WB). 'Man Talked Much' (WB) and Academy short (WB)...

United Artists (United Detroit) (2,900; 30-40)—Fride and Prejudice (M-G) and 'Anne Poplars' (RKO). Should get nice \$10,500.

'BOYS' AND 'MCGINTY' EACH \$5,500, PORT., OK

Portland, Ore., July 30. 'Boys from Syracuse' (U) and 'Not So Tough' (U). Likely to get good \$3,500.

Estimates for This Week Broadway (Parker) (2,000; 35-40-50)—Boys Syracuse (U) and Not So Tough (U)...

Orpheum (Orpheum Co.) (1,800; 20-30-40)—Scatterbrain (Rep) 'Daffy Auction' taking top billing. Average \$4,000.

Estimates for This Week Carlon (Fox) (1,400; 28-39-50)—Hell Below (M-G) and Can't Fool Wife (RKO)...

Estimates for This Week Capitol (1,012; 75-85-110-125-132-20) —Gone (M-G) (33d wk.) Last week, 'Untamed' (Par), average \$6,000.

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First Runs on Broadway (Subject to Change)

Week of Aug. 1 Astor—'Gone With the Wind' (M-G) (33d wk.) Capitol—'Andy Hardy Meets Debutante' (M-G).

Week of Aug. 2 Astor—'Gone With the Wind' (M-G) (34th wk.) Capitol—'Andy Hardy Meets Debutante' (M-G) (2d wk.)

Week of Aug. 3 Astor—'Gone With the Wind' (M-G) (35th wk.) Capitol—'Andy Hardy Meets Debutante' (M-G) (3d wk.)

'DALTONS' FAIR \$6,500 IN 2 K.C. SPOTS

Kansas City, July 30. One notable event of the week was staging of movie premiers of 'The Daltons Rode' at the Esquire and Uptown Friday night...

Estimates for This Week Esquire and Uptown (Fox Mid-west) (820 and 2,043; 10-28-44)—'When the Daltons Rode' (U)...

Estimates for This Week Esquire and Uptown (Fox Mid-west) (820 and 2,043; 10-28-44)—'When the Daltons Rode' (U)...

'MD.' \$9,500, INDPLS.; 'WAGONS' VAUDE FAIR

Indianapolis, July 30. Temperatures of 95 and better had their effects on the b.o. this week.

Estimates for This Week Circle (Katz-Dole) (2,600; 25-30-40)—'Savior's Lady' (20th). Good \$9,500.

Estimates for This Week Circle (Katz-Dole) (2,600; 25-30-40)—'Savior's Lady' (20th). Good \$9,500.

Raft, Stage and Screen, Strong At \$40,000 on Blistered Broadway; Disney Revival—Shorts, Big 15C

(Best Exploitation; Criterion) With a couple exceptions, grosses lie prostrate on Broadway, knocked out by the heat. Over the weekend the town was as quiet as a stopped clock...

Holdover of 'New Moon' at the Capitol under \$20,000, disappointing. The picture cost \$1,600,000 to produce.

Estimates for This Week Astor (1,012; 75-85-110-125-132-20) —Gone (M-G) (33d wk.) Last week, 'Untamed' (Par), average \$6,000.

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Estimates for This Week Astor (1,012; 75-85-110-125-132-20) —Gone (M-G) (33d wk.) Last week, 'Untamed' (Par), average \$6,000.

\$5,000, short-winded. Behind that 'Millionaires Prison' (RKO) ditto. Roxy (5,836; 25-40-55-75)—'Turnabout' (UA) and stage show.

State (3,450; 25-55-75)—'21 Days Together' (Col) (2d run) and Andy Kirk, Bert Wheeler, Dixie Dunbar, others on stage.

By comparison, other new pictures are on their backs gasping for breath, including 'Turnabout' at the Roxy...

Holdover of 'New Moon' at the Capitol under \$20,000, disappointing. The picture cost \$1,600,000 to produce.

Estimates for This Week Boston (RKO) (3,200; 15-20-39-44)—'Millionaires Prison' (RKO) and 'Black Diamond' (U)...

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Bank Sues to Build

The City Bank Farmers Trust Co. Friday (25) filed suit in the N. Y. supreme court against Rexford G. Twigg, chairman of the City Planning Commission...



**CLARK
GABLE**

in
"BOOM TOWN"



**SPENCER
TRACY**

in
"BOOM TOWN"



**CLAUDETTE
COLBERT**

in
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*is Four Pictures
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As great as its Stars! Never before! Perhaps never again will Hollywood place four headline screen favorites in one production so thrilling and spectacular it towers over many of the industry's famed Road-shows!

Screen Play by John Lee Mahin Based on a Story by James Edward Grant • Directed by Jack Conway Produced by Sam Zimbalist

A METRO-GOLDWYN-MAYER PICTURE

'Boys' Big \$12,000, 'Prejudice Ditto, Frisco, Exploitation Boosting B.O.

San Francisco, July 30. What passes for hot weather in S. F. has come to further play in boxing this week...

'PAGO' FAIR \$4,500 IN N.S.G. MEMPHIS

Memphis, July 30. Not a showhouse in town can hope to come out with a good figure...

Estimates for This Week: Fox (F-W-C) (1,500; 25-39-44) - 'Gold Rush Maisie' (M-G) at 'Golden Gloves' (Par)...

Estimates for This Week: Loew's State (Loew's) (2,600; 10-33-44) - 'Gold Rush Maisie' (M-G) at 'Golden Gloves' (Par)...

United Artists (Cohen) (1,200; 35-55-75) - 'Turnabout' (UA). Should draw \$5,500...

McGuire Laid Up: Hollywood, July 30. William Anthony McGuire will hospitalize for several weeks with a kidney ailment...

Coney Is. Pix-n-Suds Shows a Click on B'way

Ancient Coney Island come-on of half-a-dozen reels of free film with each mug of beer has been transplanted to Broadway...

Slotter's 12G Suit: Los Angeles, July 30. Trimout Coin Machine Co. instituted suit for \$12,232 against Cinematone Corp...

It's doing OK, however, at no admission, bear a dime, etc. Salts are mostly beer, the gross about equaling in money those from distilled spirits...

\$6,000 IOWA FIRE: Des Moines, July 28. Strand theatre of Walnut, Iowa, was badly damaged by fire July 28...

Come Now the 'Zorros'

Hollywood, July 30. Twentieth-Fox bought a number of 'Zorro' tales to be used as a series following 'The Californian'...

Coincidental: Philadelphia, July 30. On Friday (28) lightning struck a pole outside the Locust, West Philly nabe...

'Turnabout' Fine \$9,200, 'Untamed' 8G, Omaha, B. O. Kayoes Heat: Omaha, July 30. Surprise this week furnished by the Brandeis dual...

Estimates for This Week: Brandeis (Mort Singer) (1,500; 10-25-35-40) - 'Drive by Night' (WB) and 'Pop Paws' (RKO)...

State (Goldberg) (900; 10-20-25) - 'Favorite Wife' (RKO) and 'Raftes' (UA) split with 'Black Diamond' (U)...

New Centre, St. Paul, Makes 37th House: St. Paul, July 30. George M. Aurelius, former manager of the Centre, new nabe deluxer...

Remodeling: New Braunfels, Tex., July 30. Remodeling work now being done on the old Opera House which will be opened shortly here under management of G. A. Cole...

By Harold Seton: Nobody ever went into a theatre with more hopeful enthusiasm, and nobody ever came out of a theatre with more disappointment than was my experience when I witnessed 20th Century-Fox's Lillian Russell recently...

As it was, they only gave her one husband, Ted Solomon, with the screen prospect of a second, Alexander Moore, ignoring her first husband, Harry Graham, and her third, Fugangini...

Rooney and 'Heaven' H.O.s Top Mpls., 'Pago' Mild \$4,000, 'Poplars' Bare 2G

'McGINTY,' \$6,500, OKAY AS DENVER FALLS OFF

Denver, July 30: Business is off from last week in all of the first-runs. The Great McGinty, at Denham, may get enough to h.o.

Estimates for This Week: Aladdin (Fox) (1,400; 25-40) - 'Maryland' (20th), after week at Denver, Good \$4,000. Last week 'Heaven Too' (WB), fine \$6,000...

Minneapolis, July 30. Things are picking up here. When in the face of 100 in the shade temperatures and such counter attractions as Aquatennial celebration free parades, an show (which pulled 75,000 people), water follies, etc., two films can draw sufficiently to warrant their hold-overs...

St. Paul, July 30. George M. Aurelius, former manager of the Centre, new nabe deluxer. House opens Thursday, (1) with 'If I Had My Way'...

On the other hand, a less pleasant chance was the apparent inability of the first stage show, month and a mighty good one, too, to overcome the hitherto mentioned handicaps and wrap through to boxoffice...

Charlotte, N. C., July 30. The Swaine, Kannapolis, new theatre, seating 600, nearing completion, will be opened late in August or early in September...

Estimates for This Week: State (Par-Singer) (900; 15-28) - 'Phantom Raiser' (M-G) and 'Millionaires Prison' (RKO)...

New 600-Seater: Charlotte, N. C., July 30. The Swaine, Kannapolis, new theatre, seating 600, nearing completion, will be opened late in August or early in September...

Orpheum (Par-Singer) (2,800; 28-39-44) - 'Heaven Too' (WB) (3d wk). Has been showing great strength and little letdown from previous week...

'Chester Theatre Day' Spartanburg, S. C., July 30. New Chester theatre completed at Chester, S. C. opened with all-day 'Chester Theatre Day' celebration...

Uptown (Pat) (1,100; 28-39) - 'Doctor Wife' (Col). First nabe showing. In far six days and good \$3,500 indicated. Last week 'Lillian Russell' (20th), \$7,700, good...

San Diego, July 30. Opening of new Fox-West Coast theatre, the State, delayed pending deal for product. A move-over policy of first-run pictures planned...

Private Affairs' (U), \$1,400, mild.

TITLE CHANGES

Hollywood, July 30. 'Gay Caballero' is release tag on 'Ghost of the Clown Kid' at 20th-Fox. Columbia switched from 'Blondie Goes to the Country' to 'Blondie Plays Cupid'...

Mexico City Angling For American Circus

Mexico City, July 30. A big-time American circus, probably over the Ringling-Barnum & Bailey outfit, to play in the local bull ring, seating 20,000, is considered a good prospect for the near future if propositions under way materialize...

NEW MESQUITEERS

Hollywood, July 30. 'Arizona Skiss' rolls at Republic tomorrow. Will be with a new lineup of Mesquiteers, Bob Livingston, Rufe Davis and Bob Steele.



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A METRO-GOLDWYN-MAYER PICTURE

Aussie Ready to Welcome British Film Prods.; Fear U.S. Takeover of Market

Sydney, July 17. Indications are that British producers will be offered facilities to move to this territory to continue production. Nothing definite has been set presently, but it's presumed that the Britshers would welcome an opportunity to move away from wartime England to a British possession such as Australia in order to carry on their work.

With Aussie production expected to go to zero with the mix of governmental coin as a production aid, as witness the fold of Cincinnati—producers here would gladly throw open their studios to the Britshers in an effort to build an Anglo-Aussie alliance to offset the U. S. securing full control with product in this territory. It's also firmly believed that the Government would back a move to aid the British producers to become established here following production letup in their own zone because of the war.

In New South Wales there are four studios available to the British for immediate production. These studios are fully equipped, but some technicians and players would be needed. Mention is made that the idea is now being mulled over in London by prominent producers, following representations from high-standing officials in this presently peaceful sector of the Empire.

6-Day Clipper Service. New Clipper service between U. S. and New Zealand, with connecting link to Sydney, would permit Britshers to import any necessary Hollywood players here in six days, meaning that's just how close Australia is to the U. S. nowadays. Same service could be used to air route completed product back to London via U. S., thereby saving weeks in boating.

Any trek to this point by Britshers would see maintenance of the 15% compulsory British plays—dates imposed in pre-war days by the Government, but now on theebb route to scarcity of product reaching these shores. British execs are said to be determined as far as possible to keep a hold on this market, and in this respect it's fully believed that some deal will be reached with home producers to link with units from Great Britain as quickly as possible. Localities see in this move, too, a real way out to keep production moving in this territory, and, at the same time, prevent the market from becoming strictly U. S.

French Pic Houses In Canada Face Acute Shortage of Product

Montreal, July 30. French-language picture houses in Province of Quebec, approximately 100, facing serious shortage of French film product from accounts. Reported that France Films here still has about six months' supply, but product is being meagerly rationed to make it last as long as possible. Repeats and longer bookings are methods employed in spreading French pictures out over the months stretch.

Some talk here recently of promoting a French-language film production setup. Shrewd trade observers estimate, however, that it would take several years to build studios and establish an effective producing organization. Question of financing for film production at this time, involving large capital expenditures, would also present insurmountable difficulties.

Nazis' Dictum

Continued from page 93

went in during 1938 and the same in 1937. Present ruling, if extended to France, probably would mean that a number of French dialog pictures, made in Germany with French players and directors during 1937-38-39, would be made available for showing in French territory. Tobis and UFA took units from Paris and made several such pictures in Germany, turning out both German and French versions.

Fred Lange Back

Fred Lange, Paramount's managing director in Europe, arrived in New York Monday (29) on the Atlantic Clipper from Lisbon, Portugal.

Lange will make a detailed report on the European setup when he huddles with John W. Hicks, Jr., Paramount's foreign chief. He likely will remain in N. Y. until conditions become more stabilized. France and the lowland countries.

BRIT. PIC PRODS. SUSPICIOUS OF '49TH'

London, July 15. Something by way of an unhealthy flurry is chasing the announcement of '49th Parallel', large-scale production for government's Ministry of Information. Company responsible for the chore is now understood to be Omnia Films, with John Sutro as chief. Included in the list of those en route to Canada, for what Omnia boss described as "purely location shots" was Elisabeth Bergner. But now it seems actress is not making the trip. Several who did go along with the unit were not on the list released by Sutro.

Trade tops have seized on the picture and are digging deep. A list of pertinent questions, submitted to the press by Michael Balcon, covers wide range, seeking incorporation of the Omnia company and its prior experience in film making. A request also comes for info on the status of those on the Canadian hegira, since it has been suggested two of its members are conscientious objectors. Another development surrounds the inclusion in the producing group of Christopher Mann, film agent. Folks are wondering what a ten-percenter wants around a location unit. Stated reason for Mann's presence is to 'sponsor' MIO film. Actually he goes along as manager. agent handled Michael Powell for some time, who directs '49th'.

Balcon's letter to the trade, suggesting his questions be asked of the MIO, covered the financial setup of Omnia Films and asked to what extent the government supporting. One announcement has it that Oscar Deutsch, Odeon chain boss, is in for a slice of picture's budget. Alongside this is the news that N. L. Nathanson, of Canada, was earlier approached on the financial angle, but thumbed-down the deal. Actual amount of government money in the film has never been stated.

Together with Elisabeth Bergner, a report sets Leslie Howard as associated on the player roster.

MEX UNIONS MAY DEFER CURB ON FOREIGN ACTS

Mexico City, July 30. Show and tourist biz being far short of expectations this season, the Federation of theatrical unions is expected to defer demanding the Government to tighten regulations governing the playing in Mexico of foreign artists until after Earl Carroll has 'run his show here. The Federation wants better breaks for Mexican performers.

Carroll is reported to be dickering for the leasing of the de luxe Cine Teatro Alameda, downtown house which has the only revolving stage in Mexico. An idea of the native player-advice of the Federation is given by the Marcus show, current at the Palace of Fine Arts, being compelled to carry 15 Mexicans who draw a total of \$23 a day, though they don't appear on the stage. The natives are listed as assistants to the performers. This is one of the ways of the Federation for helping out jobless Mexican thespians.

Who's Afraid?

Despite bombing raids in England, Paramount has moved its sales organization for the British Isles from several small cities back to London.

Besides Par, other American distributors also have shifted back to Wardour street, London's film row.

'GONE' FALLS DOWN IN AUSSIE

Melbourne, July 2. Metro has taken a boxoffice beating with 'Gone With the Wind' in this spot. Despite advanced admissions, the intake for six weeks at Hoyts' \$400-seater Regent will not exceed \$55,000 on three-a-day, and drastically less on two-a-day shows, where big remains at a very low ebb on two-a-day.

Actually the pic has had a seating capacity available to the public of around 78,852 weekly, and the b.o returns are most disappointing. Hoyts is operating on a 10% guarantee from Metro and will wipe out plans for any further extension.

It's admitted that the pic bowed in at the wrong time, especially as new European tempo lunched public away from war—either dated or current, and this, plus admission upticks, swayed trade to zero day-times, with slightly better attendance nights.

So-So in Sydney

Sydney, July 2. 'Gone' exits from Metro's St. James after a 'so-so eight weeks' span on three-a-day. Will continue, however, at Met's 653-seater Liberty in hope of building to some extent. Local exhibitors are maintaining earlier decision not to route pic at 70% in any spot, averting that pic's failure catalogues it as nothing but the 15% class and, to force advanced admissions in nabes and six, would only be courting disaster. 'Outsiders of Hoyts, no other' exhib has made any deal with either screen or exhib. Same goes for 'Gay New Orleans', which is getting around \$13,000 weekly. A percentage of the take from bars and other stands in the concession is helping. How much 'American Jubilee' is in the red is a guess. If cost \$480,000 and was reported playing at a operating loss of \$100,000 some weeks ago. Production cost of 'Railroads' is said to have been more than \$300,000, charged off to promotion.

N. Y. Fair

Continued from page 93

is still coin in the pot. 'Streets of Paris' is averaging \$14,000 weekly, which means some profit, but not enough to take up expected amortization. Same goes for 'Gay New Orleans', which is getting around \$13,000 weekly. A percentage of the take from bars and other stands in the concession is helping. How much 'American Jubilee' is in the red is a guess. If cost \$480,000 and was reported playing at a operating loss of \$100,000 some weeks ago. Production cost of 'Railroads' is said to have been more than \$300,000, charged off to promotion.

World's Fair bonds were 18 bid and 22 asked early this week. Bondholders have received \$100 for each \$1,000 invested. According to the market quotations, another 20% on the dollar is all that can be expected. Redemption is not slated until next year. If the Fair lasts longer next year it may be different, but on Wall street offers of 500 to 1 were mentioned that the bonds will not be fully redeemed.

Several midway attractions at the New York World's Fair, adaptable to travel are scheduled to start a road tour after the Fair closes Oct. 27. Almon R. Shaffer, manager of Winter Wonderland Village, already has set a traveling aggregation, 'World's Fair High Lights', which opens an 11-day stand Nov. 19 at the Cleveland Auditorium, being sponsored by the Knights of Pythias.

Jack Buck and his Jungeland will headline. Shaffer also has other N. Y. Fair shows in process of negotiation for his miniature World's Fair, including Ripley's Odditorium, Jack Sheridan's Magazine Cover Models and a midjet village. Plans also include exhibits of industrial companies which have attracted attention at the N.Y. exposition.

'World's Fair High Lights' also has slated engagements for Detroit, Milwaukee, St. Louis, Kansas City, Memphis and New Orleans, bulk of dates being arranged to fit in with big annual civic celebration. Shaffer, who heads the traveling outfit, managed Old New York last season on Flushing meadows and was associate director at the Chicago Great Lakes exposition of 1936 and 1937.

New Currency Regulation on Exports Brings Protest From Brit. Producers

G-B Gets 'Rebecca'

London, July 15. Surprise in the film trade is 'Rebecca's' opening at Gaumont, Haymarket, for six weeks West-End pre-release, with entire Gaumont British circuit to follow. It was expected picture would play Oscar Deutsch's Odeons, due to latter's financial interest in United Artists. GB gets picture on 50% guarantee, which is same as offered by Deutsch, due to insistence of David Selznick.

Edward Small's My Son, My Son, also a UA release, passed over Deutsch, preferring to take circuit booking from Associated British Picture Corp. (John Maxwell outfit).

BERNSTEIN MAY EASE BRITISH PIC SNAGS

London, July 16. Accepting the position of honorary technical adviser to the film department of Government's Ministry of Information, Sydney L. Bernstein has resigned all official connection with the Granada chain of theatres which he built and controls.

Coincident with his appointment, production chiefs here loosed a blast at the ministry for lack of understanding and cooperation. Michael Balcon gave out a statement panning the methods of the department and listing the snags he has run against gathering men and material for picture use, citing his present need for paint and timber as an event which the Films Department could have forestalled. If a party calls for a service uniform, producer has to get a government order, etc. Production of such films as 'Conraband' and 'Convoy' were achieved as a result of initiative and resource on the part of the filmmakers concerned, says Balcon.

Bernstein will be bringing, primarily, the exhibitor focus to the government bureau. Producers claim they want someone who can be talked to and who understands the problems in production today.

Sally Rand

Continued from page 92

she paid everybody in the act except the trio. To them she said she just didn't have enough money—to the boys it was a serious blow, because \$500 can buy plenty of cocoanuts for them as well as a lot of fans for Miss Rand.

They were especially put out because they had taken the job on a cut, an 11-week contract, the summer being as attractive as Miss Rand's chassis.

They rushed to the American Guild of Variety Artists, which made a deal for Miss Rand to pay them last night (Tuesday). This didn't satisfy Tomack and the Reis boys, so they went to see I. Robert Broder, a lawyer who was once frightened by a pomp organ. Bucks County, Pa., and since has objected to everything. He objected to the settlement and forced AGVA last Thursday (25) to hold up Miss Rand's show until the boys had been fully paid. Then, despite the fact that Miss Rand had already told the trio she'd 'now' let 'em know, Broder ordered the boys to report every night. On Friday the hotel had a cop and plain clothesman on hand to evict them, so the boys sat down at a table like customers and paid the cover charge.

They've been appearing nightly ever since and Miss Rand, the hotel and the cops are getting rather impatient. They threatened to arrest them last night (Tuesday), which was incidentally payoff night, for loitering. This issue of Variety couldn't wait for the outcome, but Broder did.

London, July 15. Tagging it 'the unkindest smack in another crack at their picture making hopes, when details of new treasury move revealed a barrier to what have been gratifying outside sales providing much-needed coin. New order, under finance regulations, stipulates films, among other exports, can only be sold in the U. S. against the dollar exchange. Thus, frozen coin here, which figured in the recent sales of home product, is no longer a legitimate form of settlement for such purchases.

Move is headache for the producers, coming as it did in the van of an announcement from the government it would do everything possible to assist the British production industry. Moreover, it is understood several deals pending in the U. S. under the old setup have had to be sidestepped awaiting clarification of the treasury snag.

Producers' main hope of deliverance rests in the application of the new regulation. Some loopholes do, in fact, exist; largely in association with the discretion of the treasury to make exemptions, and for which the ruling allows. If producers can get the government the new order, applied to films, sacrifices rather than safeguards a national interest, then the going may be eased for films.

Trade opinion sees an anomaly in the position of U. S. companies operating here. These, of course, are those utilizing their frozen coin for picture production—and when film has fulfilled its quota obligation this side, ship it across for U. S. showing. The result is dollar income which stays on the U. S. side—from a picture actually made in Britain.

There may be another idea back of this government ruling. Purchase for export showing by any U. S. concern of British-produced film qualifies the outfit for a quota certificate. This, itself, is a necessity to a Yank operator. Seeing they've got to have it, mebbe treasury folk are figuring to collect in dollars for this requirement, in which case the mess isn't so much of a mess so much as a smart move.

Jap Authorities Shut 15 Gambling Spots in Shanghai; Six to Go

Shanghai, July 10. Fifteen of Shanghai's most ornate and luxurious gambling resorts have been shut by Japanese military authorities. Later, Japanese orders in the city's western district, the so-called 'badlands' of Shanghai finally clamped down on the wide-open joints and closed all save six. Authorities now assert that the remaining six gambling dens will be closed shortly.

Even the Hollywood Gardens, first and foremost of local gaming spots, has been padlocked. Fences were won and lost—chiefly lost—of this notorious nitery. It also has 11 murders, five kidnappings and more than 100 robberies during the past six months.

Opened and operated under Japanese military license and with the full protection of the Japanese military, the Hollywood attracted hundreds of foreigners and Chinese. Japanese subjects were not permitted within. The In'l authorities once threatened to block entrances and exits.

London In Wartime

London, July 10. Robert Graham quitting his publicity job with Jack Hylton, to join the Royal Air Force.

Victor Marlow (Medlock and Marlow) awaiting commission in the Royal Air Force. Miss Marlow looking for another girl to form dancing act.

Alice Delacy giving song recitals at military camps.

Walter Landauer (Rawicz & Landauer, Austrian, has just been interned. Marion Rawicz, who is (Continued on page 104)

IT
WILL
HIT THE
ENTERTAINMENT WORLD
WITH ELECTRIFYING IMPACT....

James Roosevelt
presents

"PASTOR HALL"

Released thru
UNITED ARTISTS

PASTOR HALL (BRITISH-MADE)

Hollywood, July 27. United Artists release of James House production...

James Roosevelt puts his name on 'Pastor Hall' for presentation in the United States through United Artists...

It's propaganda and a powerful denunciation of the methods pursued by the Nazis in swinging attitude of the German people into line...

The picture itself deals with the story of a village parson, who finds himself and his religious beliefs at odds with the tenets of Nazism...

Aside from Wilfrid Lawson, who gives a vigorous portrayal of the villainous parson, the British cast continually makes the audience conscious that this is an English-made picture...

'Pastor Hall' is propaganda in every sense of the word, and must be bought and exhibited on a basis rather than as entertainment.

When the Daltons Ride

Hollywood, July 26. Universal production and release. Features Randolph Scott, Kay Francis, Brian Donlevy, George Brent, George Raft, George Marshall...

'When the Daltons Ride' unfolds the factual and legendary episodes of the Dalton gang, whose members rode and shot their way through four western states 50 years ago.

Basic story similar to that of Jesse James. As in the latter, the Daltons embark on a career of outlawry after a railroad attempt to seize their mining rights.

escapes and continual dashes from posse, until, the final disastrous double-bank stickup in their home town of Coffeyville, Kan., where the gang is finally wiped out in a wild and unrelenting battle.

Picture displays the riproaring action and fast tempo expected of a top-rating outdoor action melodrama.

George Marshall hits a speedy pace of direction from the start, catching attention immediately, and maintaining it without a lull.

GOLD RUSH MAISIE

Hollywood, July 24. Metro-Goldwyn-Mayer release of J. Walter Ruben production. Stars Ann Sothern, Bill Anders, George E. Stone, Virginia Weidler, Virginia Lee Corbin, directed by Edwin J. Tilton.

Maisie, the roving smart-thinking and fast-acting nightclub singer, moves about the gold fields to secure a spot in the expected gold-seekers.

Ann Sothern ably carries the burden of the title role, providing plenty of explosive dialog.

Picture has a few slow spots along the middle, but direction by Edwin Marin is satisfactory on overall.

Leopard Men of Africa

Select Attractions release of Dr. Paul L. Hooper production. Stars Bill Anderson, Slim Sumner, James Dietrich, directed by James Dietrich.

Miniature Reviews

'Pastor Hall' (Roosevelt-U.A.). British propaganda film dubious boxoffice, despite foreword by Mrs. F. D. Roosevelt.

'When the Daltons Ride' (U). Speedy and actionful melodrama of western outlawry. Solid adventure entertainment.

'Gold Rush Maisie' (M-G). Standard programmer for general audiences. One of a series.

'Leopard Men of Africa' (Sel). Realistic jungle thriller, sequel to 'Africa Speaks'.

'Gambling on the High Seas' (WB). Good edition of the cops, robbers and bright reporter formula for B situations.

'Riders from Nowhere' (U). Monogram release of Harry S. Webb production. Stars Slim Sumner, Raymond C. Johnson, Serenella, Carl Rosenda, camera, Edward A. Kull and Yvonne De Carlo.

'Tulsa Kid' (With Songs). Republic release of George Sherman production. Stars George E. Stone, 'Red' Barry.

'Dix in Four for Par' (U). Republic release of George Sherman production. Stars George E. Stone, 'Red' Barry.

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based on an idea that has been done over often and the direction allows too many lags in the course of the 57 min. run-off.

From the minute Barry hoves into sight and has his first conversation with Noah Beery the main scene in the reels is telegraphic, and the rest of the action is bridging to reach that finale point.

Photography is okay, but too often repeats the scenic shots. Dialog comes from the mouths of the usual standard range songs are tonally by Jimmy Wakely's Roughriders.

Gambling on the High Seas

Warner Bros. production and release. Stars Wayne Morris, George E. Stone, 'Red' Barry, directed by George Amy.

Wayne Morris is the bright lad in this edition of cops-and-robbers. Jaime Wyman's secretary to the gang boss, Gilbert Roland, who to give the old-familiar, something of a switch, has his gambling den on a ship.

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Dietrich

Continued from page 93. understanding she was due back in France around Christmas to start the Forester-Parant picture.

When he was Beery's pard and pupil, the youngster was known as the Tulsa Kid but for the purposes of this year he has soured on the use of guns and training in the use of arms with a flock of thugs from the villain's side behind every bush.

Photography is okay, but too often repeats the scenic shots. Dialog comes from the mouths of the usual standard range songs are tonally by Jimmy Wakely's Roughriders.

Saratoga

Continued from page 93. drigo and Francine, dancers; Gaye Gaylor, singer; Howard Lally's orchestra, and The Freshman (in the tap room). Matty Dunn, in manager.

At Mother Kelly's: All-Girl Show, with Bennett Green, emcee, and Chester Doherty's Miami Revels, featuring Elaine Jordan, singer; Rene Villon, dancer, Jill and Dale, songsters, Patsy Ordean, and a line of 12.

Wartime London

Continued from page 102. Polish, will continue in vaude as a single.

Teddy Carr's family, due to sail on the President Roosevelt, could not make it due to troubles. Sailed 10 days later.

Jack Macdonnell, brother of Leslie Macdonnell, back from Norway, after 11 weeks, during which time he encountered 83 air raids.

Marius Goring got fortnight's extension from joining the Army to finish his run in 'The Teutonic' at the Old Vic.

Brian Desmond Hurst making propaganda films for the Ministry of Information at Denham.

John Argyle, head of film concern, bearing his moniker, joined the Air Force.

COMPLETING THE PICTURE

DRAMATIC lighting and unusual camera angles are only partly responsible for the startling beauty of modern screen productions. It takes Eastman negative films to do full justice to the cameraman's wizardry—to really complete the picture. Eastman Kodak Company, Rochester, N. Y.

J. E. BRULATOUR, INC., *Distributors*

Fort Lee

Chicago

Hollywood

PLUS-X

for general studio use

SUPER-XX

when little light is available

BACKGROUND-X

for backgrounds and general exterior work

EASTMAN NEGATIVE FILMS

Headin' your way...

THE BOXOFFICE BROTHER OF "JESSE JAMES"!

IN TECHNICOLOR!

A new, exciting
entertainment thrill
for your audiences!

HENRY FONDA

in

THE RETURN OF FRANK JAMES

GENE JACKIE HENRY
TIERNEY • COOPER • HULL

John Carradine • J. Edward Bromberg
Donald Meek • Eddie Collins • George Barbier

Produced by Darryl F. Zanuck • Associate Producer Kenneth Macgowan
Directed by Fritz Lang • Original Screen Play by Sam Hellman



FLASH! A sensation at the sneak preview!

Consent

Continued from page 95

ners, other major circuits, independent and national state exhibitors, is a question at the moment. It has been indicated, however, that the Government will listen to the complaints.

Government is in an odd position in view of the rising flood of exhibitor squawks because its suit against the eight majors was ostensibly designed to give relief to exhibitors. An aim of that action was to remove the divorce of the major distributors from their theatres. Under the consent decree, the majors would still retain their theatres, plus buying power. In other words, all independent chains and exhibitors would be saddled with unwanted trade practices, burdening them, while the majors continued to remain in theatre operation. This angle will no doubt involve the whole situation so far as the U. S. is concerned.

Larger Block Selling

It is declared possible that the clause of the recommended consent decree relating to sales of pictures in blocks of five will be changed to provide for selling in larger groups. Before agreement was reached on blocks of five, the attorneys had seriously considered selling 10 films at a time but permitting a cancellation of 20% or two-out of the 10 pictures.

While the blocks of five plan is the most controversial proposal of all, exhibitors also take exception to necessity of trade-showings before films are offered for sale; the clause concerning the making of some run available and the one covering discrimination by the distributor in favoring one buyer against another.

Objections of the Paramount party are against these four clauses, were presented to the defense attorneys, who in turn submitted them to the Department of Justice. The Par operators, as well as others throughout the country, want to be heard on these objections and feel satisfied after a close analysis of the consent decree that they have presented the practical theatre-operating objections.

It is confirmed that all the Par partners are against the decree and that while arbitration machinery is generally favored, fear is felt for the trade practice matters that will be subject to this means of mediation.

Majority Opposes Settlement

While exhibits in closed situations are not so afraid of buying in blocks of five and other provisions of the consent decree as the vast majority, large and small, are getting into the battleground against the contemplated basis of the Government suit settlement. This includes large exhibitor associations, national as well as local.

Allied States Assn. has indicated it prefers the Neely bill, while the Motion Picture Theatre Owners of America and other exhib bodies are right against the decree, principally so far as small block-selling is concerned.

Ed Kuykendall, president of the MPTOA, states the following:

'Any attempt to enforce selling of pictures in blocks of five without a cancellation clause would destroy what exhibitors have contended for for many years and work serious hardship on small independents. The MPTOA will bitterly oppose such a consent decree as unfair regulation and will be joined by all thinking exhibitors regardless of affiliation.'

Kuykendall also advised that the Southeastern Theatre Owners, holding its convention last week in Jacksonville, passed a resolution to this effect. Other territorial associations have done the same or are carefully studying the consent decree.

The Par partners, many of whom conferred on the consent decree in Atlantic City and later in New York, have all gone to their respective territories excepting Julius Gordon, head of the Jefferson string in Texas. Gordon remains in New York another week but mostly on film deals. E. V. Richards, who had his yacht anchored off Long Island, headed it back south over the weekend.

Understood the Par partners made no effort to launch an organized move, with them by going to the chains of other major companies, though reported Lasker, RKO, and Fox and Warner Bros. are closely studying the consent decree and may join the opposition any minute.

The department during the week disclosed it welcomed suggestions concerning the proposed decree from any interested person. This applies not only to the small and large exhibitor groups, who have been

ceiving reports of events as they happen, but parent organizations, etc., who have shown an interest in the proceedings.

It is not considered probable, however, that the actual advice of laymen will be accepted and utilized by the government, but any helpful suggestions will be gratefully accepted. Actual drawing of a final decree may not happen till the end of August. It will first be necessary for government representatives to submit their recommendations to Robert Jackson, attorney-general, and Thurman Arnold, head of the anti-trust department for approval. It is likely that these men, having just a surface knowledge of the intricacies of the business, will then consult the complaining exhibitor groups as to their reactions, all of which will take considerable time. It has also been comparatively well established that any thought of making a decree retroactive to this year's selling season has been abandoned, and only those provisions of it which will not create chaos would be placed into immediate effect with the balance waiting for the 1941-42 season.

Admission Sales

Continued from page 95

whether established prices (net) to the theatre should be increased, whether, here and there, they should be dropped.

So far, the distributor is concerned, assurance as to what prices are going to be—where they haven't already been changed—is of very vital importance and he (the distributor) holding off on deals in many cases for this reason.

The scale of percentage under sharing deals, with splits, is dependent upon the scale charged. So are various other conditions under the contract relating to the terms and the manner in which the pictures are to be shown.

Any great disruption of the scales changes the entire picture so far as clearance is concerned. In other words, if the difference in scale between two houses gets too narrow, then protection must be taken into account depending on what the scale setup is in any given situation or zone, the protection may have to be lessened, or it may be lengthened. In territories where there is a state tax and 20c houses have to bear it for the state, it is problematical just how much the balance on clearance may be disturbed. One house may increase the scale, setting too close to the theatre up front which chooses to remain at the same range of prices. Theatres may also juggle their prices, now that the new taxes are imposed, with a view to getting a better break on clearance.

Watching B.O. Action

No doubt exhibits will decide on their prices for the fall and coming season in the light of experience since July 1, when the new Federal levy was tacked on. Whether the public has been willing to pay the price, with the bulk of business not declining because of the extra penalties since July 1, whether the gross has been affected, will have a bearing on what is to be done. The trend is being closely watched.

In one territory where there is a state tax, the Independent Theatre Owners of Ohio is seeking to get a line on the situation. It is sending a self-addressed card to exhibitors asking for information on the subject.

Exhibits in Ohio have been mailed the following:

'This office would be interested to learn how the theatre-going public has reacted to the increase in admission prices due to the change in the Federal admissions tax law beginning July 1. I enclose postcard which is self-explanatory and, if enough of them are received back, it will give us a line on how the increase in admission price has affected the box-office. It is not necessary to sign the card.'

'We realize that this was a very inopportune time of the year to increase admission prices but we feel confident that, if Ohio theatre owners have the patience to stand by their action in adding the amount of the Federal tax, plus extra penny to take care of the Ohio State 3% admissions tax, by fall the public will pay the increased prices uncomplainingly. We therefore urge exhibitors who raise their prices on July 1, to think twice before they drop their prices back again to where they were before the tax became effect.'

The card sent by the ITO of Ohio to exhibitors asks the prices in effect prior to July 1, the prices in effect now, and how has it affected your intake?'

FILM BOOKING CHART

(For information of theatre and film exchange bookers VARIETY presents a complete chart of feature releases of all the American distributing companies for the current quarterly period. Date of reviews as given in VARIETY and the running time of prints are included.)

COPYRIGHT, 1940, BY VARIETY, INC. ALL RIGHTS RESERVED
Rev. in Var.—Reviewed in Variety Key to Type Abbreviations R. T.—Running Time
M—Melodrama; C—Comedy; CD—Comedy-Drama; W—Western; D—Drama; RD—Romantic Drama; MU—Musical

Table with columns: WEEK OF RELEASE, Rev. in Var., TITLE AND COMPANY, TYPE, TALENT, R. T. Rows include films like 'LONE WOLF MEETS LADY', 'THE PHANTOM RIDER', 'THOSE WERE THE DAYS', etc.



AUG. 5TH

SEA HAWK

TRADE SHOWS

Not just to exhibit the
strongest attraction
yet created, but to
exhibit the power of

WARNER BROS.

in the American
exhibition market

ERROL FLYNN

'THE SEA HAWK'

with

BRENDA MARSHALL

CLAUDE RAINS

Donald Crisp • Flora Robson • Alan Hale

Directed by **MICHAEL CURTIZ**

Screen Play by Howard Koch and Saton I. Miller

Music by Erich Wolfgang Korngold

A Warner Bros. - First National Picture

42d St., 6th to 9th Aves., New York

Theatres	Type Shows	Policy	Changes Weekly	No. of Duals
Pix	Film	Plans: Duals	2	4
Cameo (Dark)	Film	Duals	2	4
Republic	Film	Duals	2	4
Lyric	Film	Duals	3	6
Times Sq.	Film	Duals	3	6
Apollo	Film	Duals	1	2
Selwyn	Film	Duals	1	2
Eltinge	Girlie	Duals	2,3	4-6
Liberty	Film	Duals	2,3	4-6
Harris	Film	Duals	2,3	4-6
Times	Film	Duals	2,3	4-6
New Amsterdam	Film	Duals	2,3	4-6

Wallack's (being rebuilt)

1,768-2,184 Different Bookings a Year For Polyglot 42d St.'s 9 Filmieries

There's no street like it in America and no three-block span that can match it. Within the three blocks there are nine pictures theatres in operation which change programs 12 to 21 times each week, meaning that many different audiences. The number of features played range from 34 to 42. With everything on the market burned up, plus reissues, and the shifting of product, it figures to 1,768 to 2,184 different bookings on the year, for just three blocks of street.

It is west 42d street in New York from 6th to 9th avenues, which is so cluttered with marquees—marquees, in turn, being also cluttered—that the sign men reap a harvest making the necessary changeovers. Taking in the one theatre that's closed, but will reopen in the fall, the Cameo, as well as the two girlie houses, the three-block stretch is dotted with total of 12 houses. Most of them were former legit, now converted into cheap grinds ranging from 10c up admission price.

Quantity Aspect

While two of the 42d streeters stick to double bills, changing just once a week, the others among the nine film beaneries in operation change either two or three times each week, booking almost anything that can be obtained. Where no set schedule exists, it is due to the quality of product available and, if there are to be three changes, to the quantity. But three of the nine dozen houses are within the confines of one block, from 7th to 8th avenues. The Pix, a dualer, using four films a week on two changes, is to the east in another block, is the Cameo. Latter, undergoing renovation, will open at the end of the summer with duals. Beyond 8th avenue is the Times, an oldtime grind which also plays double bills. Nearby, the Wallack's, formerly a legit stronghold, but latterly grind house, is being torn down. Max A. Cohen announced he will build a new house on the site.

On the fringe, barely around the 42d and 7th avenue corner are two other filmers, the Rialto, a weekly change, and the old Stanley, a dualer. The Grand Bros., the Cinema circuit (Max A. Cohen), Consolidated Amusement Enterprises and other independent interests are within this stretch, all fighting a pitched battle to get along. The booking itself is no mean job when it is considered how many features must be obtained to keep the grinding mills of the street going.

Audiences are polyglot, white as well as colored, the majority male. Old 42d street has 60,000 feet, a pretty tough stretch from Broadway west, and women who don't belong there generally stay away. However, many of the operations are well managed and the theatres kept in good order, although in some and all preponderant note at nearly all is honky-tonk.

Strand, Newburgh, N.Y., Former Ops Bankrupt

Miller & Sherry Enterprises, Inc., formerly engaged in operating the Strand theatre, Newburgh, N. Y., filed a voluntary petition of bankruptcy in N. Y. federal court Saturday (27), listing assets of \$51 and liabilities of \$7,450. The theatre has been closed since May 29, 1937. Creditors include: the Berinstein Newburgh Corp., landlords, owed \$2,000 on the remainder of a 10-year lease; Harry Friedman, stockholder of Orange County Theatre, Inc., owed \$3,000 on promissory note; and Orange County Theatres, Inc., operators of the Academy, Newburgh, \$1,850 on a loan.

Nearly 500 Films Will Have Shown at N. Y. Fair

Although fewer motion pictures are being shown at the N. Y. World's Fair this year than in 1939, the total shown or scheduled for screening before the exposition ends next fall is nearly 500, according to Claude Collins, head of the motion picture department of the fair. Though fewer than last season, quality and manner of exhibition is better than in 1939.

Fair survey lists 368 pictures being screened in foreign pavilions, 321 being in 35 millimeter with sound and 47 of 16-mm. gauge, part sound and part silent. State buildings take care of 28 others while industrial exhibits show 73 others.

Outstanding film continues to be "Land of Liberty," the film industry's main contribution to the fair which is being shown again in the Federal bldg. Another outstanding picture is "In Tune With Tomorrow," three-dimensional color short, displayed in the Chrysler exhibit. This season, a little theatre has been added to the Ford exhibit where facilities also large enough for a ballet production as well as projection of the color short, "Symphony." Another addition is the new auditorium, the World of Fashion building.

The Fair's Little Theatre in the Science and Education bldg. has been nearly completely rebuilt to enhance the scenic and technical WPA bldg. also has an auditorium for film projection. U. S. Steel is showing "Men Make Steel" in its new auditorium seating 200.

Local Burnups At Growing Pop Sales In Lobbies

Chicago, July 30.

Avarice of theatre owners, accused of killing the goose that lays the golden nugget, is causing a public and official reaction against exhibitors who are turning their lobbies into drugstores by cluttering the joints with ice cream dispensers, soft drink machines, popcorn machines and other types of carnival gadgets.

Sale of candy has always been recognized as a legitimate item on the part of the exhibitor. It is basically an accommodation and service to the patrons. Candy canisters or dispensers occupy little space and are completely safe. But in recent years, exhibitors, eager for extra pennies, have been adding machines and gadgets to their lobbies to sell everything from chewing gum to ice-cream on a stick.

This has brought about, first, a flood of complaints from merchants who regularly make their living selling soft drinks and ice cream. They feel that in selling these items, theatres are encroaching on their territory. Merchants flatly oppose the sale of drinks, popcorn and other items, most of which have to be manufactured right in the lobby.

Latest complaint is understood direct from the Coca-Cola people which has felt its good-will and standing in the community are being sacrificed by theatres trying to fool the customers with allegedly inferior cola drink. Some exhibitors are "hugged" with using Coca-Cola machines in dispensing other types of cola drinks. Other exhibitors who are using bulk machines have gimmicked them to dilute the Coca-Cola extract below the proper proportion resulting in a loss of prestige and good-will for Coca-Cola. What money Coca-Cola makes from theatre lobby sales is negligible against the money received from more legitimate and recognized outlets.

In fact, there is a general investigation understood being conducted against the use of any type drink machine which uses carbonate gas in lieu of the reported dangers of such gas exploding or escaping in a crowded theatre. Both the Underwriters and the fire departments are reported as giving the matter close consideration which may result in a general ordinance prohibiting the use of any carbonate drink machines in theatres.

Authors' Agents Increasingly Technical Over Television Rights

Bit of Gun Play, Too

Hollywood, July 30.

Walter Brennan plays the part of Al Jennings, train robber, in the Boris Morros production, "The American Vagabond," for Paramount release.

Story deals with the career of O. Henry, with Douglas Fairbanks, Jr., in the top role. Shooting starts in October, with H. C. Potter directing.

WB Net Profit For 3 Mos.—\$2,450,713; Equals 58c A Share

Warner Bros. net operating profit for first 39 weeks of the fiscal year, ended May 25 last dipped only \$401,473 as compared with the same period of the previous year. Company showed \$2,450,713 as against \$2,912,186 for the comparable three quarters of last year, after deducting all charges including amortization, depreciation and Federal income taxes. This is equivalent to 58c on the common against 70c for the 1939 three quarters.

Net profit before these deductions amounted to \$7,213,880. Gross income, after elimination of inter-company transactions, totaled \$76,375,905 while comparable gross last year amounted to \$78,387,001. Warner Bros. reported that a net credit of \$162,922 was made directly to earned surplus during the period.

Company showed \$327,000 as reserve for contingencies carried over representing 100% of net assets in foreign territories where the assets exceed the liabilities. Deferred foreign exchange credit, carried as a liability, is listed as \$498,760 while remittances from foreign subsidiaries, held in abeyance, totaling \$411,028 also were listed as liabilities.

Warner statement showed 3,801,344 shares in common outstanding, valued at \$19,066,722, and 103,107 shares of preferred outstanding valued at \$5,870,885.

K-A-O Fid. \$1.75 Divvy

Keith-Albee-Orpheum directors last week voted \$1.75 per share dividend on convertible preferred shares to cover the quarter ended March 31, 1939. Divvy payable Oct. 1 to stock on record, Sept. 16.

Distribution paid out of operating surplus. Company cleared up all but \$15,750 on preferred, as of June 30 last, as result of this dividend.

GTE Net \$408,318

General Theatres Equipment net profit is running about \$200,000 ahead of last year the first six-month report issued last week reveals. For first six months ending June 30 last, company net was \$408,318 as against \$228,230 for the first half of 1939.

General Theatres June quarter net was \$195,837 as compared with \$182,686 of the same quarter. Net was figured after depreciation, Federal taxes and other charges.

Readying Film Industry's 'Liberty' Pic for Market

Francis Harmon, head of eastern production code division of the Hays office, is currently in Hollywood building with Cecil B. DeMille regarding cuts and revisions to be made on "Land of Liberty," the Cavalcade of America and history of the motion picture business. This being done for general release with Metro already designated to handle actual physical distribution. "Land of Liberty" is the feature production compiled by the Motion Picture Producers & Distributors Assn. with the personal supervision of DeMille, Harmon and Arthur DeBra and with the cooperation of all companies in business. It was prepared for showing at the U. S. Federal Bldg. as the film industry's contribution to the exposition. Picture has been playing again this year at the same spot to capacity bit.

Revisions in the picture doubtlessly will include angles of the nation's preparedness of the year. Picture was made from outstanding historical pictures during the industry's existence, with identifying titles and sound track added for explanations.

Picture companies are beginning to face stiffer opposition from authors and agents on the question of exactly what rights go with the purchase of the privilege of filming a book or a play. Group of literary agents has had several meetings recent weeks to lay out a unified policy, while one top job, even so far as to send a circular letter to film companies last week informing them that in the future rights sold by him will be more limited.

In principal dispute are television and sequel privileges. Contracts have long been a matter of argument, several w.k. authors having engaged in celebrated battles with Warner Bros. over them. Visio is new, of course. Couple years back nobody bothered about television rights when contracts were signed. Now they are said to be plenty valuable, and agents and film companies feud over them virtually every time a book or play is sold.

Other less important rights involved are radio, television from the stage of a theatre, abridgement, syndicate and remake.

Struggle Not So Successful

On the whole, struggle by agents and authors to preserve for themselves as many allied rights as possible when they dispose of works of film studios has not been entirely successful. What they are able to hold depends greatly on how badly the company wants the property, how much competition there is for it, and how tough a fight is put up by the agent or the author's attorney.

Best that any author has yet been able to achieve is some sort of compromise. In most cases, however, even with properties by name writers, film companies get all the affiliated rights. This is always the case with lesser-known authors, who hesitate to jeopardize a sale in any way when a studio attorney declares: "Okay, if you don't want to give us television and sequel rights, you'll need to your books somewhere else."

Inasmuch as the picture producers operate in a buyer's market, agents and attorneys for writers virtually always back down if the going gets tough. Even the agent who last week sent out the circular notice was not so adamant in his policy when telephoned by an exec of the largest of the majors and queried about it.

Best compromise that has been achieved by an author to date on television rights is an agreement that the film company will take an option to pay at any future time, sum equal to the offer of anyone else.

Equal Rights

Success of preserving sequel rights varies considerably, but usually they go along with the original sale. Best-known battle in this regard was that of Fannie Hurst against Warner Bros. over the use of characters she created in the mag story, "Sister Act," which appeared on the screen as "Four Daughters." Despite the WB claim that by its picture version it was an independent sale as the author in building up the characters, an agreement was reached by which she got additional royalties. Booth Tarkington raised a similar fuss over a studio-written sequel to his "Penrod." This is still pending and may result in a court decision on the matter.

In regard to radio, contracts usually give the studio the right to use a character in the exploitation purposes within a set time of release of the film.

On remakes, there has never been much doubt but that the film company is entitled to this right without extra compensation to the author. However, a new angle has arisen in the past few weeks of a picture now in production and it is understood a court test may result. Dispute grows from the producer's claim that he is filming a remake, while the author maintains events have been changed which actually make it a sequel.

Contracts covering sale of literary or dramatic material for films contain some standard clauses demanded by the Authors' League and Dramatists' Guild, but the majority of points vary from pact to pact, being arrived at by negotiation between the parties.

Lillian Russell

Continued from page 106

daughter, Dorothy Solomon, on whom to lavish her affection.

Harry Brahm died in January, 1938, at the age of 78, survived by a widow, Edna, four sons and a daughter. In 1879 he was musical director of the Opera Bouffe Extravaganza Co., producing "H.M.S. Pinafore," in which Miss Russell appeared in the chorus. Two months after this chorus engagement, states the N. Y. Herald Tribune of Jan. 18, 1938, Miss Russell married Brahm, but same account stating, "Mr. Brahm obtained a divorce from her on May 6, 1884, naming as co-respondent Edward Solomon, who married Miss Russell four days later." Miss Russell's son, Harry Brahm, Jr., died at the age of nine months.

The Herald Tribune story, of Jan. 16, 1938, adds that Miss Russell was 18 years old when she married Brahm, and "was separated from Solomon, her second husband, in 1886. In 1894 she married John Chatterton. . . . This marriage lasted four months. . . . Her last marriage was solemnized in 1912, when she became the wife of the late Alexander Moore. . . .

I have, as a personal hobby, a great many rare photos of Lillian Russell, showing the famous beauty throughout her career, from her appearance, as a slender girl, in the chorus of "Pinafore," until she was a still beautiful, though decidedly portly matron in her 50's. The movie, purporting to cover her career, not only omits two of her husbands, but confuses periods and episodes, irrespective of lapses of 15 to 20-year gaps.

Film's Song Came 20 Years Early

Before she made her debut, at Tony Pastor's in 1880, she was shown singing "My Evening Star" for her father, and captivating Mr. Pastor, who listened from over the back-fence. As a matter of fact, Miss Russell first sang that song (which we veteran first-nighters recall with considerable sentiment and nostalgia) when with Weber and Fields, in the early 1900's, more than 20 years later. In another very early stage appearance, in the "Lillian Russell" movie, the star is shown, in what

seems to be a Tony Pastor production, with its crude footlights, etc., singing, "Rosie, You Are My Posey." This song was never Miss Russell's number at all, but was introduced at Weber and Fields by the late Fay Templeton, with whom the popular ditty was long associated. I remember it was among the Weber and Fields' songs sung at the funeral of Peter F. Dailey.

The Hollywood producers need not have jumped a whole generation, and, instead of having Lillian Russell sing "My Evening Star" and "Rosie, You Are My Posey" (songs-hits of the early 1900's), in 1880, they could have revived the songs that Miss Russell actually warbled at her debut at Tony Pastor's (which was then situated not 14th street, where it moved years later, but on lower Broadway, opposite old Niblo's Garden). At her debut Miss Russell sang "The Kerry Dance" and "Twickenham Ferry," along with other ballads of a like nature, which are still quite charming.

Omits London Operettas

It was in 1884 that Miss Russell first appeared at the famous old Casino Theatre, on Broadway, opening in "The Sorcerer," following with "The Princess of Trebizonde." It was during that engagement Miss Russell married Ted Solomon, in Hoboken. As suggested in the movie, Miss Russell and Solomon went to London, but the movie does not mention her two appearances there in operettas written by her husband, "Virginia," and "Polly." Nor is the dramatic incident even hinted at of Solomon being claimed, while London, as husband of Lillie Grey, a music-hall singer. Instead, the movie shows Miss Russell starring in London in a Gilbert and Sullivan opera, but interpolating a song written by Solomon, and wearing a costume of a type not introduced until 20 years later, with a strapless bodice.

Back in America, Miss Russell joined the Duff Opera Co. in 1886. I have photos showing her in the curious stellar roles, "The Grand Duchess," "Giroffe-Giroffa," "Princess Nicotine," etc., during those years. She married Perugini, her leading

man, in 1894, and, strangely enough, returned to Hoboken for her third marriage, although Hoboken had not brought her success with her second.

"Diamond Jim" Brady is shown, in the movie, escorting Edna McCauley to the opening night at Weber and Fields, during Miss Russell's first appearance with this immensely popular team. (I had seen Weber and Fields at Keith's Union Square theatre, before the Palace was built, "away uptown in Longacre Square." And I laughed and cried at their brief appearance in the picture. They were delightful in 1900, and they captivated the audience in 1940, perhaps making the hit of the show.) I knew both Mr. Brady and Miss McCauley, whom he constantly escorted, during many years, at the time Jesse Lewisohn constantly escorted Miss Russell. In the movie, Lewisohn calmly informs Brady he is in love with Edna, and wants to marry her. Brady wishes Lewisohn "good luck," and Miss Russell also seems quite calm, when likewise informed. As a matter of fact, we all believed that Miss Russell and Brady were both flabbergasted when Lewisohn and Miss McCauley eloped, and sailed for Europe, and Mr. Brady is reported to have taken an ax, smashed through the furniture in his bizarre home, on the upper West Side. He was also reported to have taken Miss McCauley's magnificent diamond brooches, bracelets, rings, etc., from her each night, when they got home, and locked them in a safe, the combination of which she never knew. I met Lewisohn and his bride that summer, in Paris, and they seemed very happy. Later he died, and she inherited a fortune. She remarried and also died. (Edna McCauley Lewisohn was tall, and was known as "Big Edna" to differentiate her from "Little Edna" (Edna May, star of "The Belle of New York," who had married Oscar Lewisohn, Jesse's brother.) Edna McCauley Lewisohn died Mrs. Arthur W. Fox.)

Dorothy Russell Solomon

Dorothy Russell, child of Lillian Russell and Ted Solomon, is shown in the movie as a baby, and as a small child. Dorothy Solomon first married the late Abbot Einstein. She divorced Einstein, and, in turn, divorced Robin Dunsmuir and Edward J. O'Reilly, before becoming Mrs. Calvert. Many people credit Dorothy Russell with great courage,

Inside Stuff—Pictures

U. S. representative of a newly invented Dutch projection machine, in New York when the Nazis started driving through Holland, still doesn't know his exact status nor who is running his company. Rep has received no word from his office since the German push began.

Machine is reported to be equipped so that two magazines are used on a single one and no carbon lights are needed. It originally was put out by Philips, Holland's No. 1 radio manufacturer.

Picture fans among delegates to the convention of the Wisconsin State Dental Society in Milwaukee got something of a jolt when Dr. William Yehé of Minneapolis told them the beautiful teeth of the glamour girls in the films are inducing an increasing number of other women outside the flickers to have their teeth rebuilt.

Haviest exploitation campaign in months is about to break at 20th-Fox where Herman Wobber, sales chief, has okayed a lavish budget for four pictures to lead off the 1940-41 releases. Films are "Maryland," "The Return of Frank James," "The Great Profile" and "Brigham Young".

Annual meeting of Pathe Laboratories stockholders set for July 23. Initial financial statement covers the first year's operations probably will be issued this week.

in the face of accidents and unfortunate experiences, and she still bears some resemblance to her beautiful mother. She has been involved in various lawsuits, and expressed astonishment when her last step-father, Alexander Moore, bequeathed \$100,000 to the Queen of Spain! At that time, Spain was still a monarchy, and the Queen declined the gift (though she would perhaps be glad of it today).

The Herald Tribune of July 28, 1934, had a story from Pittsburgh, stating that one of Lillian Russell's jewels, a flawless emerald, valued at between \$50,000 and \$75,000, was in the possession of Dorothy Russell, seven years after Moore had given it away, as a betrothal ring! It was returned to Dorothy by Dorothy Benjamin Caruso Ingra Holder, former wife of Enrico Caruso. Mrs. Holder broke her engagement with Moore.

After leaving the Roxy theatre, I read the morning papers. The News gave a good notice to the picture, and The Mirror gave a poor one. Today I read the reviews in The Times and Herald Tribune, both of which were uncomplimentary, and with which I heartily agree. But all these reviewers seem to be quite naturally, of the younger generation, so that "Lillian Russell" ap-

pears to them as a sort of "legend." But we old playgoers, and I, as a veteran first-nighter, feel keenly about the poorly-written, poorly-acted production, for a veritable halo of sentiment and nostalgia hovers in my memory for Miss Russell.

And, let me add, in closing, that although the movie production bent over backwards to make a "Pollyanna" out of Miss Russell, no hint was even suggested of the innumerable kind and considerate things she did, throughout her career, for people less fortunate than herself. Old members of the Weber and Fields company still speak of her most tenderly, and I have never heard anyone speak of her otherwise.

[Random House just brought out "Lillian Russell" (The Era of Plus) by Parker Morell, author of "Diamond Jim Brady," which book seems to have been originally tied in with the 20th-Fox film. Specific plans to have the book adhere more closely to history, as Mr. Seton above details. The studio recognized its cinematic liberties. Seton, incidentally, a former VARIETY staff contributor, is an authority on American theatre history. He has been in semi-retirement in New York for some years.—Ed.]



BERT WHEELER

ASSISTED BY

HANK LADD

AND

FRANCETTA MALLOY

Currently at LOEW'S STATE, NEW YORK (WEEK JULY 25)

Week August 16—MICHIGAN THEATRE, DETROIT, Followed with the CHICAGO THEATRE, CHICAGO, Week August 23

Personal Manager — LEO FITZGERALD

Personal Appearance Tour Booked by JACK DAVIES and MILTON BERGER

Pitt. Gets New WB Exchange Bldg.; Nyberg Named Head Booker in Det.

Pittsburgh, July 30. WB-First National will soon start erecting new, modern, streamlined two-story building here to house its Pittsburgh branch office. Jules Levy, of WB real estate department in New York, was in town last week and closed deal for property in heart of Elm Row, construction to start immediately. Spot to be ready by Dec. 1 at latest. At moment, WB-FN occupies single floor of Elm Row building, and is the only major with its own up-to-date headquarters locally.

Mike Shapiro and Archie Fineman, local circuit operators, just awarded contract for remodeling of Sheraton Temple. Sheraden, into modern house to Branch outfit. First floor, dance floor and bowling alley are being dismantled to make way for 700-seater, with second and third floors being reserved for dining. House will be called the Temple. To eliminate competition. Sheraden actor, Shapiro and Fineman recently acquired New Sheraden from Charles Philbrook, whom they have retained as their manager.

J. A. Angros building new 500-seater at Coudersport, Pa., ready by middle September.

First drive-in theatre in this district now under construction next to the New Penn, night club, only minute away from South Park, one of busiest spots in county during the summer. George Davis, 1st state circuit exhibitor, behind the project, expects to begin operations within the next couple weeks. Several drive-ins announced hereabouts in past few years but none ever materialized.

Joseph L. Fecheck, who has been associated with Matteo Faenza's Republic and Bentville theatres since 1910, has resigned to take over the Columbus chain at the Menlo, Charler, Louis Stuler, formerly manager of the Ross, Carmichaels, Pa., is Faenza's new booker and manager. One of oldest drive-in picture fields here, Mark Brower, started a nickelodeon back in 1907, has announced his retirement from the field with leasing of his Roosevelt in the Hill district to the Mervis Bros. Reports have it, however, that he's already dickering for new property.

Ritz, Indpls., Foreclosure Suit

Indianapolis, July 30. Suit was filed in Superior court here against the Indianapolis Ritz Theatre by Mr. and Mrs. Oscar Markun, property owners, asking immediate possession of the Ritz, rent house at 34th and Illinois. Suit charges that rental of \$85 a month had not been paid for June and July. Charles Olson, operator of the Lyric and Olson Enterprises, operating the Strand, Ritz, St. Clair, Uptown, and Oriental, had filed application for a receiver for the Ritz Company a week ago. Defendants named in the suit were Oral C. Stewart, receiver; Charles M. Olson, the Ritz's sole holder; Jean D. Marks, and William A. Brennan.

The chain of nabes in which the Ritz was included in a deal with Roy Bar, a little over a year ago. While Carl Niesse, operator of the Vogue, was employed as general manager by Olson, his theatre was also included in the foreclosure combine, but Niesse left Olson's employ about six weeks ago.

Nyberg Moves Up

Detroit, July 30. Larry Nyberg is new head booker of the Midwest Circuit and manager of the Majestic, the theatre owned by Frank E. Stuart, who has resigned. Other changes brought about by Stuart's departure move George Mitchell from the Forest to the Garden, spot formerly held by Nyberg, and Buddy Graham to the Forest. All three houses are of the Midwest chain.

Kolno Leases B'lynn House

A long-term lease has been taken on the Kent, B'lynn, which will be ready for opening at the end of this week, by the Kolno Theatre Corp., headed by Leon Storch. House seats 600 and is situated on Coney Island avenue. Owner of the property is the Kog Realty Corp. of Brooklyn. Lease was made through Berk & Krumgold, theatre realty specialists in New York.

Smith's New House

Wells, Texas, July 30. Mr. and Mrs. O. L. Smith, owners of the Alto, at Alto, Texas, constructing new house here.

Spinks-Eisner's Takeover

Los Angeles, July 30. Barry Spinks and George Eisner bought the Valukis theatre in Willowbrook, Cal., from Frank Valukis. B. A. Reif took over the Drive-In theatre in Tucson, Ariz. Both houses

will be represented by Exhibitors Service, Inc., along with the new Beaumont and Atwater theatres in L. Bernard J. Leavitt, operator of El Miro for years, bought the property from Herman Sims. Purchase price around \$75,000. Fred Bull opened film house at Camp Holcomb, near San Diego, to entertain the marines stationed there. Admission 15c.

\$20,000 Fort Stockton Fire

Fort Stockton, July 30. The Grand here was partially destroyed by fire last week with an estimated damage of \$20,000, as reported by Walker Buenger, manager. Loss partially covered by insurance.

Shacker's New House

Edmonton, Alberta, July 30. New Varosona theatre just opened in Edmonton by J. F. Shacker, owner and manager, capacity, 800, managed by Ralph Shacker.

Gerbrach City Manager

Jerry Gerbrach, Charlton, Ia., theatre manager, named city manager of the Ames Theatre Co., Ames, Ia.

N. O. Imperial Reopens

New Orleans, July 30. Dark for sometime during which it underwent a thorough remodeling inside and out, the Imperial, nabe, has reopened, R. J. Brunet owner-manager.

Variety theatre, vaudeville, closed last week. Owners plan to convert spot into nitery.

St. Landry Theatres, Inc., Friday (26) purchased the Delta theatre at Bunk, La., for a price reported at \$20,000.

D. C. Parley

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ber of the Guild for a period of not less than two yrs. This is to prevent special members from coming into the Guild and immediately transferring to Class B membership to be entitled to accept extra calls. The books on Class B membership are now closed.

The executive committee of the Sciences Branch of the Academy of Motion Picture Arts and Sciences has appointed the following section chairman: Thomas Moulton, sound; Harold McCord, film editors; Peter Mole, equipment; Jack Otterson, art directors; and Ray Wilkinson, photographer.

The Screen Set Designers has elected one new member to the board of directors and rejected two old members. Carl Denny succeeds Frank Durlauf, who resigned after devoting two years to board work. The two members rejected are Nick Kabush and Roland Hill. The designers also have elected Ed Gilbert, Frank Dridik and Paul Murphy to represent them in the Hollywood Guild Council.

The Screen Office Employs Guild, which claims to represent 1,800 studio white collar workers, has called a general membership meeting for Aug. 6 to discuss a proposed contract with the major film companies. The SOEG now has a petition pending before the National Labor Relations Board for certification as collective bargaining representative for all studio clerical workers.

The Screen Publicists Guild has appointed George Thomas and Leon Bergson to act as coordinating committee between the SPG and the New York Publicists Guild. They also will handle plans for a convention of the two groups to be held here in August.

Define Artists' Status

The status of studio scenic artists will be decided tomorrow (Wed.) at a hearing to be conducted before the National Labor Relations Board. The Moving Picture Painters Local 644 is asking certification as bargaining agent for the scenic artists, but an intervenor has been filed by the Scientific Artists Association, Inc.

A group of 25 studio title writers have filed applications for membership in the Moving Picture Painters Local 644. The title writers formerly were associated with the Society of Motion Picture Artists and Illustrators, but felt they would have more chance of getting a satisfactory deal with the Producers if they switched to the Painters group. Several other groups, including the Entertainment Photo Artists, are now considering a similar switch.

NYACK NABE SUING ON UNFAIR CLEARANCE

On Aug. 13 20th Century-Fox will apply in N.Y. federal court to dismiss the River Theatre Corp.'s anti-trust action. Other co-defendants are Skouras Theatres Corp., RKO Radio, Columbia Pictures, Warner Bros., United Artists, Vitaphone Corp., Universal Corp. and Big U.

Plaintiff, operator of the Central theatre, Pearl River, N.Y., claims that result of alleged "excessive clearance" granted the Skouras theatre in Nyack, N.Y., the Central has been losing \$200 weekly for four years, and has been driven to the position of "junk house." It is alleged that prior to Skouras's entry into Nyack, miles from Pearl River, the Central played the defendants' films days after a Broadway showing. Now the Central is exhibiting its pictures 52-70 days behind the Nyack houses.

Suit seeks the end of the "unreasonable clearance," and a return to the seven day clearance previously given the Central.

11 Different Unions In On N.Y. Fair's 'R.R.' Show

Railroads on Parade, pageant presented four times daily at the N. Y. World's Fair by the Eastern Conference of Railroad Presidents, is operated by 11 different unions with four others unofficially represented by actors working under Actors Equity and Chorus Equity banners. Show, 100% unionized, with nearly 300 in the production and backstage.

Fact that nearly every phase of show business is handled in presenting "Railroads on Parade" is responsible for its large number. Additionally, the Brotherhood of Locomotive Engineers has created an organization of a local branch of the Women Flyers of America. She is founder and president, and Ruth Haviland, ex-transport pilot, is treasurer of the group which has enlisted 200 N. Y. gals now in training.

Besides Chorus Equity and Actors Equity, which takes in all performers, narrators, unseen singers and spars, acting is handled by operatic union group in Local A, IATSE, makeup and hairdressing by Seenic Artists No. 829, wardrobe by Theatrical Wardrobe Union, special carpentry by United Brotherhood of Carpenters No. 1,663 and music by Musicians' Local 902, AFM.

Equity groups in members of SAC, AFRA, ACPA and AGMA, but Equity covers them in this show since jurisdiction was accorded the actors' and chorus union.

Studio Contracts

Hollywood, July 30. Paramount picked top William Mellor's career as tip. Eddie Bremer optioned for four more pictures at Paramount. RKO hoisted Fay Wray's option. Dean Jagger inked new pact at 20th-Cox.

Nell O'Day drew a player ticket at Universal.

Reynolds signed Dennis O'Keefe for two more pictures.

Sato Had'n drew a new player contract at Metro.

Charles Holland, Negro tenor, inked a pact at Metro.

'Hornblower' Sans Flynn

Hollywood, July 30. Errol Flynn, normally assigned to star in "Captain Horatio Hornblower" at Varner's, has been withdrawn from the spot. Studio is looking for another name player to fill the vacancy.

"Hornblower," first published as a magazine serial, cost \$45,000.

Mad. Sq. Garden Off

Net profit of Madisch Square Garden Corp. declined about \$25,000 in the fiscal year ended last May 31, as compared with the previous fiscal 12-month period, according to the statement issued last week. Company showed \$376,362. \$1.40 per capital share for the fiscal year ending last May, compared with \$411,357. \$1.50 a share in the preceding fiscal year.

Despite this small dip in revenue, cash on hand rose to \$867,104, against \$853,227 year earlier. Report showed only \$243,231 current liabilities, as compared with \$200,025 a year ago. Operating revenues decreased nearly \$194,000 in the period covered by the report.

Showfolks on Airliners

Continued from page 92

pairs of Australian love birds, pair destined for Lopez and others for Mayor LaGuardia and Eddie Rickenbacker.

Ordinarily the birds go no higher than a treetop, but their 20,000-foot altitude left them lively and healthy. Mrs. Adams said.

On the same flight arrived George Raft to open his two weeks of personals at the Strand Friday with "I Drive My Boy." Making Gray's opening "Killer" Mack, Gray was in the Raft's show. Asked to pose in a line at the Everest tail of the stratosliner, Raft did, but quickly covered his eyes with one hand and quit. Those eyes that have looked blinkingly into many a Klieg light, couldn't stand the sun glinting on the silver wall of the ship's tail. The actor's next pic will be "South of Suez" and he'll have to rush back to the Coast after the Strand walk-ons.

Fishing. Franchot Tone, wearing a new and diaphanous moustache, hopped out on the Canadian Colonial Airways afternoon ship to Montreal Wednesday (24). Said he was going to join his father for a two-week fishing trip.

Not too chatty when approached by reporters, he yipped: "I want to give my face a rest, when he was asked if the moustache was for personal or professional use.

Fighter

Chelle Janis plans to become a fighter, if the defense of the country needs her. The ex-woman manager of Loew's Ziegfeld who specialized in lessons in French, afternoon tea for Westchester and Jersey's matinee-free ladies, was one of a group of women who flew United to Philadelphia last week to assist in the organization of a local branch of the Women Flyers of America. She is founder and president, and Ruth Haviland, ex-transport pilot, is treasurer of the group which has enlisted 200 N. Y. gals now in training.

Party

Jimmy Dorsey and 18 others of his band flew to Houston, Texas, last week to play for the 21st birthday party of James Gardner, Jr., son of the oil magnate. They went out on a chartered American airliner and got back three days later. The job paid the \$3,500 and the charter cost \$3,500, paid by the lad who just reached the legal age of reason. James Roosevelt, head of Globe Productions which has "Pastor Hall" under wing, said the Nazi expose film will be premed in N. Y. early lease. He went out to Chicago Tuesday night after making wrenching his airlines by taking reservations on United's 8:15 a.m. American's 5:10 and 5:30 p.m., and TWA's 6 p.m. He made the UAL ship.

Odds

Radio shows that build programs on oddities dug up in the sticks are finding it pays to cart their freaks to the metropolitan mikes by air. Last week Dynamite Pete, a fiddling hermit from the mountains outside Omaha, came in by United and went out a couple of days after mutilating horsehair and catgut for "We the People" audience. On Monday American Airlines brought an unidentified Moore from Nashville (her home is Hattiesburg, Miss.) for the "Strange as It Seems" program. Young Miss Moore has been blind for years, but she learned to play the piano, and she reads music printed in Braille by the touch of her toes as the music lies on the floor. She was escorted by Rex, a guide dog from the Tail Waggers Institute in California.

Hurry

With less than an hour to spare, Wynn Murray charged in from her contest with the St. Louis open-air Muses show. She was all a-dutter because she had to make the afternoon show of "American Jubilee" at the Fair.

Maestri

Guy Lombardo and his 15 men went out to Pittsburgh on TWA to do a one-nighter, and took 38 pieces of baggage, mostly instruments. It nearly tossed the cargo-handlers for a loss, and the bags were stuffed away all over the plane, practically hanging on the tail, some of 'em. Back in town only a couple of days when they went out again, this time on Canadian Colonial to Montreal.

Airlinerait

Paula Lecler, who has covered wars in Spain, Ethiopia and China, as well as the opening smashes in Poland this war, and has been called the world's foremost woman war correspondent, sailed on the Clipper Monday (21). She astounded veteran officials at the marine terminal with the list of countries her passport entitled her to visit. Since war-time restrictions have gone into effect it is unusual for one person to be permitted to go to more than two or three lands, but Miss Lecler had the State Dept. OK for Turkey, Bulgaria, Rumania, Yugoslavia, Switzerland, Germany, Italy, Spain and, of course, her landing place, Portugal.

The Dixie's exit was Miss Lecler's fourth air crossing on four that have led to interviews with Hess, Goebbels, Gandhi, Benes, Heinlein, Selassie, Chiang Kai-shek, Mandel, Metaxas and the late Smully-Rydz. She was Montauk Point as her last glimpse of U. S. for six months.

On Thursday, Nadine Picard, French radio and film comedienne, clipped out at the end of her month vacation in N. Y. Said Nadine: "I love y-y-y-y your con-n-n-treat."

Frank Gervasi, Collier's writer, in on Clipper with a gloomy view for Britain. It was the view of some military experts in Europe, he said, that the Isles could not hold out against the Nazi planes more than a month.

Gypsy Exhibs

Continued from page 97

and several short subjects, the idea behind the serial being that it will keep them coming.

One of the more prominent circuits is operated by Merl Burdett and Paul Masser and serves a dozen fast-stop communities. Walter Norton of O'Fallon and Winfield, Mo., is another vet in the portable exhibition field, and his once-a-week shows are presented in both Missouri and Illinois tankers. C. T. Dusenberry, who operates the Red Bud theatre, Red Bud, Ill., and his brothers also do a portable circuit on the side and are weekly out-of-towners in numerous southern Illinois spots. Paul Brandt, Bristol, Ill., also is gathering in a lot of fresh air and shekels with his traveling talker apparatus.

The bankrollers of the cuff-flicker shows find that farmers and their families haven't much more than about one night a week to spend in town, and with the cuff show almost their doorstep they can save gas dough by staying in their home communities. The wealth of improved highways is an invitation to car owners to make treks to larger communities, and the merchants realize they must do something to keep localities in their own environs and, incidentally, spend their dough upbeat of portable show business.

Among the towns visited by the portables are Toledo, West Union, Sumner, Greenup, Flat Rock, Bone Gap, Brocton, Clay City, Hutsonville, Louisville, Longview, Martinsville, Mason City, Montrose, Ridge Farm, Willow Hill, Baylis and Camp Point in Illinois, and Clarence, New London, O'Fallon and Winfield, Mo.

Sellers' 'Strike'

Continued from page 95

Samuelson, business manager of the Filly unit, in charge.

Questionnaires regarding the purchase of product will be sent to industry parts of the U. S., whether Allied members or not. Results of the survey will be compiled and sent to Allied members to serve as a yardstick when the film-buying season opens.

Questions include: Population of town; whether single dual policy; total number of features bought; type of competition; and distributor-exhibitor relationship. Latter point includes info on the number of pictures offered; type of features bought; number of percentage pic flat rentals; collection privileges; whether shorts or newsreels are forced by distributors whether rentals are higher or lower than previously; and comparison of rentals to grosses under last year's contracts.

Members of the committee, which set up the bureau, besides Samuelson, include Arthur Howard, Myer Chusick, Don R. Kossiter, Ferdinand J. Weis, who is an Alhambra F. Myers, national Allied counsel.

WASHINGTON: 2 RECORDS BROKEN!

Despite four-year record breaking 101-degree heat, "The Ramparts We Watch" has just broken all first five-day records since "Snow White." Picture creating terrific word-of-mouth buildup.

RKO Keith's, Washington, D. C.

HOLLYWOOD: REVIEWERS GO OVERBOARD!

"Picture of the week: 'The Ramparts We Watch' By all means make certain to see it when it plays at your favorite theatre.

Sidney Skolsky

"'The Ramparts We Watch' should reach far beyond any normal assemblage that may gather to view screen entertainment . . . vigorous presentation . . . terse narration, sternly dramatic . . . may be the 'Uncle Tom's Cabin' of the present."

Edwin Schallert, Los Angeles Times

"'The Ramparts We Watch' is at all times excellent direction and production on a par with the best that Hollywood could offer.

Hollywood Reporter

"'The Ramparts We Watch' is a message addressed with zealous emphasis . . . it is also entertaining in a grim, fascinating appeal to the emotions.

Variety, Hollywood

"A thrill that comes once in a lifetime is waiting for you. Don't miss it when it hits your local movie house."

Stella Unger

NEW YORK: EXPERTS TOSS HATS!

"'The Ramparts We Watch' is an exploitation property de luxe . . . will grab grosses galore . . . exciting, revealing . . . a must see attraction for all audiences; a must book picture for all outlets."

Film Daily

"One of the best feats of editing any production has ever received . . . 'The Ramparts We Watch' will hold undivided attention of any audience . . . exhibitors will find a waiting audience when they announce the playdate."

Showman's Trade Review

"THE Ramparts We Watch"

A NEW KIND OF MOVIE...FIRST FEATURE PICTURE



PRODUCED BY THE MARCH OF TIME

Root Points Up S. A.

Continued from page 72

Royal, who was on board. This despite the fact that all musicians are taking a cut as well as Toscanini. Every performance was sold out in advance in Rio, Sao Paulo, Montevideo and B. A. The tickets ranged from \$25 top to \$5, with standing room sold at a premium. Oh yes, they have ticket speculators. Openings in B. A. the applause lasted seven minutes before they were able to proceed.

Anyone appearing on the streets with a fiddle was seized and questioned as to the concert, Toscanini's personal life and habits, etc. Any night club entertainer who thinks they were there should learn what real success is. Which brings me to the point of this letter.

In March, 1938, while dancing in Rio as Minor & Root, I wrote you predicting that South America would become a new field for American talent. You published the letter in the April 15, 1939, issue of Variety. Though you might be interested in the comparison with 1940 as I see it, as I have just made a 12,000-mile trip covering all principal ports of the east coast of South America.

Rio Tops

Rio still leads in number of American acts played and salaries paid, especially in the casinos, the principal reason for this being that gambling is permitted enabling them to pay higher salaries than B. A., where there is no open gambling. So much has been written about Rio in the past two years that it is almost superfluous to add more. It has so much more color than its larger competitor, B. A., that in my opinion enough could never be written about it.

The Urca Casino in Rio still leads in gross receipts and salaries paid to shows as it has the largest capacity. It is completely remodeled and most amazing for its glitter. In addition to the stage, the dance floor is lighted glass, comes out from the pit, raises up and does everything but cook. Stage is closed in with contour curtains of solid mirrors, weighing many tons. Some names who have appeared at the Urca in the past two years are Lucienne Boyer, Josephine Baker, Mills Bros., Tito Guizar and at present Maria Eggert. They are dickered for Maurice Chevalier, Howard Deighton has a line of girls and about five acts around the star al-

traction. Interesting point of comparison is that the Urca now has a branch casino in Petropolis, swanky summer mountain resort and summer capitol of Brazil since imperial days, and another in Niteroi, just across the harbor. Acts are sometimes required to double Niteroi and are shuttled across in a speed boat.

Capacitaba Selup

Capacitaba Hotel Casino, likewise in Rio, was also rebuilt and tastefully decorated. This is undoubtedly the swank spot, the audience being on a par with St. Regis at Plaza Hotel in New York. Orchestras more subdued, with a smaller and more discriminating show. Outstanding act at present is a team of Mexican cantant and heel tap dancers named Los Chavallitos. Story about this team, never out of Mexico, that it was booked in Rio for pennies. They come to the Waldorf-Astoria, New York, in the fall at a reported salary of \$1,000 per week. In my opinion they will take New York by storm and start a new vogue for Spanish dancing in the hotels and night clubs, as there has been no team since the original Capanos in this country to approach them. While they verge on the concert style they are young, have appearance, style, personality and what it takes, besides being highly trained dancers.

The Copa has a line of Howard Deighton Girls and Gomez and Minor July 28 as the stellar attraction. Incidentally, Gomez and Minor are receiving the highest salary paid to a dance team in Rio. Contrary to America, where ballroom teams' salaries have decreased in the past two years, Rio has increased their budget. Where the limit was formerly \$250 to \$350, they will now go as high as \$450 if the name warrants it, or even \$500. Carmen Miranda is reported receiving \$500 per day at the Urca.

The Atlantico Casino, at the time I caught the show, had the best line of girls, produced by Lillian Bennett, a Chester Hale graduate, also the best dance orchestra by far in Louis Col. This boy, an American Negro, played for me at the Deauville Casino, in France, some years ago and has been at the Atlantico the past five years consecutively. While he has one of the hottest combinations imaginable, it is not to be confused with our hot music, which is often screechy, discordant

and unmusical. Coll achieves a solid moderately soft, musical effect, with plenty of swing partly by the use of a Hammond organ, or some such instrument. It is just a bit different, which is something in bands today. In addition to American swing, which is very popular in South America, he plays equally well rhumbas, tangos, sambas and all the Latin dances.

The Samba

In regard to the samba, which I introduced in America as Minor and Root, I still do not see why it takes so long for it to become universally popular. Of course, the rhumba took eight or 10 years to sweep America, but every American who goes to Rio becomes infatuated with this dance and wants to learn it. The Arthur Murray teachers aboard had more requests for samba than had dance, also the orchestra, which had perfected it as no American band has, led by Armand Lameroux, a graduate of Alton, Ill., G. G. Giesler.

The dancing masters seem to push dances of their own origination that they can claim credit for, but this is a native dance that has been popular for many years and has a rhythm and style of its own.

I have a new partner now who has mastered the dance, and it is our most popular number, even through the middle west, where it has appeared the past season. Without going too far out on a limb, I would like to predict that in the future this will be as popular as the rhumba in America, or North America as I have learned to say. South Americans resenting the expression American as applied to citizens of the U. S. Incidentally, they resent South American as much and prefer being called Brazilians, Argentines, etc.

Santos 2 Spots

In Santos there are two new casinos, Casino Sav Vicente, which takes acts from the Copa and Urca, in Rio for an additional two or four weeks, and Guarujá, under same management as Atlantico, Rio, where the acts are now sent for several weeks. Santos being the coffee center of the world, is incidentally nearby, being the manufacturing center and Brazil's healthiest city per capita. These casinos make out okay also, although the business is mostly weekend or when the ships arrive. Guarujá should make arrangements for transportation from the ships, as it is on an island some distance away from this account (or some other), the Expriente, another tourist agencies steer all passengers to Sao Vicente.

The new American Republics line is an improvement on the old Munson line, the ships being much larger and having more the contour of the transatlantic liners. Acts are engaged on a dance tour, 12,000-mile cruise in addition to the first class passage furnished. I can give you details how acts may arrange this trip if you would like to publish it.

Regarding B. A., it is short on night life as far as acts are concerned. Argentine acts carry very little in the evening except when at the Urca or Toscani, when everyone was in. The better class Argentine prefers small boites, ala El Morocco and Stork. One such club, called the Embassy, is quite popular.

The principal night club is, Tabasco, the main attraction of which is 50 hostesses. Double in the floor show (at least some of them). They play European acts and an occasional American act, but generally require American acts to double into a theatre on account of salary. Even then the salaries are lower than Rio, although drinks are higher, \$1 for scotch and soda against 40c in Rio.

There is, however, an opportunity for radio acts in B. A., that can double theatres. The Mills Bros. were making this sort of an appearance in Sao Paulo, Brazil, when we were there and scoring. The show from the boat sometimes plays one night in B. A., but more as an audition. Some of our acts have been booked in this way.

It is also possible to arrange a one-night stand for the boat show and band at the Maqurippe Beach hotel in Trinidad on the return trip.

Eddie Root

Jack Powell, blackface comedy drummer, back from six weeks in Rio de Janeiro, says general business is good, and so is show biz down there, although it's apparent to any visiting American that the Nazi infiltration, due to the large German populations in both Brazil and Argentina, is very evident.

Powell has a couple of Broadway musical comedy offers, hence his return.

Pre-Hitler Carryovers

Continued from page 93

Reich until Dr. Goebbels' propaganda ministry has gone over the script and offered 'suggestions,' it becomes apparent that even completely non-political films are not 100% pure.

Subtle Propaganda

Good example is 'Die grüne Hölle' ('Green Hell') currently at the Casino. It's a UFA picture made in 1938 and apparently designed for the South American market. An exciting adventure story which was rated at 'four stars' by the N. Y. News, it's generally unobjectionable to a U. S. audience. But it is less than subtle in its effect on S. A. populations: It tells the story of a Brazilian stealing rubber seeds from Brazil many years ago to start plantations in English colonies and break the monopoly held by the South American nation. Interlarded with the action are dirty digs at the British spoken by Latin-American characters.

Aside from propaganda slipping in in this manner, the two Yorkville houses and the Radio theatre, Milwaukee, under the same ownership as the Casino, avoid doctrinaire films. They do not play German newsreels, either. Casino was offered a heavy sum to show 'Feldzug in Polen' ('Campaign in Poland') rabidly Nazi picture now at the 96th St. theatre in Yorkville, but turned it down.

Casino and the Casino Exchange, the largest German picture distributing outfit in this country next to UFA, operated by Joseph Scheinman, Max Greenberg and Muni Podhorzer. Garden theatre, about a half block from the Casino, is run by Joseph Krutick and three brothers named Geller. Third Yorkville house is the 96th St. Brooklyn's Pre-Nazi theatres.

Two additional German picture theatres in Brooklyn and two in Jersey across the river are all non-Jewish-operated. One of the Brooklyn houses, the Wagner, run by Zieher & Schieber, is reputed to be openly Nazi. It has distributed heralds calling it to be the only Christian theatre in Brooklyn playing German pictures, which is denied by Fisher & Hohenreiter, operators of the opposition Mozart. 'Germans Should Patronize Germans' is another slogan of the Wagner in its effort to attract patronage.

On the distribution angle, aside from UFA, which has German government backing, and Casino, other exchanges are very small potatoes. Principal ones are operated by Henry Kaufman, Bruno Zwicker and Charles Unger. Kaufman and Zwicker are Jewish. All three handle old product, most of it made pre-Hitler, although they are also said to obtain occasional dates, at houses with which they have contact, for new UFA films. Aside from minor dates in halls and universities, only regular outlets for German product are 12 theatres throughout the country which play nothing else.

Casino's Background

Casino exchange setup is most interesting, resulting, in its present state, from an out-and-out deal made by Scheinman with the German government. Scheinman served four years in the German trenches during the World War. He came out not only 60% invalidated, but very broke. Government refused to help him, it is said, and he came to the U. S. in anger shortly after the war. In 1929 he went into the business of distributing German films in opposition to UFA and very successfully built up a circuit of 46 houses, which regularly bought product from him.

With the advent of Der Fuehrer in 1933, Scheinman feared the end of his business, but was undaunted. He went to Germany and presented his case. He explained the situation, received recognition for his loyalty in the trenches during the war and his pioneering work in building up exhibition of German pictures in U. S. during the previous four years. Reich government, as a result, gave him special permission to represent in U. S. all German producers except UFA, which has its own setup here. He came out with obtained the films of UFA's two principal competitors, Tobis and Terra (although, like UFA, they are guaranteed by the government against losses), and several minor makers.

From that time until the outbreak of the present war when the U. S. State Department refused him a passport—he's an American citizen—Scheinman made regular trips to Germany to select his product in au-

effort to keep out the propaganda stuff.

At the beginning of 1938, Scheinman and UFA decided they were competing with each other to no good purpose and a deal was made whereby Casino will gradually get out of the distributing business. It had long term contracts with producers at the time, which will be carried through so far as the war makes deliveries possible. Casino will also continue distribution of about 100 films which it already owns. No further deals with the producers will be made; however, as American UFA, since the arrangement with Casino is distributing the product of all German makers.

Jewish Attitude

Typical of the feeling of Jews in the business are the remarks of one of the owners of the Garden. 'Do you think I relish this? It hurts me plenty. But a man must eat. I own this property. What should I do, give it to the mortgagee and go out and starve? Just how do you think I can power Jew Germany? Don't you think I'd run American pictures if I could get any that would do business against the competition I must face? But I've got a 400-seat, 30-year-old house and this is the only thing it's good for. If I don't open it, someone else will.' Remarks of the competition in Yorkville are not without foundation.

There's a Low house right next door to the Garden, another directly opposite and an RKO theatre not far from that. Despite this situation, owners of both the Casino and Garden have received numerous offers for their houses. Both have said they would get out of the business if offered 20c on the dollar for their investments. Offers of better than this have been received, but payoff would be in notes, not in the cash the owners want.

Operators of both houses have also been contacted by prominent Jews affiliated with the Anti-Defamation League. It's said they have all agreed to give up the theatres if they are promised other jobs, but after more than five years, the League has still not been able to produce other work for them. As a result of the contact, however, Casino has ceased advertising in Nazi papers, resubscribing itself in the German-language field to the Staats-Zeitung, Victor Ridder's paper, which is distinctly not in favor of the present German regime.

Allen Squad's Visit

Of the minor German distributors, Kaufman is by far the best known, having been in the business for many years. Sixty-three years old, he claims he is now going out of the Deutsche film field. It's not so much a matter of choice, he declares, as a result of publicity, he received several months ago when he put an ad in a Passaic, N. J., paper asking for names of Germans in the territory. There was talk of 'Fifth Column' activity. But Kaufman said the purpose of the ad was merely to build up a mailing list, an explanation which G-men, who made an investigation, apparently believed.

Last Thursday, however, Kaufman's combination office and home in the rear of a tenement-like structure at Seventh avenue and 35th street, was visited by N. Y. City detectives. Members of the Criminal Alien squad, he said, had not received an anonymous communication accusing the film man of numerous subversive activities. Following a cursory investigation, the squad, he said, discounted the note as coming from a crank and said they anticipated no further action.

Most of Kaufman's activity has been in distribution of films he bought back in 1931-32, when he formed Trans-Atlantic Films, Inc. Contracts on these with their producers expired in 1935-36 and Kaufman was supposed to destroy the prints. He has refused, remarking that they do something about it. Nothing has been done about it and Kaufman maintains no royalties or rentals have gone to Germany from him for approximately five years.

Kaufman declared that both the aerial and non-theatrical dates, which he occasionally used to get, have abandoned the showing of German films since the recent 'Fifth Column' talk.

Start Getting Scarce

Hollywood, July 30. Boris Karloff climbed into a freight getup at Monogram yesterday (Mon.) to start shooting on 'The Apache'.

William Nigh is directing under associate-producer supervision of W. T. Lacey.

New York Theatres

GONE WITH THE WIND
 ALL SEATS RESERVED
 Twice Daily 2:15, 8:15 p. m.

THERE'S A BETTER SHOW AT THE RKO THEATRES

PARAMOUNT
 HELD OVER
 'Untamed' In Person Louis Armstrong and His Orch. Ethel Waters
 Ray Milland
 Middle Screen Shows

RKO THEATRES

LOEW'S State
 Starts Thursday, Aug. 1
 Star: Sullivan
 James Stewart
 "THE BROTHERS SHERMAN"
 In Person
 Audley Kirk
 Harry Richman

HELD OVER 2ND WEEK
GEORGE RAFT ANN SHERIDAN
 "THEY DRIVE BY NIGHT"
 Strand

Capito
 Air-Conditioned
 "Andy Hardy Meets Debutante"
 Lewis Stone • Minkley Bonny
 A Metro-Goldwyn-Mayer Picture

MUSIC HALL "SOUTH OF PAGO-PAGO"
 Spectacular Stage Productions

Mono Takes Tint Pair
 Hollywood, July 30. Charles Goff, head of Golden West Productions, closed deal with Monogram for the release of two Cinecolor pictures, 'Black Stallion' and 'College Sweetheart'. Films will be made in and around Phoenix, Ariz.

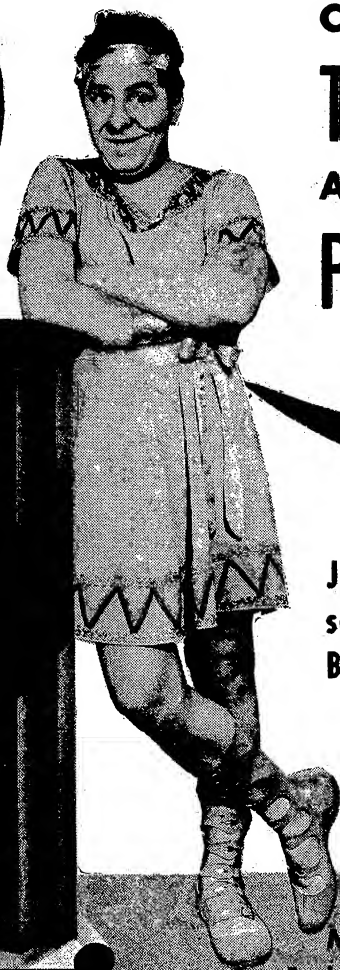
DOUBLE ROLE • TRIPLE LAUGHS!

Joe Penner

IN UNIVERSAL'S

"THE BOYS FROM SYRACUSE"

OPENING
TODAY
AT THE NEW YORK
PARAMOUNT



Just concluded 1939-40 season on NBC-Blue for Ward Baking Co.'s "Tip-top" Bread.

Personal Management
MONROE M. GOLDSTEIN
Exclusive Management for Radio

GENERAL AMUSEMENT CORPORATION

Thomas G. Rockwell, President

NEW YORK • CHICAGO • CINCINNATI • HOLLYWOOD • LONDON

SPONSORS MAY HIRE OWN COMPOSERS FOR ORIGINAL AIR MUSIC, LIKE PICTURES

Likely That ASCAP Situation Will Encourage More Quiz Programs, Also Playlets and Talk Generally —N. Y. Hears of Promoters That Would Like to Form an 'ASCAP' Advertising Agency

Repercussions have already been felt in New York program circles to the intensifying struggle between the radio industry and the American Society of Composers, Authors and Publishers. With radio industry leadership openly (see Paul Kester story in adjoining column) appealing to advertising sponsors to avoid ASCAP music and sympathetically consider "BMI" and non-copyright, public domain, music in planning their 1940-41 programs the seemingly justified guess of the N. Y. program-builders is that even quiz and audience participation programs may be anticipated, plus greater encouragement to playlets, and probably comedians. Speech will, in all its forms, take the edge over song as a conscious part of the network campaign to lessen the importance of ASCAP in the entertainment foundation of radio advertising.

With regard to music itself, there were several nebulous program developments reported last week. Original musical scores written directly for radio similar to the Arthur Schwartz-Howard J. Dietz, "Gibson Family" or seven years ago was being reconsidered at NBC. Schwartz and Dietz, it will be recalled, were commissioned to write special music for a series of programs sponsored at the time by Procter & Gamble. The basic idea of having composers on salary to write directly for radio sponsorship in the film industry hires composers to write directly for musical films registered at NBC as a possible answer to the need of keeping a minimum proportion of the network programs of musical character. More may presently be heard of this idea. Sponsors have been urged to consider the idea.

An 'ASCAP' Ad Agency?

A group of Wall Street promoters was reported last week seeing money-making possibilities in the formation of a new advertising agency that would sign an exclusive contract with ASCAP for its music. This group, in which a former network v.p. was reported a prime mover, believes it could be adequately financed to the extent that a five-year exclusive contract on ASCAP catalog music would give it the means to attract perhaps up to 20 big national accounts. This group has been thinking of the idea since Mutual, but without the present knowledge of that web apparently. In this speculation the promoters showed themselves well informed of the point recently made at a BMI meeting in New York. However, it is hardly likely that Mutual would commit itself to anything as unclarified as this proposal. It would need to put up cash and demonstrate an understanding with ASCAP itself first, two formidable omissions at the moment.

Whether an exclusive deal with any network would be necessary to the swinging of such a gigantic promotion is not clear. Should the radio industry simply not do business with ASCAP it is not likely the networks or stations would refuse to sell time to special ASCAP catalog music programs providing they were legally relieved of any need to pay performance royalties. Such a system, promoters think, might have some practical appeal to broadcast owners alike. The latter supposedly would care little providing they got what they now ask. Broadcasters would still enjoy some part of the undoubted values of the ASCAP catalog, but escape doing business with ASCAP. Finally advertisers, although paying heavily for the music, could have an exclusive commodity and could look to enjoying audience pluses.

Admittedly, many of the "ifs" and "maybes" of 1940-41 radio program trends are, at the moment, in the tablecloth arithmetic stage. Some of the proposals heard around town last week are given here, for the most part, as suggested above. The practicality or probability of the develop-

ments cannot, of course, be vouchsafed. The trade news consists at the moment in intimations of the kind of speculation that will progress, the nature of the ailes' activities being considered and the vast scope of program change implicit in this imminent upheaval of the status quo.

MULLEN STEPS UP AND IN FRIDAY

Frank Mullen, vice president of the Radio Corporation of America is due to become v.p. and general manager of NBC at the Board of Directors meeting this Friday (2). This will confirm the second change in NBC command, the first being Niles Trammell's recent appointment to the presidency.

Mullen has been doped for this reward for some time because of David Sarnoff's appreciation of his work in handling RCA public relations, etc.

Dot Thompson's Sequel

Toronto, July 30. Trans-Canada wave of enthusiastic reaction to Dorothy Thompson's address on the 'Let's Face the Facts' series, launched last week by the Canadian Broadcasting Corp., saw a re-broadcast of the talk over the CBC national network on Friday (28). In this unprecedented action on the part of CBC, further tribute to Miss Thompson's message lay in the fact this was re-broadcast, during the 8:30-9:00 p.m. EDT period.

Decision followed the thousands of requests from all parts of Canada that the talk be repeated. Meanwhile, requests for copies of the address have been bombarding CBC headquarters, these at first averaging 10,000 a day but now jumping to 50,000. Speech has been mimeographed by CBC and extra clerical staff been taken on for the envelope addressing.

Kesten Urges Radio Sponsors To Fight ASCAP Along With Webs

Paul W. Kesten, vice-president of the Columbia Broadcasting System, last week released a strongly-worded appeal to all radio sponsors to make common cause with the networks in their fight against the American Society of Composers, Authors & Publishers. Captioned "Help Break ASCAP's \$4,000,000 Squeeze—Play Against Radio's statement referred to—a fight to protect radio advertisers and broadcasters alike from a \$4,400,000 hold-up, over and above unjustified \$4,300,000, toll paid in 1939 for the privilege of broadcasting music which ASCAP controls."

Radio's dealings with the music publishing industry are reviewed by Kesten in these words:

Between 1923 and 1931 the bill, which broadcasters had to pay to ASCAP for the privilege of broadcasting music, controlled by that society increased from \$10,000 to nearly \$1,000,000 per year. But that was only the beginning!

Since 1931, the tribute demanded by ASCAP, and paid by the broadcasters, has more than quadrupled from that million-dollar figure. In 1939 ASCAP wrung \$4,200,000 out of the broadcasters. Was this for more music played or more broad-

Jerry Hoekstra Does A Barnum Under Canvas; KMOX-WBBM Show

St. Louis, July 30. Radio entertainers from KMOX and WBBM will be grouped under a single billing for the most ambitious undertaking these stations have made during the nine-day Illinois State Fair at Springfield, Aug. 17-25. Jerry Hoekstra, director of the Public Affairs dept. of KMOX, who is masterminding the joint show which will be in a 30x50-foot tent, also has arranged for the exhibition of radio equipment, from the inception of all programs, including a complete recording outfit. Demonstrations also will be conducted to show how radio show is broadcast.

Educational features will be stressed and a bulletin board on which will be posted up-to-the-minute news will be erected. A portion of the space will be equipped with chairs, lounges, etc., for the foot weary. Pappy Cheshire's entire galaxy of hillbillies have been given top spot on the opening day ceremonies, which are expected to attract 25,000. The radio entertainers will do two-day and will broadcast their regular commercial programs direct from the fair grounds.

RADIO SCHOOL GRADS GET ON PAYROLLS

Kansas City, July 30. New continuity writer at KCKK, Kansas City, Kan., is Richard Mall, graduate of Kansas State College at Manhattan, Kan., where he studied in radio department. He replaces Richard Timmis, who goes to Chicago to join the James Blair-Miller agency.

At KCMO new member of continuity department is Pete LeVec, from University of Missouri. LeVec will work with Dave Brown in continuity and publicity vacancy created by departure of Vyra Alice Robinson, who took the marriage vows last week.

Saroyan's WHN Script

William Saroyan has authored "A Special Announcement," which will be ethered Aug 6 on "Tonight's Best Story" series over WHN, New York. Script is the first written directly for radio by the author of the Pulitzer prize play, "Time of Your Life," and other plays and stories. "Announcement" will be produced by Peter Witt.

Improvement of Shortwave to Latins Emphasizes 'No Kicking U.S. Around'

Washington, July 30. The United States Government's determination not to be kicked around in South America by the German Government, either now or hereafter, was manifest in several ways last week: While Uncle Sam's economic cartel and colony trusteeship proposals were up for discussion at the Havana conference of Latin republics the State Department in Washington called in the broadcasting companies now concerned with shortwave service from the U.S.A. to South America and laid plans for an immediate intensification of radio activity to neutralize the poison against America which the Nazis are constantly spreading.

TELEVISION OFF UNTIL OCT.

RCA-NBC television takes a two-month (August-September) holiday during which time there will be no programs on the New York whatever. The television staff has already been partly absorbed in other departments.

Because of the FCC slap in the face RCA is confused as to what policy to follow but anticipates some form of continued program experimentation.

Meantime Dumont has put a sales promotion film short plugging its television into various theatres.

ROSENBAUM CALLS IRNA FRISCO RALLY

Philadelphia, July 30. The ASCAP situation, relationship with the American Federation of Musicians, the FCC monopoly report and general standards of practice in network commercial broadcasting will be discussed at a meeting of members of Independent Radio Network Affiliates, Inc., during the convention of the National Association of Broadcasters opening at San Francisco next Monday (5). Samuel R. Rosenbaum, chairman of the IRNA board, announced here last week.

All IRNA affiliates, whether paid up or not, are invited to attend. However, Rosenbaum said, if any action is taken on any question the vote will be confined only to paid-up members.

L. A. Visitors to N. A. B.

Los Angeles, July 30. Convention-bound from here to Frisco for the broadcaster meet will be the usual number of station execs that make up the L. A. delegation at these gatherings. Harry Maizlish's KFVB contingent will include Bill Ray, Jack Gross and Chet Mitendorf for the heaviest contingent. Accompanying Lewis Allen Weiss, Van Newkirk and Wib Eickelberg from Don Lee-KHJ.

Despite the proximity of the meet, NBC will be represented only by Don Gilman, western division boss, and Columbia's Don Thornburgh, thanked only by Les Bowman, chief engineer on the Coast. Earl C. Anthony and Harrison Holloway will be the KRLD-KRAA corner. Others making the convention trek are Leo Tyson, KMPC; Calvin Smith, KFAC; and Ben McGlashan, KGFI.

DENY RUPPEL RUMORS

Head of CBS Publicity Has Not Been Approached by Democrats

Ted Weber, his chief aide, on Monday (29) characterized as "without foundation" reports that Lou Ruppel would depart from the directorship of the CBS publicity department to take a prominent part in the Democratic campaign. Ruppel has not been approached by the Democrats and is very happy where he is.

Ruppel is close to the White House, having been a ground floor man at one time before going to Chicago as managing editor of the Times there.

additional \$2,000,000 in transmission equipment will bring all Yankee DX transmitters up to 50,000 kilowatts or better in power. This will, it is hoped, offset the geographical radio advantage enjoyed in relation to South America by Germany. Italy, too, to a minor degree, included in the camp of the poisoners to be offset but Germany with its characteristic boldness and ingenuity, recognized by the State Department as the real opponent. Shortwave broadcasters will in addition to the expenditure for better engineering spend an additional \$1,000,000 annually to improve and extend the programs.

Huddle at the State Dept was held Wednesday afternoon of the NWU Assn. of Broadcasters. Thomas Burke, chief of the State Department's Division of International Communications, and representatives of the Federal Communications Commission and the various shortwave broadcasters. Results will be hurriedly signalled on applications now pending before the Commission. The most power of all U. S. international stations.

Much Success Already

In taking down their hair the propaganda problem, experts found considerable comfort in the present popularity of American programs in Latin America. According to the N.A.B. the U. S. DX'ers are broadcasting more than 13 hours a day in each of the 14 countries of the hemisphere, or 440 hours per week. South American listeners write approximately 10,000 letters a month to U. S. shortwave stations. It pointed out, and have shown keen interest in American broadcasts notable for their factual character vs. canned programs from Nazi-Fascist sources which are loaded with lies and distortions.

Much space-work has already been done by the shortwavers in selling the South American public the sort of programs they appreciate. It was agreed, News broadcasts in Spanish, Portuguese and English—with two 15-minute periods daily in German, French and Italian—are part of the regular menu and particular attention is paid already to speeches and statements by President Roosevelt, Secretary of State Hull and other important officials. Lessons in English, fashion notes, aviation talks and the team of network programs are piped to the South American countries, with gratifying results.

45-Degree Arc

In view of the strides made already in furnishing the Latin Americas with programs in which they are interested, a general upping of power may be expected to produce real dividends, the experts believe.

Because of the geographical location of Germany, better signal is put into South America than can be received from lower-powered North American DX'ers. German radio beams are sent out over a 45-degree arc, whereas the U.S. has to beam its signals over a 90-degree arc because of the closeness of the territory. Interference from overhead electric railway power and neon signs also affect reception in South American cities.

By installing new equipment and boosting power, this country will be able to overcome present disadvantageous conditions, experts believe, and the headway already made in popularity of North American programs should do the rest.

Also present at the State Department party were: Harry Butcher, Ed. Cohan and Miss Elizabeth An. Tucker of CBS; Robert L. Gibson, General Electric Co.; and Frank M. Russell of NBC; Oswald F. Schuele of RCA; J. G. Leitch of WCAB; Kenneth W. Stowman of WCAU; J. B. Rock, Walter Evans of Westinghouse R. J. Rockwell, and W. C. Klopovitz of WLW; Walter Lemmon of World Wide; Boston; Ed Kirby and Paul Peter of N.A.B.

EXPECTING MOVE BY CHASE & SANBORN

Chase & Sanborn coffee account is expected to change advertising agencies shortly. This follows the exit of another Standard Brands account, Fleischman Yeast, which is now with Kenyon & Eckhardt agency.

J. Walter Thompson had all the Standard Brands bid for years.

KEENER RED-CBS RIVALRY

N.A.B. Convention Agenda

San Francisco, July 30.
Following is the running order of the annual convention of the National Association of Broadcasters which convenes next Sunday (4) at the Hotel St. Francis here. N.A.B. itself will occupy Room 221 (Neville Miller, Ed Kirby, C. E. Arney, Jr., et al), with its press department headquartered in 218 under Joe Miller. The events:

SUNDAY, AUGUST 4

- 9:00 a. m.—Registration (to 6 p. m.)
- 10:30 a. m.—N. A. B. Golf Tournament—California Golf Club.
- 1:00 p. m.—Sales Managers Steering Committee Meeting. Research Committee meeting.
- 3:00 p. m.—N. A. B. Bureau of Copyright Board of Directors Meeting.
- 4:00 p. m.—B. M. I. Board of Directors Meeting.
- 4:30 p. m.—Legislative Committee.
- 5:00 p. m.—Code Committee.
- 6:00 p. m.—Labor Committee. Accounting Committee.
- 6:30 p. m.—N. A. B. Board of Directors Dinner. Entertainment: 4 to 7 p. m.—Cocktail Party, S. F. Press Club.

MONDAY, AUGUST 5

- 10:00 a. m.—Business Session: Annual Report, greetings by Mayor Rossi, etc. "Labor, Wages and Hours," by Joseph L. Miller; N. A. B. 12:30 p. m.—Luncheon: "Radio Faces the Future," by James L. Fly, chairman FCC. (Broadcast by CBS and MBS, 1:30 to 2:00 p. m.)
- 2:15 p. m.—Group Meetings: Independent Radio Network Officials. National Independent Broadcasters. National Sales Managers.
- 4:15 p. m.—Group Meetings: Clear Channel Group. Regional Station Group. Local Station Group. (Entertainment: N. A. B. Day at Treasure Island. Badges will admit delegates to 7 and 9 p. m. performances of Aquacade and Folies, and 7:30 and 9 performances of Cavalcade. Special show at G. E. House of Magic at 10:15 p. m.)

TUESDAY, AUGUST 6

- 8:30 a. m.—Breakfast Sessions: Round Table Discussions on Engineering. Labor, Wages, Hours. Public Relations. Law. Research.
- 10:00 a. m.—Biz Report—Election Delegates at Large.
- 10:05 a. m.—B. M. I. Reports by Neville Miller and others.
- 10:20 p. m.—Luncheon: "Sponsors of National Defense," by Louis Johnson, ex-Assistant Secretary of War (TC by NBC and CBS 1:00 to 1:30 p. m.).
- 2:15 p. m.—Business Session: Bureau of Radio Advertising. Sessions on "Unit Plan of Volume Measurement."
- 3:50 p. m.—Audiometer Audience Measurement session.
- 6:30 p. m.—Dinner Meeting: New Board of Directors.
- 7:30 p. m.—Business Session: Television lecture, discussion, Demonstration. Harry Lubcke and Ted Smith speakers.

WEDNESDAY, AUGUST 7

- 8:30 a. m.—Breakfast Sessions: Round Tables on Engineering, Bureau of Radio Advertising, Labor, Wages and Hours, Law.
- 10:00 a. m.—Business Session, Neville Miller, President; N. A. B. Code Session.
- 11:05 a. m.—Business Session, Miller presiding: Announcement of Peabody Awards for Public Service.
- Noon: INS Luncheon.
- Afternoon: F. M. Sessions.
- 8 p. m.—Banquet and Show on Treasure Island. "Greenet Pastures," musical satire by J. Kenneth Jones.

166,000 CARDS AS AMMUNITION

NBC Red Opens Fire on CBS, Which Is Expected to Reply in Kind—All Part of the Ever-Intensifying Struggle for the Million Dollar Accounts

SALESMEN ARMED

A new outbreak of rival coverage surveys is a first pre-season sign of the intensifying competition between the NBC red and Columbia network. The red web has gotten its survey prepared and ready for field use by its salesmen in advance of Columbia, which has been working on its survey longer, but does not expect to release the data until September.

The two surveys are, as usual undertaken under entirely different methods so that a quarrel over technique may be anticipated. NBC's survey represents an analysis of 166,000 postcards. The CBS survey is smaller in aggregate numbers, but is reported to have gotten a much higher percentage of responses through the bait of pre-tested novelty premium.

NBC counts upon the sheer size of its sample, the simplicity of its questionnaire, and an asserted all-inclusiveness (in income levels) to withstand all criticisms based on allegations that the sample has not been adequately controlled to give a fixed proportion of A. B. C. D. E. homes. It is the controlled sample that CBS espouses.

Behind any and all matters of CBS' Red dispute, whether of technique or of interpretation, the research data on both sides is symbolic of the truism that in 1940, as never before every little argument has a big meaning of its own. Upon the exploitation and dramatization of the differences, the advantages, the pluses of each network may depend a \$1,000,000 account. Both sides know this. Both sides constantly fight for the edge. More and more, too, they equip their salesmen with data on side-issues that some years ago might have been ignored, or at least not played up.

The big fight for big accounts is, by common agreement a matter of holding or luring away the comparatively limited number of sponsoring firms which can stand the financial pace of modern high-rating high-costing radio entertainment.

Big Accounts

These big accounts include such corporations as Lever Bros. (to whom the Levee Bros. Procter & Gamble whiskers the name recently), General Mills (voo-hoo! Sterling Products (Did she do wrong, June in tomorrow) and Standard Brands (by act of Congress), and a considerable galaxy, whose lavish radio expenditures were detailed in last week's VARIETY.

Some of these larger radio advertisers often seem to know about the networks that the networks know about themselves. They are hard-boiled gents. The webs invariably approach them gingerly but always encouraged to their best effort by the indisputable fact that the large accounts are open-minded. They respond to a good presentation, smart argument, a cleverly phrased competitive advantage. Even General Motors, the perennial "champion" advertiser, still listens to NBC and CBS with personal charm of manner and infinitely cordial patience that quite capitulates the network representatives so that, out of sheer desire to keep up such stimulating social contacts, they make intermittent journeys to Detroit.

Sponsors Over Simplify.

One important purpose of the NBC red survey with its new "all-combly network" of United States listening is to offset the latter day tendency of sponsors and advertis-

'If It's on the Cuff, They're Goin'

But San Francisco Convention Badly Dated For Advertising Agency Attendance

Reverse Appeasement

Milwaukee, July 30.
Heinic and His Grenadiers, WTMJ's ace commercial, with its German band music, has been the target of some criticism due, to the international situation, and in a recent program included the distinctly American, "National Emblem" march and a Polish mazurka.

"Now, if they'd only add 'God Save the King' and the 'Marschallische,' wisecracked a listener, they'd have a perfect appeasement policy."

Ernest Bushnell Takes Dangerous London Job As Patriotic Gesture

Toronto, July 30.

Ernest L. Bushnell, general supervisor of programs for the Canadian Broadcasting Corp., leaves here in a few days for London on six months' loan to BBC to organize all short-wave broadcasts to North America. Bushnell returned to Toronto in April after organizing the BBC overseas station. Executive started his radio career as a tenor CFCA, Toronto, 1925; became manager of CKNC, Toronto; joined the Canadian Radio Broadcasting Commission seven years ago as a program director; became general supervisor of programs following the incorporation of CBC in 1936.

He leaves his wife and child in Canada and takes a financial loss on the deal, as a patriotic gesture.

A. O. Coggeshall, program manager of WGY Schenectady, touring New England.

ing agencies to concentrate exclusively upon the factors of "time and competition" deciding upon network commitments. Sponsors have, in NBC red opinion, been overlooking the still-important circulation differential whereby, the NBC red argues, superiority of audience size on occasion offset an inferiority of available time.

The new NBC survey was unveiled in exact form last week to the radio trade press. It was a report of a postcard barrage of 1425,000 questionnaires sent out last Feb. 8 with a return address to: John T. Williams, behind which whiskers lurked C. E. Hooper. The questionnaires went partly to telephone book and auto ownership names and addresses in urban centers and partly to the blind delivery provided along all R.F.D. routes by the post offices in 3,072 counties. Out of this vast volume of mail the response was 166,000 answers, and with a sample of every county in America. Each county had a response quota in relation to population.

NBC's point, which will be carried into the field of salesman competition this year, is that the Red by reason of transmission and programs still holds an overall edge, although the signal improvements of CBS are conceded and shaded, maps used by NBC distinctly show half a dozen blotches in the midwest and south, where the rival network has made big strides.

Sure, to be counter-attacked by CBS (when its mail survey is organized for use) are the Red's breakdowns by time zones, which is important in modern selling. The Hooper analysis of the 166,000 report cards broken down to 'most listened to' and 'most percentage as follows:

Time Zone	Claimed Red Advantage
East	23.9
Central	53.2
Mountain	76.7
Pacific	22.5

Agency delegation to the National Assn. of Broadcasters' convention this year will probably be the smallest in years. So far as known, only five executives, representing four New York agencies, are making the trip. They include Linea Nelson, of J. Walter Thompson; Reggie Schenkel and Walter Tibbals, of Biow; Tom Revere, of Benton & Bowles; and Al Taranto, of Esly.

One reason advanced for the comparatively light agency attendance is the date of the convention, Aug. 4-7. Most previous conventions were held either earlier or considerably later, thereby avoiding conflict with the pre-autumn activity around the agencies stations. Some executive are known to be passing up the conclave because they're too busy reading fall programs. In other cases, the agency men are remaining on the job because they figure the long trip wouldn't be worth it in view of expected slim attendance.

However, one agency executive offered still another angle. "It's all a question of whether they're on expense account," he remarked. "You can bet if the expenses are on the house they'll go, but if they have to foot the bill themselves they'll tell you they're too busy to get away."

Program Men Await Radio Day' Salute

Program men in New York are particularly curious about the Salute to Freedom program which will be the climax to the Aug. 3 celebration of "Broadcasting Day" at both the New York and San Francisco fairs. Bill Rainey, whilom NBC production chief, has been working on the show for some weeks under a special commission from the National Association of Broadcasters and has been enjoying the cooperation of all the major networks.

Program directors are inclined to fear that Rainey may have been badly handicapped by having a lot of talkative brass hats forced upon his program. Against this they anticipate that Rainey's stunt of using famous stars to give quickie samples of their air style in the super-montage of the century may be very distinctive. Lined up for this parade of radio fame are Kate Smith, Rudy Vallee, Major Bowes, Lowell Thomas, Ted Husing, II, V. Kallenborn, James Melton, Francis Whitte, The Revelers, Morton Downey, Gertrude Berg, Lanny Ross, Graham McNamee, Tommy Riggs, Virginia Lee, Alfred Wallenstein.

John LaTouche, Norman Corwin, Carl Haverlin, Paul Nordoff among the writers of special material for the occasion which hits the air just a day before the N.A.B. convention convenes in San Francisco and as the climactic achievement of the new Neville Miller regime.

Also due for participation in the big show are Paul Whiteman, Frank Munn, Parker Fennelly, Clifton Fadiman, Conrad Thibault, Raymond Swing, Richard Crooks. San Francisco and Hollywood agents will be the dominating achievement of the San Francisco Symphony, Joe Penner, Amos Andy, Orson Welles, Frances Langford, Fannie Brice.

Kolín D. Hager's wife and twin daughters, Kolín and Norine, accompanying the WGY manager as far as Kansas City, on his trip to N.A.B. convention in San Francisco. Mrs. Hager and girls will vacation in K. C.

Elliott Roosevelt Wins Dismissal of Action; Fenton Improperly Served

Suit of Texas Radio Features, Inc., against the Texas State Network, Inc., which was begun in the N. Y. supreme court Jan. 26, was dismissed Friday (25) by Justice Timothy A. Leary. The judge found that service of the summons and complaint on Frank S. Fenton, former sales head of the defendant, was improper, as the defendant had no office in N. Y., and Fenton was no longer connected with the organization, thus giving the supreme court no jurisdiction over the complaint.

Action sought, \$10,438, claiming breach of contract allegedly entered into March 29, 1939, whereby the plaintiff was to furnish two episodes weekly of a radio serial, "Calling All Cars" for 26 weeks to the defendant, Elliott Roosevelt, president of the defendant, claims in an affidavit that the contract had never been signed, but that just discussions had been held.

Old Gold on WNEW Show

Lennen & Mitchell agency made a fast grab of an open quarter hour in the Martin Block Make Believe Ballroom marathon on WNEW, N. Y. Twenty Grand, dropped out of the 6:30 a. m. daily niche Friday morning. By the same evening Blayne Butcher of the agency had the spot for Old Gold.

Another cigarette account heard about it too late.

SCHUDT SETS AIDES

Girard Ellis for Chicago, Paul Crowley for Hollywood

Transcription division of the Columbia Record Corp. is now ready to spread out nationally and enter the field more actively. This follows the completion of the organizational detail by Bill Schudt, the general manager. Last week he appointed Girard Ellis, lately with World Broadcasting, as the Chicago manager and Paul Crowley to head a Hollywood branch. Ellis is a veteran of the radio industry, having been a freelance producer-merchant in the twenties when open brokerage was the rule.

Schudt has departed for the west coast and the N.A.B. convention at which he will have an exhibit. His director of engineering, I. P. Rodman, also goes west for Chicago and Hollywood visits. Vincent Lieber will carry on in New York.

As one step in the ballroom campaign which the Schudt division has launched, some 1,000 radio stations in the United States and Canada last week received complimentary 10 inch disc illustrating comparatively the engineering improvements of the CRC transcriptions. One side was recorded, old style; other was new style.

Dick Wynn, KFSS, San Francisco speller, in ringside participation in true life cops and robbers battle on Market street last week. Bandits raiding shoe store plugged an innocent bystander as an announcer passed out by dinner. Wynn took one glance and sprinted for nearest cop, who nabbed one of the gunmen.

ARTHUR BYRON
The World's a Stage with James Bell, Virginia Dunning, Grant Mills, Henry Dickson, Alan Smith, Alan Tower, Frank Wilcox.
Serial Tryout
30 Mins.-Local
Sustaining
Thursday, 2 p.m.
WLBZ, Bangor, Me.

Borrowing from straw hat practice, William Hawes, agent for Arthur Byron, Jr., Philo Higley, and Nita Nolan, scripters of 'World,' arranged with Maine outlet for two-shot try-out of packages which he hopes to place for general radiation in the fall. Simultaneously-made transcripts will serve for August sponsor-calls. Second installment of experiment, as heard at VARIETY'S Portland listening post, registered as interesting moment in career of a program fledgling that doesn't seem quite ready to essay the broad air. It isn't often that a reviewer is privileged to see a show because the principal actor impresses as too sincere for assigned role. That's the case here, with Arthur Byron, Jr., as the 'offender.' Cast as a retired seaman, he plays legit, vaude and nifty dates in Chicago, as names celebs in town at the moment.

Opening edition was headlined by Olympia Brada, flown in from the Coast to plug the forthcoming Edward. Small production, 'South of Pago Pago,' in which the actress appears. John Ringling North, whose name is mentioned in the show, with Alfred Cort, of his troupe; Bruce Foote and Annette Burford, presented as audition winners; Henry Weber directing Harold Stokes' orchestra and the Chicago Singers, with Jess Kirkpatrick announcing. Despite, or perhaps because of, all these fringe elements, the show was an unhappy interval for the listener. Tipoff was that the liveliest spot on the program was supplied by Cort, a European-born animal trainer, with Jess Kirkpatrick, who brought out a distinctive personality for the whip-cracker and offered interesting items about the performing big cats. Otherwise, much of the material was soggy and the production was rough.

Miss Brada's 'Pago' extract was standard South Seas vignette of sultry tropical passion and intrigue, with a melodramatic ending. Gave the flimsy some chance for heavy-breath emoting, which she negotiated without palpable mishap. Henry Foote, who sang each with a song spot, were passable for what they were—audition winners, he with 'Ol' Man River' and she with a coloratura aria. North's interesting interlude with the Chicago Singers—family background, was a straight plug for his show. Orchestra and Chicago Singers chorus were good.

Tomorrow night's edition brings Al Jolson, Martha Raye, Ruby Keeler in a plug for their musical, 'Hold On to Your Hats,' currently at the Grand in Chicago. The program, henceforth will be spotted earlier in the evening.
Hobe.

JACK KIRKWOOD
With Tommy Harris, Cy Trobbe's
30 Mins.-Local
WELS NAPPHTA
Daily, 8 a.m.
MBS-KFRL, San Francisco
Sustaining
Saturday, 10:30 a.m.
WTR, Troy

Jane Clark (daughter of a vaudevillian) has had experience in legit ('Tomorrow's Children') and film shops. She is radio pioneering, in Canada, in district of Ottawa. WTR program for listeners of high school age. Spotted at 10:30 Saturday morning, it should snare some of rug-cutting, jazz-loving segment. Particularly if executed.

Program was well planned and carried out. It deals with small, but to teensters important, problems: dress, grooming, parties, etc. 'Hottest' question discussed on salvo heard probably was whether a lad should feel he ought to kiss a lass, or vice versa, on first time out together. Interspersed with records (supplied by local and named music stores) and chatter about name orchestras and personnel changes in them. Miss Clark keys her voice and language to audience envisioned. Her advice sounds logical, but not dogmatic. Program may carry more appeal to girls than boys.
Jaco.

OLYMPIA BRADA
In Chicago Tonight
With Bruce Foote, Annette Burford, Jess Kirkpatrick, Alfred Cort, John Kirkpatrick, Chicago Singers, Henry Weber, Harold Stokes orchestra.
30 Mins.-Local
Sustaining
Thursday, 10:30 p.m.
WOR-Mutual, New York.

New series originating from WGN, Chicago, another of that station's efforts for national attention via its expanded production policy under Bill Bacher. According to the intro blurb on last Thursday night's (26) chapter, the program will use names currently playing legit, vaude and nifty dates in Chicago, as well as celebs in town at the moment. Opening edition was headlined by Olympia Brada, flown in from the Coast to plug the forthcoming Edward. Small production, 'South of Pago Pago,' in which the actress appears. John Ringling North, whose name is mentioned in the show, with Alfred Cort, of his troupe; Bruce Foote and Annette Burford, presented as audition winners; Henry Weber directing Harold Stokes' orchestra and the Chicago Singers, with Jess Kirkpatrick announcing.

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Jaco.

'WHAT'S ON YOUR MIND'
With Bob Spence
30 Mins.-Local
Sustaining
Sunday, 7:30
KIRO, Seattle

Taking the old formula of 'letters to the editor' used by the press, but having the dialers left off steam by writing to the station on any subject with chance of going on the air is the formula of this program. An effort has been made to make it a patriotic stanza. It started out with a background of patriotic transcription music with an announcer reading a section of the Declaration of Independence, then he turned over to Bob Spence, who emceed. As this was first stanza of new program and sufficient to give a taste of what was to come, it ran a little short of time and crew had to lengthen with some e. s. Person writing 'most interesting' letter is called to mike for guest shot with chance of elaborating. A novel local stunt.
Smith.

'PUBLIC OPINION'
With Nell LeRoy, Jack Thompson, Ed Johnson.
30 Mins.-Local
Public Finance
Monday, 8:30 p.m.
CJRB, Winnipeg

After a hardheaded, wobbly and generally unimpressive start, this program appears to finally have found its sea legs. As currently presented, with most of the restraining barricades scrapped off, it stands a better chance of making a name for itself. For one thing it's a cinch for catching that necessary public fancy. During its life to date show has had three emcees. Latest, Nell LeRoy, is turning in near job handling contestants. Comes from stage of Metropolitan theatre, one of Famous Players Canadian first-run houses here. Basis of show is placing of controversial questions, 14 being used per week. These range from serious to light. Two examples from show caught being, 'Do you feel an executive's public relations campaign in wheat products would appreciably affect Canada?' and 'Do you believe that generally red-haired people are not more intelligent than those with dark hair?' cards with detachable slips, are distributed from theatre and station during week preceding program. Votes are tabulated on day of show. Contestants receive cash award if they desire to take part in program are then selected from audience and brought to stage. Asked various questions in order they receive cash awards if they desire to take part in program are then selected from audience and brought to stage. Asked various questions in order they receive cash awards if they desire to take part in program are then selected from audience and brought to stage.

Those turning in cards agreeing or disagreeing with questions submitted receive large cash award at end of program, if in the house \$25 is added by management, if not \$25 is carried forward to following week. Basic idea was originally devised by Harry Harrod, who supervised neighborhood theatre unit and he took it to LeRoy for criticism. Latter recognized radio value and promptly grabbed it. Ed Johnson and LeRoy then had idea copied into program for Canada and U. S. is currently being heard over several western Canadian stations with U. S. dickering reportedly on the air. Mail poll of program heard understood to be in neighborhood of 7,000 pieces.

Those on show include LeRoy, for quizzing; Thompson, for commercials and report on tabulations of public opinion; Johnson, who works from studio) reads questions to be argued on following week's program. Reason for this lack of time to send cards to country listeners is that Johnson (and LeRoy) is responsible for production. All four rate bows for their efforts. Show time might pick up slightly if introduction of contestants could be shortened possibly by scheduling them respectively in advance. Quiz given fact whether those being quizzed are married or not might be considered slightly too heavy by some. Although program is advanced some method of determining money to be given out could be devised, controversy on this point having developed between LeRoy and Thompson on a couple of occasions during program.

Commercials and explanation of rules are kept to a minimum and as such are listenable and easy on the ears. These commercial spots opening, middle and close. Continuity by Harry Harrod, of CJRC continuity department.
Norm.

George Franc Brown, author of 'Folks at Tompkins Corners' and other serials, guested on NBC blue voice-improvement program of Elsie Mae Gordon, who played with him in many continued-tomorrows. Both went nostalgic about their childhood, how much their backgrounds were alike (parents of both emigrated from Virginia, Brown's to State of Washington and Miss Gordon's to Indiana), etc. Brown, who spun an intriguing tale of his kid days in a Washington town, said he had found in radio 'the nicest people, including Miss Gordon.' Among other things, he did a 'Scandinavian' characterization of Washington was full of people who came from that part of Northern Europe.

Edwin C. Hill, in 'Human Side of the News' on CBS, plugged film, 'Maryland,' and mentioned the adjective-studded sketch of the state and its attractions. Remarkable that present-day pictures are giving rise to a 'four-way country,' the newscaster said. There is not being shown at the Romy theatre in New York a really charming picture called 'Maryland.' Another commentator, who frequently refers to films, but from the netherworld angle, is John B. Kennedy. Kennedy, who does the narration for one of them, conducts an early evening European radio program on NBC.

Mendel Jones, Cleveland, July 30. Mendel Jones, manager of WAKR, Akron, comes to Cleveland as m.c. of Burl's amateur show on WCLE, Sunday. Jones m.c'd show for year and a half in 1938-37 when he was program director of WHK-WCLE.

'CAN YOU DO IT?'
With Dorothy Ann Steele, Laurie Lee, Leon Leonard's orchestra.
30 Mins.-Local
Friday, 9 p.m.
KFWH, Hollywood

This quizzer has everything—in fact, much too much. Tearing off on the well trod premise of IQing guys and gals from the studio audience, program shoots off into a dozen different directions and not all of them. There's the usual run of Q's and A's, memory tests, music, both instrumental and vocal, home tests, rousing days and a parting thought for the day, just to real of a few. Piled with hoke, the show is too fraught with sight laughs for the Killebrew mob. As a comedy unit for theatres it would elicit only a hesitant existence. Judging from the audience howls it must be highly geared with sock situations and kags. However, it's lost on the air even though sensitive public will not all get some of the dial twirlers what is generating the laughs. For instance, the running gag of a guy hunting a needle in a haystack is for the eye and not the ear. It can't be made to sound funny. Kahne draws from a wealth of experience in vaude, where for years he (The Great Kahne) cured his nervous lighting calculations and memory tricks. Cute gag was when he drew from a contestant his birthplace, Galveston. Quick as a flash he interrogated, 'Does that mean anything to you?' It doesn't until Kahne tells him it's the population of Galveston. Impersonators are then run on and the contestants, splitting five bucks three ways, are asked to identify the impersonations, which wasn't at all difficult. Other businesses include drawing a line on the board eight and a half inches long, spelling 'Cleveland' backward and reciting every other letter in the alphabet, etc. It's in the second half where Kahne turns into trouble with the dialers. Routine was one long audience howl such as when Peely Kuh (natively a plant) rode a hobby horse while singing 'Old Gray Mare,' throwing darts at a target, handing over trick questions to contestants, backwading and the needle-haystack bit, similar to the stage biz of the gent trying to break out of a straightjacket. Kahne breaks up hoke by running on a couple of singers, Dorothy Ann Steele, film moppet, and Laurie Lee. Also good for laughs is his query to contestants, 'what should be a color word before his wedding?' He signed off with thought for the day, a recitation of the song, 'Don't Bite the Hand That Feeds You.'

Kahne has a job on his hands if he hopes to make this culminated assortment of hoke radio-worthy. Take it out where people can see it and the results will be far more encouraging.
Helm.

SANDY TAYLOR'S ORCHESTRA
With Russ Taylor, Ruby Lynn.
Dance Music
Mins.-Local
Sustaining
WGY, Schenectady

Taylor's band, playing at Fan & Bill's on Glens Falls-Lake George Road, is broadcasting Monday from 9:30 to 10 p.m. and Friday, at mid night. On the sweet side, the sound is good. Most of numbers on one shot were of slow tempo and ballad type. A novelty was second chorus, in which Taylor, who was singing 'Oh, Johnny,' did not imitate the treble, slightly nasal tone of Bonnie Baker. Taylor played several medleys. His catalog might have been a little fresher and broader. Orchestra works smoothly, producing a rather deep-toned sax section. Not much way of solo breaks; although a muted trumpet and piano came out during nicely several times. Russ Taylor is a crooning baritone and okay. Miss Lynn, tabbed as 'glamorous,' has a light, sweet mature voice, and an easy style. She is daughter of Rubiuffo.
Jaco.

RICHARD KENT
'The Traveling Cook'
15 Mins.
Sustaining
WJZ-NBC, New York

Richard Kent is taking listeners on a Cook's Tour and is making rounds in two-weekly datymers over NBC blue. One shot is in early afternoon; the other, in the morning. Both targeted at workers who are presumed the major portion of quarter hour, details as to the choice dish coming at end. Kent, a capable mimic, material is good. One capable catch highlighted Arabia; another, Taj Mahal. Third hoped from India to Tennessee.

On Arabian jaunt, Kent either used assistants or did voice doubling. Ship's pilot and an Arab were other characters. Taj Mahal description was solo. Kent broadcasts to organ accompaniment. This is organ show for radio, although it attimes console music tends to bring the illusion that Kent is airing on the spot. Synthesis is laid upon fact dialers can obtain copies of recipes by mail.

INTERMOUNTAIN EMPIRE
'MARCH OF PROGRESS'
30 Mins.-Local
KSL, Salt Lake City
Tuesdays, 6:15 p.m.

Program is well keyed to an audience which never tires of its local history, and insists on veneration for pioneers. It is a radio program, strictly in accord with local tradition, frontiersmen, Indian fighters, or simple farmers are never, never without that certain touch of greatness, something that they lived and struggled, not for themselves alone, but for posterity. Sponsored by the city's two most important newspapers, the Salt Lake Tribune and Telegram, in cooperation with the Salt Lake City Chamber of Commerce, series presents narrative dramatizations 'saluting' different communities in the Intermountain Empire. This means, roughly, Utah and the southern half of Idaho, corners of Wyoming, Arizona and Nevada. The honored community must come within the circulation area of the sponsors, and usually the 'salute' is timed to precede a special celebration, rodeo or fair. The program consists of two parts. The first dramatizes the history and important highlights of the founding of the community. The second consists of a series of scenes, presented in motion picture of the Tribune's Robert Simmons, with the mayor, other big-wig who tells of the present-day 'elly,' its resources, attractions, customs, etc. Script for 'March of Progress' is written by Gladys Waggis, assisted by John W. Gallivan. Percy Bear produces and directs, with narration by Russel Stewart. Gene Halliday at the organ. Generally speaking, a successful job of setting up the scenes, questions to the KSL and Tribune-Telegram coverage.

TOBY'S CORNUSSUS NEWS
Rural Comedy Sketch
Transcriptions
15 Mins.-Local
WABC, New Albany-Louisville
Daily, 6:45 p.m.

(Albert Frank-Guenther-Lynn) History of this transcription series is interesting. Seems that a couple vaudevillians had the bright idea of writing a series of their old scripts and situations into a rural sketch, not unlike 'Silas Slick,' which is regularly performed hundreds of times each year throughout the country in rural communities. Material and characters are sliced off the cob, and thick, but the main characters, Toby Tolliver and Susie, his wife, are wholesome, down-to-earth folks, and as such appeal to a wide strata of listeners. The sketch was discovered out in the Iowa corn belt, and is now heard on several Eastern stations. Story concerns the rural pair, Toby and Susie, who publish the Cornussus News. However, the town is quite in a dither over a forthcoming balloon ascension by Prof. Piccolo. Always Scoopum, publisher of rival newspaper, the Eagle, is running a contest for voters to select candidate who will make the balloon ascension with the Prof. and Toby inadvertently begs off when asked to help with some lifting, by explaining that he is too thin and too weak. He is selected as the man to make the ascension because he is the skinniest man in the town. That's a general idea of the basic story structure. Harking back to the old days, when they checked the leading man and hissed the villain.
Hold.

KIDS' THEATRE QUIZ
With Jack Mitchell, Dave Barry, Oscar Mitchell
30 Mins.-Local
NJ GRAND BOTTLING CO.
Saturday, 8:30 a.m.
KTS, San Antonio

From the stage of the Theatre here, come 30 minutes of a two-hour show presented to the kiddies of this city by the bottlers of Nu Grape and Sun Crest. Thirty minutes aired are those of a quiz, remainder is filled by a screen show. Production manager of the station, Jack Mitchell, has a program m.c. and does commanding job of handling the youngsters, the commercials and the questions and answers. Is assisted by Dave Barry, assistant manager of the theatre, and Oscar Mitchell, who handle portable microphone up and down each aisle, from which the youngsters answer the query from Mitchell.

Instead of cash awards to each prize winner, winning boy or girl may choose from a vast display of toys on the stage, the prize they desire. Henry Bergman, manager of the theatre, has a program m.c. and does commanding job of handling the youngsters, the commercials and the questions and answers. Is assisted by Dave Barry, assistant manager of the theatre, and Oscar Mitchell, who handle portable microphone up and down each aisle, from which the youngsters answer the query from Mitchell.

Instead of cash awards to each prize winner, winning boy or girl may choose from a vast display of toys on the stage, the prize they desire. Henry Bergman, manager of the theatre, has a program m.c. and does commanding job of handling the youngsters, the commercials and the questions and answers. Is assisted by Dave Barry, assistant manager of the theatre, and Oscar Mitchell, who handle portable microphone up and down each aisle, from which the youngsters answer the query from Mitchell.

ELECTION THIN ICE AGAIN

RADIO BIZ FACES USUAL PROBLEM

Who Pays for What and Where to Send the Bill Is Part of the Touchy Problem—Webs Took Big Loss Covering Conventions on the Cuff

N. A. B. NO GUIDE

Washington, July 30. Quadrennial worry about handling political broadcasts worse than ever for the network heads this year because of President Roosevelt's announced intention of conducting a front porch campaign from the White House and the continuance of Congress session. Usual practice of charging for time after the national conventions have named the tickets may have to be modified.

Neither of the major parties has any crystallized scheme yet, although both intend to use radio extensively. Limitation on political outlays imposed by the latest Hatch Act, however, may mean not as elaborate hook-ups will be used as formerly, although each outfit is strongly committed to the value of microphone vote soliciting. The law says no party can dish out over \$3,000,000—although of course individuals, that is candidates for Congress and state offices, may empty their own pockets without their expenditures figuring in the maximum.

The question of when a political broadcast is not a political broadcast—issue that has caused concern in the past—is far more serious this year. Delicate line must be drawn in deciding the point at which President Roosevelt abandons his character of Chief Executive of the Nation and becomes the candidate of the Democratic party. To lesser degree, the same conundrum involves members of Congress.

With the legislators remaining on the job, networks and individual stations in home districts will have to do some ticklish deciding how much free time to donate. Practice of the webs has been to carry speeches of prominent Senators and Representatives gratis whenever they spent on pending legislative topics or national issues. But now it is assumed each law-maker will put some personal plugs for himself or the party ticket into his talks.

Fretting

Execs are fretting about the general policy. And there seems to be no rule of thumb that can be applied. If Roosevelt notifies the webs' local offices he wants to make another "fireside chat," the chain officials don't like the idea they may have to respond that they don't trust him to be non-political and therefore must receive compensation. It may be simplified if the President arranges his radio talks through the Democratic National Committee—but there is no assurance that he won't short-circuit the party headquarters, moving this week to New York, and do business, via Steve Early, his press secretary.

After having lost or spent an estimated \$500,000 with their elaborate coverage of the two conventions, the chains are unhappy over the possibility they may have to dish up considerable time without getting remuneration. For if they give Roosevelt free opportunities, they'll be subject under the Communications Act to demands for gratis time for Wendell Willkie to answer him. Yet if Willkie makes a speech that draws a Roosevelt reply, the Democratic candidate will have to pay. On the other hand the President's manner suggests he will not acknowledge he is replying to the opposition; the

Brighten the Corner

'Brighten the corner where you are' will be the guiding motto of Miss Kelly and others of the Niles Trammell office entourage during the absence of the NBC president at the N.A.B. convention in San Francisco. A lighter touch will prevail in the decor of the corner suite recently vacated by Lenox Lohr and into which Trammell has not yet moved himself.

White House intimation is that the few speeches contemplated will be 'general' nature, confined to discussion of national and international problems.

Just what constitutes a political speech always has been a subject of controversy. During the last seven years, Republicans frequently have protested that Roosevelt in his official role has put partisan twists in his copy. There was that tumpus a few years back when the Chief Executive's annual 'state of the union' message to Congress was delivered at a special night session and the G.O.P. demanded an equal hook-up for nothing, to permit an official answer to his controversial remarks. On that occasion, the chains wiggled out by insisting they carried the President's talk as a 'public service.'

There is little in the N.A.B. code to guide the industry. While time for discussion of controversial topics must be given away, the formula for determining when such discussion becomes 'political' is not especially helpful. Particularly where the President is concerned, Statement of ethics admits that candidates and parties during campaigns will want more time than the industry can be expected to donate, but offers no answer to the riddle about 'fireside chats.'

Problem growing out of the continual session of Congress is the most painful. A good many lawmakers have adopted the custom of making transcriptions which are sent back home and aired as a public service. Presumably there will be more of this, with the legislative candidates chained down in the Capitol and unable to go about fence-mending in person. So the individual stations will have to decide on their own policies, aside from whatever the webs do.

Only thing certain at this stage is that the various acceptance speeches will be on the cuff. The President's talk to the Chicago convention was handled as a sustaining, so Willkie's Elwood, Ind., oratory will be tariff-

less. The same with the ceremonies of notifying Senator McNary and Secretary Wallace.

Plans of the Democratic national committee will remain unsettled until late next month, perhaps even into September. With Postmaster General Farley quitting the chairmanship Aug. 17, the scope of the radio drive cannot be determined at this point. G. W. Johnstone, party radio boss, has been laying some ground-work—such as soliciting prices from transcription companies and studying program schedules—but hasn't made a move toward optioning time. Definite arrangements must be deferred until the President has designated a new party chairman and the latter has his chance to cook up strategy.

The Republican plans are a little more advanced but still practically nothing has been settled. Ted Church the G.O.P. booking agent, huddles in New York this week with party figures and industry representatives, but probably will be unable to perfect any details until after Willkie's return from Colorado two weeks hence.

FCC OKAY FOR F-M SPECIAL AT N.A.B

F-M broadcasting will be done for the first time on the Coast during the National Assn. of Broadcasters' convention in San Francisco. Complete F-M transmitter, shipped from New York for the purpose, will broadcast on a 16-hour daily schedule under a temporary license issued by the FCC. Ethinger will start Saturday (3), the day before the convention opens, and continue through the closing date, Wednesday (7).

High-fidelity programs will include special transcriptions and regular originations from KSPQ, San Francisco. Temporary F-M transmitter will have the call letters W 10 XLV and will operate on 1,000 watts.

Larry Clinton almost tangled with business end of anti-aircraft practice of U. S. Army last week while flying over Fire Island, L. I. Waved away in time by Army plane.

Raise Point If Hitler Has Any 'Free Speech' Rights In Democracy

WGST UNDER CALHOUN

Paula Wilbrite as Atlanta's Only Woman Radio Exec.

Atlanta, July 30. Southern Broadcasting Stations, Inc., licensee of WGST, local Columbia outlet, has a pair of applications before FCC. One is for an FM station permit, the other is for directional antenna and 5 kw. day and night to replace their present 5 kw. day and single kw. night.

Following departure of W. H. Summerville for WWL, New Orleans, as managing director, C. H. Calhoun, prez of station's licensee, moved in as boss man. Paula Wilbrite became secretary-treasurer and is only woman brass-hat in Atlanta radio scene. WGST formerly had studios atop Ansley Hotel Roof, but is now ensconced on ninth floor of Forsyth Building, downtown Atlanta. They occupy whole floor.

Station, nominally, is state owned, since it belongs to Georgia Tech, a state school. Tech got it, years ago, as a gift, from The Atlanta Constitution, morning sheet. Calhoun and associates operate it under lease agreement with Tech getting a cut of receipts. Station and Constitution work together, exchanging plugs, and Constitution newscasts are carried in addition to Transradio news. Mike Clark, formerly with WATL, is newscaster and publicity director.

John Fulton, WGST's program director, Frank Gaither commercial chief and Ben Akerman chief engineer.

Station will shortly switch to World Transcription Library Service.

WGST'S STAFF BONUS ALONG WITH HOLIDAY

Atlanta, July 30. Despite the heat, Santa Claus appeared at WGST. All employees are getting, plus their regular two-weeks vacation, check for an extra week's pay.

Station passed out similar bonus at Christmas, 1939.

San Francisco, July 30. Action last week of the Don Lee network (Mutual affiliate) in cutting Adolph Hitler's speech off the air and making a public announcement upon doing so that it would not permit its facilities to be used by Hitler. Further to 'apologize for his crimes against humanity' created plenty of reaction locally. For the next day or two violent arguments on the merit of the action were overheard in bars, streetcars and restaurants.

One by-product was that Bill Pabst, KPRC manager was snowed under with mail, bulk of it congratulatory but some scurrilous in the extreme with the usual racial slurs against the Jews.

While the theme of 'censorship' was brought up others answered that there was nothing in democratic custom or law that required extending free speech rights to the United States to Hitler, who has forfeited the privilege to President Roosevelt in Germany.

BOSTON CHAIN IS NOW WHOLLY WON OVER

Boston, July 30. WORL, one of the most profitable stations of its size in the country, signed last week one year contract with Jesse Stern, general manager of Summerfield's Furniture Stores. That firm will spend \$23,400, for 15-minute participation programs as a part of the '920 Club Mythical Ballroom.' The latter is a ten hour show of recordings divided into 15 minute programs sold separately.

Built a year ago, Summerfield's, with stores in Boston, four other Massachusetts cities and Manchester, N. H., held an unfriendly attitude toward radio advertising. WORL sales staff spent three months in bombarding Stern who finally granted an interview.

Sherman, Tex., KRRV Up 1,000 Watts This Week

Sherman, Tex., July 30. Station KRRV here this week dedicating its change from 250 watts to 1310 kilocycles, daylight operation to full time on 880 kilocycles with 1,000 watts power with three special programs from the Fort Worth studios of the Texas State Network of which it is the local outlet, one from KPIT, Paris, and one fed to the TSN web from its own studios.

Station has studios in Denison, Tex., also. From Sherman will come a program with music by the TSN staff orchestra under the direction of George McCullough, Blanchard McKee, Russ Lamb, vocalists, and Roy Thomas.

APPOINTMENT PENDS

Victor Sifton, West Canada Publisher-Broadcaster, in Line

Ottawa, July 30. Reports here from Ottawa indicate that Victor Sifton, head of a western group of radio stations and newspapers, may be appointed coordinator of the various branches of the information services for Canada. Sifton is president of the influential Winnipeg Free Press and other Western Canada dailies and a controlling factor in Trans-Canada Communications, which operates a chain of stations, including CJRC, CJRM (Vic Nielsen) at Winnipeg and Regina.

Lyons Renews Roosevelt

Fort Worth, July 30. Effective with the broadcast of July 29, the thrice weekly broadcasts of Elliott Roosevelt in his series of programs of 'American Looks Ahead' have been renewed for an additional 30 weeks. Program is aired over a list of 46 stations and is heard in Texas through the facilities of the Texas State Network.

Blackett-Sample-Hummert is the agency handling the account for Dr. Lyons Tooth Powder.

EIGHT-WEEK TREND OF STATION BUSINESS

(For All Markets Regularly Reported by Variety)

Week Ending	NATIONAL SPOT	Units by Thousands	Week Ending	LOCAL	Units by Thousands
June 1	_____	62.0	June 1	_____	91.6
June 8	_____	61.1	June 8	_____	89.5
June 15	_____	62.1	June 15	_____	89.1
June 22	_____	62.6	June 22	_____	89.9
June 29	_____	62.1	June 29	_____	90.3
July 6	_____	61.2	July 6	_____	89.3
July 13	_____	61.9	July 13	_____	89.9
July 20	_____	60.5	July 20	_____	88.5

Week Ending	NETWORK	Units by Thousands	Week Ending	TOTALS	Units by Thousands
June 1	_____	94.4	June 1	_____	248.2
June 8	_____	93.3	June 8	_____	244.0
June 15	_____	93.6	June 15	_____	244.8
June 22	_____	94.6	June 22	_____	247.2
June 29	_____	90.0	June 29	_____	242.5
July 6	_____	92.6	July 6	_____	243.2
July 13	_____	90.5	July 13	_____	242.4
July 20	_____	85.3	July 20	_____	234.1

With Mike and Turntable (No Gun) In Georgia Swamp for Dear Old WSB

Atlanta, July 30. Unique programs like the biggest fish, sometimes get away; Marcus Bartlett, production manager of WSB, has learned.

Bartlett conceived the idea of invading Georgia's famous Okefenokee Swamp, U. S. Biological Survey game preserve, in hope of bringing back to civilization transcriptions of what goes back in this spongy wilderness.

He organized a safari, which included Walter Paschall, station's news chief, and Mark Tolson, chief engineer. They hid themselves to the edge of this forbidding territory with some 250 pounds of equipment and, properly guided, set forth in small boats. And the rains came.

It was no patterning precipitation, either, according to Bartlett, who still gets the shakes when he talks about the expedition. "The swamp about" in alligators, snakes, insects and other fauna that resent the intrusion of man. The thick flora and lack of parking facilities (what ground there is will not support any weight) also contributed to the non-success achieved. Since the swamp is a game preserve, the WSB party had to check their guns before they went in and nobody is ever known to have won a battle with a South Georgia gator armed only with a stick.

At any rate, Bartlett and his cohorts retreated, after two wet days, in more or less good order. Net result: one 15-minute platter of sounds of the swamp and one 15-minute interview with Lem Griffith, chief guide and teller of tall tales about the Okefenokee region.

Jack Laemarr to L. & T.

Chicago, July 30.

Jack Laemarr, time buyer for Blackett-Sample-Hummert agency here for several years, joins Lord & Thomas agency here.

Will handle radio time purchases.

The Human Touch

Montreal, July 30.

Canadian listener tuning in on London newscast last week waited impatiently for the usual 30 seconds of chimes and sound effects to fade so that he could get the latest dope.

Instead of 30 seconds the introductory musical effects went on and on for fully three minutes. Finally came the startled voice of the BBC announcer: "Oh... Excuse I must have dropped off."

War Pinch On Steel Slows Radio Towers

Milwaukee, July 30.

Although WTMJ has been authorized by the FCC to increase its power from one kilowatt to five kilowatts full time and is to get the necessary new construction work under way at once, the difficulty of obtaining the requisite amount of steel and copper under the national defense act will delay improvements for some time. Station has been operating on five kw during the day, stepping down to one at sunset for night operations.

Additional steel towers, each 400 feet high, with many miles of copper wire underground, will be erected at the Blue Mound radio transmitting station.

Wax-O-Name! (Johnson) Blurbing After Sept. 3

Chicago, July 30.

Johnson's Wax-O-Name! product will get a schedule of one-minute announcements over 30 stations through the midwest and south beginning Sept. 3 and running through Oct. 22. Announcement schedule is a test operation to determine the most effective medium.

Harrie Richardson, of the local Needham, Louis & Borby agency, handling the account, has also reserved a six-day weekly strip on WBBM for 13 weeks starting Sept. 9. This will be a 15-minute show and will likely be extended if it pays out. Tentative set-up for the WBBM show calls for a disc parade m.c'd by Alexander McQueen, currently on WGN with his "Nothing But the Truth" show.

HONEST CONFUSION

Judge Refuses Attorney Fees in Nell Vinick Copyright Case

Nell Vinick, radio lecturer on beauty, was returned nominal victor in an action for an injunction, counting of profits, and damages, against Charm Publications, Inc., in the N.Y. federal court Thursday (25), when Judge John C. Knox awarded the plaintiff statutory damages of \$250 for infringement of copyright. The Judge indicated that he believed the defendant to be an unwitting offender, found that it had not capitalized on the infringing material, and refused to award attorney fees.

The plaintiff in March and May, 1937, broadcast three programs over WOR dealing with beauty hints. These were published by the defendant in the "Real Charm Magazine" September, 1937, under an article entitled "Cosmetics," by Babette. Plaintiff, however, had arranged for publication by the magazine under her own by-line, and objected to the use of another's. The mix-up, as the Judge found it, resulted from confusion on the part of Miss Vinick's press agent, and not from any deliberate attempt of infringement on the part of the defendant.

NBC Public Service Credits

(The following is a listing of the script writers and production men for the Public Service, religious and women's and children's programs on Red and Blue.)

Program	Script	Production
U. of Chicago Round Table	No script	Chicago
'This Our America'	Varies	Joe Thompson
'Wings Over America'	Richard McDonagh	Harry MacFadden
'The World Is Yours'	Irve Tunic and Burr Cook	Sherman MacGregor
'Human Nature in Action'	Albert Williams and Harold Lasswell	Joe Thompson and Edwin Whitney
'Adventure in Reading'	Heien Walpole and Zachary Metz	James Church
'Stars of the Summer Night'	Dr. Harlow Shapley	Boston
Nature Sketches	No script	Denver
'The Listener's Playhouse'	Albert Williams	Albert Williams
'Echoes of History'	Ronald MacDougall	Ronald MacDougall
'The Traveling Cook'	John LaTouche	John LaTouche
'Brief Case'	Max Ehrlich	Frank Doda
'Guest Book'	Richard Kent	Herbert Liversidge
'Streamline Journal'	Alma Kitchell	Paul Dumont
'Your Voice and You'	June Hynd	Varies
	Alma Kitchell (Edits)	William Marshall
	Elsie Mae Gordon	George Maynard
		Lester O'Keefe
		Norman Weihe
	Madge Tucker	Madge Tucker
	Madeline Gray	Paul Dumont
	George Ludlam	Sherman MacGregor
	Madge Tucker	Madge Tucker
	Robert Monroe	Lester O'Keefe
	From Chicago	
	Irene Wicker	George Maynard
Religious Programs	Varies with speaker	Ch. Warburton
		George Maynard

SHOUSE, DUNVILLE WEST

Will Set WLW Pacific Rep White Enroute to N.A.B.

Cincinnati, July 30.

Leaving here today on an American air liner for the N.A.B. conclave in San Francisco, James D. Shouse, general manager, and Robert E. Dunville, sales director, of Crosley's WLW and WSAL will carry for a couple of days in Los Angeles to line up sales representative on the West coast.

Also to look in on Hollywood, where some former Crosley writers and entertainers are engaged in pix work.

Sydney Walton On All Three Radio Networks

Sydney Walton, commentator and announcer, has a new music series over NBC blue (WJZ) Sunday evenings, giving him program for the three major broadcasting companies. Besides the NBC series he has eight new periods weekly on Mutual for Bristol-Myers and American Cliche, and is announcer on 'By Kathleen Norris' for General Mills over CBS. He writes, produces and is m.c. the NBC series.

Believed he's the only announcer with contracts with all three companies.

WCCO
MINNEAPOLIS-ST. PAUL
50,000 WATTS
CBS

CONSISTENTLY... the largest audience of any station in the Twin Cities and the Northwest.



For more information about WCCO, one of the sixteen CBS 50,000 watt stations, inquire of Radio Sales, New York, Chicago, Detroit, St. Louis, Charlotte, N.C., San Francisco, Los Angeles.

50,000 WATTS - WHERE IT COUNTS MOST



ANNOUNCEMENT



Columbia Recording Corporation, a subsidiary of Columbia Broadcasting System, Inc., is now actively in the electrical transcription business.

Complete recording studios, incorporating the most modern facilities, will be available September first, in New York, Chicago, and Hollywood. Manufacturing and processing facilities are at Bridgeport, Connecticut, and Hollywood, California.

You are invited to hear a demonstration of the recording characteristic of a Columbia Electrical Transcription, during the N.A.B. Convention, Hotel St. Francis, San Francisco, beginning Aug. 4.

TRANSCRIPTION DIVISION

COLUMBIA RECORDING CORPORATION

A SUBSIDIARY OF COLUMBIA BROADCASTING SYSTEM, INC.

NEW YORK, 799 SEVENTH AVENUE

CHICAGO, WRIGLEY BUILDING

HOLLYWOOD, COLUMBIA SQUARE

CANADIAN ADVERTISING MEN STILL TRY FOR RIGHT TO SPONSOR RADIO NEWS

Drastic Proposals of CBC Likely to Be the Rule, However—Nathanson of Famous Players Enters Involved Situation With 'Liberal' Suggestion

Ottawa, July 30. Three far-reaching alternative proposals have been submitted to broadcasters in an effort to solve the complex newscasting problem. Canada following meetings, here earlier this month, during which strong representations were made to the Government in favor of continued sponsorship of news by Robin Merry of Lever Bros., Charles Vint of Colgate-Palmolive-Peet, and E. Choyce, of McColl Frontenac Oil.

Of the three plans believed to be submitted that of N. L. Nathanson, head of Famous Players-Canadian Corp., who is vice-chairman of the Canadian Broadcasting Corp., apparently shapes up as the simplest and, except for the clause banning sponsorship of news, the least onerous and most feasible.

Association of Canadian Advertisers, the Canadian Association of Advertising Agencies and the Canadian Association of Broadcasters have submitted a plan for revision to the current newscasting setup which is predicated on basic principle that sponsored news be permitted to continue. Chances of adoption of this plan, in view of powerful opposition from Canadian publishers and the Canadian Broadcasting Corporation, are slim at the moment.

In addition to proposals outlined by N. L. Nathanson on the one hand and the agencies, sponsors and broadcasters on the other there is an elaborate proposal presented by Dr. A. Frigon, assistant general manager of the CBC.

Frigon Proposal
If adopted the Frigon plan to control and regiment news broadcasting would, the opinion of agencies, be disastrous not only in that it would deprive stations of important sources of revenue but would undeniably have the effect of diverting more Canadian listeners to American radio stations for news. Once habit of turning to American stations is formed entire structure of Canadian broadcasting would be jeopardized since ever-increasing audience would

stay tuned to U. S. stations for other programs as well as news.

Effect of the CBC proposals might in the long run, according to informed opinion, boomerang against the Government, radio setup since there is no regulation preventing Canadians from tuning in on any foreign stations. Importance of the Canadian Broadcasting Corp. as medium for dissemination of news would be diminished through use of stereotyped or unshowmanlike news programs. For though showmanlike methods of news broadcasting might not appeal to individual members of the CBC there is little doubt regarding the popularity of graphic news presentation with listeners.

The CBC proposes to assume exclusive rights to broadcast regional, national and international news. Material to be prepared by staff working under direction of the CBC. The Corporation intends to use Canadian Press, British United Press and perhaps Transradio Service. There will be an editorial staff appointed by the CBC with offices in Toronto and Montreal to edit and censor copy. Large cities across Canada will be on a circuit constantly serviced by teletype. The CBC would not cover local news under these arrangements, and this coverage would be a matter for local stations to handle. It has been suggested that since the national news broadcasts would be much the same on all stations the specialized local coverage by each station would present a relief from the stereotyped formula newscasts.

More drastic still than any proposal yet heard for straitjacketing radio is Dr. Frigon's suggestion that news commentaries, as well as straight news on all stations be banned except for those commentaries originating from the CBC. The CBC fears that in news commentaries private stations might be presenting a program which would, in effect, be a news broadcast.

Nathanson's Views
Suggestion made by N. L. Nathanson, whose opinion as vice-chairman

It Would Be

Buffalo, July 30. Runner-up prize "barbershop quartet" contest WEBR was four Schick razors. Prize was won by quartet from Remington Razor Co.

of the Canadian Broadcasting Corp. and expert knowledge of all branches of show business of which radio is part (despite that CBC officials refuse to recognize that factor), may carry weight in government deliberations.

Nathanson is, in effect, advising a liberal approach to the problem. Basically, of course, the Government attitude is that no news shall be sponsored on any station, though spot announcements may be permitted before and after.

But Nathanson advocates that stations be permitted to acquire news and continue to present it as at present, except for the change from direct sponsorship to spot announcements. It has further been suggested that regulations governing spots be modified to permit use of news for this type of commercial attachment.

Nathanson, from accounts, has further proposed that only those stations on the CBC basic network (approximately 35) should be compelled to take the CBC news service.

To protect the CBC newscasts Nathanson suggests that no station should be permitted to broadcast news within a period of one hour either before or after any national news program. The 60-minute protection period might be cut to 30 minutes if found advisable.

The proposal of the private stations and agencies is that a central News Service be created to edit and provide news bulletins selected from the pooled news services available. Plan is to hire experienced newsmen and that all radio stations be linked by permanent teletype equipment stations to be assessed pro rata for the service. In this way every station in the country could be reached almost immediately for special service by the Government.

This teletype circuit would provide the only news that private stations would be permitted to broadcast except for local material arranged for with the approval of the

having largest amount of caps being awarded a \$250 miniature locomotive and tender.

Questions are rather simple to adult listeners but are tough on the youngsters. They range from names of cities, what silk is made from as well as questions regarding boundaries of states.

Commercials are few and stress the fact that Nu Grape as well as Sun Crest are good for growing youngsters and can be bought in the handy six-bottle carton. Andy.

THEATRE NEWS QUIZ
With Cliff Howell
30 Mins.—Local
HOLSUM BREAD
Friday, 8 p.m.
KSFQ, San Francisco

(Leon Livingston)
After four hectic weeks as a sustainer, 'News Quiz' moved into paying class (12) on behalf of Holsum Bread, Aided from stage of Orpheum theatre (F&M), show was handled first two weeks by Dean Maddox, third by Art Linkletter and fourth by Cliff Howell, KSFQ program director. Auditions are still going on, switching due to inability of all concerned to reach agreement on style to be used by quizzer.

Initial commercial shot had Howell still holding the fort in presentation, show is patterned after Dr. I. Q. on a minor scale, including 'Balcony right, ready and waiting,' etc. Howell's handling is clear, firm and impersonal, somewhat lacking in warmth although slim; houses may also contribute to general coldness.

Three to \$5 offered for general questions, with a double-or-nothing paying up to \$8, scrambled headlines yielding \$15 and a final sweepstakes query paying off at \$25. For latter stunt each listener introduces his candidate before question is asked. Stumper then is routed quickly from one to another in rotation until answered. Current quotes by prominent people submitted by listener net \$2 for sender and like amount to person identifying same. A 32-word statement on Holsum Bread must accompany queries mailed in. The whole idea is basically good, ultimate depending on final choice of m.c. Weru.

'CURTAIN GOES UP'
With Forrest Willis and C. R. Roseberry.
15 Mins.—Local.
JOHN'S BEAUTY SALON
Wednesday, 8 p.m.
WABY, Albany

Mohawk Drama Festival, Berk-

CBC. Under this plan stations would not be permitted to tamper with, edit or otherwise change material from the teletype. This central News Service would operate independently of the Government news broadcasts but would be available to all Government stations that want to take it in order to supplement national news bulletins.

Instead of spot announcements broadcasters and agencies propose that commercial attachments be limited to mere sponsor identification of not more than 45 seconds before and after newscasts.

More Meetings
Apparently the plan submitted by the vice-chairman of the Canadian Broadcasting Corp. could be reconciled with the proposal offered by station men since the only important point over which there is any issue is whether sponsorship should be effected by means of spot announcements or via brief 45-second identification. Question is, however, whether CBC bureaucrats will relinquish thoughts of 'taking over' newscasting which has been main objective for past two years.

A meeting of western members of the Canadian Association of Broadcasters was scheduled for Monday (29) to discuss news situation further. Representatives of station men and agencies slated to appear before the CBC at Ottawa again early in August.

Radio Reviews

Continued from page 118

shire Playhouse and Spa Players guests appear in first three-company tieup to advertise the strawhatters, bills and dates. Payoff in publicity. As show-casting, it probably is satisfactory all around—summer show stars, to their credit, are cooperative, on ether plugging, even when low automobile rides are required. With people from three companies in studio—before audience—impression is not as sharp, for listeners as with one. It does mean hearing lots of names and some entertainment perhaps varying in later, from week to week. Late William H. Haskell, Knickerbocker Press-News critic, first started strawhat interviewing, ov' WOKO, about 1933-34, and did it as well as anybody.

New program—first commercial of kind in section at night and under rather high auspices, considering guests' rank—has Willis, veteran local miker, and Roseberry, dramatic editor of Knickerbocker News, sharing exchange-with-stard, honors. Clearer distinction between duties of two would help. Roseberry is a bit mike-stiff and shy on breath control. More rehearsals and production would aid, too. On one shot heard, Beulah Bondi and Charles Coburn, of Festival, Ann Mason and Tonio Selwart, from Playhouse, and Director William E. Barry of Spa group, were heard. Considering amount of talent, there was not much real acting. Some of technique was stage rather than radio. Jaco.

PETER PANDA

"Only One of His Kind in America"



BIZ AS USUAL

• The war hasn't slowed us down. Volume of retail sales is as high as ever before. And payrolls are higher.

• People continue to buy food, drink, clothing, furniture... Above all, they listen to CKAC, which blankets the richest single market in Canada.

"Only One of Its Kind in America"

CKAC MONTREAL

"Canada's Busiest Station"

A CBS Affiliate

T. S. Rep.: JOS. H. McGILLVRA

ST. LOUIS ... JULY 9 ...

1940 ALL STAR GAME

SAME GAME—SAME HOUR—ON ALL THREE

ST. LOUIS STATIONS THAT REGULARLY CARRY

BASEBALL.

KMOX GETS MORE LISTENERS THAN BOTH OTHER

STATIONS COMBINED ... THREE TO ONE FOR

KMOX OVER NEAREST COMPETITOR.*

SO KMOX PROVES AGAIN—IN A FOOL-PROOF

TEST—ITS COMPLETE DOMINANCE OF THE

ST. LOUIS MARKET.

KMOX

*Details upon request

Who Buys New Soap?

WBNS

LISTENERS RESPOND QUICKLY!

DR. ...

Central Ohio's Only CBS Outlet

JOHN BLAIR & CO. Representatives

Government to Re-Locate Monitoring Units as Check on Illegal Stations

Washington, July 30. Money to relocate six of the government's seven radio monitoring stations—the plants that check variations from the assigned wave length—was asked of Congress last week. President Roosevelt proposed a \$175,000 deficiency appropriation as part of the national defense movement.

Only one of the existing traffic booths will stay in place, Grand Island, Neb. Those which the Commission wants to put in better spots now are located at Atlanta, Baltimore, Great Lakes, Ill., San Pedro, Cal., Portland, Or., and Boston. Purpose is to avoid down-town howls and permit a closer check on the numerous classes of transmitters.

COUGHLIN TO DISCUSS POLITICS

Detroit, July 30. Father Coughlin's broadcasts, starting the second Sunday in October and network now being lined up, will center around topics he's discussed in the past several years, plus some time 'devoted to the fundamental principles involved' in the coming presidential campaign. Broadcasts, which are being handled by 21 large stations throughout nation, several of the 21 being in addition to those which carried last year's programs. Stations are being offered the alternative of granting half-hour periods for a direct broadcast from Royal Oak, Mich., or a transcription broadcast later in day.

Asked who he will support in the presidential campaign, Coughlin replied that he hadn't made a choice as yet, but would 'consider candidates only in the light of the principles for which he stands.'

WFIL EXPLAINS ITS STAND ON COMMUNISTS

Philadelphia, July 30. To avoid the appearance of censorship or of martyring the Communist party, WFIL last Friday (26) announced it would give free air time to leaders of the party here after refusing to sell it to them. Said Samuel R. Rosenbaum, WFIL president:

'I abhor and oppose censorship of free speech by force. It is my profound conviction that freedom of speech, press, radio and thought is the fundamental rock upon which what we call liberty is built. The time may come in the war now in progress when Americans may be obliged to cut out discussions and notify dissenters to lay their differences on the table.'

'We have not reached that point yet. Until we do, we should try our best to maintain that good nature and good sportsmanship which is the Anglo-Saxon definition of democracy.'

'I believe it is better that men like Carl Reine should have the chance to have their say publicly rather than secretly.'

PACE KILLS ALICE HULT

San Francisco, July 30. A shock to KERC staff was the sudden death of Alice Hult, 26, known as Nancy Dixon on air, who dropped dead in postoffice. An Oregon girl who was helped into radio by Newscaster Phil Stearns at a time when wolf was nipping her heels, she had done such a bang-up job she was slated for promotion to head script writer for Clark & Feabody account in the east. Outfit controls Sanforized patents and is represented by Young & Rubicam.

Miss Hult had been doing the local Nancy Dixon show last week, and was just getting on her feet financially. Blood clot plus overwork blamed.

Joe Bigelow to L.A.

Joe Bigelow is being transferred to the Coast by J. Walter Thompson to join the writing staff there. He'll likely be used on Kraft Music Hall. Stan Quinn, youngest writer in the JWT Hollywood office, is being moved east.

NBC TURNS PRO

Photo and Teletype Getting More Experienced Handling

A professional photographer, Tommy Weber, has been installed at the NBC press department as photo editor. He replaces Emil Corwin, who returns to the publicity activities proper. Meantime the teletype machine, which delivers shortwave pick-up bulletins and NBC publicity items to all the New York and Brooklyn dailies, has a professional operator, Ralph Byrne, who replaces the ad lib brigade who used the same groping system on the wire apparatus they use on their Underwoods.

Photo Editor Weber brings his own developer, Frank Barber. Roy Meredith, from television division, also transferred.

Divorces John Edmunds

St. Louis, July 30. An uncontested divorce from John Edmunds, former local radio gabber, was obtained last week by Mrs. Helen Dolores Edmunds, City Judge Borders' court in East St. Louis. Mrs. Edmunds, daughter of State Senator Louis J. Menges, who formerly operated a string of film houses, charged desertion. She obtained custody of two-year-old son.

The couple met at WTMV, East St. Louis, where she then broadcast film reviews and he was an announcer, and married in Cincinnati in 1936 and separated in May, 1938. Edmunds is now employed by a New York city radio station.

FCC Grants All Broadcasters Chance to Answer By Sept. 15 Points in Cham Monopoly Report

Washington, July 30. Chance to answer back was granted last week to all parties in the chain-monopoly investigation. The Federal Communications Commission said it would receive briefs filed up to Sept. 15, showing clearly that no action will be taken on the roundabout recommendations of the subordinate posse for a good many weeks.

The Commish noted that copies of the report submitted by a three-man committee headed by former Commissioner Thad H. Brown have been sent to all ticket holders. Any station operator is at liberty to rebut the factual statements contained in the document, backing his answer up with legal arguments. Oppor-

tunity also was extended to counter motion of Mutual Broadcasting System for a temporary injunction that will preserve the status quo.

'Mystery Chef' McPherson On WCAU for Tetley's

Philadelphia, July 30. 'Mystery Chef' (John McPherson) cooking program on the networks several years ago, returns to the air here this week with a two-shot-a-week series on WCAU. Sponsor is Tetley Tea.

The account was placed by the Blackett-Sample-Hummert agency.

A REAL SELLING INFLUENCE

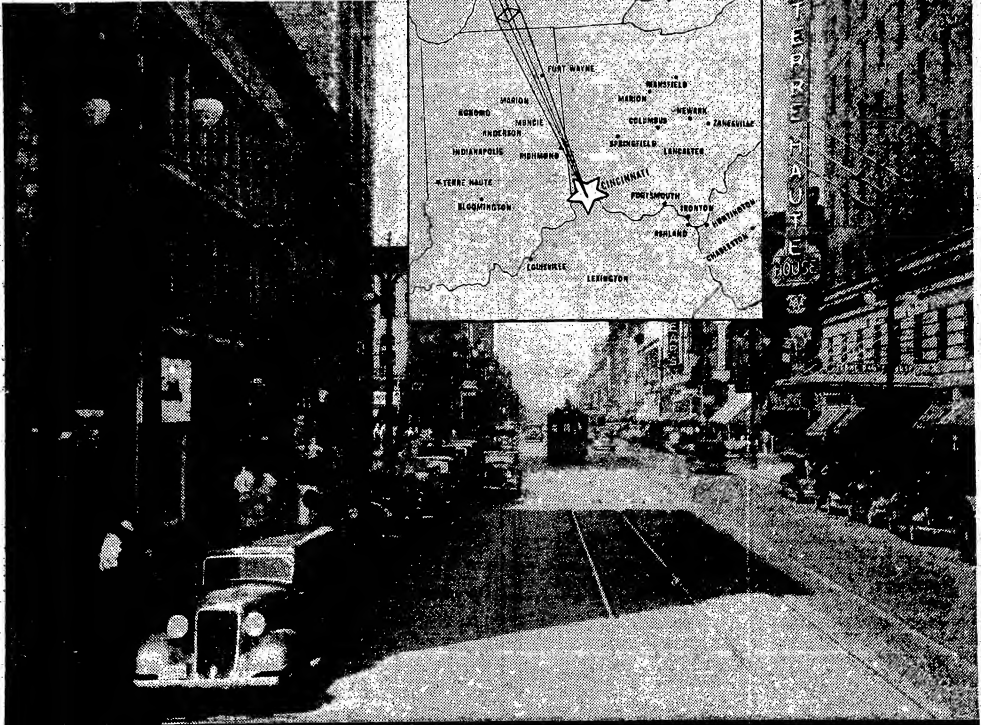
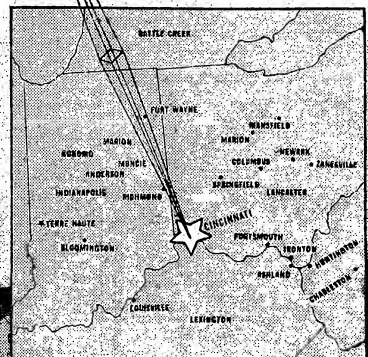
... that's what Terre Haute merchants say of the advertising messages broadcast into their city by The Nation's Station. And so do local merchants in the more than a score of other rich trading centers that compose WLW's primary area. What could be more natural than that wholesalers and retailers in all of these important markets make the resulting preference for WLW-advertised brands their guide to greater sales?

★ **TERRE HAUTE, IND.**
42 hours from Cincinnati by train but part of Cincinnati by WLW.

★ Population—1930 62,810
Retail Sales—1939 \$34,462,400*
Wholesale Sales—1939 145,491,000*

★ Per Cent of Nation's Buying Power (Trading Area) 1.64%
Radio Homes—1938 27,350
(Vigo County)
* Estimated by Sales Management.

REPRESENTATIVES: NEW YORK—
TRANSAMERICAN BROADCASTING
AND TELEVISION CORP., CHICAGO—
WLW, 230 NORTH MICHIGAN AVENUE



WLW THE NATION'S most "Merchandise-Able" STATION

Heavy Music Made to Pay By Stations In Cultural San Francisco

San Francisco, July 30. A concerto with the cookery, an opera at midnight, a symphony for sunrise. That's a cross section of music in San Francisco radio.

Possibly the only area in the country where heavy music gathers less than five, even the smallest performers, come to the extent of being printed programs. What's more, the stuff is sponsored. Example is KYA's solid two-hour stint on nights a week for Pacific Gas Electric.

KJBS lays claim to starting it all back in 1934, pointing out that ideas are not only lifted by others but copied. The RCA-Victor Red Seal sets which are featured on some stations throughout the nation. At the time six years ago, KJBS was going off at local sunset and returning at midnight. Granted permission to advance late sign-on to 10 p.m., juicer found itself with two hours extra to fill and took a fling at variety. Requests shook the disc ward Victor Herbert and kindred melodies and following audience and disc twirlers found themselves joining operas and symphs.

Idea jelled at that point with Herman Clay & Co., old line music man, assuming sponsorship. pact endured five years. Currently he is stultified bankrolled part-time by Achman Bros. Furniture, but formula remains same, complete symphonies and opera aired nightly with little repetition as possible. Requests are discouraged, although fan mail is consistent. Billed as the Magic Hour, program is handled by Ken Owen.

For six years KJBS also has carried a Sunrise Concert, releasing a full hour of classics from 5 to 6 a.m. but generated only 250 watts power. "Do you like?" query about show will bring as high as 500 'Yes' notes. KYA's PG&E stanza airs nightly from 8 to 10 p.m., and similar query here is said to have pulled as many as 10,000 letters a month. Music is strictly highbrow with just enough light classical to level. Utility prints detailed programs which are available for the asking at any

branch office. Hearst outlet also has a full hour of serious music on sustaining basis from 11 to noon daily.

Across the bay at KRE, heavy 24-page monthly bulletin, "Music of the Month," at 10 cents per. "At present it has a circulation in excess of 7,000," according to manager Arthur Westlund, "and is subscribed to by practically all of the music teachers and lovers of good music. Our policy is to list nothing but the better music programs and restrict advertising to that field."

July issue, with cover portrait of Dvořak and 15-page review of his works inside, carries four pages of detailed program listings, plus ads for music house, Bach festival and a chapel airing organ concert. Station uses an average of five classic periods daily, ranging from "Masterworks" at 9:30 a.m. to "Music to Read By" at 9 p.m. Sponsors include a music house, a building and loan outfit bankrolling two shows and a department store.

KLX, Oakland, sandwiches semi-classics between items on the morning Shopping List, women's hour at 9 a.m. and Beethoven still hold their own with boogie-woogie at any hour here. So far as local origins are concerned, the small-wattage overshadow the webs, which ride along largely on symphs fed over the wires. NBC's (now Mutual's) Standard Symphony Hour, however, is a 12-year-old regular and KFRC has inaugurated "Concert Encounters" via wax at 2 p.m.

WDSU Seeks 5,000 W.

New Orleans, July 30. WDSU has applied for increased power to 5,000 watts day and night. This came as station celebrated its 17th anniversary. When station first began on air under Joe Uhalt the power was five-count 'em—watts.

In connection with power increase application, station has selected new transmitter site on west bank of river across from metropolitan New Orleans.

Worried His Ma

Hartford, July 30. For some time Bob Martineau's mother and sister have been worrying and fretting about the long hours he kept at WHTT. Said it was ruinous to his health.

Martineau as program director doubles on station break announcements. Mother and sister knew he went in at 11 a.m. and always heard him sign off at 12 p.m.

Last week he broke down and confessed to them that the voice they heard during the day was legitimate but his signoff was transcribed.

WIP Expansion Draws Fly, Miller, 18 Mayors To Transmitter Event

Philadelphia, July 30. WIP will formally dedicate its new \$80,000 transmitter on Thursday (1) which will boost the power of the outlet from 1,000 kilowatts to 5,000. A two-hour program will highlight the ceremonies which includes a dinner at the Gimbel Building restaurant for newspapermen and notables. Among those expected to address the meeting are Joseph Lawrence Fly, chairman of the Federal Communications Commission; Neville Miller, president of the National Association of Broadcasters; Bernard F. and Ellis Gimbel, officials of Gimbel Brothers, and Benedict Gimbel, Jr., president of WIP.

In addition, mayors of 18 communities in the WIP listening area are scheduled to speak. As part of the dedicatory program, talks on preparedness will be aired from Fort Meade, Md., where the Business and Professional Men's C.M.F.C. is encamped. Speakers will be Judge Theodore Rosen and Jay Cooke, G.O.P. candidate for U. S. Senator, both bulk privates at the camp.

The new transmitter is located at Belmont, N. J., about six miles northeast of the studios.

JOSEPH H. MCGILLVRA REPS WMEX, BOSTON

Boston, July 30. Station WMEX, which boosts its power to 5,000 watts effective Sept. 1, has appointed Joseph Kershey McGillvra as its national representative. His pay for night time will be upped to \$250, effective when the new power goes into operation. Contracts signed before that date will be for the present rate based on 100 watts power.

Transmitter is at Quincy, about six miles from the center of Boston. Antenna is directional and is engineered by John Barrow, of Washington.

Journal's F-M Plans

Milwaukee, July 30. Planning an F-M commercial set-up, The Journal Co., now operating the city's present frequency modulation station W9XAO on an experimental license expiring next Jan. 1, has applied to the Federal Communications Commission for a 50,000 watt station to service an area of 15,000 square miles. W9XAO will stay on the air until the switchover is made when F-M broadcasts will be on the air from 7 a.m. to midnight.

Program service entirely separate from WTMJ will be provided and in most cases the new station will offer material which does not now find expression on the air. Because of the great number of city stations and other all talk programs being broadcast on the regular band.

'Dawnbusters' to Tour

New Orleans, July 30. Initial experiment a success. WWL now plans on sending the entire personnel of its 'Dawnbusters' programs on tour throughout small towns in Alabama, Mississippi and Louisiana. Experimenters tried when 'Dawnbusters' accompanied by station's mobile unit, aired its program from Bogalusa, La. Reaction to idea was very good. Plan is for tour to run throughout summer and well into fall. Unit consists of a ten-piece orchestra, two male and one female vocalist, a girl trio and Louis Bono, hollibilly.

GORDON HITTENMARK'S 'CITIZENSHIP' AWARD

Washington, July 30. Boost for Gordon Hittenmark, WRC announcer, will be forthcoming Thursday (1), when the District of Columbia Department of the American Legion bestows upon him its 'good citizenship' award for 1940. During the Legion's convention, Hittenmark will be a guest of honor at special ceremonies at the Mayflower hotel.

Congressman Dies of Texas. Famous investigator of un-Americanisms, will share the spotlight, and awards also will be given Fire Chief Stephen T. Porter, Miss Maude Alton, principal of the Americanization School, and Frank B. Noyes, publisher of the Washington Star.

Hittenmark was chosen for an award because of numerous philanthropic campaigns he has headed. These include his annual Christmas doll drive for the city's needy children; a program helping unemployed persons to find jobs through the District of Columbia's Employment Agency; activities in behalf of the Metropolitan Boy Club, the Community Chest, and the American Red Cross.

THE CITIZENS SPEAK WITH SOME EDITING

Seattle, July 30. Maurice Rider, chief tonsiler of KIRO, took his sidewalk mit in front of studio Saturday, following Demo convention and asked for reactions on his Republican and Democratic powwows. He was transcribed for later release for he did not know what might happen. Bronx cheers and other expressions which might not sound well over the air were eliminated before the final cutting was given. Riders later. Rider called his 15 minutes 'Conventioneer.'

Gulfport's New Antenna

Gulfport, Miss., July 30. Construction of a new vertical antenna on a new transmitter site has been arranged by F. C. Ewing, general manager of radio station WGMG. New antenna is 200 feet topped by 1,000 watt beacon light. Transmitter site was moved 1/4 miles from old site at the Great Southern hotel but remains in position to serve the Gulfport-Biloxi, Miss., area.

Station now has two operating studios—one at the Hotel Markham, Gulfport, and one at the Buena Vista, Biloxi.

G. E. SHOW'S 15TH ANNI

Schenectady, N. Y., July 30. General Electric and WGY are planning a series of broadcasts and exercises in Schenectady to remind the world that the 15th anniversary of GE farm programs will be celebrated Nov. 1. GE-WGY agricultural broadcasts now consist of a half-hour daily 'Farm Paper of the Air,' with guests, at noon, daily market quotations, a half-hour Friday night 'Farm Forum' (on which the biggest names in government—including Franklin D. Roosevelt and Henry A. Wallace—industry, literature and other fields, and from many states have been guest talkers), and a Consumers' Information Service.

Storer Takes Over WAGA; Don Isset to Manage With Swicegood as Aide

Atlanta, July 30. Formal takeover of WAGA, NBC Blue, took place here by Fort Industry Co., took here last week following arrival here of George B. Storer, prez, and J. H. Ryan, vice-prez. Mill was bought in early June by company which owns WSPD, Toledo; WLOK, Lima; WHIZ, Zanesville; WVMV, Wheeling; and WMMN, Fairmont, W. Va. Illness in Storer's family delayed business of actual operation of station by new outfit, management and operation status remaining quiet until Storer and Ryan appeared on scene.

One of first moves of new owners was to install Don Isset as managing director, vice Jess Swicegood, who remains as asst'to Isset (pronounced, Yosay). Letter comes to WAGA from WLOK, Lima, where he was managing director and previous to that time he held same post at WHIZ, Zanesville, when its call letters were WLR.

Station's personnel, so far, remain unchanged with Earl Pudney as product mgr., Paul Overbay, program director, and Cliff Hanson, chief engineer. Commercial duties will be divided between Isset and Swicegood for the present. Station, now powered 1 kw. day and 500 watts night on 1,450 kilocycles, has an application before FCC seeking 5 kw. night and day and change to 590. Station is spending around \$2,000 getting its 35-ton 375-foot vertical radiator on banks of Sugar Creek jacked up and special porcelain insulators placed under it. Tower is ungued and this job is a ticklish one. Change is expected to increase station's signal strength some 50%.

Storer group paid \$150,000 for WAGA, 100% going to Norman K. Winston for his 60% and rest to Atlanta Journal Co. for its 40%. Journal is licensee of WSB, Atlanta, now owned by Ex-Gov. James M. Cox, of Ohio. Liberty Broadcasting Co. is licensee of WAGA and Storer is prez of that outfit and Ryan vice-prez. Later will remain as vice-prez and gen. mgr. of WSPD, Toledo. Storer, now of Detroit and Toledo, may establish part-time residence in Atlanta.

LUTHERANS USE 112 MUTUAL AFFILIATES

The Lutheran Hour, heard over WOR-Mutual since 1931, has been renewed for next season and goes back on the air Oct. 27 with 112 stations, the biggest hookup it has had so far. It's also the largest string of any show on the Mutual slate.

Agency is Kelly, Stuhlman & Zahndt, St. Louis.

Southern Station Group Appoints Burn-Smith

Chicago, July 30. Burn-Smith rep firm has been appointed national sales agents for the Southern network comprising WKRC, Cincinnati; WGRG, Louisville; WSIX, Nashville; WLAP, Lexington; and WCMI, Ashland. All of these stations are Mutual affiliates. Deal was set through Gilmore Nunn, Southern web mikado.

FOR EVERYTHING
IN RADIO RECORDING...

NBC is your Answer!

READY-TO-BROADCAST LOCAL PROGRAMS?

NBC is your Answer! NBC supplies a variety of musical material recorded by "name" artists and ensembles. NBC syndicated programs, available in one or more markets, include such shows as "Lone Ranger," "Betty and Bob," "Secret Agent K-7."

CUSTOM-BUILT PROGRAMS FOR "SPOTS"?

NBC is your Answer! NBC plans and produces complete "custom" recorded programs. Agencies with their own production facilities use NBC's splendid recording facilities—NBC Orliacoustic—, including processing and manufacturing of pressings.

PROGRAM PLANNING HELP?

NBC is your Answer! The complete facilities of the "Program Center" of Radio are available to you.

AIR CHECKS?

NBC is your Answer! This service to advertisers and radio artists covers all "off the line" or "off the recording requirements."

Let us demonstrate how NBC's service fits your requirements

NBC Radio-Recording Division

NATIONAL BROADCASTING COMPANY
A Radio Corporation of America Service

RCA Building, Radio City, New York Merchandise Mart, Chicago
Sunset and Vins, Hollywood

Lively
Showmanship
WINS LARGER AUDIENCES
in the
INTERMOUNTAIN MARKET

FOR **KDYL**

Representative
JOHN BLAIR & COMPANY

The POPULAR Station
Salt Lake City

NBC RED NETWORK

Last Call!

The 1940-41 VARIETY RADIO DIRECTORY will be ready for distribution in a few weeks. The last few forms close within a day or two—but there is still time to get your advertisement in this edition.

A phone call or wire today will reserve space for your sales story.

RATES

Full Page . . .	\$175
Half Page . . .	90
Quarter Page . . .	50

VARIETY Radio Directory
154 West 46th Street, New York

Payroll Traffic

Atlanta—Bill Jones newest addition to WGST commercial staff. Formerly with Hearst's Atlanta and Sunday American, now defunct.

Elmo Israel has joined continuity staff of WSB, Atlanta. He had a four of duty with WJJD, Tuscaloosa, Ala.

Philadelphia—Frank Carver, formerly of WBZA, Boston, and Summers Carter, of WSOB, Charlotte, N. C., have joined the engineering staff of KYW.

Grand Forks, N. D.—Paul Moseley has taken over the daily sports program at KFJM, Grand Forks. Also assists Elmer Hanson baseball broadcasts.

Omaha—Ray Clark replaces Gay Avery, who went to KMOX, St. Louis, as WOV splicer. Clark is from WHNX of Yankton, S. D.

Toledo—Karl Nelson, announcer at WTOL, has been umped to chief announcer. Bernard Young has joined the announcing staff. Allan H. Miller, formerly of Detroit, has been named production manager of the station.

Charlotte, N. C.—Arthur L. Forrest, director of sales promotion for WBT, Charlotte, N. C., has resigned, effective this week.

Sioux City—Randall Ryan, president of the Nebraska Broadcasters' Assn., has joined the staff of KSCJ, Sioux City, commercial manager.

IN BALTIMORE
It's **WFBR**

NATIONAL REPRESENTATIVES
EDWARD PETRY & CO.

ON THE NBC RED NETWORK

FIRST IN PHILLY
C. E. HOOPER SURVEYS

Audience of Philadelphia Network Stations 8:15-9:30 A.M., Mon. thru Fri.—Mo. Avg.

WFIL	23.2%
KYW	18.3%
WCAU	6.3%

% Listener Identifying Station and Program
FIRST WITH 46 OTHER PROGRAMS
For LOWER COST Circulation BUY WFIL

FOR ONLY \$ **50** PER HOUR
CBS ADVERTISERS IN ALL SOUTHERN COLORADO
from within!

Available to CBS advertisers using the Mountain Group is "inside" selling penetration of the rich Colorado Springs and Southern Colorado market through KVOR... best-liked, most-respected station in the Pikes Peak region... at the phenomenally low price of \$50 per evening hour, less earned discounts. Daytime rates are lower still. Add this top-slice of Colorado's sales melon to your hook-up at a negligible increase in cost.

KVOR COLORADO SPRINGS
CBS Station for Southern Colorado

The OKLAHOMA PUBLISHING CO. The OKLAHOMAN and TIMES
The FARMER-STOCKMAN * WKY, OKLAHOMA CITY * KJZ, DENVER
(Affiliated Management) REPRESENTED BY THE KATZ AGENCY, INC.

1000 WATTS FULL TIME

WOKO WOOS FARMERS

Uses Film-Music Entertainment at Grange Meetings for Purpose

Albany, N. Y., July 30.

WOKO and United Baking Co. of Seneca, N. Y., are making a play for rural listeners with a new 6-7 a.m. daily program called "The Farmers' Almanac." WOKO's general manager, Harold E. Smith, mailed 15,000 letters to Capital District farmers asking them to make criticisms and suggestions for "Almanac."

Station will also visit every Farm Grange in the territory with a good-will ballyhoo to include color films on its studio, sound pictures on broadcasting and television, and a unit of musical entertainment.

Portland, Oregon, Admits 'Anybody Interested' To Radio Education Confabs

Portland, Ore., July 30.

The theme of radio educational programs was given attention here in a big way for the first time with the visit to town of several authorities on subject.

Henry M. Swartwood Jr., KOIN-KALE educational director, was chairman of the program committee for a two-day session at the Lincoln high school. Phases of the conference included "Commercial Radio's Responsibility to Education," "Audience vs. Education," and "Radio and Democracy." Admission was free to what proved a very interested public, the only requirement being "an interest in radio and its application to education."

Taking part were: Leonard Power, of the Federal Radio Education committee, Washington, D. C.; Donald W. Thornburgh, vice-president CBS; Paul F. Lezarfeld, director of the Office of Radio Research, Columbia University; Herta Herzog, of the same office; Jane E. Monahan, radio committee chairman, New York City Public Schools; and George Jennings, Chicago Broadcasting Council member.

In addition to Swartwood, West Coast participants were, Charles W. Myers, president KOIN; E. Q. Fox, production manager KGW-KEX; Luke L. Roberts, manager, KOAC; and representatives of KBND, KUIN, KORE, KOAC and representatives of Portland's two leading newspapers. Pacific Coast spokesmen also included Alfred Powers, Oregon State System of Higher Education; Donald M. Erb, president University of Oregon; Francis Powers, University of Washington; Hale Sparks, University of California; Don Maclean, Cornish school, Seattle; Glenn Jones, Washington State College; Lester F. Beck, University of Oregon; Rex Putnam, Oregon State Dept. of Public Instruction.

Promotion Pieces in N.Y.

The following attention-callers were contributed to the New York radio trade last week:

1. CBS's Vic Ratner offered a brochure containing the verbatim transcript of questions and answers at recent department store panel conducted in Chicago under the auspices of the National Retail Dry Goods Assn.

NBC's Clay Morgan explained the functioning of its international section and gave samples of the fan mail. "Better to Perform Its World Wide Good Neighbor Service" was the title.

3. WABC, New York's Howard Meighan urged sponsors to consider "buying" (established) audiences and cited its several participation openings. A multigraph post script reported the double-quick success story on "The Rising Sun" of the Federal Insurance Co. (reported in last week's VARIETY).

4. WOR's Jerry Danzig mailed large celluloid goggles marked with the real letters of the new F.M. auxiliary of the Bamberg station. "we'd like to see you" at the dedication of the new studios, was the link.

WCCO, Minneapolis' Earl Gammons thumped with his barkers cane on the canvass tent walls and ballyhooed the shows inside. Cleveland Card's character "Lars Lonlilhearts" was fine regional comedy in the "Scandinavian" show. Then there was the Kitchen Quiz and the "Sportsmen's Special" and the Minneapolis A. Capella Choir.

Macabre Effect

London, July 17. Government ban on belt-ringing—it will in future only be used to indicate presence of enemy parachutists—forced BBC to replace Bow Bells with a synthetic "tick-tock" to fill in those idle periods between show.

Listener comment is most outspoken on the new title, correspondent likening the noise to nails being driven into coffin.

SOLID COMMERCIAL, BUT THEY LISTEN

San Francisco, July 30.

Inexpensive, small-station slant which has netted surprising results for KSNB being worked by Joe Myer, billing himself Cy Myer. Chan has portable recording outfit which he sets up on the counter in spon-digs, mostly small name merchants. Using ordinary home-recording discs, he lets biz men make their own sales messages, putting anything they care to on the plat-ter as long as the mic "in their hands." They love it.

Cuts thus made are used as many eight or nine times on the air. Myer's programs are almost solid commercials, with few stretches of hillbilly music between. Station itself admits it can't understand why anyone would "listen but not announce" to effect "we'll play any number you want" sandwiched in midst of plus-loaded hour have pulled response proving otherwise. Audience catered to is largely in the low income brackets. "near-stuffing S. F. has to lenient area, and Myer's fans are intensely loyal.

Looks Good at CKAC

Montreal, July 30.

Heavy advance fall bookings by national accounts over station CKAC reported already in the bag. Time allotments, considerably umped over last year, have been taken up by Lux, Ethyl, Colgate-Palmolive-Peet, Pond's, Nestle's, Canada Starch and others. Practically all accounts off the air for the summer months have made autumn reservations. "Time Is Money," CKAC quiz sustainer, returns to the air this week to fill spot left open by the Colgate-Palmolive-Peet quiz, "Gold Mine," which goes off for the summer. "Romantic Melodies" another Colgate show over CKAC, also detours until sometime in September.

FLYS TO WED IN NORFOLK

Seattle, July 30.

A broken hand, received in an accident did not prevent Carroll Foster, one of the announcers at KIRO, leaving here on a plane with Ruth Rogers, former Paramount contract player, for Norfolk, Va., where they will be married Aug. 1. They will return and make their home here after Sept. 1.

RADIO MEN IN CANADIAN ARMY

Winnipeg, July 30.

The armed forces of Canada are depleting local radio circles. Two have joined the Canadian Active Service Force while balance are with the Non-Permanent Active Militia. Two with C.A.S.F., are Barney Barnard, singer and leader of the Hopela Hawaiians; and Calvin Pepler, of CKY Press Department. Both are listed with the Army Service Corps. Brian Hodgkinson, CKY announcer, is already with Royal Canadian Air Force.

Those with N.P.A.M. units include Keith McConnell, CJRC engineer; Rusty Young, CJRC sportscaster; Jack Kemp, CJRC sales manager; Jack Thompson, CJRC chief announcer; and John P. Brophy, CBC Traffic manager. McConnell, Young and Brophy all have officers' papers. Brophy is with 38th Battery, Royal Canadian Artillery. Young is with Canadian Officers' Training Corps and balance are with Winnipeg Light Infantry.

Jack Kemp, who has been suffering ill health for some time, has recovered enough to rate an "A-1" card from the military health board, one point less than perfect.

Baseball Callers Elect

Kansas City, July 30.

Baseball Announcers of the American Association elected Alan Hale president at their meeting here last week. He's sports at WISN, Milwaukee.

Music for
ELLERY QUEEN
Composed and Conducted
by
LYN MURRAY
Mgt. COLUMBIA ARTISTS, Inc.

WBAL
means business
in Baltimore

DON'T MISS
PALMOLIVE'S
"HILLTOP HOUSE"
STARRING
BESS JOHNSON
By Adelaide Marston
Dedicated to the women of America.
The story of a woman who must choose between love and the career of raising other women's child.

WABC-CBS—10:30-10:45 A.M. E.D.S.T.
78 Stations Coast-to-Coast.

Direction BENTON & BOWLES, Inc.
Management ED WOLF, RKO BUILDING, New York

Directional over New York
Now!
5000 WATTS
DAY and NIGHT
WBNX YOUR BEST NATIONAL SPOT BUY
A NEW APPROACH TO THE NEW YORK MARKET

F-M's Centre-of-Town Towers

Washington, July 30. Open for business sign was hung over the frequency modulation recently after the FCC approved standards of good engineering practice and application forms for plants operating in the 43,000 to 50,000 kc stretch. Technical handbook, setting forth what sort of service is expected and technique which must be used, is approximately 20 mimeographed pages. Lays down formulas for determining service area, power, interference, etc., declares transmitter must be as near the center of the region covered as possible and at high elevation; lists what is required in way of performance, directs manufacturers to turn in photographs, drawings, data curves and such.

Candidates, including nearly 150 parties, with requests previously on file, just satisfy the FCC's curiosity by resubmitting applications on Form 319.

Inside Stuff—Radio

"Unquestionably it will take many years to provide a national system of broadcast with Frequency Modulation," Dr. W. G. H. Baker, director of radio and television production for General Electric Company, declared in a talk on GE's "Science Forum" over WGY last week. FM stations, he added, will "probably supplement" present Amplitude Modulation stations and will help many localities not serviced now. Dr. Baker also said FM will pave the way for more and higher powered stations. He pointed out that the channel width for FM stations is 200,000 instead of 10,000, as with AM. FCC's action is setting aside 40 band lengths for FM, drew praise from Dr. Baker.

One thing FM will make possible, the GE scientist stated, is the location of stations in high buildings in densely populated areas. "This because antenna structure is important in FM, this depending upon its height above ground. 'Naturalness of reproduction' and elimination to a major degree of noises in receivers are among its advantages," Dr. Baker emphasized.

Connecticut state police is installing two-way FM radio in its patrol cars. When completed, about Sept. 1, the system will have 10 fixed location transmitters of 250 watts each at headquarter stations and 225-watt two-way mobile units in patrol cars. Two fixed transmitters are already in operation and two more will be ready by Aug. 1. Tests for the new system have been under way about a year under the direction of Prof. D. E. Noble, of the University of Connecticut, who is consulting engineer for the state police. Believed the FM system will eliminate reception noises such as ignition and electrical devices and "dead spots."

Arthur Smith handles radio special events at the San Francisco Fair, so he ought to be used to them, but his co-workers sort of turned the tables on him when he wed Peggy Stephens, non-pro.

George Smith, general manager of the Mark Hopkins and one of the men responsible for the Fair in '40, threw a banquet for the newlyweds at which commentator Arthur Linkletter conceived a portable recording outfit. Mikester did what the lad thought: as a set of burlesque interviews around the table, but pay-off came when Linkletter handed the bride the disc with instructions to play it over on occasion of first marital spat.

Bud Abbott and Lou Costello may not be able to get away from New York for that visit that the latter, particularly, wants to take to the Coast. While the team has the right to make such a move, according to their contract with Bristol-Myers, it looks as though Lee Bristol proposes to exercise still another clause which gives him the right to keep the comedians in New York if the program is not doing satisfactorily.

Kenyon & Eckhardt is the "Park Avenue agency" referred to in last week's "Vanity" story headed "Many Accounts Switched" as the successful bidder for the Fleischmann Yeast account. This part of the Standard Brands family has traditionally been with J. Walter Thompson agency. Variert was not privileged to reveal this last.

Farm income for the first four months of 1940 in the Minnesota, Nebraska, Iowa and North and South Dakota areas, as figured by WNAAC, Yankton, from Government reports, was 19.5% ahead of the parallel period of the previous year. Crop prospects in these states are bright and the boost in farm income ranges from 8.8% to 37.7%.

"Friendly Neighbor," script show produced at WOWO, Ft. Wayne, for Alka Seltzer, has been set via transcription on WBAF, New York; WLS, Chicago; WJR, Detroit; WHAM, Rochester; WBT, Charlotte, and WWL, New Orleans, bringing total of stations using show to 40.

Bill Bacher, program mogul of WGN, Chicago, has an autographed photo of Col. R. McCormick on his wall.

And Col. McCormick writes: "To Bill—In confidence that we will make WGN as great as the Tribune."

National Committee for Religious Recovery last week got 10 more stations to carry its spot announcement urging the listeners "Go to Church." Makes a total of 29 outlets on the committee's list. The usual schedule is three announcements a week.

The 62 members of WOKO-WABY, Albany, staffs have been presented with hospitalization insurance policies by General Manager Harold E. Smith.

Orth Bell, who was hailed a year or so ago as a coming comedian (Uncle Jonathan), is no longer associated with his former management, Mike Flore. The legal quit-claims on all sides were signed week-ago.

BAIRD TELEVISION STOCK PLAN OKAY

London, July 17. At a meeting called by the Court last week, holders of 5% Loan stock heard about and approved a scheme for continuance of Baird Television. Under an arrangement, Gaumont-British Corp. will subscribe all of the first debenture issue of \$120,000, a needed increase of capital. Eventual figure in this category will stand at \$1473,000.

It was indicated to Loan stockholders further finance now would insure higher future rating of company's assets, against a current forced sale netting them only a small dividend after repayments. Capital move will hold intact Baird specialized staff and its business assets until resumption of television here.

CROWN ISSUE AGAIN

Taxes Involved - CBC Matter Before Watrous Town Council

Regina, Sask., July 30. Sitting as a court of revision, the town council of Watrous, Sask., rejected appeal of the Canadian Broadcasting Corp. regarding the assessment of its property. Watrous. The appeal made was to the effect that the CBC is an emanation of the Crown in the right of the Dominion of Canada and consequently not taxable, a principle argued in various other matters by CBC. A further appeal was to the effect that the assessment was excessive.

Valuation of the corporation's properties in Watrous amounts to \$83,000.

Canada's Sets Up 10%

Regina, Sask., July 30. Radio receiving licenses issued by the radio division, department of transport, Ottawa, during the fiscal year ended March 31 last, created a new high record at 1,345,157, an increase of nearly 10% over the preceding fiscal year.

Average is 19 licenses per 1,000 of population as compared with 109 and 100 in the two immediately preceding years.

FCC MOVES TO AID TELEVISION

Washington, July 30. Striving to make up for harsh treatment dished out to the television industry earlier this year—when permission for temporary commercialization was rudely revoked—the Federal Communications Commission has announced that it is ready to patty-cake with the Radio Manufacturers Association in the formation of a "National Television Systems Committee." Commish declared this in following through its promise of May 28 that it stands ready to confer with the television industry and otherwise assist in working out television "remaining problems" it had been decided to organize the committee to function under the auspices of RMA.

Exploration of existing television systems will be tackled by the new group, it was stated; with a view to developing and formulating standards that will be acceptable to the industry as a whole in expediting establishment of a single well-founded national system—one which has promise of ultimately giving this country more television stations and receivers than all other nations combined, with resultant benefits to manufacturers, dealers, and broadcasters, as well as the public.

Commish promised that, though sponsored by the Radio Manufacturers Association, the project would operate independently and represent the majority opinion of the industry. James S. Kueverson, proxy of RMA, will appoint the members of the committee, if the executive committee of the association approves. Membership will not be confined to RMA, but will embrace representatives of companies broadly interested and experienced in the television field, also representatives of other technical organizations desirous of seeing television launched on a firm footing, as well as individual experts.

Formation of the video group was praised by Ely as a splendid opportunity for the cooperation of industry and government—the solution of a problem which is of such timely concern to the public and to business.

Boler's Party Marks Joining With Mutual

Chicago, July 30. John Boler, president of the North Central Broadcasting System, tossed an informal spread in the Palmer House to celebrate the affiliation of NCBS with the Mutual web.

Some 50 agency men answered the call.

O'Neil Sets JWJ Staff

Akron, O., July 30. William O'Neil, new president of JWJ, will be the station's general manager. He succeeds Jack Thomp, who is acting manager of the station after the resignation of Edythe Fern Melrose in March.

R. L. Bowles will be commercial manager and Russ Satter, production and program manager, with Edgar Taylor assisting Satter.

Rue Cardie remains as continuity chief, assisted by Gretchen Neidinger, while Bill Griffiths continues as news editor, sportscaster and publicist for the station.

Purdy Pullen, animal impersonator on many programs, has joined JWJ as announcer and will do a three-times-a-week juvenile feature. Purdy Pullen's Pet Pals. He formerly did the Traffic Program for WTAM, Cleveland.

Other newcomers at the station will be Charles J. Hunter, Paul Hunt and Chuck Seaman.

From the Production Centres

IN NEW YORK CITY

"Vox Pop" will originate Aug. 8 at Charlottesville, Va., on location for filming of "Virginia... Madeline Carroll and Fred McMurray will be among those interviewed... Ona Munson, a gal who looks ahead, will upon her imminent return to Hollywood, apprentice herself to the CBS program department under Charles Vanda to learn radio production... she has been successively a vaudeville hooper, musical comedy ingenue, Ibsen legit actress and... reen and radio emote... she'll be back in January for the Edward G. Robinson spall out of Manhattan... Max Wyllie has his "Best Broadcasts" all galley-proofed and ready for an earlier appearance this fall... last issue sold over 3,000, considered oke.

Walter King, who had to take his "Dog Gone" series off WINS when he was floored by pneumonia, will return it to the air after Labor Day... Jan Masarak, former Czechoslovak envoy to London; Baron Stephen Ropp, director of the Polish pavilion at the Fair; Maurice Hindus, author; Dr. Robert Valeur, of the French Information Service, and Y. A. Palacheim, Finland commissioner general at the Fair, will tell about Nazi subversive methods in "It Happened There" over WEVD in a 3:30 Tuesday night series starting Aug. 6.

Lydia Perera using story contributions from moppel listeners for her "Story to Order" series over WINS... Cesare Sodero baptizing WOR... Saturday night pop concert... Alfred Wallenstein's August vacation... Phillip James, Alexander Reichter, Quinto Maganini, Joseph Littau, John Barnett will conduct the same director's Tuesday and Friday series... the same period... Richards Vidmer, New York Herald Tribune sports columnist, now filling in the between-innings bits... the Giants' games with Mel Allen... Jay C. Flippen does the Yankee tussles.

Francis Winikus authored this Friday's (2) script for "Grand Central Station"... Waverly Roof, Mutual's Paris correspondent who returned to New York last week, left... completed manuscript of a Richard Wagner biog behind him in his speedy skiddo from the French capital... Homer Fickett at Block Island to get away from his stopwatch... broadcasters for the various gig show, doing plenty of head-shaking over news of Government anti-trust charges against major tobacco companies.

IN HOLLYWOOD

Richfield Reporter (John Weld and Don Forbes) has been renewed for the 10th... Holds down the same 10 p.m. spot on NBC's coast red... Irene Rich added Virginia Bryant, L. A. co-ed, to her "Glorious One" cast... Hal Bock sprouted a "biscuit" adornment on his upper lip while vacationing... Don Thornburgh, Fox Case and Frances Wilder did the talking for KNX at Stanford university's conference on radio and education... Bob Hope took his Peppodent crew to Seattle for a Red Cross show, stealing a few days from his vacation... NBC's divisional chief engineer, A. H. Saxton, to New York for a "fesh" with the net's gadget gang... Hillside home tenanted by Myron Dutton and Ben Gage, producer and announcer, respectively, of NBC's "Our Hall of Fame" caught fire five minutes before they went on the air but there was nothing they could do until the sign-off. Neighbors helped save their belongings... Sam Hayes' lucky star twinkled brightly for him last week. On the day his Sperry newswax was renewed he was handed a contract to sign calling on him to forecast the football games this fall for General Petroleum... Stella Young waxing "Your Hollywood Newswax" here for the next five weeks. Also goes sustaining from here on NBC's coast blue... Edgar Bergen flew to Nashville to pick up a cabin plane... NBC sent along Publicist Joe Alvin to drum up crowds for personals at airports enroute back home... Guests lined up on Kraft Music Hall through August and September include Charles Laughton, Ray Milland, Dorothy Lamour (twice), Elsa Lanchester and Ida Lupino... N. W. Ayer proxy, Harry Batten, stopped off a few days enroute to Hawaii... Fibber McGee and Molly had their summer respite extended four weeks, giving Meredith Willson's Musical Revue a full quarter in the pinch hitting role... The long grind pounding out those Kraft scripts 50 times a year for the past four and a half years finally floored Carroll Carroll. Average weekly script runs to around 15,000 words and last week's double cast had to call for an armistice... Mack pouring out the wordage until Carroll gets a release from his medico.

IN CHICAGO

Bill McAndrew, NBC news chief, back to D. C. after having been laid up in his hotel room here during the Democratic convention... NBC here adding Associated Press wires in the news room... Ed Kobak was guest of the NBC sales staff's golf party last week... John Hodiak added to "Guiding Light" Bob Jellison and Nina Klowden to "Mary Marlin", Hugh Rowlands, Laurette Filibrand, Willard Waterman and Jackie Chalkbeek to "Lone Journey"... Radio-Theatre Inc. radio little theatre group headed by Arthur Peterson, offering a \$200 prize in a new play contest, with judges to be Bill Bacher of WGN, Robert Pollack of the Chicago Times, Virginia Payne and Lloyd Lehman, winning show to be produced at Chicago Women's Club theatre... Freda Bergin Evans, of Northwestern University, is substituting for Dr. John T. Frederick, head of Medill School of Journalism during latter's vacation from "Of Men and Books", CBS program out of Chicago.

Tommy Bartlett wailing from the "Meet the Missus" shows on WBMM to rest his pipes with Tom Moore, Dick Post and Art Mercier, subbing on Bartlett's 14 weekly shots for Fitzpatrick, Bros., Ed Roberts... announcer on the "Right to Happiness" show... Don Gallagher added to "Road of Life"... Garry Moore taking flying instruction... "Story of Bud Barton" adds a trio of new characters portrayed by Ray Johnson, Dorothy Francis and Sidney Elmore... Janet Logan takes over the "Kay Fairchild" role in "Stepmother" on Columbia... Jane Scott, formerly with Columbia in Chicago and since the start with the Sherman & Marquette agency (formerly Benton & Bowles-Chicago) radio department, has resigned... Ed Cleland with WBMM-CBS as continuity scribe.

IN SAN FRANCISCO

At 8:30 p. m. on Tuesday, Aug. 23, Mrs. Mill Samuel, wife of NBC publicity chief, became first woman in world to eat a walnut, shell and all. Event transpired Omar Khayyam restaurant and climaxed six years' research by George Mardikian for method of turning nut (soaked in brandy) into exotic dish.

Milt Samuel of NBC praisery drafted to interview web stars at KGO-KPO booth at Fair... (was his first ordeal and though sweat beaded his brow, fans asked for his autograph too)... Ella Fitzgerald also reverts to things and asked for Don Logan's scrawl after being interviewed by Hunter on KROW... only radio column in town edited by Tom Tyrell... it runs in Shopping News (circ. 800,000)... John Moore, ex-WBMM, now announcer-producer at KROW... Don Thornburgh of CBS Hollywood visiting Frisco headquarters enroute to speaking date in Portland, Ore... Exhibit prepared by Bob McAndrews and Milton Samuel of NBC. First prize for KPO and KGO in direct mail advertising division at Pacific Ad clubs convention in Vancouver... NBC Western Division also a first prize in trade paper ad classification.

Leibell Decision 100% Reversal One of Great Legal Opinions In History of Performance Rights

The Circuit Court of Appeals in N. Y. Thursday (25), handed down the long-awaited decision—the RCA Manufacturing Co., Paul Whiteman, W. B. O. Broadcasting Co. suit. It completely reversed federal judge Vincent L. Leibell and dismissed RCA's suit. The decision is one of the most important to radio and music ever handed down by a court. It holds that neither the manufacturer of records, nor the performing artists, have common law rights in their product, which can exclude a purchaser of these records from rebroadcasting or redubbing them for profit. RCA Victor and W. B. O. Corp. will take the case up to the U. S. Supreme court on appeal.

The original suit in this two-year action was brought by Whiteman as the performing artist against W. B. O., operator of WNEW, New York, which Whiteman charged unauthorized use of his recordings, and more specifically that he was forced into competition with himself. Shortly thereafter RCA intervened in an action also against WNEW and against Whiteman, whom they claimed by virtue of his recording contract with them, was precluded from attempting to state he had rights in the records. On June 25, 1933, Judge Leibell handed down his decision in which he granted an injunction to RCA against WNEW and also granted one to Whiteman against the broadcasting company. All three appealed the decision, RCA claiming Whiteman's injunction should not have been granted as his contract precluded it, Whiteman appealing from the injunction granted RCA, and WNEW from the entire decision.

Unanimous
The Circuit court, consisting of Justices Learned Hand, Charles Clark and Robert F. Patterson heard the latter-day arguments June 25. Their unanimous decision, written by Justice Hand, is as follows:

References first deal with Whiteman's side, after some discussion on the actual claims pro and con. "For the purposes of this case, we shall assume that it covers the performances of an orchestra conductor, and what is far more doubtful, the skill and art by which a phonograph record maker makes possible the proper recording of these performances upon a disc. It would follow from this, that if a conductor played over the radio, and if his performance was not an abandonment of his rights, it would be unlawful without his consent, to record it as it was received from the radio set, and to use the record. We shall assume that such a performance would not be an abandonment, just as the performance of a play or the delivery of a lecture is not, that is, that it does not publish the work, and dedicate it to the public. Nevertheless, even if Whiteman's common law property, in his performances survived the sale of the records on which they were inscribed, it would be very difficult to see how he, or a fortiori, the maker of the records, could impose valid restrictions upon their resale.

"Concededly that could not be done if the restraint went to the resale price. It would have been impossible if the restrictions forbade the buyer to use the article except with other articles bought of the record maker.

"We do not, however, have that question to decide, for we think that the common law property in these performances ended with the sale of the records, and that the restrictions did not save it, and that if it did, the records themselves, could not be clogged with a servitude. Copyright, in any form is a monopoly. It vests only the power to prevent others from reproducing the copyrighted work.

"W. B. O. Broadcasting Co. has never invaded any such right of Whiteman's.

"They have never copied his performances at all. They have merely used those copies which he, and the RCA Manufacturing

Copyright 'Exclusive'

The publisher, while sympathetic with the interpreters of song material, felt right along that the intervention of interpretative artists into the property rights of copyrighted song material was without legal precedent. Furthermore, from a hard practical viewpoint, this reversal is regarded by music publishers as another signal victory for the 'exclusive' property rights of the basic copyright owner.

Legalists for the music publishers visualized that if the diskers were victorious, the promise of protecting their renditions, it could make them the victims of almost every other artist. The strictly green artist, radio broadcaster, recording artist, television players, et al, could thus step into the picture in later events, and lay claim to some control over the songs which they performed, interpreted.

Co., made and distributed. The putatively protested performances were themselves intended for that purpose, and for that alone. The situation was precisely the same through Whiteman and RCA had combined an original musical score and inscribed it on records. The records at bar, embodied Whiteman's common law property, his contribution as a conductor, in precisely the same way that the records of such score would embody his composition.

"Hence the question is no different from whether he might disseminate a musical score to the public at large, but impose a limitation upon it, that buyers should not use it to broadcast for profit. Whatever might be said of that, if the sale were not a publication, it will hardly be a publication; that if it was a publication, that destroys the common law property, the restraint upon the use of the record would be valid notwithstanding. It would be the height of unreasonableness to forbid any uses to the owner of the record, which were open to anyone else who might choose to copy the rendition from the disc. To revert to the illustration of a musical score, it would be absurd to forbid the broadcast for profit of its record, if any hearer might copy it, and broadcast the copy. Thus, even if Whiteman and RCA have common law property which performance does not end, it is immaterial unless the right to copy the rendition from the records is preserved through the notice of the restriction.

"It is true that the law is otherwise in Pennsylvania, whose supreme court in 1937 decided that such a legend as the records at bar bore, fixed a servitude upon the disc in the hands of any buyer. (Waring vs WDAAS, Broadcasting Co. 32 Pa. St. 433.) We have of course, given the most respectful consideration to the conclusions of that great court, but with much regret we find ourselves unconvinced for the reasons we have tried to state. However, since that is the law of Pennsylvania, and since broadcast will reach receptive sets in that state, it will constitute a tort committed there. If an injunction applied to these sets alone, it would be proper. It cannot, for even if it were mechanically possible to prevent any broadcasting through Pennsylvania, it would shut out points in front of and beyond Pennsylvania. We must therefore choose between denying any injunction whatever, since our injunction is unlawful only in Pennsylvania, or enjoining W. B. O. from broadcasting throughout the Union and in Canada. This would be an obvious misuse of the unit. In the case at bar, if Whiteman and RCA cannot bring themselves

MRS. CONNELLY, SON HAVE EXIT PERMITS

Mrs. Reg Connolly and her 16-year old son, Pat, have been advised in London that they have an exit permit and are now facilitating sailing to New York.

The music publisher is presently in America on business, and after seeing his wife and son safely settled in the States plans returning to London. He came over on business some five weeks ago.

LEGAL SOCK STUNS NAPA

The decision of the Circuit Court of Appeals which last week completely reversed Judge Leibell's previous ruling about the rights of record maker and interpretative artists in phonograph records, is a knockout blow, at least for the present, to the National Association of Performing Artists, which intended capitalizing on Judge Leibell's decision to the benefit of musicians who make records. Judge Leibell had ruled that the maker and interpretative artist had a definite right in the after sale use of records, particularly in their use on radio. Circuit court denied this party, could have such rights. Decision will be appealed to the U. S. Supreme Court.

Ruling came at a most inopportune time for NAPA, which was in the throes of formulating and getting into working order a plan whereby musicians who took part in the making of records would share in a fund derived from license fee paid by broadcasters and coin machine operators for the use of records for profit.

NAPA had called a meeting for noon Friday (26) at the Astor Hotel, N. Y., for band leaders and representatives of band leaders; but the reversing decision put a damper on the meeting. It took place, however, and several things were brought out, among them the fact, as admitted by Jack Rosenberg, prez of local 802 of the American Federation of Musicians, that 802 was financially interested in NAPA. Said that about \$7,500 had been loaned to that org.

It was also stated that NAPA would attempt to have the U. S. copyright law changed to establish performance property rights in mechanicals for an artist, as soon as the press of European war problems eased in Washington. Currently the copyright law, as applied to music, covers only the songwriter and publisher.

Local 802, through Prez. Rosenberg, again urged band leaders to line up with NAPA and membership application cards were distributed. Some 50 people attended the meeting. Speakers were Jimmy Walk, president of NAPA, Maurice Speliser, its attorney, and Jack Rosenberg.

within the law of common law property copyright, there is nothing to justify a priori and confidence of their control over the activities of the public, to which they have seen fit to dedicate the largest part of their contribution.

"We cannot know how Congress would solve this issue, we can guess, and our guess is that it would refuse relief we are refusing it. But if belief were the opposite, we should have no right to enforce it.

"Finally, appeal is made to the doctrine that W. B. O. is guilty of a tort, or at least that it is a factor in determining unfair competition because it induced Bruno N. Y. (RCA Victor's distributor in N. Y.) to violate its contract with RCA. Whether or not RCA may have under that contract are not before us. As between Bruno N. Y. and W. B. O., the contract is nullity. RCA had no power to impose the pretended servitude upon the records, and W. B. O. is free to buy them and use them to its disregard of any attempt to do so.

"It follows that the complaint must be dismissed, and for sons, which made it unnecessary to determine how far Whiteman's contracts with RCA preserved any common law copyright he might have had, if they survived the sale of the records. Judgment reversed. Complaint dismissed. Costs to W. B. O."

An A. P. Waxman Presentation

In this *Variety* issue, ASCAP, for the first time in a quarter of a century, has told its story, in detail, publicly. The decision to do so was made by the special radio negotiating committee, Herman Starr, Oscar Hammerstein, 2d, Walter Fischer and Irving Caesar, and including Gene Buck and John G. Paine, as president and general manager.

Traditionally ASCAP has been super-reticent. It has not sought publicity. Concerning its general setup, its membership, its purposes, not much precise data has heretofore been available. This data has now been organized by A. P. Waxman, the new Advertising Counsel and Publicity Director of ASCAP. For the planning, editing, packaging and mechanical conception of this special ASCAP edition he rates the bow.

In choosing *Variety* as the advertising medium through which to make its presentation ASCAP has been prompted, to quote Gene Buck, by the general circulation of *Variety* among broadcasters, sponsors, advertising agencies, theatre operators, film producers, night clubs, dance halls, musicians, and in the amusement world generally. ASCAP took note, too, of the newspapermen, publicists and opinion groups that read this publication.

'ASCAP Day' at Frisco Expo While Broadcasters Are Holding Conv.

Mex Songwriters Ask 2c Seat Tax in Theatres

Mexican songwriters must get more coin from film theatres, their union asserts in the demand for a new tax on theatres. The tax, the union suggests, be 2c per seat a year. This levy, it appears, will not bother the exhibitors much because it would only apply when music composed by the union's members is played, and such tunes are only available for the cinemas when Mexican pix exhibited. Not many Mexican pix are being exhibited.

BREGMAN'S DEMANDS STALLED BMI DEAL

Reported that Jack Bregman, who is a stockholder in Robbins Music Corp., held out for an extra-fancy price for the sale of his stock in the Metro music groups, and that thus the Broadcast Music, Inc., negotiations were stymied.

Bregman, formerly general manager of Robbins Music, now heads his own Bregman-Vocco-Conn firm, but also owns stock in the Metro Robbins setup. So to several of the present Robbins-Feist-Miller employees, all of whom approved sale thereof if Metro made a BMI deal.

LEGAL OVERSIGHT

May Cost Bob Crosby, Gil Rodin, Ray Bauduc and Others \$2,519

Failure to answer legal complaint will probably cost Bob Crosby, Gil Rodin, Raymond Bauduc, Edwin R. Muller, Hilton Lamare, Julian C. Mallock, and Robert S. Haggert, \$2,519 jointly. N. Y. supreme court Justice Felix Benvenaga, Monday (29), decided to turn the matter over to a jury to determine damages, and then judgment may be entered without further inquiry.

The plaintiffs, Glen Folger, N. Otis Rockwood, Rene A. Wormser, Ellwood W. Kemp, are attorneys; and assert in their complaint that they represented the defendants in a supreme court action on April 15, 1939, suit by Rockwell-O'Keefe General Amusement Corp. against them. It is claimed that this suit was settled without payment, that \$15,500 was secured in another case for the defendants, and that the plaintiff attorneys acted in an advisory capacity for the defendants in their forming of a partnership, and dealings with Rockwell-O'Keefe and Local 802 of the American Federation of Musicians.

Burt Squire's Record Co.

Specialty Record Co., Inc., has been chartered to conduct a record business in New York, with capital stock of 200 shares, no par value. Directors are: Burt Squire attorney Max Choppnick and Louis L. Garrell of N. Y. City.

Coincidental with the National Assn. of Broadcasters convention in San Francisco commencing next Sunday (Aug. 4), the American Society of Composers, Authors and Publishers will have an ASCAP Day at the Frisco Expo on the same day (5) that the N.A.B. convention commences. Broadcasting will have its own day at Treasure Island the day before, Saturday (3).

Coincidence of both the broadcasters and ASCAP at Frisco is pointed up by their present differences over renewal of contract terms for music licensing.

John G. Paine, general manager of ASCAP, had written Neville Miller, N.A.B. head, offering to have an ASCAP exec address N.A.B. on the Society's music relations with radio, but was denied the opportunity. Miller states that music-radio, also BMI, is generously on the N.A.B. agenda, but that ASCAP will have no voice in that.

ASCAP's stunt plans include flying name songsmiths to Frisco by chartered planes from Hollywood and Broadway to point up the achievements of American songwriters.

L. Wolfe, Gilbert, special ASCAP rep on the Coast, cooked up the idea and will supervise it. Done Carle Gillette, ASCAP public aide to A. P. Waxman in the N. Y. home office, will fly west to set the details.

'JELLYROLL' MORTON DROPS MELROSE SUIT

Ferdinand ('Jellyroll') Morton's suit against Melrose Music in which the plaintiff songwriter sought an accounting from Melrose on royalties allegedly due on 47 published songs, was discontinued in the N. Y. supreme court, Friday (26). The plaintiff's attorney stated in his petition for a dismissal, that after examining the defendant's file to check on royalties, he felt the suit should be discontinued.

The suit alleged Morton was hired on a six-month term as a writer July 11, 1923, with the defendant agreeing to pay him all royalties on mechanical reproductions, but all royalties on sheet music were to go to Melrose. Later on in 1923, another agreement was signed, this time for a year's duration, in which Morton was to be paid 25% on mechanical reproductions, one cent on sheet music and on solo instrumental reproductions, three cents on orchestrations, and 12 1/2% on mechanical reproductions of vocal compositions.

It was alleged that from 1930 on the defendant had failed to pay proper royalties, and the action was started for an accounting.

IT'S NOW OFFICIAL

Albany, N. Y., July 30. Rockwell-O'Keefe Artists Bureau, Inc., New York, has changed its name to General Amusement Corporation Artists Bureau, Inc.

Attorney Edward L. Miller, New York City, filed the papers with Secretary of State in Albany. George Bassman signed as musical director. George Abbott's Toa Many Girls at RKO.

MUSIC HELPS SEA MORALE

BMI 'Must' Starts Today (31)

Tonight's (Wednesday) deadline set by NBC, after which all bands on its sustaining pickups must include at least one ASCAP tune, has forced quite a few bands into hurried preparations. Many of the outfits now on NEC were already equipped with arrangements of BMI and other tunes not controlled by ASCAP, but the majority of them have been scurrying around the past week high pressuring their arrangers to get to work.

NBC allowed two weeks between the time the order was issued and its going into effect.

IF THEY WEAR THEIR COATS IT'S CLASS

Rochester, N. Y., July 30.—The band rules the styles at the Rochester Youth Garden, 'dry' lake-side night club.

Wednesday and Saturday nights, when Gene Leonard's local unit plays, sports clothes are the thing. Coats and ties are out. Many of the couples take a swim in the lake, picnic on the beach, then go to the dance.

But Friday nights the Garden offers pseudo—"a name" band (last week Wally Stoffer) when coats and ties are in vogue. It's the idea of the young folks and all conform.

Youth Garden was organized to provide fun in night clubs without temptation to imbibe.

Gus Edward's Greetings From H'wood to B'way

Beverly Hills.

Editor, VARIETY:

I have been too ill up to now to take care of correspondence, but am glad to say I am improving every day and am able to get into the garden and take a sun bath. It is very pleasant living out here, and I hope to be on my feet soon. Hollywood has been good to me, and if I had been able to get about, I would have given a better account of myself. Everybody has been most kind. It is really a pleasure to hear from my old friends.

Broadway and my friends are still very close to my heart.

Gus Edwards.

Etzi Covato, Jr., at 18 Emulates Maestro Dad

Pittsburgh, July 30.—Second generation of local Covato clan has stepped out on his own as a dance band maestro. He's Etzi Covato, Jr., 18-year-old son of the Pittsburgh maestro, and has his group currently installed for the summer at Mickie Conroy's Fort Pitt Inn, Atlantic City hangout for Pittsburgh crowd. It's youngster's first professional job.

In meantime, his father, who recently closed at Lookout House near Cincinnati, is laying off here for a month to give his boys a vacation before opening indefinite engagement in September at Detroit's Club Royale.

Thomas Purks, 32, Suicides

Pittsburgh, July 30.—Thomas Purks, 32, pianist and dance band leader, well-known in the Pittsburgh and Monongahela districts, was found shot to death last Friday (26) in his apartment near by Charleroi, Pa. Terminating the shooting suicide, Washington County Deputy Coroner Lawrence B. Frye said a charge from a single-barreled shotgun had shattered Purks' chest and heart.

The body was found slumped in a chair in the kitchen of the apartment where Purks lived with his mother. She could give no reason for his act.

Constantin Bakaleinikoff collaborating with Richard Hageman scoring "The Howards of Virginia" at Columbia.

On The Upbeat

Charles Carter and his WWSW Pittsburgh, staff band to the Beach Club in Conneaut Lake, Pa., for indefinite engagement.

Jack Meakin with Patricia Norman, opened at Riviera, Pittsburgh, Friday (26) for two weeks with options.

Col. Manny Prager's band went into West View Park, Pittsburgh, Monday (29) for limited stay.

Art Schamburg, Pittsburgh pianist, has his own band at the Grand View Hotel, Lake Placid, for the summer.

Piccolo Pete band into Anchorage, Pittsburgh, for two weeks following eight-month run at Club Petite there.

Al Jahn's orchestra is now at now at Riley's Lake House, Saratoga Springs, N. Y. It is the third summer the unit has played the spot.

Tommy Reynolds band split with Cy Shribman office and signed to MCA booking contract by Harry Moss. Band at Rye Beach, N. Y., for the summer.

Woody Herman scheduled for stretch at New York Strand theatre in October. Outfit goes into New Yorker hotel, N. Y., Aug. 8.

Jack Teagarden will be replaced Aug. 9, at Sea Girl Inn; Sea Girl, N. J., by Van Alexander band.

Eddy Duchin, Sammy Kaye, Tommy Dorsey bands play the Canadian Exposition at Toronto, Aug. 29 to Sept. 7. Bands work in above order.

Harry James band will close the band policy at Palisades Park, Fort Lee, N. J., week of Aug. 24.

Louis Prima's new band gets first location stand New York area Aug. 17. Replaces Bob Chester at Chatterbox, Mountaineer, N. J.

Victor Young band signed to General Amusement Corp. Sonny Dunham, too.

Ray Kinney cut first side on new Victor contract. He'll be on 75c label.

Willard Schilling's music succeeded Mark Hilburn's Nomads in the Tennis Club of The Inn, Buck Hill Falls, Pa.

Channing Barron's orch with vocalist Dick Conrad will furnish summer season at Rocco's Villa Sunset, Blairstown, N. J.

Blue Steele in for fortnight at Mayfair Club, Kansas City.

Guy Landis combination signed for the summer at the St. Charles hotel, New Orleans.

Al and Helen Stuart, piano playing and singing duo, have closed at Bacio's in New Orleans and are appearing at the White House hotel at Biloxi, Miss.

Channing Barron's band with vocalist Dick Conrad set for summer at Rocco's Villa Sunset, near Blairstown, N. J.

Eddie Regret's orch from Philly continues at the Glenwood hotel, Delaware Water Gap, Pa.

Sandy Taylor's orchestra, playing at Fun and Bill's on the Glens Falls-Lake George road, is now broadcasting two nights weekly on WGY, Schenectady.

802 BOYS GET BRAVERY MEDALS

Musicians on S.S. Washington Behaved Courageously in Submarine Scare and Also Helped in the Many Nervous Crossings of Atlantic Since War

NOW ON S.S. AMERICA

Members of the ship's orchestra on the U. S. S. Washington, which has been recently engaged in bringing Americans home from Europe, were quietly awarded medals by the United States Line last week for bravery. Specific instance for which the citations were given: resulted from the threat by a German submarine commander to torpedo the heavily-laden boat off Ireland about a month ago.

While the captain of the Washington was frantically trying to inform the sub that this was a neutral vessel, passengers were being piled into the lifeboats. Medals were given the orchestra members for their aid and calmness in assisting in loading the small emergency boats.

Less spectacular reason for the awards, according to Alexander W. Goudie, member of the general manager's staff in charge of musicians on U. S. Line boats, was long hours put in by the musicians under very difficult conditions when the Washington was returning from Europe each trip with many times her normal passenger count. On one trip three separate sittings for each meal were required and the band played through them all. In addition, many of the passengers disliked going to bed because of fear and the band played two or three hours past its usual 1 a.m. quitting time to keep them amused.

New On America

Several members of the Washington's band, in addition to its leader, Richard Kraetke, dean of U. S. Lines musicians, got another award last week. They were transferred to the America, queen of the fleet, which arrived in New York Monday (29) from the shippards' in Newport News. America will have a 10-man outfit in cabin class, six in tourist and four in third.

Kraetke has been a sea-going conductor steadily since 1924, when he took vacation from fiddling with the Rochester Philharmonic for what was to be one voyage with the Leviathans. U. S. Lines are currently employing about 54 musicians. At one time they used about 125. Salt air tookers have, of course, suffered an even worse fate on other lines which have stopped running entirely since the war. French, English,

Press Agent Dreams Up Stunt For Publicity-Crazy Hotel Manager

The Bigger Blitz

It's no secret that when Nick Kenny's song publishers put an "drive" to push one of Kenny and his brother Charlie's songs to No. 1 on the sheet, they both pitch in and become songpluggers. Which leads to a current Tin Pan Alley gag, referring to the time that Miller Music put the heat on their "Make-Believe Island."

"That's the week Nick Kenny over-drove Hitler," bandleader.

Officials of the New York World's Fair and several bands and name entertainers were almost—but not quite—taken in last week by a stunt gauged to garner its so-called sponsor a flock of publicity on the strength of the current public leaning toward anything patriotic. Stunt dreamed up by a press agent, was to stage a Swing Carnival at the Fair last Thursday (25) to raise money for the training of airplane pilots. It was to be called the Volunteer Pilots Training Fund. Press agent's client, a hotel manager, was to start the ball rolling with a check.

Host of important people were named on the "Board of Directors" including, as president, Tom Watson, president of the International Business Machine Co., Gene Tunney, Eddie Rickenbacker, and many others. Fake was exposed when check-up found that none of the above designated people ever heard of the idea and that the names were being used without permission.

Fair execs, piqued, called stunt off. It had been scheduled for a roped off area at the Court of Peace, using the bands currently on location in two hotels owned by the p.a.'s publicity-hungry client.

MAX WINSLOW PREFERS TO H.Q. ON THE COAST

Max Winslow prefers not to turn to active professional and executive activity with Irving Berlin, Inc., shortly. He's equal partners with Saul H. Bornstein and Berlin in the firm, co-founded by them when they broke away as a unit from the old Waterston, Berlin & Snyder setup.

Winslow has been hibernating at his Thousand Islands retreat, although recently he was a Columbia film producer. He plans returning to the Coast and make his residence there; also tie in with a film company.

Swedish and Dutch regularly employed American dance bands.

Kraetke has considerable difficulty in obtaining men, as they must double from dinner music to jazz and be proficient in both. In addition, of course, they must not get seasick, must not be 'prima donnas' and must be amenable to ship discipline. In return they get steady work, all the food they can eat (same dining room as the passengers) and a minimum of \$30 a week.

Sea water tooters must be members of New York Local 802, American Federation of Musicians, or must have their cards transferred to 802 if from-out of town. Special scales and hours apply to them. Until 1938, non-union college-boy bands were used in tourist and third classes, but union contracts have nixed this.

U. S. Lines formerly used to contract for their bands with leaders and, in this way, Paul Whiteman, Ben Bernie and other name outfits were shipped. They were not actually the bands of these maestros, but secondary outfits under other batons hired for the trip. McCormack Line still gets its orches in this way. Al Donahue currently holding the contract for nine pieces each on the Argentina, Brazil and Uruguay—the South American service.

10,000 (90% Advance Sale) Hoof To Miller in Air-Conditioned K.C. Aud

Kansas City, July 30.—Glenn Miller in a nighter in the arena of the municipal auditorium played to more than 10,000 dancers. Tickets were on sale throughout the in advance at 99c per person, and gate price was \$1.25 plus tax. But 90% of gross was on advance sale, and balcony seats for spectators at 50c per person helped swell total. On this basis take for one night figured around \$11,000, something new one-nighter figures hereabouts. Auditorium is air conditioned and has played to capacity of 14,000 dancers, but not at these prices.

Miller and band swing through the territory for four week-end one-nighters between bursts on their air show. Affairs handled locally by Tom Drake.

Enoch Light Mending

Condition of Enoch Light, bandleader who was severely injured in a car crash couple months ago, has improved enough to allow his being moved to his home in Danbury, Conn. He is to be moved today (Wednesday) or tomorrow by private ambulance, from the hospital at Northampton, Mass. Crash was near that town while Light was returning from a one-night date at Old Orchard, Me.

When Light completely recovers it will be necessary to rebuild his band as men have scattered. It held together for a time after accident, but Light's male vocalist handling the baton.

MUSIC ON BEER WAGONS ENDS SUDDENLY

Milwaukee, July 30.—Theme songs of beer concerns may no longer be aired here by means of musical horns operated from motor trucks, according to a ruling delivered to Police Chief Joseph T. Kluschesky by the city attorney's office, and what started out to be a thriving business for the novelty horn dealers has died aborning.

Fabst Brewing Co. started something recently when to promote a special beer which has a piece of blue ribbon attached to the bottle cap, adopted "Put On Your Old Grey Bonnet with a Blue Ribbon On It" as its theme melody. A campaign of newspaper, magazine and pictorial billboard advertising was augmented by equipping the brewery's fleet of beer trucks with musical horns that broadcast the opening bars of the song throughout the territory as deliveries rolled merrily on their way. Listeners were amused, commented on the brewery's enterprise and beer sales spurted upward.

The John Craft Beverage Co., manufacturers of soft drinks, noting the reaction, then equipped its big fleet of trucks with horns that played "How Dry I Am." This is a music loving city, but complaints, as well as appeals for permits from other firms wanting to advertise their wares via the melody route, began to come into the police department. The chief appealed to the municipal legal department as to what ought to be done about it and was advised by Asst. City Atty. Leo Hanley that the musical horns were definitely illegal whether used for entertainment or advertising purposes.

MILTON KRASNEY GAC'S GENERAL MGR.

Milton Krasney, once head of the Cleveland local of the American Federation of Musicians, has been named general manager of all operations of General Amusement Corp. Krasney, now on Coast where he was corraled by Tom Rockwell, assumes charge immediately. He will headquarter in New York.

He is also personal manager of Edger Bergen, which chore he will retain but not back through the GAC office.

Band Reviews

HENRY BUSSE ORCHESTRA (15)
Palace Hotel, San Francisco.
Henry Busse's current date is his first in Frisco with his own band.

Band comprises five sax, six brass and four rhythm, highlighting a trombone choir of five excellent talents like 'Star Dust'.

Now in the band and in town is variable electric (Gibson) guitar amplifier, with foot pedal which permits Hunter to boom his instrument.

CHRISTOPHER COLUMBUS ORCHE. (9)
With Sam Lenny
Harkon Opera House, N. Y.

Play only swing, and that of the more blaring, discordant brand, with Columbus taking plenty of drum breaks, and the horn and a deep sax also getting frequent bits.

CLYDE MCCOY ORCHESTRA
With Wayne Gregg, Bennett Sis. (3)
Hotel Muehlbach, K. C.

A veteran in the field, McCoy has taken 'Sugar Blues' for a theme that is probably the equal of Ray Charles's 'Hot Lips' in the trumpet field.

JOHNNY MCGEE
HIS SINGING TRUMPET AND HIS ORCHESTRA
MILLION DOLLAR PIER
ATLANTIC CITY
WEEK JULY 28
Direction
GENERAL AMUSEMENT CORP.

JIMMIE LUNCFORD
And His Orchestra
Aug. 2, Evansville, Ind.; 3, St. Louis, Mo.; 4, St. Louis, Mo.; 5, Carbondale, Ill.
Mgt. HAROLD OXLEY
17 East 49th St., New York

usual musical outfit here with McCoy carrying Bennett Sisters trio purposes. Most members of the band, including the vocalists, have long since been associated together.

Arranging is in the hands of Bob Nelson, pianist, who has developed a characteristic style for the crew.

Following its two-week stand in the Grill crew moves to the Tower theatre for a week on stage and then back for a week at the Lyric.

STERNE STERNBERG ORCH (11)
Kieiz' Ballroom, Lincoln, Neb.
Sternberg came from vaudeville. He was one of the banjo plunkers in the other Banjoland Revue.

He has changed instruments and now sits in with the gang as a member of the rhythm section on guitar.

Roster includes Ed Oschner, piano; Jimmy Dorsey, bass; Ollie Cutler, drums; Bill Lamb, Bud Sullivan and Roy Francis, brasses.

ROYCE STOENNER'S ORCH.
Fla-Mor. Ballroom, Lincoln, Neb.
Nabe boys, who were born, played, schooled, and colleged together in Kansas City, make up Royce Stoenner's orchestra.

Network Plugs, 8 A.M. to 1 A.M.
Following is a totalization of the combined plugs of current tunes on NBC (WEAF and WJZ) and CBS (WABC) compiled for the week from Monday through Sunday (July 22-28).

Following is a totalization of the combined plugs of current tunes on NBC (WEAF and WJZ) and CBS (WABC) compiled for the week from Monday through Sunday (July 22-28).

Table with columns: TITLE, PUBLISHER, GRAND TOTAL. Lists songs like 'I'm Nobody's Baby', 'I'll Never Smile Again', 'Sierra Sue', etc.

other 90% one-nighting. One night stands demand, in a radius of 500 miles from Kansas City.

Singing stints are handed two of the boys, Bob Davis, who ballads about a year ago, fits a trumpet player, and labors at it, which swells up his brasses to foursome, only one of them a trombone.

JOHNNY HAMP ORCH (13)
President Hotel, Atlantic City
With so many bands here specializing in one branch—rumba, swing, sweet or jive—Johnny Hamp's orchestra appears to have his versatility and ability to play all kinds of music as wanted.

WGST COMBO RECORDS
FOR BLUEBIRD LABEL
Atlanta, July 30.
Clarence (Curley) Hicks, maestro of WGST's five-piece house band, has formed a four-piece combo called the Taproom Boys that cently cut six sides for Bluebird.

Hicks is guitarist, Nonno Charain pounds drums, Elmer Hicks (Curley's brother) squeezes accordion, and Mack Ergle pushes bass fiddle around.

These boys are slated to groove a round dozen more sides for Bluebird in the near future.
Their name, the tipoff on the kind of music they put out.

15 Best Sheet Music Sellers

(Week ending July 27, 1940)

Table listing 15 best sheet music sellers with titles like 'God Bless America', 'I'll Never Smile Again', 'Sierra Sue', etc.

RECORD REVIEWS

Duke Ellington 'Bojangles'—Portrait of Bert Williams (Victor 26644)
'Bojangles' is being consistent in turning out platters with appeal, though these two sides don't quite measure up to his last few.

Tommy Dorsey 'Whispering'—'Funny Little Pedro' (Bluebird 10711)
The second of the monthly 35c sides Dorsey turns out for coin machine entre, using a small portion of the big band under the name Sentimentalists, makes up two neat sides.

Vaughn Monroe 'I'm Home Again'—'I'll Wait Forever' (Bluebird 10767)
This is the singer-bandleader the Wm. Morris agency has scheduled for a concentrated buildup. He's worth the trouble.

Coleman Hawkins 'Blue Heaven'—'Shiek of Araby' (Bluebird 10770)
Commercial record makers turn out such things as this regularly. Limited market stuff. Group of ace musicians are rounded up, select an original tune and go to town.

Buster Bailey 'Should I—April in Paris' (Varsity 8337)
Buster Bailey is the clarinetist with the John Kirby crew. Which makes this combo that group on another label (Kirby cuts for Vocalion).

Benny Goodman 'Hour of Parting'—'Cocoanut Grove' (Columbia 35527)
Toots Mondello's alto sax solo breaks are the major points on the first, a sock side. Tune gives opportunity for the guy to show off his easy wide range and fine tone.

Jimmie Lunceford 'What's Story Morning Glory'—'Got It' (Columbia 35510)
Both are better than Lunceford has cut in some time. 'Glory' packs wallop at a leashed pace; a colorful arrangement smartly played.

Will Bradley 'Beat Me Daddy, Right to the Bar' (Columbia 35520)
Another in the recent rash of two-sided originals this is supposedly written around Peck Kelly, a famed southern pianist. It shows the Bradley band in a fine light, projecting its enthusiasm and drive.

John Kirby 'One Alone'—'Humoresque' (Vocalion 5605)
Kirby is pretty consistent with good sides; these two are among his best. 'Alone' side is tied off with a melodic and tasty bit of pianoing.

Jimmy Dorsey 'If I Forget You'—'All This and Heaven' (Decca 3259)
Bob Eberle's vocal is the highlight of this side, though the band comes in for some good work. The full voiced lyricism, however, occupies most of it, giving the band little chance. Voice rolls easily and takes range hurdles with ease.

The Value of 'Old' Tunes

The montage displays of old big-selling sheet music on pages 23 to 29 in the ASCAP display of special records and orchestras remembering "Old Johnny," a yesteryear tune. The sentimental symbolism of hundreds of old musical compositions, conveying instant impressions to the minds of millions, are of indispensable utility to the imaginative radio program builder. These pop perennials have been standard on many a broadcast.

Night Club Reviews

RAINBOW ROOM, N.Y.

Ray Heatherton, Orch. (12) with Toni Hoop and Rhonda Hunt leads off with "Moe's Surbin," Elvira Rios, Gower and Jeanne, Hildegarde Halliday, Dr. Sydney Ross; cover \$1 and \$2.

Two New Acts, Elvira Rios and Hildegarde Halliday, Latin songs and mimic respectively, feature the new Rainbow Room layout. Ray Heatherton's brisk band is a first organized to open at this spot, and Gower and Jeanne, svelte young dancers. Rainbow Room returns.

The dance team are a fine-looking pair, young, personable and, in their quaint costume, somewhat idealized counterparts of yesteryear gracefulness and courtliness. Jeanie with the Light Brown Hair is a fitting theme for the femme half of Gower and Jeanne, he doing the vocalizing for her solo pirouetting. Ever since Mary Kaye and Nala started the craze of movie vocal settings; in their dance routines (in their case utilizing "Sylvia" on a disk), Ramon and Renita now also are taping to a snatch of "I'm Doin'" vocalized by Les Ann Sisters (4) at the Beachcomber. Now comes Gower and Jeanne's "Jeanie" number. Their "Dardanelles" flirtation picks it up, and "Nostalgia" for a "lunge sort of dance completes a dandy sequence of routines.

"Senorita Rios' Latin vocals and Miss Halliday's comedy make for a neat variety of ballroom material. Dr. Sydney Ross holds over with his amazing intone magic at tables, and by now a very worthy fixture with the regulars. Max Surbin's sextet, consisting of a regular part of the bigger Heatherton band, splits up the dance sets. Toni Hoop, socialite songstress, warbles with the band. Abel.

WILLOWS, PITTS.

Pittsburgh, July 27. Lani McIntire Orch. (10), Leialoha, Nohelani, Pua-Kealoha; door charge 45c week night, 45c Saturday and Sunday.

Willows is the spot that has given the State Liquor Control Board its latest headache. A couple of months ago, Furey Ross and John Maranotti took over the once high-class Oakland roadhouse and decided to re-ventilate the good old prohibition days by telling their customers to bring their own liquor and to pay for their own liquor and waiters' salaries and overhead of booze stores. Not only that, but since it wasn't to be governed by Board rulings, Sunday night operation was okay, too.

Now Liquor Board is trying to find some way to regulate B-V-O-L spots by next year because licensees fear there may be a flood of spots with similar policies springing up overnight. In meantime, however, Willows is cashing in nicely and would have had a check for \$100,000 in real coin this season had it not been for bad weather breaks. Oakland spot hasn't been a good investment for a decade, except for two summers ago, chiefly on account of the stiff fixed costs.

However, Ross and Maranotti have a deal by which they can't lose much and can make a lot. Fello who runs the continuing need for a concession bought the big layout, which originally cost around \$100,000, for \$50,000 at a sale recently and had to have it running somehow so his speedboat by winter after. So he approached Ross and later, on-time operator of old Shaw, got it on one of those percentage arrangements. This, together with the low overhead resulting from the B-V-O-L policy, gives new operator a bonafide chance to get somewhere.

However, Lani McIntire's band, in for two weeks with options, isn't just right for what Ross is trying to do. That no-booze-served thing is right up the kids' alley, and it was the kids Willows originally planned to make a play for, and the younger crowd is still strong for hot-hot-hot. McIntire, of course, can give em plenty of swing stuff along with his Hawaiian chants, but that isn't exactly his specialty. Island music, with the guitars, is a definite novelty for Pittsburgh and under the Willows' 1939 policy would undoubtedly have been a wow. As it is, Willows noticed in last few days a big increase in adult patron-

Unfamiliarity of orch with arrangement and non pro competition from visiting convention firemen didn't make opening (24) altogether happy one.

Howard Barry, likewise making Miami debut, manages to groove his songs more down rindsiders' alley, romping through brace of pops effectively. As straight m.c., though, he's in minor league.

Only standouts of show are Harold and Mary Bee, who hold over with adagio turn. Talented moppets (can't be over 16 or 17), their lifts and holds would do credit to vets. Also score with acrobatic jitter-bug antics, introducing several novel twists.

Brenny Morrow, another torso twister, while acceptable, reveals nothing startling in her single. Same goes for decorative Ball Ball girls.

Markos and his rhumba-congoists, a fixture at joint, wind up show taking byes on conga romp. Sextet are colorful performers, and always manage to leave house hopping. Dancapaction is split between Tommy Nunzio's standard ombo and Syd's Rumberitos, both okay. Les.

Hawaiian Blue Room

(HOTEL ROOSEVELT, N. O.)

New Orleans, July 27. Phil Harris and Orch and Ruth Robin.

Phil Harris is a big favorite here. He presents same group of double entendre songs in an intimate manner which his addicts like. His repertoire is a little showprow, but his fast set changes, in some instances they've heard the same songs and patter.

There is no floor show. The management believes that he is sufficient unto himself to carry the evening's entertainment, and he does with the exception of a brief appearance in the floor show interlude of his band singer, Ruth Robin, a looker who gets plenty of palm pounding. It's all Harris from here.

The band went over big with the dancers, particularly the swing section who usurp the better portion of the floor. The band means heavily to the brass and percussion instruments and plays on the off beat that is better adapted to swing addicts than to the spread eagle lovers. After the crowd gets into some in the early morning the boys relax a bit with some sweet music and the anti-ankle swingers manage to get in a few dances as a result.

In spite of the featured numbers which Harris has built up for the floor show period, his best offering of the night was an unusually good version of "Alice Blue Gown," slipped up to a tempo which the dancers went for in a big way. For the rest there's the band giving out on the "Wolverine Blues" and there's his adaptation of Rochester's "My Baby's a Baby Talk Number" which the crowd applauded, too.

Harris appeared bit nervous. Crew got in same afternoon of opening, having driven in from Shreveport where they played one nighter until 3 a.m. Lizza.

SCHMIDT OF BOSTON JOINS SESAC LIST

Arthur P. Schmidt, Boston music publisher, has affiliated with SESAC (Society of European Stage Authors and Composers), bringing his catalog of about 10,000 compositions to the license outfit. Gives SESAC a catalog of about 50,000 compositions.

Schmidt company, formed in 1875, has never before been affiliated with any licensing group. NBC, CBS and other networks and stations, which formerly paid for the right to use the Schmidt catalog, will now get these compositions through their license from SESAC. Broadcast Music, Inc., the network-backed group, was recently reported to have been dickering for the Schmidt catalog.

Bands at the Boxoffice

(Presented herewith, as a weekly tabulation, is the estimated cover charge business being done by name bands in various New York hotels. Dinner business (7-10 P.M.) not rated. Figures after name of hotel: give room capacity and cover charge. Larger amount designates weekend and holiday price.)

Band	Hotel	Covers	Weeks Played	Total Covers
Charlie Barnet	Lincoln (225; 50c-\$1)	13	500	7,775
Larry Clinton	New Yorker (400; 75c-\$1.50)	12	1,825	18,700
Jimmy Dorsey	Pennsylvania (500; 75c-\$1.50)	16	1,925	25,875
Tommy Dorsey	Astor (900; 75c-\$1)	10	3,000	31,875
Ray Kinney	Linington (500; 75c-\$1.50)	11	1,050	14,300
Alvin Roy	Biltmore (300; \$1-\$1.50)	5	475	3,345

* Asterisks indicate a supporting (floor) show, although the band is the major draw. †Total represents six days. Dorsey was off Monday (22).

Inside Stuff—Music

Because too much press attention was being given the unprecedented booking of Jimmy Dorsey's band for a birthday party for Jimmy Gardiner, wealthy Texas youngster, the latter's stepfather threatened last week to cancel the date. Dorsey played the party Monday (21) night, flying from New York in chartered plane and returning the next day. He was paid \$5,800, including transportation. If the date had been cancelled the down payment of \$2,900 would have been forfeited.

Pic Magazine was scheduled to ship a photographer along with the band to shoot pictures of the shindig for a special spread. That was cancelled. Life was originally expected to cover it for its Life Goes to a Party section. It decided to turn it down. Johnny McGee's band booked for Dorsey the one-night at the Pennsylvania hotel, N. Y., where Dorsey stays until next week (31).

"I Am an American," which RCA Victor put a special drive in connection with Gray Gordon's recording, is getting the maestro plenty of attention via abnormal fan mail. His patriotic tieup is the obvious reason. He's slated for "Information Please" shot, and Meredith Blake, vocalist with Gordon, is due on the Male or Female show for a guest.

"American," published by Mercer-Morris, is fully titled "Shout Wherever You May Be) I Am an American, the parenthetical prefix being a necessity to get around a previously registered "I Am an American" ditty by Famous which Horace Heidt did, but not with such signal results as the Gordon tune. Metro-Feist had to do the same stunt with "My Wonderful One, Let's Dance," when publishing that excerpt from "Two Girls on Broadway," as a means to circumvent confliction with the Benny Goodman thematic, "Let's Dance."

Any number of amateur songwriters clamor incessantly for bandleaders to arrange and have their bands play their tunes on broadcasts, but Charles Balcof, brother of vocalist Meredith Blake, is different. He's currently suing Jack Teagarden for playing without authorization a tune he wrote in collaboration with a Joe McMahon called "Daring You Weren't Here". Amateur wants a sum of \$5,000 for each infringing performance.

According to Teagarden, Miss Blake continually pestered him to make up the tune and play it while she was a vocalist with his band. He complied with her request and used the number several times. After she left the band to join Gray Gordon at the Hotel Edison, N. Y., her brother's suit was instituted. Suit comes up soon in Federal Court, N. Y.

Music Notes

Max Steiner's new symphony, "Song of the City," will be used for the first time in Warners' "City for Conquest."

Edward Ward composed two tunes "Sail Along Prairie Schooner" and "With My Concertino," for Edward Small's "Kit Carson." Chet Forrest and Bob Wright did the lyrics for "Schooner" and "Wright for "Concertino."

Johnny Mercer and Matty Malneck wrote "Central Avenue," to be sung by Malvina Swines 11, at RKO.

M. K. Jerome and Jack Scholl are clefing tunes for "Santa Fe Trail" at Warners.

Dmitri Tomlin writing the musical score for "Lucky Partners" at RKO.

Will Fowler, Gene's son, composed "American Nocturne," which will be published by Feist.

Nacio Herb Brown inked contract to write tunes in Metro's music department under supervision of Nat Finston.

Edward Kay and Harry Tobias sold a rumba number to Monogram, for use in the next Frankie Darro picture, and Johnny Lange and Lew Porter turned in ballad for the same film.

Lone Summer Spot

Jimmie Livingston and band opened Saturday (27) in Spanish Room, Henry Grady Hotel, Atlanta. Jimmie Shepperd and Nolan Canova are the soloists, plus crew of 11 dancers. Band has just finished two-month engagement at Boston's Tolem Place. Grady's Spanish Room is only Atlanta dine and dance spot booking bands during hot months.

Livingston follows Jean SABIN's orchestra. Spot aired over WATL, Atlanta's Mutual outlet.

GALLO TO PRODUCE ICE SHOW IN PHILLY

Inactive with outdoor operettas this summer, Fortune Gallo has taken on an assignment to produce an ice show on the open-air rink at Philadelphia Gardens, one-time National League ball park. Place is being conducted by Fab Fabiani, known as a wrestling promoter.

Nearly 20 years ago Fabiani played oboe in Gallo's San Carlo opera company orchestra. Associated with the promoter is Hugo Quist, formerly concerned with the American appearances of Sonja Henie.

It had been reported that the ice show was off, though when the rink formally opened last week it drew patrons away from the other attractions in the hybrid spot, which has a dancehall and midget auto races. Harry Losee is staging the ice show, in which skaters from the Coast and Chicago will appear.

Band Bookings

Larry Clinton, Aug. 25, week Manhattan Beach, N. Y.

Woody Herman, Nov. 1, five days, State theatre, Hartford, Conn.; Nov. 15, Palace theatre, Cleveland.

Count Basie, Aug. 28, week, Paramount theatre, Los Angeles.

Casa Loma, Aug. 12, Leaksville, N. C.; 19, Charleston, W. Va.; 14, Cincinnati; 16, Columbus, O.; 16, week, Westwood Gardens, Detroit.

Toronto Exposition, Toronto, Can.; Aug. 29-31, Edgy Duchin, Sept. 2-3, Sammy Kaye; 4-7, Tommy Dorsey.

Ozzie Nelson, Aug. 23, Tobacco Festival, Wilson, N. C.

Harry James, Aug. 24, week, Palisades Park, Fort Lee, N. J.

Louis Prima, Aug. 17, four weeks, Chatterbox, Mountainside, N. J.

Church Rule Stalls Hitch

New Orleans, July 30. After a seven and a half hour delay during which the church technicalities were cleared up, Joe La Guardia, saxophonist, and Fio Rito's band, playing Hawaiian Blue Room here, was wed Wednesday (24) to Betty Jane Schroder of Newport, Ky. The wedding had originally been scheduled for 8:30 a.m. but Catholic church laws require that a dispensation must be obtained unless betrothal is announced in church for three consecutive weeks before the wedding. Bridegroom nephew of Mayor Fiorello LaGuardia of New York.

TO REBUILD N.O. HAWAIIAN

New Orleans, July 30. The Hawaiian Blue Room of the Roosevelt Hotel, swank night spot, will be torn out and rebuilt on another motif. Work will start after Labor Day.

Cotton Club's Passing Marks End Of Harlem Era on Broadway

In the constant changing of the Broadway nitery map, the Cotton Club, which is for lease, after doing well for six years since moving downtown from Harlem into the Times Square sector, marks the end of still another era. The passing of the Hollywood, Paradise, French Casino and International Casino connotated the passing of the lavish girl shows and elaborate cabaret-theatre revues; now comes the end of the Harlem vogue in midtown.

Holding the street successfully four Latin and South Seas niteries, Beachcomber, Hurricane, La Conga and Havana-Madrid, and hard by is La Martinique, which is just between the so-called Broadway and fashionable east side spots. Billy Rose's Diamond Horseshoe, the only other successful nitery venture, a nostalgic type spot. The rest are hotels and grillrooms.

Harlem's decadence as a nite life sector came with its No. 1 spot, the Cotton Club, rightfully concluding it better bring Harlem to Broadway, rather than knock itself out trying to lure 'em into the colored belt.

This started a vogue of colored cafes in midtown, most of them existing on a very a fresco policy. One spot was notably successful chiefly through a very elastic policy of late-hour drop-in trade, with service available after the rest of the town had pulled in its sidewalks.

Arthur Boran, mimic-comedian, m. c.s the floorshow for a two week stanza at the Club Mayfair Boston, starting Friday (2).

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MARION BENT, 37 YRS. ON STAGE, DIES AT 60

Marion Bent, Mrs. Pat Rooney in private life and on the stage for 37 years, died Sunday (28) at the House of Calvary Hospital, Bronx, New York, after a lingering illness of several months. Diagnosis was cancer. She was 60.

Separated from her husband for nearly a year, Miss Bent, first in the NVA ward at the French Hospital, before being removed to the Bronx institution, Pat Rooney, recently appearing at Billy Rose's Diamond Horseshoe, visited her there several times.

Mrs. Rooney, both well-garded as a performer and a hostess in the trade. When the Rooneys were on top and in the money, they maintained open house at all hours whenever they were in N. Y. Their extravagant tastes ended, however, several years ago when the bottom dropped out of vaudeville, but by that time there was no opportunity to recoup the spent fortunes.

Miss Bent was the daughter of Arthur and Alice Bent, her father being known in the 1870s as a cornet soloist. She met Rooney when they were both kids playing around Greenwich Village, and later appeared in the cast of "Mother Goose" at the New Amsterdam, in which he also had a part. They then drifted apart for a short time, but soon married and teamed on the stage.

Rooney and Bent as a team, and later with Junior as a trio, were together on the stage for 27 years until 1932, when Miss Bent was forced to retire because of arthritis. She came out of retirement on April 16, 1935, their 32d wedding anniversary, to appear with Rooney and their at the Capitol on Broadway. At that time she gave but a sample of her once great dancing talent.

Services are being held today (Wednesday) at the Walter B. Cooke funeral parlor in N. Y., interment in Evergreen Cemetery, Brooklyn.

Saranac Lake

By Happy Benway

Saranac, July 30.

Highlights and thrills from the Will Rogers Memorial Hospital: the last visit of Harold Rodner, who said "We'll spare no expense to make well"; Charlie Dillgo passed another milestone; Jules Zwilling, Myra Fox, Murray Friedman, Jackie Roberts, and Eddie Ross all ex-Rogersites, shot in for checkups and got the absolute go-to-work okay; "While We're Apart" is a new ballad by Eddie Dowd and Curley Adams, both in bed; Max Smallen and Val Gural are doing so well that they will soon be handed their discharge papers; Bob Gosgrove, who is progressing nicely, was bed-sit by his Boston family; after seige of setbacks, Ben Schaffer seen downtown for his first out-of-the-san okay; many moons, John Loudon progressing nicely after mastering a broken arm at the general hospital.

New arrivals are Ernest Falls, vaudevilian from Philadelphia; Joe Bryant, in a connection with the McComas theatre, Bramwall, West Virginia; Vivian Vaughn, of the Three Vaugin Sisters; Virginia Brown, one of Earl Carroll's "Vandies" and WB pictures.

The Leonard Grotte's arrived from Flushing, L. I., bag and baggage, and fishing tackle for a summer run at Camp LeBeau on Crescent Bay.

Pete Vassal, who's cooking made many of us oozers well and hearty at the old NVA, san, is now connected with the California Fruit Co.

Bobby Graham, the Toronto press agent who this Colony terms "tops as good cheer guy, a little under the weather with minor setbacks.

The Elk's here giving a clambake and extending Annie Oaklies to the Colony.

Write to those who are ill.

A son, Pat Rooney, Jr. who also survives, was virtually born "a trunk." He toured with his parents when still an infant, Miss Bent depositing him in a basket in the wings while she worked on the stage. Frequently she carried him out for the bows.

Philly Nitery Ops Get Together On U. S. Tax Matter

Philadelphia, July 30.

Night club owners from all parts of Pennsylvania have met in an effort to avert the fate of Arthur H. Padula's Anchorage, which was shuttered recently by U. S. revenue agents for non-payment of social security taxes.

Charles Solit, who has filed appeal to the State Unemployment Compensation Board in behalf of Frank Palumbo, was appointed attorney for the new group which will be called the Pennsylvania Cafe Owners Assn. Max Kaliner, one of the owners of the Club Bali, was appointed treasurer; Howard Bell, also a member of the Bali organization, was named secretary, and William Hopkins, of the Hopkins Rathskeller, is temporary chairman.

Solit pointed out that the Government originally ruled that nitery operators were not responsible for social security and unemployment taxes, but had later reversed itself.

Virtually every cabaret owner in the eastern Pennsylvania area is in arrears from one to three years and face the same fate as the Anchorage, which was forced to close because of delinquency of nearly \$3,000 in taxes.

Organization also aims to combat what it termed "inequitable rulings" of the State Liquor Control Board and the Philadelphia police department.

Opens Club des Artistes.
 Montreal, July 30.

Oscar Bastien, French-language announcer, opening bistro a la Montmaitre in the west end of the city this week.

Catching largely to radio performers Bastien has labelled his spot "Club des Artistes."

George Choos' 3d Dimension Pix

New Still Process the Fruit of Long Investment and Labor

George (Love & Kisses) Choos, one of the top Keith-franchised producers in vaude's better days, is happily announcing he's virtually out of show business via an invention of third-dimension still pictures. It's the payoff for long financing of an unknown inventor, Mikolas Kaszab, who has been working on the process for 34 years in all.

Choos and his brother, Kalman, have been putting up \$35 weekly for four years to maintain the inventor

plus his experiments. Besides, they outfitted a studio and their investments totaled around \$19,000 until the break came last week.

Besides his own coin, Choos, vaude's decline, has also been putting in some of the earnings of his wife, Helene Denizon, the dancer. A couple of weeks ago their resources had reached a very low ebb and Choos was pleading with Bill Howard, RKO booker, to play Miss Denizon so that they could have enough money to carry on until the invention, termed "stereogram," was merchandise. Nat Holt, division manager for RKO, was sitting in and, when he saw some samples, immediately booked 12 pictures for Jobby displays in the Palace theatres of Cleveland and Columbus. He also promised to book Miss Denizon his first chance he gets, but "stereogram" is positive.

15 YEARS AGO

(From VARIETY)

Legit production activity for the fall considerably increased. Whereas a week ago before 35 shows were rehearsing, there were currently 65. However, only about one-third were slated for Broadway, others being for the road.

George M. Cohan returning to the legit managerial ranks. He was scheduled to begin producing with "American Born," which was among several plays he had in mind.

An abbreviated version of "Uncle Tom's Cabin" was slated for the Keith circuit during the fall. Pat Casey was to sponsor and Corse Payton to have the lead role. Payton had been playing a tab "Tom" in the indie theatres to good b.o. results.

Thomas Meighan's new contract with Famous Players-Lasky practically called for the star to remain in pictures as long as he chose.

A new Frederick Lonsdale play, "The Last of Mrs. Cheney," was to be given a London debut. Gladys Cooper was to be the lead, play being scheduled for the St. James.

Only 28 bigtime vaudeville weeks for the fall at the current date. Keith-Albee had 18; Orpheum 11.

A. H. Woods reputed to have turned down \$150,000 for screen rights to "The Green Hat," Katharine Cornell Broadway starrer. He was holding out for \$250,000.

Reopening Oakl'd Rancho With Danny Dare Show

Oakland, Cal., July 30.

Rancho San Pablo reopens its doors, with the blessing of the police department, with a Danny Dare floor show Friday (1).

Last the Rancho went in for names such as Helen Morgan and Belle Baker, but the police clamped down on gambling.

Process right now is laborious, because everything is by hand, even the camera invented by Kaszab being a rough, home-made affair; it travels on two tracks, completely circling the subject, and takes eight seconds to photograph through what is called a "lenticulation imprint on celluloid." Eastman Kodak is doing the developing, with only the negative and not positives used in the finished product.

This week, Choos and his brother are getting a machine-made die to do the lenticulation work, which will permit much cheaper operation and eventually bring the cost down from around \$35 per picture to as low as \$1 each in mass production for advertising purposes. It appears especially adaptable for theatre-lobby stills, the samples being extremely striking and lifelike.

Choos, his brother and the inventor are equal partners. They have not yet decided how the process will be marketed, though one idea is to lease agencies on a royalty basis in different territories.

While not yet applicable to motion pictures, Choos says Kaszab wants to tackle that problem once the still stereograms have been well started.

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Currently CHICAGO THEATRE, Chicago
 Opening Aug. 9, Shea's Theatre, Buffalo, N.Y.—Theatre Bookings by Wm. Morris Agency.

AGVA SHAKEUP IN 3-4 WKS.

Charlie Freeman's Off-to-Dallas Dinner More Nostalgic Than Ribbing

By JOE SCHOENFELD

Charles J. Freeman was given zest of a sentimental than ribbing sendoff on the eve of his departure for Texas as film booker for the Interstate Circuit, but then he took the bull by the horns and gave the attendees at the dinner in his honor, at the Astor hotel last Tuesday (29), a rousing laugh climax. One of his gags, top blue for print, is now being quoted up and down Broadway.

Some 60 odd attended the dinner, most of 'em friends, some only acquaintances and at least one enemy. It was about his former enemies that Freeman pulled the classic, nearly turning the gag also upon himself.

Jay C. Flippen was toastmaster and in excellent form, but the dinner's highlight (excepting Freeman himself) was Bob O'Donnell, Interstate's general manager, Freeman's pal and now his boss. O'Donnell was nostalgic about vaudeville as it once was, about the great help given him by Sime Silverman, founder of VARIETY, who wanted to brain him for "accepting \$500 weekly for the Interstate job after he advised me to hold out for \$750." But, O'Donnell pointed out, \$500 weekly was a 100% increase over his salary with Keith's.

O'Donnell began with his career as an agent in Eddie Keller's office, which, he admitted, lasted only a very short time. J. J. Murdoch, Keith's general manager, called O'Donnell in and told him it was very evident that he would never be an agent. Next thing O'Donnell knew he was assistant manager of Keith's, Philadelphia. There he met (Continued on page 141).

Sues NTG for \$2,574

Los Angeles, July 30. Sam Rosen filed suit in Superior Court here to collect a judgment of \$2,574 against Nils T. Granlund, awarded in New York last fall. Granlund runs the floor show at the Florentine Gardens in Hollywood.

'Scandals' May Go Into Ptsbg., Fair Deal Set

Pittsburgh, July 30. There's a chance that Stanley WB deluxer, will reopen for stage shows middle of next month if deal can be closed for condensed version of George White's 'Scandals.' Harry Kalmine, WB zone manager, has already tipped his offer twice, but so far White's reps haven't accepted and are holding out for more. Date would be week of Aug. 16.

Stanley has been running straight pic for couple of months now and, according to Kalmine, 'Scandals' booking wouldn't mean a regular resumption of stage shows. Zone manager said even if show were penciled in, house would probably go back to films immediately after until the end of September at least.

'Scandals' has been set in this territory for several dates, including three-day run at Capital, Wheeling, W. Va., and week's Buffalo engagement beginning Aug. 8.

Jack Naples Wins 10G From Brandts on NTG Unit Nix Last Year

A summary judgment totaling \$9,900 was granted to Jack Naples, owner of the NTG Units, against the Eddie Co., Inc., operating the Flatbush theatre, Brooklyn; William Brandt, Shaby Operating Corp., operating the Windsor theatre, Bronx, and the Robinson Operating Co., Inc., operators of the Carlton theatre, Queens, by N.Y. supreme court justice Timothy A. Leary, Friday (26). The judgment is \$3,200 against each of the theatre operating companies, and is based on failure to go through with a contract.

'Scandals' Booked for Fair

Brockton, Mass., Fair has booked 'Scandals' for its week beginning Sept. 8, a guarantee and percentage arrangement. Miles Ingalls of New York set the deal.

It's first time the Brockton Fair, biggest in east, has booked a stage unit. Last year it played name bands, Guy Lombardo, Eddy Duchin and Cas. Loma.

NAZZARRO, JR., NAMED PITT AGVA'S EXEC SEC

Pittsburgh, July 30. Nat Nazzarro, Jr., one-time dancer in musical comedy and vaude and also for a couple of years an m.c. in Loew's presentation houses, has been named executive secretary of the American Guild of Variety Artists local here. For the last couple of months, since the local chapter was organized, Nazzarro has been serving in an unofficial capacity during its preliminary setup.

Nazzarro said, following his appointment last week, that AGVA expects to sign closed shop contracts with at least half a dozen local niteries before the summer is up. So far, only the Nixon Cafe has been inked, but several others are on the verge. For last couple of years, Nazzarro has been touring the tri-state district with small units, but has quit active participation in show biz to devote his time to AGVA affairs.

Cincy, Shubert, Reopens Aug. 15; Vaude Later On

Cincinnati, July 30. Reopening of the RKO Shubert set for Aug. 15. House will have a first-run policy until autumn, when stag shows are to be added. It is Cincy's lone vaud film stand.

During the last week in August, RKO will start operating the new 1,500-seat Grand as a first-run house. This up-to-the-minute cinema and two retail store spaces are in the building erected by the Taft State on the old Grand Opera House site. Vine Street at Opera place. Former theatre was in the Reinger legit chain until a few years ago when RKO took over the lease for a policy.

PLAN ON CHANGES BEING KEPT QUIET

No Replacements Elected as Yet for 8 N.Y. Local Board Members Who Resigned—Resolution Scores Those Who Left Posts

PHILLY PREZ QUILTS

Chicago, July 30. Graham Dolan, national representative of American Guild of Variety Artists in Chicago, who has been a source of much resentment on the part of Chicago members, is being relieved of local duties. Hoyt Haddock, national secretary of AGVA, was in town yesterday (Monday) and listened to complaints of members against Dolan.

Haddock stated that Dolan would be transferred out of Chicago in a couple of days. No replacement has been set yet.

The American Guild of Variety Artists will be put on a keel acceptable to all members of the union within three or four weeks, according to assurances by responsible officials. How this will be done naturally cannot now be divulged.

Meanwhile, the remaining faction in the New York local board has not yet elected successors to the eight men who resigned from the board last week. They were Dave Fox, who also quit the N.Y. presidency, Billy Glason, Arthur Ward, Dick Barclay, Fred Pisano, Ben Haskell, Don DeLeo and Rod Rogers. Pete Wells, who was first v. p., steps up automatically to the presidency of the N.Y. local in Fox's place.

There was a N.Y. local board meeting last Thursday (25), but the only action taken was to draft a strong resolution condemning those who had resigned. That group had been maintaining that the N.Y. local board and office staff was rife with communism.

Resolution reads: Whereas the recent actions of certain New York Local board members have been calculated to discredit AGVA and their fellow Board members and their fellow members and Whereas certain Board members have slandered their fellow Board members without justification and have thereby injured AGVA, their fellow Board members and fellow members and Whereas certain Board members have issued statements to the press in violation of the rules of AGVA, which are false, mis-

(Continued on page 135)

DOG ACT WINS

Plea to Governor Sidesteps Milw. Quarantine Order.

Milwaukee, July 30. Hector and His Pals, standard dog act in vaude for many years, ran into a rabies quarantine when they came to town to play a date at the Riverside theatre. Under the urging of Assemblyman Charles F. Westphal, president of the Wisconsin Dog Aid Society, Assistant District Attorney Edward Yockey instructed the police to see that the 14 pups are held in Milwaukee for the 60-day restrictive period the quarantine still has to run.

C. J. Tryon, owner of the act, who had booked for New York and other aster dates following the engagement here, took the matter directly to Governor Julius P. Hill in Madison and pleaded his case so eloquently that the state's chief executive instructed the chief of the state livestock sanitation division to issue a special permit for the canines to make the jump eastward, saying their destination made their departure a concern of N.Y. rather than Wisconsin livestock sanitation officials.

15 Years Missing (And Ins. Collected) Detroit Theatre Man Is Discovered

Opera Waits on Monkey

Cincinnati, July 30. The strange spectacle of operatic rehearsals halted so as not to interfere with a money's dinner is the classic tale being told following the recent summer season of outdoor grand opera at the Cincinnati Zoo park. It seems that the monkey, Susie, was donated to the Zoo by a wealthy patron with precise and not-to-be-ignored instructions the questions of what and when the monkey was to eat.

Complicating factor—Susie's devotion to opera. She will not eat when it progresses. Hence the recent amazing situation of Nicholas Moscon, basso from the Metropolitan opera, waiting some 45 minutes to finish a well-begun 'Rigoletto.'

Milwaukee, July 30

Baffling legal questions have been raised by the return here of Nick De Lorenzo, former widely known theatre man, who disappeared 15 years ago, and was declared legally dead by Circuit Judge Gustave G. Gehrz on May 17, 1935, enabling the widow Lillian to collect on a \$2,000 life insurance policy. She married again, and some legal experts say that since De Lorenzo turned up alive his wife's second marriage was invalid and that the insurance pany is entitled to recover its \$2,000 payment. Other attorneys declare the marriage was valid, her former husband was legally dead and that the insurance company cannot recover.

Nick De Lorenzo was formerly manager of the old Magnat, Vaudeville and Elite theatres and disappeared in 1925 following a family quarrel. Last week Otto L. Meister, operator of the Whitehouse theatre, and a former employer of De Lorenzo's, visited the Beckman & Gentry carnival showing here and recognized the 'dead' man, who was employed as paymaster and assistant sideshow manager of the carnny outfit. When Meister advised the De Lorenzo family of his discovery there was a reunion at the De Lorenzo home where was told the story of the missing man's wanderings over far parts of the world.

Nix on Mixing Doooms Choruses In Pitt Niteries

Pittsburgh, July 30. Looks like night club lines are doomed in this town, following State Liquor Board's recent ruling that girl's aren't permitted to mix with the customers, thus assisting in sale of alcoholic drinks. In past, choruses' local cafe belt have been merely window-dressing for the ring-siders, and have been hired invariably according to their willingness to play lonely hearts with the stag trade.

First to drop ensembles altogether, on heels of Board's ruling, was Nixon Cafe, which last Monday (22) announced a future policy of featured acts only, with no choruses. Instructions were given by Tony Conforti, Nixon's proprietor, to Joe Miller, who books the spot. That leaves Yacht Club the town's only niterie still using line of girls, but river page may also eliminate them when Board's ultimatum takes effect on Aug. 1.

So far as entertainment concerned, loss will be practically nil, since out-of-town agents have consistently been guilty of shooting in pick-up, unrehearsed, badly-coordinated lines simply because they knew the girls weren't being hired exclusively as dancers anyway.

RAID FOUR A.C. NITERIES FOR CASINO OPERATIONS

Atlantic City, July 30. Four of A.C.'s northside niteries—the Paradis, Club Harlem, Wonder Bar, and Belmont—were raided early Sunday morning (28) by Mayor Tom Taggart and 50 cops, while the police chief was home sound asleep. The niteries, which had floor shows and the outward semblance of mere fun places, maintained large gaming rooms on the side. Four truckloads of roulette wheels and dice tables were captured, together with 28 prisoners.

Wearing a gun in real wild-west fashion outside his white linen suit, the mayor and cops took the four places in rapid-fire order before they could be tipped off.

Leonard and Moses Abrams and Ralph Wolfert were arrested at Paradis; Samuel Singer and Lewis Williams, at Club Harlem, and Charles Randt, at Wonder Bar. These, described by Mayor Taggart as "big shots," were made to sleep in a hot, stuffy cell all night before released on bail. Entertainers and others were allowed to spend the night in cool detective headquarters.

Sees Defense Coin Hypoing Northwest Vaude and Niteries

Seattle, July 30

Len Mantell, manager of Bert Levey booking offices here, sees a vaude pickup and improvement at night spots in this territory as armament building locally gets underway. Many men are going to work for Boeing's aircraft factory, while the local shippers are angling for a \$25,000,000 government contract.

Back from recent trip to Vancouver, B. C., Mandell says business is better there, with very little war talk rampant. Canadians are staying home and spending their money instead of visiting the U. S., due to difficulties in travel back and forth.

By same token, business in Seattle and at other Washington entertainment spots is not as good as formerly, due to Canadians not coming down for weekends. Canadian money is now an oddity.

The 'Great Thurston' unit is heading west in September, with dates in this region set by the Levey offices. 'Funzafire' unit is doing likewise.

Det. Vaude Spot Makes It Easy for the Deaf

Detroit, July 30

Harper, local vaud film house, has completed installation of equipment which will enable hard-of-hearing fans to hear stage shows. Several local houses are furnished with headphones for picking up film dialog, but this Wisper & Wetsman house first to provide equipment to allow afflicted patrons to hear chatter from the stage.

The idea was conceived by Joe L. Ross of W. & W. Circuit, and was handled technically by Fred C. Dickey. Sound is fed from public address amplifier to the projection booth and then into earphones. Patron can use equipment furnished by the house or his own special device. A block of 42 seats has been equipped.

New Acts

In the style of the mammy singer... Encores with 'Foolish Me' and 'I'm Encoring' with studdholders still 'Imagination'.

MICHIGAN, DETROIT

Detroit, July 27. Gene Krupa Orch., Andrews Sisters, Red Skelton, Howard Dulany, George O'Leary, Irving Daye, Howard Dulany; 'Safari' (Par).

Fred Dubois, juggler, who makes much ado about a racket and tennis balls, an umbrella and some large hoops for the usual trick act.

Harlem O. H., N. Y.

Willie Bryant, Moke & Poke, Sister Tharpe, Sam Lenny, Billy Wells & Four Fays (6), Christopher Columbus, 'Waterloo Bridge' (M-G), Drums of Fu Manchu (Rep).

derby with Lew Lehr-kidding about the kids. A Spanish bull fight scene comes near being exciting. Actual fighting is not depicted, but the animals are let loose upon the throng, many of whom are seen to be in a state of attempt to gore them.

Unit Review

OVER THE RAINBOW (AUDITORIUM, MPLS.). Minneapolis, July 28. Aqua Orch (25) Vin Gottschauk, Aqua Dancing Girls (24), Aqua Dancing Boys (12), Aqua Models (12), Singing Vikings (8), Two Harmonicas, Harry Habata, Three Freshmen, Mignon & Mignon, Martells & Mignon (4), Harry Welch.

GEORGE RAFT (2)

With Mary Johnson Talk, Dancing 3 Mins. Fox Theatre, Detroit. George Raft as b.o. is one thing, and his act, as it now stands is quite another. It is anything but strong, notably so far as the talk is concerned.

LOUIS (BUCK) NEWSOM

With Ty Tyson Interview 3 Mins. Fox Theatre, Detroit. A couple of weeks ago, while Ty Tyson, popular Detroit, baseball announcer, was working a game, Buck Newsom, star of the Detroit Tigers pitching staff, out of uniform with an injured thumb, dropped in to see Tyson. Upon request, Buck described an inning of the game and was such a hit that the Fox booked both Tyson and Newsom for week's personal appearance.

Biggest group of names to play one show in town...

Gene Krupa and the Andrews Sisters are the main attraction... Krupa and the Andrews are the draws, but Red Skelton may be the one to go away with the most new fans.

Al Shean's radio station WCCO...

Al Shean's radio station WCCO artists bureau produced this two-hour musical revue as one of the Agnemma celebration... The show is a fast moving, colorful, smooth song-and-dance entertainment which can hold its own on a par with the more ambitious vaudeville offerings built along similar lines.

AGVA Shakeup Soon

Continued from page 133. leading and unsubstantiated and "Whereas certain Board member (Barclay) has declared in an open meeting that he would rather see AGVA run by racketeers than by those duly elected and chosen to run it, a statement which was not repudiated by others of those who resigned and who are in apparent sympathy with this member, and whereas certain of these Board members have shown by their actions that they are not interested in building AGVA but wish to destroy it, and whereas certain other Board members have shown themselves to be in sympathy with these tactics by resigning together with these others...

Wants Thawing Out

Los Angeles, July 30. Bankruptcy petition was filed here by Dave Halpern, producer of an ice ballet, with debts listed at \$4,853. Of this sum, \$1,100 consists of wages due members of his skating troupe for their recent work at the Club Moderne, San Francisco. Assets are registered as an unliquidated claim of \$3,175 against the Club Moderne, which he charges with breach of contract.

Jack Stodel in Army

Capetown, July 9. Jack H. Stodel, Capetown branch manager for African Consolidated Theatres, and known to American performers, has joined the Army and is attached to the military staff department over here. He served in World War I.

TOWER, K. C.

Kansas City July 27. Walton and O'Rourke, Ming and Toy, Lester Harding, Wilfrid Dubois, Glamour Girls Inc., David Jean Hogan, Herb Six Orch., 'Cross-Country Romance' (RKO). Tower currently has a layout, without a tangle in Colorado, along its standard 'Happy-Go-Lucky'. It's so-bye. By way of carrying out the theme chorus trips through an opening number, with cardboard horse-shoes. Initial act is assigned to Ming and Toy, a seasoned standard act. Chinese couple combine some accordion squeezing by man and some singing by girl in regular fashion. Mary Jones composed 'Minuet in Gazz' patches caps the act.

EMBASSY, N. Y.

Several clips of a lighter or comic nature make the hour's pictorial account of current events, passable, but the present collection of newsreels is nothing to thrill the customer. However, an escape from the humidity as of last Friday, it was worth more than the 28c admission. Slim afternoon audience was apathetic as a storm raged outside. From Arlington, Va., on a lawn near the Barter theatre, a class in love making furnishes one of the amusing interludes. Instructor and girl assistant show how a fellow student kiss his classmate composed of couples snuggling on the grass below suit. Fat girl waitresses at Houston, Tex., so-so, as is a diaper

Jack Stodel in Army

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Joan Edwards' Nitory Debut

Joan Edwards, formerly the femme vocalist with Paul Whiteman's orchestra, debuted in the nitory field last night (Tuesday) at Fete Ferie, Cafe Piere. She's a niece of Gus Edwards.

B'WAY'S LOW EBB SINCE '32

Mgrs. Submit Changes for Pact With Dramatists; Ask 50-50 Split on Pic Coin

Managers' ideas of changes which should be made in the basic minimum agreement are being transmitted to the Dramatists' Guild this week. Those familiar with the details of the rather lengthy communication indicate that the showmen are seeking too many concessions. Inference is that the managers are asking a lot in the expectation that they will win on some of the points made.

One of the principal suggestions is that the split in film rights money should revert to the 50-50 basis that applied prior to the present agreement, which went into effect more than four years ago. Regarded as quite doubtful, however, that the present 60% for authors and 40% for producers will be considerably changed. It has been suggested that while that division of picture coin could apply to established authors, a 50-50 deal should be agreed on for new or first-time playwrights. Such a plan was broached sometime ago but the Guild missed it. Yet it is believed that the authors are receptive to some managerial concession.

What may be an important point forthcoming negotiations—the Playwrights, a producing group of prominent writers. They scored several notable successes, but also have had costly flops. Because of that it is figured that the Guild is now definitely cognizant of the risks summed by managers in producing.

Lawyer-Stock Op Asks Equity to Probe Walk Of Six in Rochester

Rochester, July 30. Milo Tomanovich, Rochester attorney promoting summer stock in Highland Park, asks an Equity probe of the walkout by six actors after the first act curtain of "Personal Appearance" Saturday night (20). Tomanovich says he posted two weeks' salaries with Equity, yet John Most, Equity rep, demanded boxoffice receipts. Promoter chose to refund admissions to 125 in audience.

Attendance was hit by bad weather, but Tomanovich says the question of finances was not involved. He had moved to switch to non-Equity players.

Actors involved, besides Most, are Helen Twelvetrees, Ralph Bell, Roy Mossell, Frances Cheney, Arlene Ringer.

HARDWICKE MAY DO MYSTERY PLAY IN N. Y.

Sir Cedric Hardwicke, who was slated to appear in "Madame Will You Walk," will probably be seen on Broadway next season in a dramatization of Gilbert K. Chesterton's mystery stories, which Father Kennedy is the principal character. Production will be made by M. S. Bentham and associates, a radio tie-up with material from the same source also being planned for Hardwicke.

Some managerial setup had arranged for the production which was to have starred the late Walter Connolly, who planned a return to Broadway in a character that is not dissimilar to that created in "The Bishop Misbehaves." Play will be based on three of the Chesterton yarns.

"Madame," written by the late Sidney Howard of the Playwrights, was tried out last season with George M. Cohan, but did not come to New York. When Cohan indicated the part was not to his liking, Hardwicke was engaged. Playwrights recently announced the indefinite postponement of "Madame," with the explanation that it might not be acceptable because of world conditions. It is possible the play may not reach the boards again.

Wynn Revue Starts

"Boys and Girls Together," the revue which will bring Ed Wynn back to the stage, starts rehearsals today (Wed.). In the cast are the DeMarscos, Jane Pickens, Dave Apollon Dick and Dottie Keny, Lucienne and Ashour, Phyllis Colt, Franci and Gray, Six Willys, Edna Sedgwick, Jerry Cooper, Roy Parker, Walter Long, LeVarr Bros.

Show opens in Boston in September, goes to Philadelphia afterwards and is due on Broadway in October.

4A's Moves Into Equity Office As Gillmore Resigns

Frank Gillmore has resigned as executive director of the Associated Actors and Artists of America, and the Four A's offices West 45th street have been abandoned. Monday (29) the furniture and equipment were moved to Equity's building on 47th street, where the organization's affairs were previously conducted.

Gillmore is still president of the Four A's. That is a non-salaried post, but his amended contract calls for the payment of \$7,800 annually for the next two years, he having taken a cut from \$13,000. He will be available if called upon, but his duties as head of the Four A's have virtually ceased. Paul Dulzell, of Equity, Emily Holt, American Federation of Radio Artists, and Florence Marston, Screen Actor Guild, comprise committee which will conduct the Four A's until another executive director is possibly named.

Rent of the Four A's offices was \$2,400 a year, that expense being split between Paul N. Turner, attorney for Equity, and the Four A's. He was supposed to receive \$100 monthly as a retainer, but gave it up some weeks ago. Understood that money was never actually paid Turner. He gets \$7,500 per year from Equity.

MARYVERNE JONES PEEVED AT EQUITY

Maryverne Jones, one of those who has been having summer theatre trouble at Pawling, N. Y., lists a number of complaints against Equity. When dissatisfied because charges against two of her players were not adjusted in her favor, she used a non-Equity cast last week. This week she announced a vaudeville show, but next week intends playing "One Sunday Afternoon" sans Equities.

Two checker-uppers from Equity went to Pawling to probe if some members were still in the cast. Mrs. Jones took umbrage and threatened to call state troopers on the ground that they were invading her property. They went backstage, however, and the only member discerned present was Walter Tupper Jones, her son, who is stage manager. Young Jones is listed as not having paid off the cast of his own summer stock at Greenwich, N. Y., last summer and is not in good standing.

Mrs. Jones' complaint against one actress came when the girl walked on stage at rehearsal with her part in her hand. Fact that the performance was not to be played until the following evening raised the complaint as trivial. Charge against another player was a contract breach. Actor, however, explained he had a sore throat and could not appear, tendering a doctor's certificate to support his reason for not appearing.

ONLY 7 SHOWS AFTER AUG. 15

Two Folding This Week—'There Shall Be No Night' and 'Tobacco Road' Will Follow

MUSICALS IN FRONT

There are 10 shows on Broadway this week, but by Saturday (3) two will be withdrawn and by the middle of August another brace will disappear, with still another show possibility dropping out of the running. That will leave the metropolis with the slimmest theatre fare than any summer for the past eight years. In early August, 1932, there were seven attractions on the board. Same total is indicated for this summer, including "Higher and Higher," which resumes at the Shubert Monday (7). It suspended to skip July. So did "Keep Off the Grass," for which there is no definite resumption date.

Decline in attendance is attributed to the war, weather and Wendell Willkie. Inclusion of the Republican candidate is not personal, but rather indicates that all business likely to be affected one way or another during the presidential year. Prolonged heat wave more than recent war developments is responsible for blighting the boxoffices, air cooled theatres notwithstanding.

It was realized that the World's Fair was not taking coin away from theatres as it did last year. On the other hand, the big expo is not helping either, for the attendance figures are as much as 50% under similar

(Continued on page 141)

ST. LOUIS MUSIC SHOWS ENJOY BREAKS

St. Louis, July 30. Completion of the first half of the current legit season sponsored by the Municipal Theatre Assn. in its alfresco playhouse in Forest Park develops that 428,200 payees have laid an estimated \$251,000 on the line for 49 performances, none of which was lost by rain, and a continuation of this b.o. activity will enable the organization to finish with black figures on its ledgers. First presentation, "The American Way," new here; shown for two weeks grossed approximately \$70,000; the second week being \$40,000 which was equaled by "Naughty Marietta" and "Rio Rita." "Good News" was runner up with an estimated take of \$36,000, while "Apple Blossoms" and "The Chocolate Soldier" each grossed approximately \$35,000.

The attendance figures do not include 1,700 free seats available nightly nor hundreds who stand in this cello section. The open air theatre has a seating capacity of 10,000. Several performances of "Marietta" and "Rio Rita" drew overflow crowds with standees paying \$1 for space on the lawn on either side of the orchestra chairs.

Bobby Dolan Ill

Bobby Dolan, orchestra director of "Louisiana Purchase," underwent operation Monday (29) at Polyclinic hospital, N.Y., for removal of a growth on his vocal cords. He's been unable to talk above a whisper for a month. His wife Wilma Ebsen, taking a week off from the Ivoryton, Conn., playhouse to nurse him at their New Canaan, Conn., home.

Max Mett, violinist in Mark Warnow's "Hit Parade" orchestra, replaced Dolan, who'll probably be out only a week or so.

Equity Now Virtually Demands Dies Make Probe of Communism Charges Aired Against Members

Prophetic?

Current presidential race between Roosevelt and Willkie has been injected into the finale of the "American Jubilee" at the N.Y. World's Fair, which has been completely switched around to permit the audience cheer for their favorites.

It's a glorification of the ancient show gag of letting the house cheer for two dancers, with cheer meters tabulating the response. So far the Republican candidate is leading on a ratio of 65% for Willkie, 35% for Roosevelt.

'Amer. Jubilee' Tour Unlikely; Fees Too High

Plan to tour "American Jubilee" one of the World's Fair major attractions is virtually shelved. Albert Johnson who designed and staged the historical spectacle proposed to present the show out of town, but could not come to terms with the Fair management which expended \$480,000 on the production, most costly new attraction in the exposition.

Understood that Harvey D. Gibson, head of the Fair operating committee asked 12 1/2% royalty for the playing rights. Johnson and his associates figured that with such a cut coming off the gross, the road venture would face a sure loss. Other costs would include the royalties to Arthur Schwartz and Oscar Hammerstein, II who wrote the show plus operating costs and transportation.

Plan for sending "The American Way" to the road is still alive.

'Show Boat' to Cast All Younger Players In New York Revival

Forthcoming revival of "Show Boat" promises to be one of the most interesting presentations during the opening period of the 1940-41 season. In some show circles it is regarded as the outstanding attraction produced by the late Flo Ziegfeld, although some of his other musicals and any number of "Follies" were as prominent at time of performance.

"Boat" will be the first offering of the new managerial duo of Nick Holde and Albert Johnson. Arrangements have been completed with Jerome Kern and Oscar Hammerstein, II, who wrote the show, authors clipping about 10 minutes from the original script. Showmen and authors figure "Boat" will attract the younger generation, as it has not been on the boards since 1932.

At that time it was revived by Ziegfeld, original presentation having been staged in 1927. It was shortly after the revival opened that the producer died, as did his general manager Dan Curry. Stanley Sharpe, who formerly held that post and was with Ziegfeld during the run of the original "Boat," died the following year. "Original Boat" was still playing when Sam Kingston and Walter Kingsley passed away. A. C. Blumenthal took over the revival, which did well, at the then Earl Carroll theatre.

Plans call for casting the revival with young players, none of the original cast being used, although Paul Robeson, who appeared in the London presentation, may be used.

Charges by Rep. William P. Lambertson that Equity's council is dominated by Reds riled the actors to such a degree that an investigation by the Dies committee on un-Americanism has virtually been mandated. The Kansas legislator named seven councillors unqualifiedly, but the thing that rankles is the belief that the charges constitute a rap against the entire coalition, one which has high standing in union circles.

Those named have denied verbally and in writing that they are Communists, some also saying that they do not favor the Soviet idea. All seven feel that a blight has been put upon them and it claimed they welcome an investigation. They realize their chances of securing gagements have been affected and already it has been costly to one of those named, being turned down on two expected plays. Even though they are placed in casts, they and other players may point them out and it is assumed that managers may hesitate before engaging them.

Equity leaders do not accept the evidence advanced by Lambertson as being satisfactory proof of his charges, especially in light of the affected members' insistent denials. There is nothing in the rules, however, that would make those named subject to discipline or punishment, even if it were proved that they are Communists. A change in Equity's constitution would be necessary before any move could be made against Reds in the membership.

However, there is a regulation that if a member's conduct is prejudicial to the welfare of the association, he or she could be suspended or expelled. The member so punished could appeal to the membership. The council could act against radicals, but it could be over-ruled by the membership by means of referendum. Council has been over-ruled in the past. Matter was that of the disciplining of some 40 players who disobeyed orders during a WPA theatre project 'strike' and the council had to withdraw from the decision to mete out discipline.

In the background of Equity's urge to have the charges lifted, the possibility of winning a change of sentiment on the part of Congress in respect to a federally subsidized theatre or a revival of the Federal Theatre Project (WPA). Congressional committee, in striking out the theatre from the relief appropriations bill some weeks ago, after it had been inserted by the Senate, said that had Equity "put its house in order" the stage would have been included.

If it be clearly shown that Equity's council is not dominated by Reds, a charge which leaders declare is not true, it would mean a long step in wooing congressional goodwill. President Roosevelt expressed himself clearly last year, when the joint committee deleted theatre relief, that it was "palpable discrimination." Mostly blamed for Washington's disapproval of theatre relief are the agitators who were in the FTP, but Equity contends that a considerable percentage of that element never belonged to the association and presumably came from semi-professional and amateur ranks.

Wead's New Play

Hollywood, July 30. Frank Wead leaves for New York this week to go into a huddle with Ereck Pemberton and Antoinette Perry on the production of a new play on Broadway. The same combination turned out "Ceiling Zero" few years ago.

Wead washed up a writing contract at Paramount last week.

OPERA'S HEARTBREAK TRAIL

New York Judge Sets Quick Hearing On Ticket Tax Law After Court Fight

Following a one-hour court battle, in which the "lie" delicately passed back and forth several times, N. Y. Supreme Court Justice J. Sidney Bernstein Monday (22), cutting the Gordon Knot, set argument on an application for a temporary injunction against the enforcement of the Mitchell bill for Friday (2). The judge declared from the bench that he felt the matter was of such great public importance that he would not grant the defendant's request for a long postponement.

Hearing started off with a rush as William A. Hyman, former state attorney, launched a powerful attack on the validity of the law, and declared that Police Commissioner J. Valentine and License Commissioner Paul Moss, defendants in the action, were the "dupes" of the Shuberts, who are attempting to strangle the brokers, secure a monopoly on ticket sales, and put all opposition out of business. Despite howls of objections to these blistering tactics by Charles Weinstein, assistant corporation counsel appearing for New York City, William Klein, for the Shuberts, and Rebecca Brownstein, for Actors Equity, Hyman declared that the bill limiting brokers' commissions to 75c maximum on any ticket sold had been passed as a sleeper without a hearing. The Shuberts' control of 75% of all N. Y. theatres was mentioned in passing, as well as their court battle over alleged ticket monopoly now pending in Boston.

Justice Bernstein interrupting at this point, declared that what was being questioned was the constitutionality of a state law, and the question should be determined at the earliest possible date. Weinstein, rising first in rebuttal, declared the only thing done was by the plaintiffs, whom he stated "are in business to gyp the public," and cited the recent fining of some brokers for tax evasions by Federal Judge Henry Goddard in the N. Y. Federal Court. Weinstein was promptly informed that his statements were false by the raging attorney for the plaintiffs, who also emphatically denied he had entered any agreement to put the matter over to August 9.

Justice Bernstein stated that a quick hearing was necessary. "This matter must eventually be decided by the U. S. Supreme Court," declared the judge, "and the sooner that court gets the case, the better public interest as well as the interest of the actors and brokers involved will be served."

As "friends of the court," Paul N. Turner, Rebecca Brownstein, Equity counsel, Milton R. Weinberger, and James F. Reilly, of the League of New York Theatres, conferred with Weinstein last week. They have been interested in the enforcement of the ticket code, which parallels the new state law in limiting the premiums on tickets to 75c over the boxoffice price. Turner and Weinberger promptly left town, but their presence at the hearing was not considered necessary.

"Ticket brokers, who are the plaintiffs, appeared to accept the code's price limitations, which are effective for legit theatres only. They objected to the state law because it also fixes the resale price of tickets for sports events, which sometimes command higher premiums, same going for opera."

"Agency people in their complaint aver that tickets for major sports events are not returnable and that they must protect themselves by charging an additional fee. Madison Square Garden, passively in favor of the new law, advised those favoring it that there are few outright ticket sales to brokers; that most are given tickets on consignment and that sales to agencies are principally by phone orders."

Nancy Carroll, guest-star at Spring Lake, N. J., last week in "Lot's Wife," planned to go to the Coast immediately afterward. The ten-month actress, bull-fighter and professional pilot.

'People' OK \$10,000 In 1st S. F. Wk; 'Skylark' Opens

San Francisco, July 30. Geary theatre did estimated \$10,000 on first week of "Meet the People," with management predicting 10-week run. Show drew enthusiastic reviews and beaucoup word of mouth, all of which is helping. Clarence Ross, press rep, tied up Ford agency on publicity gas, they proceeded to drive gaily be decked Ford station wagon to Treasure Island and make tieup with General Motors Day festivities.

Gertrude Lawrence's "Skylark" bowed into neighboring Curran Friday (29). Aug. 4 has been designated "Gertrude Lawrence Day" at Expo.

JOLSON \$18,000 IN CHI HEAT

Chicago, July 30. Weather was up to 101 last week and that was the reason for the body blow delivered against the two shows in town.

Considering the heat, however, the Al Jolson musical, "Hold Onto Your Hats," and "Life with Father" held up quite well. Aug. 4 has been designated "Two shows slated for Labor Day get-aways in Chicago are 'Too Many Girls,' at Grand, and 'The Male Animal,' Selwyn, though there are reports 'The Animal' may not make it on schedule."

Estimates for Last Week
"Hold Onto Your Hats," Grand (2d week) (1,300; \$3.85). Held back by the terrific heat, but managed to snatch \$18,000.

"Life with Father," Blackstone (23d week) (1,200; \$2.75). Shipped with general lassitude of all Chicago show business last week to \$10,500.

'MARIETTA,' 9G, PUTS MEMPHIS IN BLACK

Memphis, July 30. "Naughty Marietta" smashed all records at the Memphis Overton theatre last week, the Victor Herbert opus luring 15,234 persons for a total gross of \$9,000.

Operating on a budget of \$5,200 weekly, the Overton Park Summer musical institution jumped into the black this week by a comfortable margin, after having run \$1,100 behind the first two weeks. MCOAT is now only \$2,500 to the good, with two more weeks to go.

Frances Greer, of the Philadelphia Opera Co., snatched rave notices and became an overnight click in the title role. Alexander Gray and Don Gautier were leading man and comedian, respectively.

This week's show is "Mary," Close next week with "Chocolate Soldier."

'Skylark' Fancy 24G In L. A. Season Finale

Los Angeles, July 30. Despite warm nights and vacation season in full swing, Gertrude Lawrence wound up nine days in "Skylark" at the Biltmore with approximately great \$24,000, finalling the 1939-40 season at the house. Final week grossed estimated \$16,000, extra charge being necessary.

El Capitan, in Hollywood, relishes Aug. 5, for three weeks of Noel Coward plays, featuring outstanding British players in cast. Second edition of "Meet the People" continues at Hollywood Playhouse, with advertising carrying no mention of change of cast or skills, with result business is holding comparatively strong.

Betty Field had several more weeks offered for strawhat appearances in "Coquette" or "Green Grow the Lilacs," but she planes back to the Coast Sunday (4) for relishes on "Viva" and "The Shooting of 'Shepherd of the Hills' for Paramount.

SINGERS FACE IMPOSSIBLE ODDS

Overcrowded Field Takes Decade of Training With No Prospects—Some of Worst Rackets Recently Ended But Still a Sucker Come-on

150,000 SINGERS

A singer has about as much chance of getting into grand opera in the United States as an Englishman has of getting his income tax reduced. Any singer cherishing such an ambition faces the toughest struggle in all the realm of entertainment. Not only long and expensive preparation is necessary but, barring a rare voice of natural Caruso-like magnificence, the aspirant must successfully go down a heart-breaking trail of politics, favoritism, graft, frustration and bewilderment. Despite these sucker odds thousands of would-be singers spend millions of dollars a year training for opera.

A general survey of the United States alone, indicates that there are over 1,000,000 men and women throughout the country either studying singing, or singing professionally. Of these perhaps 150,000 are actually earning a living—some part thereof with their voices, ranging from the \$10 weekly church jobs, to the \$100,000 a year top operatic singers. During any given season over \$15,000,000 is spent annually in voice lessons to thousands of private teachers. This immense sum does not take into consideration the additional millions spent by aspiring singers, or endowed vocal schools such as the Juillard or the Eastman. A substantial number of these students and professionals are aiming, theoretically at least, at grand opera as a career. They must spend seven to 10 years to even hope to arrive

(Continued on page 140)

'MARITZA' ENDS L'VILLE SEASON WITH \$13,000

Louisville, July 30. Hot weather proved a boon to the b.o. at the Iroquois Amphitheatre, where the first local presentation of "Countess Maritza" six-week season Sunday (28), with an added performance. Cool weather during the first three weeks of the season hurt b.o. considerably, but with the extremely hot weather on tap the final two weeks of the season, management has visions of winding up in the black, with "Maritza" tallying approximately five \$13,000 for seven days.

Charles Bottoff, prez of the Louisville Park Theatrical Assn., has announced plans for another season next year, tent is formulating a set-up whereby patrons will select the repertoire of operettas to be presented.

Charles Rogers' Film With Stoki Youth Orch

Hollywood, July 30. Leopold Stokowski and the Youth Orchestra with which he left last week a tour of South America will appear in a film in the fall. Charles R. Rogers, currently producing for Columbia, announced yesterday (Monday) that he would make the picture. It will be titled "Serenade of Youth."

Rogers declared that the film will not necessarily be included in his deal with Columbia and may be released by some other distributor. He said negotiations are on with several studios.

Stokowski, who has appeared in one film, Universal's "100 Men tan a Civil War," has also been active in sound research in Hollywood, aiding in development of the system by which his conducting of the Philadelphia Orchestra was recorded for Walt Disney's forthcoming "Fantasia."

'Hellz,' \$24,000, Only B'way Show Up In Heat Wave; 'DuBarry' Off \$16,500

'Margin' OK \$5,500 in A.C. Despite Pream Disturbance

Atlantic City, July 30. Pins and Needles, despite the flare of indignation at its first showing here, played to the largest local audience so far this season at Garden Pier theatre, grossing estimated \$5,500 in week's engagement, ending Sunday night (28).

At the opening part of the audience took offense at the finale, which poked fun at Father Coughlin. Many hissed, booed and walked out. However, the act remained unchanged and no further disturbance was noted all week. Police were stationed in rear of house after first night.

Walter Hampden opened Monday (29) in Clara Kummer's "A Successful Calamity."

EQUITY WOULD CURB PETITIONS

It is proposed that Equity adopt a set of rules to regulate petitions, a move that has been contemplated for some time and now recommended by the executive committee. Purpose is to prevent a barrage of petitions that are sometimes aimed at the council indiscriminately. Right of petition is a fundamental membership right, but not infrequently those who attach their names do not know what it is about.

Equity points out that that is the evident explanation of petitions signed at the request of "certain managers" which, if granted, would have abrogated the protection afforded by the Equity contract or would have reduced the pay received under it. Suggested to members that when asked to signature petitions which would affect their rights, they should delay doing so until consulting Equity.

Regulatory plan calls for the establishment of a petitions committee. A standard form is to be used and all petitions must be made on it. Only Equity people would be permitted to circulate petitions, their signatures to be included and all those who sign must be senior resident members in good standing.

When nominations are made by petition, the membership must be notified not more than six weeks, nor less than three weeks, prior to the date of filing, and not more than one candidate may be nominated by any one petition. Following the last-minute filing that placed Tallulah Bankhead in nomination for the council last spring, it was suggested that a minimum of 100 signatures should be required hereafter, but that idea was nixed.

Committee would receive and certify all petitions and decide whether the regulations have been complied with. Should any petition be rejected by the committee, or any signatory be ruled out, an appeal to council may be made. Other talent unions have also had petition trouble and are considering regulations, the American Federation of Radio Artists particularly urging more discretion in circulating and signing.

Current Road Shows (Week of July 29)

- 'Hold Onto Your Hats' (Al Jolson, Martha Raye, Ruby Keeler)—Grand Opera House, Chicago.
- 'Life with Father'—Blackstone, Chicago.
- 'Meet the People'—Playhouse, Hollywood.
- 'Meet the People'—Geary, San Francisco.
- 'Morning Star' (Molly Picon, Joseph Buloff)—Ringside, Long Beach, L. I.
- 'Skylark' (Gertrude Lawrence)—Curran, San Francisco.

Estimates for Last Week
Key; C (comedy), D (drama), R (revue), M (musical), F (farce), O (opretta).

'DuBarry Was a Lady,' 46th St. (34th week) (M-1,375; \$4.40). With terrific heat wave still on, all productions were affected again last week; this one rated around \$16,500; probably operating loss, but due to stay until arrival of Panama Hattie, slated for October.

'Hellzapoppin,' Winter Garden (97th week) (R-1,671; \$3.30). Getting big slice of visitor patronage, and at Wednesday, afternoon played to standees; rated \$24,000; better; only show to climb.

'Ladies in Refinement,' Miller (18th week) (D-940; \$3.30). Final week; lays off for time, then jumps to Coast to start tour at Long Beach, Cal.; did well in first months; slipped down around \$5,000.

'Life with Father,' Empire (38th week) (C-1,095; \$3.30). Affected downstairs mostly, with upper floors claimed to have held to capacity despite heat wave; quoted at \$15,700; lowest mark to date and should bound upward with better weather.

'Louisiana Purchase,' Imperial (9th week) (M-1,450; \$4.40). Even the list leader went off, but is still away up in the big money with takings approximating \$31,000.

'Man Who Came to Dinner,' Music Box (41st week) (C-1,012-\$3.30). Dipped to around \$10,000 mark, which is low for engagement; should also come back when it is cooler, at present level some profit is claimed.

'Separate Rooms,' Plymouth (18th week) (C-1,075; \$3.30). Shows are dropping from list, but this cut-rater may stick a little some time yet; around \$5,000 or bit less.

'The Male Animal,' Cort (29th week) (C-1,064; \$3.30). Final week; was one of the season's good things, but dropped steadily in past two months; dipped under \$5,000; goes to road in fall.

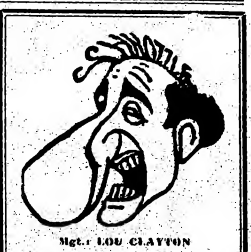
'There Shall Be No Night,' Alvin (13th week) (D-1,375; \$3.30). Will suspend for four weeks starting Aug. 9 (no Saturday performances); due to right Sept. 9 for two months then the road; rated around \$11,000, or 50% under early weeks.

'Tobacco Road,' Forrest (25th week) (C-1,107; \$1.10). Closes in two weeks, final performance on Aug. 17; re:rd stayer operating in red of late; under \$3,000.

Suspended Musicals
'Highed and Higher,' Shubert; re:lights next Monday (5).

'Keep Off the Grass,' Broadhurst; resumption date not definite; maybe late August.

Phyllis Periman, summering at hubby Theron Bamberger's straw-hat at New Hope, Pa., has succumbed to the art colony virus of dabbling in film. She's painted six landscapes and is talking about a fall exhibition.



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Literati

Chi Times Drops Gen. Johnson... Chicago Times last week dropped the column of General Hugh Johnson.

Before President Roosevelt appointed William Knudsen and Edward Stettinius to head national defense activities...

The inference is too broad to miss. Hell hath no fury like Gen. Johnson scorned.

Times explained that its columnists are not subject to editorial censorship, but under the canons of the American Society of Newspaper Editors...

Road Co. Winchell in S. A. First daily gossip column in South America has been inaugurated by the Buenos Aires Herald...

Josephs took a leave of absence from the Bulletin in March for a three-months' tour of South America.

Column was termed 'like a breath of fresh air' by the Americans.

Nathan for Liberty George Jean Nathan starts Oct. 1 to contribute a bi-weekly series of articles about the theatre to Liberty mag.

Nathan had intended leaving this week to spend several days with Eugene O'Neill at the latter's home near Oakland, Cal.

Detective Comics' Sues Detective Comics, Inc., publishers of 'Detective Comics' and 'Batman' filed suit Wednesday.

Minority Group News New Service to gather news of foreign minority groups, principally those in Europe under Nazi oppression...

Bonomo's New Mag Joe Bonomo, physical culturist and grandstand actor, is editor and publisher of the new Healthkeeping (The Self-Betterment Magazine).

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and wireless, although serving some of its American subscribers by air mail.

Correspondents include Victor M. Bienstock, London, former editor of the Herald-Tribune News Service; Boris Smolar, roving assignment, former Moscow correspondent for the New York World; and Lee White, roving assignment, former Reuter's correspondent in Spain.

Among the officers of ONS are George Backer, publisher of the N. Y. Post; Harold K. Guinzberg, president of Viking Press; Herbert Bayard Swope, and William Allen White. Listed as directors are Dr. Frank Aydelle, of Princeton University; John Francis Neylan, William Jay Schiefelin, Prof. James T. Shotwell, of Columbia; Dr. Abba Hillel Silver; and Hendrik Willem van Loon.

Saturday Evening Post Vindicated.

Wordy dual in the Canadian Senate of the proposed banning of the Saturday Evening Post because of Paul Gallico's 'Wings of Atonement' yarn in the July 20 issue.

In his melodramatic diatribe, Meighen called the Gallico short story 'poison' and said that if the writer had written the story in Canada he would have been punished or hanged.

Refusal of the New York Times' publisher, Arthur Hays Sulzberger, to negotiate with the Newspaper Guild of New York at a meeting held last Thursday (25) at the Times offices was prompted by his belief that the Guild did not represent a majority of the Times editorial employees.

Times Refuses Guild Ned

When a delegation led by organizer John F. Ryan approached Sulzberger with demands in behalf of 1,100 business and editorial workers of the Times, the publisher confronted them with a letter from the president of the ANWA, which, Sulzberger said, contained the organization's claim to represent a majority of Times editorial employees.

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Guild holds contracts with the Daily News, Mirror, World-Telegram, Post, Journal-American, Brooklyn Eagle, Time, Inc., the Associated Press and United Press.

American Newspaper Writers Assn., which Ryan charged was formed in the midst of Guild negotiations, was charged by the AFL last week. William L. Laurence, a Times reporter, heads the local; Joseph Shaplen, Times labor reporter, is listed as secretary and treasurer.

Bonomo's New Mag

Joe Bonomo, physical culturist and grandstand actor, is editor and publisher of the new Healthkeeping (The Self-Betterment Magazine).

former N. Y. address of Macfadden Publications. Periodic looks like a road company. Physical Culture magazine is in the Macfadden format. First issue is dated August.

Re: Professionalism

Hearing before the Wages and Hour administration in Washington last Friday (26) brought forth sharp warnings that if the integrity and freedom of the press is to be safeguarded from government supervision newspaper, editorial and advertising employees must be classified as professional workers.

Dean Carl Ackerman, of the Columbia University School of Journalism, charged grouping newspapermen under the terms of the wages and hours law was the 'first step' toward government regulation of the press.

Seldes' In Fact Mag

George Seldes has launched a fortnightly publication of facts, news and exposes, called In Fact, from Long Island City, N. Y.

In Fact does not accept advertising.

Huey Long's Sheet Folds

An income tax lien of \$12,788.45 has been filed against the Louisiana Progress, Huey Long's old newspaper now in liquidation.

Elinor: Early's Book

Elinor Early, feature writer of the Boston Record, has written a novel, 'New England Sampler,' a satire on N. E. aristocracy.

LITERARY OBITUARY

Charles A. Starck, 81, newspaperman for half a century and connected with the Canadian Press for 25 years, died July 16 in Toronto after a six months' illness.

M. F. (Mike) Dacey, 54, manager of the Denver bureau of the International News Service, died in Denver following a heart attack Wednesday (24).

Harry Welmyer, Sr., 63, Hollywood correspondent for St. Louis Post-Dispatch, died there July 27.

CHATTER

Ferdinand Volteur has completed a new play, 'Her Unfinished Portrait.' He's author of 'A Right Angle Triangle' and 'The Prince and the Singer.'

Milton Mackaye ghosting 'Uncle Clem's Boy,' Will Rogers' biog. for Saturday Post. It'll be by-lined by Mrs. Rogers.

The Reader's Digest Association, Inc., with headquarters in Pleasantville, Westchester County, has filed papers at Albany showing an extension of purposes and powers.

Marcia Manners, who conducts a shopping column in Hearst's Albany Times Union, is enrolled in the group taking the Civilian Pilot's Training course at Albany.

A. L. Schafer's handbook, 'Good Portraits,' dealing with photographic technique, is slated for September publication by the Ziff-Davis company.

Rodney L. Brink takes over as editorial manager of the Christian Science Monitor on the Pacific Coast Aug. 1.

Opera's Heartbreak

Continued from page 139

at a point where a performance in opera is within the scope of technical competence.

Needless to say 99.9% of these singers never arrive. Reasons are many, the most important two being (a) the inevitable overcrowding of the field where the mediocre must starve, and (b) failure of aspiring students to realize that no short cut to the making of a Flagstad, Tibbett, Pons, or Martinelli, exists.

Backersets Set Back

Until quite lately, singers in the lower class of 'unarrived artists' were at the mercy of unscrupulous impresarios, who knowing the singers' desire to appear before the public, forced them to sing for nothing, even made them pay for the privilege.

What is not taken into consideration by the singer, who may feel and actually is vocally or dramatically ready, is that there are hundreds like him, her waiting for opportunity. During the season just past, approximately 20 opera companies were in existence in the U. S.

An examination into available figures show the Metropolitan presenting 160 performances using about 100 established singers, of whom only 50 could be considered as being charged more than just a living, and

Fortune Gallo's San Carlo opera company, with 150 performances for 30 weeks, using the same regulars for the past dozen or more years, with only an occasional newcomer breaking in for a single performance, and then to be heard of no more.

It can be estimated that of the performances heard last year, over 1,000,000 people paid in excess of \$5,000,000 for the privilege of hearing opera, but probably less than one-tenth this amount went to the singers. The public has believed that the singers' salary makes up the largest part of a budget of an opera performance. Nothing could be further from the truth.

Economics of the Met

No singer received over \$1,000 a performance, and only two in the company drew that much. An estimate of \$3,000 for all principal singers at any given performance at the Met, would be high, yet a gross of \$15,000 still loses money. The reasons for this are the tremendous expense in staging. At any Wagnerian performance, an orchestra of 100 or more men must be employed at good weekly salaries, some ranging high as several hundreds of dollars.

Thus only if a singer has attained nation-wide prominence, can he hope after 10-15 years of diligent study and heart-breaking effort to reach a pinnacle which will pay him from \$2,000-\$10,000 yearly, probably less than the expensive cost of his training, which today must include a speaking knowledge of several languages, and a thorough knowledge of music for the singer today who cannot play a piano and accompany himself throughout the most difficult music, is a misfit.

Legit Followup

'Life With Father'

Acc comedy of the season of 1939-40, which made something of a wonder boy out of its author since it was his maiden effort as a manager, will probably clean up more money than any show that opened since last September. It has been slightly off on some foreign circuits this month, but the gross is within reach of the figures that continued month after month and there has not been an early peak in the balcony or gallery.

There is one clear reason why attendance is maintained and that is strength of performance. Producer, director and stage manager maintain a playing pace that is all that could be asked for those who know what that means to a performance. That Howard Lindsay, who wrote 'Father' with Russel Green, being charged the lead may help in that direction. His playing and that of the sparkling Dorothy Stickney is better now than early in the engagement. In fact, it's a better show than at the premiere, distinctly. The way Miss Stickney streaks up and down stairs gives some idea of the enthusiasm of the company's gross was quoted at better than \$19,000, or \$6,000 better than any straight play survivor.

Last week's gross was quoted at better than \$19,000, or \$6,000 better than any straight play survivor. Around the Empire it is believed that 'Father' will run through next season, which wouldn't be surprising, is true.

LEGIT BRIEFS

Warren P. Munsell, Sr., general manager of the Theatre Guild, is staging 'By Any Other Name,' by his son, Junior, which the latter will try out next week at his strawhat, the McCarter theatre, Princeton, N. J.

Halla Stoddard tossed a birthday party Saturday (20) for Jack Kirkland and his daughter, Patricia, at their home in Springtown, Pa. Troupe from the New Hope strawhat, as well as neighbors, Alan Campbell and Dorothy Parker, were among the 60 present.

Carl Fisher, George Abbott's general manager, still stymied for a second-act curtain for his play.

Strawhat Tryouts

(THIS WEEK)

'Opened Monday (29), unless otherwise noted.'

'By Any Other Name,' by Warren P. Munsell, Jr., at McCarter theatre, Princeton.

'Crazy With the Heat,' revue by Rudi-Revil, Carl Kent, John La Touche and others, Red Barn, Locust Valley, L. I.

'The Royal Road,' by Richard Dwenger, at Stamford (Conn.) Community playhouse.

'Cross Your Fingers,' by Eddie Nugent, at Hunterdon Hills playhouse, Jutland, N. J.

'Summer Heat,' at Coach House theatre, Oconomowoc, Wis.

'Wind in the Sails,' by Dan Totheroh, at Spring Lake (N. J.) Community playhouse (opens tonight--Wednesday).

(NEXT WEEK)

'Open Aug. 5, unless otherwise noted'

'Carriage Trade,' by Robert Thomson, at Stamford (Conn.) Community playhouse.

'After the Ball,' musical satire by Edward Eager, at Clinton (Conn.) playhouse.

'Always Romance,' by Taylor Holmes and Norman Clark, at Pine Grove playhouse, Cambridge Springs, Pa.

'As the Twig is Bent,' by Lillian Beyon Thomas, at Coach House theatre, Oconomowoc, Wis.

'Sleeping Partners,' by Sacha Guitay, adapted by Seymour Hicks, 31 Spring Lake (N. J.) Community playhouse (opens Aug. 7).

'Jeff Comes Home,' by John Simon Todell, at Parrish Memorial Hall, Southampton, L. I. (opens Aug. 7).

'White Pony,' by Marion Lloyd, at Woodstock (N. Y.) playhouse (opens Aug. 8).

Lionel Stander, strolling into Sardi's Monday (28) without a coat, borrowed a bartender's jacket so as to be a presentable luncheoner.

Broadway

Al Binrks back to Metro's Charlotte exchange. A. A. Schubar is making a tour of RKO's exchanges. Joe Moss won Hotel Gazette's handicap golf tournament. Raymond and Selma Spector to San Francisco for the NAB convention. Charles Stern, U.A.'s eastern district manager, is touring New England. Dr. Irving E. Deer, field worker for the Hays office, in town on business. Lincoln Dickey back to San Francisco to look over the Aquacade there. Cress Smith, out on film deals for RKO in the west, has returned to the h.o. Mike Todd to active after appendectomy and incision became irritated. Tondevo cafe, operated by Rogers and Taylor, late spot at the Fair, clean up. Vic Samrock, general manager for the Playwrights, back from 24-day cruise. Estelle Schrott resigning the New York p.a. post with Walter Wanger Aug. 15. Harry Gittelson, of RKO, on a motor trip through New York state and New England. Helen Strauss, assistant eastern story editor of Paramount, vacationing in Florida. Dan Healy and his fiancée, Helen Kane, reopen Mon Patis Sept. 8 as their own night spot. Fowler and Tamara, ex-dancers, now have an antique shop in Flushing besides the studio. Mort Blumenstock and Joe Bernhard planned out Friday night (26) for the Coast, to be gone about a week. J. Robert Rubin has joined the summer habes brigade—a long jump from his highly conventional winter derby. Bob Weisman, returned Monday (29) after vacationing in plans for a pit-band policy to be installed at the Michigan, Detroit. James O'Neill's condition reported good at French hospital, where he is under treatment for pneumonia. Oxygen used for a time. Larry Clinton's band, has been booked to provide the music for the Screen Publicists' advertisers dance Aug. 6 at the Pierre. Anna Erskine dividing her time between secretarial work for John O'Hara, volunteer working at Willie headquarters and country-estating at Wilton, Conn. Alexander Woolcott, in inviting Walter Winchell to vacation with him at his Vermont retreat, offered plenty of hints for such information: the first of which is not poisonous. Carl Erbe's gag press stunt for Sophie Tucker, Harry Richman and Joe E. Lewis, recently a reference of billing spotlights attention on the new Riviera show opening Aug. 8. Big show intended to offset Saratoga exodus.

St. Louis

By Sam X. Hursf

Little Jack Little, band leader, took flying lessons at Lambert-St. Louis field, while in town with his tooters. Bob Taylor, Monogram Pictures local branch manager, arrives in St. Louis, vacationing amid Minnesota fishing spots. Harry Crawford, mgr. of Fanchon & Marco's, Ambassador, downtown detourer, vacationing at Fond du Lac, Wis. All film houses in Salem, Ill., were dark for one night last week when fire in the municipal lighting plant interrupted next morning. Mrs. Mae Moore, entertainer in an East St. Louis nitery, killed self with poison last week. Before her death she told cops she was tired of living. Charles Elliott, manager of Hotel Statler dining room, won a prize at the Tuberculosis Day baseball game. It was a \$2 dinner in his own hotel. George E. Peters and E. C. Hertzog, partners in The Boulevard, 40th St. Louis nitery, sued for \$580 delinquent state unemployment compensation money. Irving Rothchild, club leader at the Club Royal, near Belleville, Ill., reported a sneak thief invaded his dressing room and stole a diamond ring valued at \$1,000 and \$80 in cash. Lester Levy is traveling out of St. Louis for Monogram Pictures while the booking stint has been taken over by Ralph T. Bell, recently resigned from a similar post with the local RKO office. Johnny Perkins, co-owner of the Playdium, East St. Louis recreational spot, donated a trophy and M.C.'s a special program at the Cahokia Speedway, mid-air racing track across the Mississippi. Barney Rosenfeld, formerly with Remblie Pictures, visiting relatives in Waterloo, Ia. His former partner, Nest Steinberg, has been made a member of the State Boxing and Wrestling Commission by Gov. Lloyd Stark. Out-of-towners taking gender on film road include O. L. Turner, Jr., Chester, Ill.; Harry Reynolds, Fairview, Ill.; Harry Paul, Vandalia, Ill.; J. Garrett, West Plains, Mo., and

George Karsch, head of the Lead Belt Amusement Co.

Tommy Birch, Vincent Vernon, Gordon Sommers, William Galbreath, Max Jensen, and Willam Alwood, have top roles in "The Milky Way" that starts run at the Civic Theatre, strawtharts in St. Louis County, during current week.

A flag ceremony is being held prior to every performance at the Municipal Theatre Assn's al fresco playhouse in Forest Park in addition to the playing of the national anthem. The Red Cross overtones conduct the ceremony on the stage.

Personnel of St. Louis Little Symphony orchestra presented concert in quadrangle at Washington, D.C. benefit of Dutch war refugees in England. In addition to gross proceeds dough received from the sale of "windmill" claps will be sent abroad; 1,200 attended.

"Two Merry Gentlemen" next on tap at the Town Square Theatre on the roof of a west end office building. The piece starts run Aug. 9 with Harriett Hagan, William Oliver Janet Hamill, Gilbert Croft, Edward Thurman, and Herbert Macklin in lead roles.

Municipal opera members, plus Helen Hayes, plus a 24 voice chorus from the Light Opera Guild of St. Louis and leading local radio players joined in a radio program for the benefit of the Red Cross over KMOX. Robert Schulman, local radio scripter, wrote the program.

Jacob Schwartzkopf and Ray Sinatra, Municipal Opera musical directors, selected John Doe's "Marching Song" as the best submitted in a contest at the Webster College. School of the Theatre. Piece will be heard at 2:30 on radio on Friday, Sept. 1. Sister Mary Jacie Hunleth and Robert Schulman, local radio writer, collabed on the new patriotic song.

Stroudsburg, Pa.

By John J. Bartholomew

Grand's Sunday midnight shows drawing well. Nell O'Day, former Buck Hill Player, signed by Universal.

Ralph Schaefer's Ambassadors continue to Pocono Alps Tavern. Ray Bayler's orch remains indefinitely at Columbia hotel, Columbia, N. J.

Shawnee Players presented mystery thriller, "Flashing Light," at Worthington Hall. Richard Brooks and Scranthon Philharmonic netted \$3,100 for Red Cross in Buck Hill concert. Barney Fairfax spotted frequently on Wyckoff Dept. store's Saturday afternoon radio WEST. Easton.

Lots of laughs hereabouts from waiter-gigolo James Coburn's "Vice at Resorts" in current Police Gazette. He really must have been her.

B'way's Low Ebb

Continued from page 137

dates last summer. A new publicity campaign to bolster the Fair may be effective, and if the turnstiles start clicking as lively as the final months a year ago, whatever Broadway offer should benefit.

Lunt's Show Also

Early summer closings were chronic small grossers and hardly expected to survive such going, but the existing group now includes some of the best shows of the 1939-40 season. Latest addition to the withdrawals is "There Shall Be No Night," which Lunt's impressive way play that was expected to stick. For some time it topped the straight plays with takings of \$22,000 and better weekly at the Alvin.

Attendance has been dropping for weeks and dipped under \$10,000, but there was a measure of recovery the past two weeks, gross topping \$11,000. "Night" will suspend after another week, the Lunts taking a delayed vacation for one month. Drama will resume Sept. 9 and plans call for it to play through October and tour beginning Nov. 4. Boxoffice will remain open during the suspension.

Closing this week: "Ladies in Retirement," "Milk and The Milkmaid," "The Tobacco Road" stops at the Forrest Aug. 17, by which time only the sturdiest of survivors will be on hand.

The h.o. front-runners are "Louisiana Purchase" and "Hellzapoppin," latter doing amazing business for the length of time it has been playing, while the former is selling out with the gross around \$33,000. "Hellzapoppin" was picked up recently—the runner-up spot and was rated over \$24,000 last week. "Life With Father" easily the straight show topper, with "The Man Who Came to Dinner" the next best.

Wednesday matinees have developed into the best attended of the week, explainable by the fact that male visitors are busy during the day while the wives see the shows. Last midweek afternoon there were a score of standees at "Hellzapoppin" Garden.

Australia

By Eric Gorrick

Hoyts figuring extending Brisbane loop. Will Mahoney playing Adelaide for Watermans. "Student Prince" swings into Sydney next month on revival by Williamson-Tait. Bob Dyer is set for a term with Australian Broadcasting Commission in Sydney, but date Dyer originally came here with the A. B. Marcus show.

Barbara Weeks (Mrs. Louis Patker), who recently appeared in a pic for Cinesound, will return to U. S. shortly. Hedy is test pilot on loan to the Government. Uncertain as yet whether Gracie Fields will play this zone following Canadian tour. British femme star has had top offers from the Tivoli and Hoyts.

Leading Melbourne newspaper tends to raise ad rates by 60c per inch. Amusementsters will clip space to offset rise. Further newsreel theatrettes listed for Sydney and Melbourne as biz spreads with war tempo clips teaching here by the air route. Metropolitan Films quit the field after try with Continental on general distribution under A. E. Andrews. European situation death-knell to this type fare.

Clarence Badger may return to U. S. following completion of "That Certain Something" for National Homebrew production looks out in future, government nixing any further coin advances. Still hinted around here that Walter Hutchings will visit in the near future to o.o. local conditions. U. S. foreign managers have little territory left to visit since the swift changes in Europe.

Williamson-Tait, mulling idea of reviving "Sally" with Josie, Melbourne in Melbourne and Sydney. Sir Ben Fuller going ahead with homebrew vaude in the semi-slix of Victoria. Leslie-Henson's musical, "It's a Girl," will be produced by Dave Martin at the Victoria, Sydney, next month. "Charley's Aunt" is the current attraction.

Hal Carlton, advertising director Metro theatre loop, is producing a musical review, enacted by the staff of thedney office, in aid of local war funds.

Pittsburgh

By Hal Cohen

Sid Jacobs out of the hosp after a thorough checkup. Lige Briens are back from their honeymoon at Miami Beach.

Martin B. Fallon named president of Catholic Theatre Guild for 1940-41. Howard Becker's band inked at Pine for the remainder of the summer.

T. J. Vincents celebrated silver wedding anniversary Monday (29). Casino treasurer Abe Jaffe has been on the sick list for couple of weeks.

Vet operator Harry Levine is ailing again in the Veterans' hospital at Aspinwall.

Art Levy topped Film Row gang at Variety Club's golf tournament with an 81.

Leo Heyns of Uniontown's Summit hotel, expect the stork for the second time for his son's next.

Art Morrone's frau took a spill the other day and is laid up with a broken ankle.

Mrs. Joe Gins, wife of Col salesman, okay again after an emergency appendicitis op.

Bill Grande blitzkreiged by nervous breakdown and is in the St. Francis hospital.

It's a boy for the Jim Careys in Evansville, Ind. Father, localite, is with Loew's there.

Ex-bartender Joe Sala expects to have his Spanish-type nitery, El Chicop, open Aug. 22.

John Barrymore's "My Dear Children" booked for return engagement at Nixon this season.

John Maganotti celebrated 36th birthday and 16th wedding anniversary on same day last week.

Tryout of Charlie Gaynor's new revue at Jim Lindsay's Green Hills Playhouse at Reading is off. Dave Broudy's lad, Buddy, has had his Army lieutenantcy taken up at Fort Monroe, Va., for a year.

Variety Club has set Sept. 11 as the date for his "Purple Derby" for charity; the Gardens the place. Jimmy Balmer and John McGreeveys have taken house together in Atlantic City for the summer.

Alexander Film Co.'s local manager, Andy Battison, all right again after hosp stay following auto accident. Harry Kalmine hosted WB managers and office employes at stag outing at Westmoreland CC yesterday (30). Father of Robert Sterling, new 20th-Fox juve, is Hub S. Hart.

manager of City Golf Course in New Castle, Pa.

Aleen (Leslie) Wetstein, Press columnist, has sold "Affectionately Yours" as a WB. She penned "Doctor Takes Wife" original. Harold W. Cohen, drama and motion picture editor of Pittsburgh Post-Gazette, leaves Aug. 9 for Hollywood on his annual studio ogie. He'll be gone a month and will do a daily column for his own sheet and Toledo-Blade, another Paul Block daily. Mrs. Cohen, former Stephanie Diamond, radio actress, who usually accompanies him, won't be this summer, since she's preparing the bannister.

Chas. Freeman

Continued from page 133

Freeman, who had come down to scout acts, and O'Donnell pointed out, friendship has grown only more valuable with age. Freeman arranged for O'Donnell to go with the Interstate through Karl Hobbittze, after O'Donnell had returned to New York as a Keith house manager, notably at the Harlem Opera House, but O'Donnell confessed that he had missgivings about leaving Broadway for Texas.

Freeman's Fielder's Choice

O'Donnell made it clear that Freeman's joining Interstate was always up to Freeman himself. He added that Texas welcomes him with open arms and that Freeman would grow to love "the land of manana" as O'Donnell has grown to love it. Johnny O'Connor also went way back in talking about Sime, Freeman and Variety. He told about Freeman's first entrance into Variety's office, when the sheet was only three weeks old, coming down from Syracuse with "peg top trousers and yellow shoes. O'Connor was then business manager and Freeman later pointed out, occupied one of two small offices of the paper. O'Connor had "disappeared" for awhile around that time, Freeman said, and when he returned he found Freeman sitting in his office. "Whatthehell, my job is gone," O'Connor exclaimed according to Freeman, and walked out again.

Ribbing the Ribbers

Freeman got his jinning after he had been bonded with an engraved wrist watch. First he started on Flippen, telling why he booked him four times in Interstate's Little Rock house. "We thought he would get us some money, being a local boy, but after the fourth time Karl Hobbittze had to give the house away."

Freeman went into his career in retrospect. He nostalgized Sime for giving him all his knowledge of show business; he paid tribute to Jake Lubin, Loew's general booking manager, who made it possible for him to earn a living as an agent. He told about his tenure with the former Vaudeville Managers Assn, under Sam (Cut) Kahl, who could really teach the bookers today how to cut salaries; his coming in contact with another "great guy in my life, Karl Hobbittze, and finally how, with a little politics, maneuvering and cutting-of-corners he became general booking manager of RKO with 80 weeks of playing time. "You should have given me a dinner then," Freeman declared, and filled Madison Square Garden.

Non-Poloing Showmen

Freeman also disclosed that Joe Vogel, now a v.p. of Loew's, preceded O'Donnell to the Interstate. Freeman said, was a polo player. He couldn't talk to Vogel about anything about polo, so Vogel went back to New York. Freeman also recalled some pains-in-the-neck, notably Jim Turner, who, v.p. of RKO under Hiram S. Brown, wanted the booking office run like Macy's, and Martin Beck. He paid tribute to those who attended the dinner as real friends, because of not being able to give you a, and hoped that he would be able to see something of O'Donnell. Dallas O'Donnell, Freeman pointed out, has made a habit of attending dinners and sitting on the dais. It's gotten to the point that he has rebuilt his office into a Hollywood set, with his desk also on a dais, as a detail.

There were others at the dinner who spoke briefly, including Nat Kalcheim, Bob Weisman, managing director of the N.Y. Paramount theatre, Jack Curtis, M. S. Bentham, O. L. Oz, Harry Anger. Committee in charge of arrangements comprised Charles Yates, Milton Berger, Larry Puck and Harry Kalcheim, Paramount booker. Freeman leaves for Dallas around Aug. 15, meanwhile trying to sell his house and a couple lots in Freeport, L. I.

Hollywood

Roland Young sued for divorce. Joe Kane returned to work after illness.

James Roosevelt planned back from Broadway. Charlie Blake to Alaska on Coast Guard cutter.

Don Barry home from the hospital after surgery. Franklin Warner recovering from appendectomy.

Elmer Balaban in from Chicago for a vacation. Stu Erwins celebrated ninth wedding anniversary.

Mayor Hague in from Jersey City to gender studies. Greta Granstedt filed suit for divorce from Max de Vega.

Ashlie Hawks filed separate maintenance suit against Howard Hawks. Joe Fisher sailed in from Singapore for another gender at the studios.

Fred Stone announced engagement of his daughter, Carol, to William McMahon. Harold Lloyd asked county supervisors to reduce tax valuation on his home from \$33,000 to \$17,000.

Loretta Young and Tom Lewis, radio agency exec, are due to marry today (Wed.) Westwood Village.

Chicago

Frank Smith back in town readying the balance for reopening. Harry Kalcheim in for confab with Edna Brown.

James Roosevelt in for distrib confab on "Pastor Hall" and to discuss final details on his and-bear music books.

Rhodes Crockett wrote acting version of "East Lynne," which is being done at her Coache House theatre in Oconomowoc, Wis.

Olympic Stadium, in Chicago for WGN shot for "Pago Pago," visiting relations on the Ringling Bros.-Baum & Bailey circus grounds.

Ray Tooper, of the Herald-American, and Edna Brown have written a new patriotic tune tagged "I Love the U.S.A.," being published by Fred Forster music firm.

James Mangar, advertising chief for the Miller Co. firm, has also written a stand-up-and-cheer tune steamed "We're All Americans," published by the Bell Music firm.

Tom Gorman, RKO Midwest chief, giving a desk set by the Ladies' Auxiliary of the Los Angeles Comspicuous Sanatorium for his cooperation in setting special showings of the Abe Lincoln picture.

Minneapolis

By Les Rees

Bill Walmouth back in town after year's absence. Rud Lorenz, WB district manager, in from Chicago.

R. C. Libent, Paramount district manager, in from St. Louis. Tod Bolnick, Eddie Ruben's assistant, laid up with game leg.

L. E. Golehammer, RKO district manager, closing his Mines branch. Ben Landy, Columbia booker, spending fortnight with parents in New York.

Seven consecutive days of 100-inch temperature raised hob with biz generally. After two-year lull-off, Harry Dryer, indie exhibitor, resuming handball and other exercise.

Sol Lebowitz, Northwest Allied leader, compelled by ill health to rest for month in northern Minnesota.

Nen Ashe on month's west coast pleasure hunt to forget his defeat as Northwest Allied executive secretary candidate.

Irving Gillman, Esquire owner, back from hospital, recuperating from second serious operation within two months.

Renoble tossed cocktail party and invited exhibitors from all over territory to meet Gene Autry, here at Aquaticnaal Rodeo star.

Kansas City

By John W. Quinn

Nellie Paley a hicklover as supstress at the Cabana of Hotel Phillips.

Dean Filzer, WDAF head man, returning from two-week Colorado sojourn.

Geraldine Reed, dancer, in from Mexico City, to visit with her parents.

John McManus, Midland theatre chief, to flourish for a week's union with his family.

Andy Devine and Frank Albertson now honorary Indian chiefs as result of their trek to Cotton, Kan., for world prem. of "When Dillons Rode."

BAND ROUTES

Week of Aug. 2

Present whereabouts, fixed addresses, of dance orchestras are given below, alphabetically arranged. Every effort will be made to keep the list as complete and correct as possible. Band leaders and their managers are invited to cooperate by notifying VARIETY of changes and corrections. There is no charge for listing. Abbreviations used are as follows: B—ballroom; C—cafe; CC—country club; H—hotel; NC—night club; R—restaurant; T—theatre. Booking office abbreviations are: MCA, Music Corp. of America; GAG, General Amusement Corp.; CRA, Consolidated Radio Artists; F. B. Frederichs Bros. Wm. Morris is spelled out.

A
Aguilar, Edward, Carol Carrol's, H'wood.
Alexander, Van, MCA, NYC.
Andrews, Gordon, Club 90, NYC.

B
Bauer, Billy, Bear-Club Inn, Bear Mt. N.Y.
Bannett, Sport-Club Monaco, N. Detroit.
Barrett, Ralph, Excambion C. San Juan.

C
Calloway, Cab, Meadowbrook, Cedar.
Carson, Bill, MCA, NYC.
Cherniack, Joseph, NYC, Cincinnati.

D
D'Amico, Nip, Versailles, N.Y.
Dale, Duke, Versailles-Biltmore H.
Dartner, R., J. J. H. Club, NYC.

E
Egan, Eric, Kelly's Stadium, NYC.
Ellington, Duke, Wm. Morris, NYC.
Emery, Joe, Jopon Mary, NYC.

F
Feldman, Harry, MCA, NYC.
Fisher, Freddie, Blue Bird, New York.
Fisher, Freddie, Happy Hour C., Miami.

G
Gagan, Frank, MCA, Cleveland.
Gardner, Tom, Town's 1.
Garner, Joe, W. J. P. NYC.

H
Hudson, Dean, B. NYC.
Hudson, J.W., Club Manhattan, 48 48th St., NYC.
Hutton, Joe, Ritz, Rauland, Tavern, Atlantic City, N.J.

I
Jacob, Howard, Wm. Morris, NYC.
James, Al, W. NYC.
James, Harry, MCA, NYC.

J
Kassel, MCA, NYC.
Kaye, Sammy, Lyric T., Tallantini.
Kavel, Al, Essex House, NYC.

K
Kaufman, Louis, Ritz, NYC.
Keller, Leonard, Ritz-Carlton, Chicago.
Keller, Nat., Beverly Hills C. C., New York.

L
Laird, Eddie, Bear-Club Inn, Bear Mt. N.Y.
Larson, Eddie, MCA, NYC.
Lavis, Ted, Chez Paree, NYC.

M
Madrigrera, Tony, Lido Club, Long Beach.
Malneck, Matty, MCA, Hollywood.
Mann, Hugo, R. C. Club, NYC.

N
Nelson, Ozzie, Jones Beach, L.I.
Noble, Red, F. B. NYC.
Noble, Ray, Palmer House, NYC.

O
O'Brien, Wm. J., Wm. Morris, NYC.
O'Brien, Wm. J., Wm. Morris, NYC.
O'Brien, Wm. J., Wm. Morris, NYC.

P
Pacheco, Versailles R., NYC.
Paris, Bobby, Club 90, NYC.
Parker, Tony, NYC, NYC.

Q
Quinn, Wm. J., Wm. Morris, NYC.
Quinn, Wm. J., Wm. Morris, NYC.
Quinn, Wm. J., Wm. Morris, NYC.

R
Rosen, Harry, MCA, NYC.
Rosen, Harry, MCA, NYC.
Rosen, Harry, MCA, NYC.

S
Sands, Phil, Atlantic Beach Club, Atlantic Beach, Fla.
Santini, Jan, Chicago T., Chicago.
Scott, Allan, Sherry-Mixie's, H'wood.

T
Tamm, George, MCA, NYC.
Tamm, George, MCA, NYC.
Tamm, George, MCA, NYC.

U
Ullrich, Gus, Brook Club, Summit.
Ullrich, Gus, Brook Club, Summit.
Ullrich, Gus, Brook Club, Summit.

OBITUARIES

CARLTON E. GRIFFIN
Carlton Elliott Griffin, 47, screen actor, died July 23 of a heart attack in his Hollywood home. He had played small parts in a long list of films for the past 10 years.

FRED DYSON
Fred Dyson, 54, business manager of station WMCA, New York, for the last 15 years, died July 26 at his home, Valley Stream, L. I., from complications resulting from a long illness.

LEONARD TRAINER
Leonard Trainer, 61, buddy of Will Rogers in his Cherokee strip days and his double and stand-in in all pictures, died July 28 in Los Angeles of a heart attack after the marching in Will Rogers Memorial parade in Santa Monica.

ALICE HULT
Alice Hult, 28, who broadcast over KFCR, San Francisco, under the name of Nancy Dixon dropped dead July 20. A blood clot induced by overwork was blamed.

GEORGE A. WALKER
George A. Walker, 60, manager of Shea's North Park, Buffalo, died July 28 of a heart attack. Walker, cousin of the late Mike Shea, started in 1900.

MRS. BESSIE RAPPAPORT
Mrs. Bessie Rappaport, 70, Buffalo pioneer exhibitor, died after two weeks' illness. Mrs. Rappaport with her husband opened the Royal Star 1907, later operating the Ideal, Lovejoy and Avon.

FRANK E. REDMAN
Frank E. Redman, 61, chief producer in for the Famous-Lasky studio at Fort Lee, N.J., in the pioneer days of the industry, died of a cerebral hemorrhage July 24 at the Englewood Hospital, Englewood, N. J.

JOHN KARUCZ
John Karucz, 57, composer and pianist, died July 22. Hollywood. Surviving are his widow and son.

CHARLES F. TAYLOR
Charles F. Taylor, vaudeville traveling showman, who founded his own traveling show when faced with a layoff 29 years ago, died recently at his home, Great Village, Nova Scotia. Each year until taken ill a few weeks ago, Taylor had been on the tour with his program, which consisted of a merger of films and ventriloquism.

JAMES G. GORMAN
James G. Gorman, 53, for more than a quarter of a century a Pittsburgh stagehand, died at his home there last week after a lingering illness. Gorman had worked at practically every Pittsburgh theatre, vaude, burlesque, film, and legit, since 1915 and at the time of his death was on the payroll of the Shea-Hyde-Fullon house there.

B. M. BOWERS
Bertha M. Bowers, 68, novelist, died July 23 in Hollywood after a long illness. Writing as B. M. Bowers to cloak her sex, she turned out 68 western tales, beginning with 'Chip of the Flying U' in 1900.

MIKE SCOTT
Mike Scott, 74, died July 12 in Belvedere Hospital, New York. He was one of the old-time Irish clog dancers in vaudeville, but inactive for more than 15 years. Will Rogers Memorial Fund took care of the burial in Kensico Cemetery, N. Y.

ALBERT V. POLLOCK
Albert V. Pollock, 54, controller of the J. Walter Thompson advertising agency, died July 23 at the Rockaway Beach Hospital, N.Y., following a heart attack while riding in a automobile.

THOMAS PURKS
Thomas Purks, 32, a pianist and dance orchestra leader, committed suicide July 26 near Pittsburgh.

FATHER, 85, of the Trux Sisters, died July 26. Newmarket, Pa.

MARRIAGES
Dorothy Mosej to Persing Gormley, Cumberland, Md., July 22. He's with Jack McLean orchestra.

PEGGY SCHER to Barry Norton, in Chicago, July 6. Groom is managing director of Savoy ballroom, Chicago.

ALICE THOMPSON to Brundon Peters, both of the stage, in Denver, July 25. He's at present with the Elitch Stock, Denver.

VIC ALICE ROBINSON to Charles Bryan, in Kansas City, July 23. Groom is sports announcer for KCMO; bride was continuity editor.

GLORIA BLONDIEL to Albert Stocco, in Las Vegas, Nev.

Mrs. and Mrs. William Brooks, daughter in Pittsburgh, July 21. Father's head book at Par change there.

Mrs. and Mrs. Jim Eberle, son in Detroit, July 19. Father is announcer at WWJ, Detroit.

Mrs. and Mrs. Maurice Novoy, son in Hollywood, July 19. Father is an advertising artist at Universal.

Mrs. and Mrs. Frank Posenoy, son in Hollywood, July 23. Father is still photographer at 20th-Fox.

Mrs. and Mrs. J. Leonard Reisch, son, July 23 in Allentown. He's managing director of WSB and formerly had same post at WHIO, Dayton.

Mrs. and Mrs. Arthur Arthur, daughter in Hollywood, July 25. Father is a screenwriter.

Mrs. and Mrs. E. F. Berger, daughter in Burlington, Vt., June 26. Father heads the commercial department of WCAX, Burlington.

Forum

Songwriters' Stance

On page 35 of the July 10 issue of your esteemed publication you state in part: 'Metro is apparently proceeding on the theory that the copyright owner (the publisher) becomes the absolute owner of all rights... therefore, is not required to consult the writer about the disposition of such rights.'

May I kindly point out the possible, dangerous repercussions to such a stand by Metro? It is the writer who is the creator of the work and if he is to be deprived of any of his rights—small, large or medium—it is fairly likely that he and his brethren-writers may make a united stand and demand that all future copyrights be the sole and exclusive properties of the logical creators, themselves.

Then the creator-copyright owner will be enabled to sell only his publishing rights to the music publisher, assign his public performing rights to ASCAP, sell his disc rights to the phonograph companies, synchronization rights to the movies, foreign rights direct to the foreign publishers, etc. This is not so outlandish as it may appear at first blush.

More than that, the tendency of the times is to give the worker or creator more consideration than in former times and articles implies. Mark Twain, I find no fault with Metro's song books and other numbers have enjoyed the fairest and fullest consideration in their hands and I have only the profoundest and sincerest admiration for their efficient and far-seeing executives.

But, notwithstanding the laborer feels worthy of his hire and he is not going to be told blind to any red light that is being placed across his path!

Barnsters Fall In

Washington, July 30. Another platoon of budding radio artists added to the army already admitted to practice before the Federal Communications Commission. Following attorneys were okayed recently by the Commish: Hamlet J. Barry, Denver, Col.; Dolly Lee Butler, Atlanta, Ga.; Charles Ray Cambron, Ocala, Fla.; Gerald Dicker, New York City; James E. Gallagher, Jr., and Roy W. Johns, of Philadelphia; Donald S. Leonard, Detroit; Sam Houston, Washington; Frank B. Mitchell, Portland, Ore.; John A. Petitioner, Billings, Mont.; Bradford Ross, Cheyenne, Wyo.; Thomas Julian Skinner, Birmingham, Ala.; Robert A. Stuart, Fort Worth, and Ara Weldon, Eaton Rapids, Mich.

NO SPONSOR LAPSE
'Lone Ranger' Shifts from One B. D. & Co. Act to Another
St. Louis, July 30. Nehi Bottling Co. will take over sponsorship of 'The Lone Ranger' over KWK, effective Aug. 2 for Royal Crown Cola. The transcription series will continue under the sponsorship of Bond-Bread until that time.

Elaborate merchandising and promotion plans are under way for the Royal Crown show; newspaper copy will be tied in with 'The Lone Ranger' and premium plans are in the mill for building juve consumption of the product.

Circus Reviews

COLE BROS. CIRCUS

Lincoln, Neb., July 20.

Bad luck has been camping on Cole Bros.' trail this season, especially the last two weeks. In that time, Jess Adkins, co-founder of the present organization with Zack Terrell, dropped dead; feature act (The Skating Rockets) has been forced to take a two-week vacation; Ringling Bros., Barnum & Bailey oppositely banner crews have been slapping towns (Des Moines, Omaha, Lincoln and Grand Island) with 'wait' paper heralding the big show's coming in mid-August; and the last three or four paydays have been only \$5 dividends per person.

Compass is set directly west at present, hope being to arrive in the northwest to start south from Portland, Ore., around Labor Day, and to pick up enough coin enroute to take up the pay slack. Playdate here drew 8,000 paid admissions, the best of the last 14 days, and a full 3,000 above Omaha on the day before (21). Gate was a bit less proportionately, however, because the Cole Bros. 'wait' campaign with cut-price mats, flowing adults in for 50c, instead of the regular 75c. Latter was tariff night-time, as usual. Only 2,800 of the paid list here came in the afternoon.

Cole Bros. main feature - Ken Maynard, the screen cowboy, who buys first leading the spec, comes back for opening sale on the concert, then lays off until the afternoon, when he does a show by himself and some fancy shooting. His concert draw is no stronger than he is at the film houses, which is weakish. He is the only name of sufficient power to capture attention in the tent-lineup, nevertheless, and rates the billing he gets. Kids give him the haw-haw sometimes when he stiffly mounts Tarzan.

With Vic Robbins band leading the way, the girl sextet is the 50-talent show. The girls are the 50-talent show with the show. It's built for sex, and doesn't look bad on the go-round. It's only when the dancing dolls step forth, and the girls are less than 16 of them, that the girls get the presentation shows up. Costumes slightly worse for wear.

Most of the show is closely bound to traditional circus spottings of talent. The clown act, by Johnston, and truck vie with Tarrio Bros., Freeman Trio and Three Madoffs, comedy acrobats, Roland Hebler's sea lions, flanked on each side by liberty pole acts, all do their best. The show, O'Dell, slack rope acrobat and adept in tossing herself over her own shoulder with one arm, gets the tent to herself. Her work is neat, but she was stalled in the combat, and when caught, because a nearby rope broke and shook the whole top.

Clown alley is headed by Otto Griebeling and Freddie Freeman, sufficiently rating among the best in circus funnymen. A Griebeling does a whole of a job, but selling the show with monkeyshirts at patrons' expense on the hippodrome track while the crowd streams in. He embarrasses more women, and scares more men than would seem possible from such a little guy. Freeman, when the whole clown crew is assembled, is second in command, and good, too.

Cole's high-bar troupes, Three Jesters and the Gonzales Trio, clear the way for the flying ladders, with Sargent Schubert, trap contortionist, centered. Mary Alice Matson is a side feature. The show is a nice-riding by the Reiffenbach Family, with Harry Bruce leading comedy, is a highlight.

The bulls, trained by Alonzo Dever, put up a good performance, five working the center ring, and three on each end. Things are handled by Rose Schenck, Marian Knowlton and Helen Partello. Dever, billed for pendulum swing from elephant mouth, did not offer it here. Frank Shephard, a sufferer similar fate to Miss O'Dell's. He's a flyer, who works single trap, without a net. Just as the announcer called for his feature stunt, the forward somersault to a heel catch, the stake giving his rigging suddenly pulled up.

Three sets of wire acts perform. Jose Cascado and Juan Marino in outside rings, and Wings Bros. & Chaulita, center. Trainer Adolf Delbosque's liberty horses named easily.

The Brennan troupe of acrobats, the Florence troupe and the Guy Brothers' Florence globes, are up to their tasks. Performance, complete with continuity, runs about 2 hours and 25 minutes. The show go-round takes about 20 mins. as the Guy Brothers' Siamese twins sit the top attraction. Fred Ryan is both side-show manager, talker and announcer for the main show. Press crew includes Vern Williams, Jack Grimes, Ota

Parks and R. B. Dean. Jake Newman is general agent. Elements have been against the show this season more than anything else. Started out in Rochester, Ind., where it was very successful, but then it came across in the east, and outside of a few scattered dates, the New York-Pennsylvania runs were most profitable. Art.

Band Reviews

Continued from page 138

good, with plenty of rhythm, and so is the humor of the guests. Hamp draw, a nice group from Humboldt and conga addicts to Venezuela for more of it. There is little of the live, since prices are too steep in the Round-the-World Room for this type of customer. Has regular weekly following, and plays to crowds week-ends.

Hamp played for the opening of this room two years ago, and returned on the anniversary this year. Gay in blue, burgundy, yellow and red. Hamp's 12-piece band includes five saxes, two trumpets, one trombone, piano, bass and drum. Members handle the extra gourd and maracas for the rhumba and conga numbers. One brass was cut out from the arch last week to make smoother rhythm. Drigo and Diana, Latin-American dance team, popular here. Jane Whittney, tall and attractive, sings in a sweet, soft voice. One of her specialties is her own arrangement of 'Finlandia', which she sings, accompanied by the boys in the band in choir tempo. It goes over very well, and frequently there are requests for more of it. Cecil Adair, featured singer, has quiet personality and sings well. Also handles sax in band.

Hamp, who came here from Philadelphia, Pa., where he played Club Trocadero, will remain for season. Members of the orch include: Eddie Ambrose, Clifford Forester, Al Johnston, Harry Zimmerman, and Cecil Adair, saxes; Daniell Forrest, Herbert Taylor, trumpets; Bill Simmons, trombone; Harry Zimmerman, piano; Jess Campbell, bass, and Marty Rogers, drums.

AL MARSCO ORCHESTRA (8). Nixson Cafe, Pittsburgh. Al Marsico has been around Pittsburgh for the last decade, as musician (violinist) and leader, but never managed to click properly until he hit Tony Conforti's Nixson Cafe. Marsico was originally the conductor of house orchestra at Enright, and when Dick Powell was the m.c. there, and turned to the dance field when the era passed.

For an eight-piece combo, he has a good rhythm. His line needs, trombone, trumpet, drums, piano, bass and occasionally a little fiddle from the maestro himself, although he has been known to do some live broadcasts. Nixson, of course, due to its steady and mostly middle-aged trade; isn't a good test for any band, due to the music grooves tradition, but there's enough behind the Marsico style to indicate that he could more than hold his own anywhere where the bars are down.

Conforti's clientele is strictly least-resistance dancant, straight rhythm and no furbelows. That's what Marsico is dishing out and dishing out well, too, although it goes hard back of the ork's chances per se. On the air, he sometimes gives out, but even his programs are restricted in that respect since they're also dancing. His music is in the swing rut now in second year; isn't hurting his rep any, however, and Marsico has staked himself with enough versatile musicians that any change for him is an opportunity. Conforti's won't be difficult. Cohen.

MATT BETTON'S ORCHESTRA (10). Alonzo Park, Lincoln, Neb. Novochord gets billing here, then the orchestra, because that's the way biz is done in this part of the country. Guy who plays it is Matt Betton, so he owns the orchestra. Type which he is all sweet, and there was no change here. Though Antelope Park's dancery is a jiney-hall, Trade is hardly earnest, but they're not high-jokers either, so the sweets were well taken. Cohen.

Betton makes a showing of versatility in a medley of theme songs of famous bands, in which he has a number of all styles. One thing that the music is doing, though, and every set has Betton going over the dashboard on a novochord interlude. Normally he's a reed man, with clarinet a specialty.

Each section is plugged with three men. Frank Cash and Max Cables trumpet, and Herman Heltzel trombones for the brass; Ray Stuart, Clayton Chartier, and Ray Stokely sax men; while Frank Betton, drums, Norris McCaw, bass, and Allen Heskett, piano, put out the rhythm; Cash, Stuart, Stokely and the leader make a vocal quartet, and the singles are by Stuart.

Origination of the band is Kansas. Style is for locations. General reception okay. Art.

LEE ALLEN ORCH (8). Southern Tavern, Cleveland, O. By changing his name from 'Curley' Smith to the more dignified monicker of Lee Allen, adding Henry George as vocalist and slanting his line toward a more melodic, hotel style of music, the young maestro is working up a nice following at the Southern Tavern.

It's a fairly conservative, attractive dance dinary. Spanish in decorations, the band is a real treat. Both Ed Pentecost, the owner, and middle-aged crowd demand easily danceable rhythms, with lots of rich bass and muted horns. Allen lays it out, and the young maestro is working up a nice following at the Southern Tavern.

It's a fairly conservative, attractive dance dinary. Spanish in decorations, the band is a real treat. Both Ed Pentecost, the owner, and middle-aged crowd demand easily danceable rhythms, with lots of rich bass and muted horns. Allen lays it out, and the young maestro is working up a nice following at the Southern Tavern.

Ringling Circus Will 'Break Law' When In Mpls., St. Paul

Minneapolis, July 30. Ringling-Barnum & Bailey circus, violating a state law by coming into Minneapolis Aug. 5 and 6, and into St. Paul Aug. 7, but will escape prosecution and be permitted to show.

Law in question, passed in 1933 at the State Fair board's request prohibits circuses from showing in the Twin Cities within 18 days of the Fair's opening. The Fair this year is scheduled for an Aug. 24 get-away. However, both the Minneapolis and St. Paul city councils issued the necessary licenses and R. A. Lee, Fair board secretary, says he's not enforcement officer and doesn't intend to make a complaint. If anyone else wants to spill beans, says he may do so in the usual way, he points out.

In asking for the law, Fair board members told the state legislature that circus performances just before the Fair robbed the latter of patronage.

Frisco Fair

ICE FROLICS

(25c)

San Francisco, July 20. McChrystal & Soudiers present Sandy Johnson's Ice Frolic Co. in Rhythmic On Ice. Cost: 25c. Seats: 25c. Gerry Whynford, Larry Tobler, Louis Lee, Loren Sparks, Six Girls; Leonard Anelli. Cohen.

Grinding four-in-five all two-bit, curvy Rhythmic On Ice show gives S. F. Fair customers their money's worth and 40 minutes' rest for their feet besides. Minsprink of the entertainment is Art McChrystal, of San Francisco's Downtown Assn., and the man who yanked last year's Gayway out of the doldrums for a fast finish.

Throwing benches for 1,000 into the ex-Frisco pavilion, building has been converted into three-sided arena around 40 by 20 foot patch of artificial ice. Five-piece band fills cave recessed into fourth wall and troupe enters right and left thereof. Limited space doesn't give company much room to work, but as handled provides extra thrills for front row, boys and girls working practically in customers' laps. Cost: young and energetic, costumes are fresh and the six girls' ensemble are lookers.

Opening with overture and vocal by Lois Lee, troupe speeds through scenes at first, then by Sandy Johnson, at last, milk as m.c. Ensemble contributes to collegiate, waltz and patriotic routines; while specialties range from acrobatics to Ferdinand the Bull. Latter was top bit with audience at show caught. Larry Tobler and Miss Mumford working under the ox-hide to Loren Sparks' torador. Ches extends into audience, but sometimes is more authentic than this, realize, boys playing a little game of the; own in

Metre bought 'Ballad for Americans' by Earl Robinson and John LaPonche, to be sung in Babes on Broadway.

Frisco Fair's Heady Showmanship Will Spell Profit This Yr.; '39 in Red

RINGLING SHOW 30% OFF FROM LAST YEAR IN CHICAGO

Chicago, July 30.

Ringling show, in nine day, here, was about 30% off from last year, due to the intense heat and. Show had been doing about 25% better than last year all along the line. John Ringling North is thinking of going into Shrine and other sponsored dates during the winter. Will give European acts 52 weeks' work, although Shrine and other sponsors take Ringling acts and book them anyway.

To Be, Or Not To Be Beer At Mich. State Fair

Detroit, July 30.

That old evil, liquor, causing much unhappiness for many people in executive positions in Gov. Dickinson's territory these days. Latest squabble whether beer will be served this year at the Michigan State Fair, if it will be the first time in the history of the Fair. But if the Governor has anything to say, there will be a bigger decision to sell spirits was no sooner made by the Fair's board of managers than it immediately brought protests from the Rev. Clarence Hill Frank, secretary of the Council of Churches, and Mrs. William H. Erwin, president of the Detroit Federation of the WCTU.

Meanwhile the Governor has ordered the State Liquor Control Commission before him to explain why they are going to permit liquor sales. The Governor is an ex-officio member of the Commission, but he seldom interferes with its work.

REORG FRISCO EXPO'S 'H'WOOD STAGE 9' SHOW

San Francisco, July 30.

Hollywood Stage Nine, at the Frisco Exposition, was expected to relight this week after failing to open (15). According to statement issued by Irving Ackerman, only way to salvage investment was to let off cost and stagehands and start all over. Overhead of \$4,000 against income of \$2,000 weekly is what happened.

Story as traced by Ackerman, began prior to Expo when F. Herrick and Nell Hamilton obtained concession. Roland Colman is said to have invested \$3,000 through friendship with Hamilton, while Herrick came from a suite in the St. Francis sought further angels. Only taker was Milton Waters, vp. of Morris Plan here. Talent, stagehands and equipment set up by Herrick, who didn't remain for final debacle; asseriedly saddled show with \$4,000 net, with gate lingering around \$2,000.

After downhill slide, Waters said to have asked Ackerman to take over, whereupon net was cut to \$2,200, but backlog presented even break at this figure so decision was reached to pay off, close up, and reorganize. All involved got closing pay in full according to Ackerman, with Waters in the hole about \$16,000, but still hopeful of recovery via healthier help.

Frisky moments. Front end of Ferdly also does banjo specialty earlier show.

Comedy ballet and Mad Russian solo bits are the more energetic offerings of Rod Siegel, whose party falls shake the building. Particular bit of business which seemed to get his biggest laugh is combination of starry-eyed makeup and surprised expression as he skates backwards into wall in ballet number. He's unprattful standing up which wares out a wall a week.

This is the unit being sued by Shogstad & Johnson's \$2.20 Ice Frolies on mainland. However, when injunction hearing was called in superior court, latter group obtained continuance of its case. Issue remains undecided.

By WOOD SOANES
San Francisco, July 30.

When the San Francisco Fair shuts up shop on Sept. 28 it will in all probability be with the balance sheet neatly summed up in black ink, a decided contrast to the first year of the Exposition which was marked with dissension and termination. There has been about a 10% increase in attendance this year, hitting a peak on July 4 with 130,641 paid admissions; and, more to the point, there has been approximately a 50% cut in operating costs without impairing the efficiency of the organization.

During the period that the Fair has been open there have been but two failures—Singer's 'Midgels' on the Gayway, and Hollywood Stage 9 on the ground. In both instances, mismanagement was ascribed to the closings. In the case of Stage 9 the volume at the boxoffice was sufficient but the overhead was of line.

Top show, of course, is Billy Rose's 'Aquacade' which has been doing an average business of \$50,000 weekly which gives both Rose and the Fair a good profit. Clifford C. Fischer's 'Folies Bergere' has been averaging about \$17,000 which gives the producer a small profit, and the Fair a small loss; 'Cavalcade' at \$10,000 average is not as yet in the money. 'Surprise Show', Salicci's Puppets, piloted by Richard Marshall, veteran showman, one-time general manager for Henry Duryea and later a Fox-West Coast manager. Marshall with the press, Marshall has managed a fine publicity campaign at small cost and is drawing \$4,000 weekly into the Hall of West states, a veritable bonanza.

Of the specialty shows, such as the symphony concerts with guest artists, Alec Templeton has been the top performer. Last week at a single performance, Templeton played to 8,000 people and a \$6,000 gross, better than Grace Moore, John Charles Thomas, Gladys Swarth, Lily Pons, next on the list, has a heavy advance already. These shows are offered at the Coliseum.

On the Gayway, the money take is going to Ripley as it did last year with Sally Rand as a yunner-ner. But the Gayway has a great many more attractions than before and while there is the usual crying from the concessionaires, the fact remains that none but Singer's has folded. This spreading of spending money is undoubtedly due to the change of policy at the top of the Fair.

Marshall Bill, local millionaire, is serving with the Fair without compensation. Bill Monahan, owner of the Fair by the Chamber of Commerce, is taking only a nominal fee; and E. O. Bondeson, head of Music and Drama, a competent showman with long experience in promotion and management.

Contrast to Last Year. This trio, working efficiently, has established a policy in direct opposition to that of last year. Then it was customary to import heavy names such as Jack Benny, Edna Bergen and the like for free show. The consequence was that throngs came, perched sometimes as long as five hours waiting for the show to start and scrambled after the affair. They brought their lunches, spent nothing except admission fees.

This year there are a number of starry-eyed acts and the specialty acts, strolling players, puppets, short musicals—but the performances are short and the crowd is kept on the move. The consequence is that the pay attractions are taken toll. The Fourth of July crowd in '39 spent little or nothing; the one this year distributed largess in practically every direction.

Another contribution to the general success of the Fair has been the cooperation between the Frisco department and the special agents for the shows. Last year there was constant friction because unprattful were getting a higher fee from the individual shows and the Fair than the house press agents. This year the house scale was especially high. Billy Rose's Dinky Doodle, Fischer's Het Manheim, and Salicci's Richard Marshall are working hard to give.



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BILLBOARD "Sammy Kaye's first stage appearance with his 'So You Want To Lead A Band?' stunt grossed \$20,000 for the Stanley, best gate in six weeks."

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