

*International Jack Benny Fan Club*

# *The Jack Benny Times*

May—August 2012

Volume XXVII, Numbers 3-4



Jack strolls the Warner Brothers lot in costume, 1942

## *President's Message*

Jell-O again, folks...greetings from Los Angeles, where work is in progress as we speak on the upcoming DVD release. Much Benny-related writing, researching, and debating is going on in this room at the moment! I can officially tell you that Shout Factory is the company behind the release, and we are working with UCLA for the source video material. Stay tuned for more information.

I am pleased to say that 2012 is off to a good and rather dramatic start for me on many fronts. Unexpected job turns led to a quick start on two new contracts; things are busy and going well. The challenges of the past couple years have led to some changes in my personal life. To put it in Jack-related terms, I personally have turned the corner to reveling in the best cup of coffee in the world. I am very optimistic about my future and feeling truly at the helm of my own life for perhaps the first time. Kudos to all the people, including a few IJBFC members, who have been so supportive during this time. With Passover coming in a few days as of this writing, it feels timely to excerpt a favorite Jewish blessing: "Blessed are you...who has kept us alive, sustained us, and enabled us to reach this season."

Doing Jack Benny research has always given me tremendous joy and satisfaction, so you can be assured that with all the changes, that is something that I will keep in my life—and hopefully have even a little more bandwidth to devote to it. Now on with the show!

## *New Members*

(State abbreviation or country is listed after the name)

\*\*\*\* Gregory Amour (CA) \*\*\*\* Tim Bair (AR) \*\*\*\* Peter Bayer (NV) \*\*\*\* John Bragg (WV) \*\*\*\* Elia Brian (CA) \*\*\*\* Noah Cecil (MI) \*\*\*\* Matt De Sando (NY) \*\*\*\* Jo-David Fine (TN) \*\*\*\* Margot Hamlin (MN) \*\*\*\* Joanna Harrison (NV) \*\*\*\* John Hymer (NJ) \*\*\*\* Michael Kozenczak (IL) \*\*\*\* Jo-Ann Lassiter (MA) \*\*\*\* Rikki Laurin (TX) \*\*\*\* Williams Les (Ontario, Canada) \*\*\*\* David Logan (TN) \*\*\*\* Andrew Mc Partlin (Northamptonshire, United Kingdom) \*\*\*\* Bridgette Moore (KS) \*\*\*\* Elena Nagel (IL) \*\*\*\* Kathryn J Nail (CA) \*\*\*\* Craig Orndorff (VA) \*\*\*\* Chuck Ottley (Alberta, Canada) \*\*\*\* Philip Pomeroy (OR) \*\*\*\* Brian Weisenritter (IL) \*\*\*\* William Wilson (NY) \*\*\*\* Peggy King (PA) \*\*\*\* Joe Serocki (IL) \*\*\*\* Kevin Squires (NC) \*\*\*\* Donna Pebler (PA) \*\*\*\* Jody Ackerman (WI) \*\*\*\* Dana Cyr (FL) \*\*\*\* Christopher Gulyas (CA) \*\*\*\* Dan Peters (OH) \*\*\*\* Mike Hilton (IN) \*\*\*\* Hank Postrozny (FL) \*\*\*\* Natalie Kochmar (NJ) \*\*\*\* Carl Jacobsen (ND) \*\*\*\* Jeff Joseph (CA) \*\*\*\* Metz Barbara (WA) \*\*\*\* Mark Richardson (KY) \*\*\*\* Jacob Glant (WA) \*\*\*\* Patrick Lloyd (NC) \*\*\*\* Michael Maseo (NC) \*\*\*\* Kenneth Johns (GA) \*\*\*\* Linda Gill (KY) \*\*\*\* Cesar Castro (Tijuana, Mexico) \*\*\*\* Nancy Lorenti (CT) \*\*\*\* Al Anderson (CA) \*\*\*\* Greg Barnes (MO) \*\*\*\* Tim Barnes (TX) \*\*\*\* Donald

Brick (IL) \*\*\*\* Brian Brown (VA) \*\*\*\* Daniel Burrow (OH) \*\*\*\* Frank Buxton (WA)  
 \*\*\*\* Eileen Caetta (TX) \*\*\*\* Anthony Caplan (Victoria, Australia) \*\*\*\* Paula  
 Capudean (MI) \*\*\*\* Jed Carroll (IN) \*\*\*\* Robert Charron (TN) \*\*\*\* Joseph  
 Coleman (TN) \*\*\*\* Anne DeLong (WA) \*\*\*\* Stephen Douglas (MO) \*\*\*\* Ken  
 Freeman (FL ) \*\*\*\* Michael Gastaldo (CA) \*\*\*\* Darnell Gayland (TX) \*\*\*\* Richard  
 Ghormley (GA) \*\*\*\* Kenny Haas (IL) \*\*\*\* Jim Hamernik (IL) \*\*\*\* Eric Hunt (NY) \*\*\*\*  
 Kathleen Hurst (PA) \*\*\*\* Monaghan Jim (NH) \*\*\*\* Rubinstein Joe (CA) \*\*\*\* Lesia  
 Johnson (AL) \*\*\*\* Mic Keller (KS) \*\*\*\* Kurt Kuehn (MN) \*\*\*\* Anthony Lattanzio  
 (NY) \*\*\*\* Nadine Lawmaster (OK) \*\*\*\* Richard Levine (WA) \*\*\*\* Jack McGurk (IL)  
 \*\*\*\* Christysue McWilson (WA) \*\*\*\* John-Hans Melcher (NM) \*\*\*\* Adams Melissa  
 (CA) \*\*\*\* Don Miles (VA) \*\*\*\* Laura Morris (MO) \*\*\*\* Peter Nash (MA) \*\*\*\* Sean  
 O'Keefe (MA) \*\*\*\* Ann Ona (FL ) \*\*\*\* Kevin O'Neal (MO) \*\*\*\* Robert Phillipps  
 (CA) \*\*\*\* Jennyfer Phoenix (CA) \*\*\*\* Joe Postove (Israel) \*\*\*\* William Prenetta  
 (CT) \*\*\*\* Langhuber Robert (PA) \*\*\*\* Maura Robinson (Western Cape, South  
 Africa) \*\*\*\* Garringer Rosemarie (CA) \*\*\*\* Carrie Ross (OR) \*\*\*\* Tony Runfalo  
 (LA) \*\*\*\* Jo-An Sabonjian (IL) \*\*\*\* Richard Schwartz (CA) \*\*\*\* David Southwick  
 (MA) \*\*\*\* Gary Stamm (WI) \*\*\*\* Stephen Swan (CA) \*\*\*\* Ray Swinehart (IN) \*\*\*\*  
 John Unzelman (MT) \*\*\*\* Carey Van Loon (CA) \*\*\*\* Kevin Varmette (NY) \*\*\*\*  
 Jeff Watts (NC) \*\*\*\* Louis Weisberg (CO) \*\*\*\* James and Jenny Westberry (MO)  
 \*\*\*\* Woody Woodbury (CA) [EN: No, not \*the\* Woody Woodbury...I asked.]

## *The Tale Piece*

Benjamin Parke provided this tantalizing tale on the IJBFC Facebook group of the possibilities of Jack working with the legendary comedy writer Preston Sturges. "Another Benny-Sturges I had not known about...from Sturges' posthumous autobiography, Preston Sturges by Preston Sturges. It takes place in 1937, when Sturges had yet to direct, but was perhaps the highest-paid screenwriter in Hollywood:

At Paramount I went to work for Arthur Hornblow, and we spent twenty-six weeks putting together a screenplay based on the play Never Say Die as a vehicle for Jack Benny and Franceska Gaal. One week Franceska would spend till five in the morning telling me how bad her part was and how good Benny's part was. The next week Benny would spend the evening telling me how bad his part was and how good hers was. Arthur Hornblow spent his free time telling me how bad all the parts were.

He then postponed shooting the picture so that Jack Benny could appear in a musical comedy first. I argued strenuously to get him to reconsider, warning him that the studio would lose Benny and a valuable star, which, I sincerely believe, Benny would have been after Never Say Die as then written. But I did not prevail, and again I



had unknowingly bruised the sensibilities of people with long memories.

"That musical comedy must have been either Artists and Models or Artists and Models Abroad [EN: probably more likely the former, as it was released on August 13, 1937 while Abroad came out on December 20, 1938.] After other writers were brought in, Never Say Die eventually came out in 1939 with Bob Hope and Martha Raye. Benny, of course, kept making films for Paramount up until 1940

with Buck Benny Rides Again. It would have been interesting to see what a Benny-Sturges collaboration would have yielded, especially in comparison with all the 1930s films featuring Benny that he himself regarded as sub-par."

Rob Cohen provided a link to a 2008 post by David Allen in his blog with a photo of Jack from 1966 or 1967 in Etiwanda (the Rancho Cucamonga area). Per Gino Filippi, owner of the photo, "The white-haired man opposite Mr. Benny is Tip Browne, GM of the Regina Grape Products Company. I think the event was a promotion



for the grand opening of the Regina Winery Restaurant, 'California's first winery restaurant.'" Jerry Title commented with the following amusing recollection:

Jack Benny...and his wife, Mary Livingstone, would stop occasionally at Ford Lunch while en route to Palm Springs. My mom took my sister and me to Ford Lunch for dinner quite often, and one time we found ourselves behind the Bennys at the cash register.

Jack was famous for smoking cigars, the 50-cent variety, which were quite an extravagance then. Well, Mrs. Ford was at the register, and Jack asked her for a cigar, but from a fresh, unopened box, not from the box on display. She refused to open a new box of cigars when one was already open in the case. Quite a



discussion followed. Benny left without his cigar. I often wondered if he ever ate at Ford Lunch again.

## *Do You Know?*

Shaun Clancy (via Walden Hughes) forwarded two interesting questions for your consideration:

I just finished interviewing a man by the name of Fred Iger who attended a Publishers' dinner at the Waldorf Astoria in New York that his father-in-law, Harry Donefeld, threw for over 200 people in the publishing industry. Harry Donefeld was the owner of DC Comics and Independent News (a publishing company), so the event may have been a private affair just for people from the publishing side of the business. Fred Iger was also a comic book publisher, and wrote five or six scripts for a local New York 15-minute non-live kiddie radio show (that would have been in 1941 or 42).

Fred believes it to be in the late 1950s or early 1960s, and he says Jack Benny was the Master of Ceremonies, and recalls that there was a recording of it done. It was a monologue of risqué jokes. Fred even recalls some of the off-color jokes to this day, and he is 88 years old. Have you heard of this recording before?

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In 1998, animation and radio writer Kin Platt told me that the Benny program needed a quick script, so he was asked to help one of the writers, as that writer couldn't do it alone. I doubt Kin even got a by-line. A comic book friend of his, Sy Reit, had confirmed it at the time and was the one who actually informed me of it. Kin was not very proud of it, as he said it wasn't very good. Do you have any idea which show this might have been?

## *You Do Know!*

Don Yowp provided an excellent rundown of Jack's potential radio appearances prior to his 1932 Ed Sullivan debut in his blog. Thanks to Don for his permission to reproduce it here.

Fans of Old Time Radio have heard the story over and over, how Jack Benny first appeared on radio with Ed Sullivan in 1932, and what his first words were.

That isn't how it happened.

Jack told the story over and over so much, he may have come to believe that's how it happened. Sullivan told it, too. But Jack's radio debut was not on Sullivan's show and was not in 1932. Jack must have known it at one time because he celebrated his tenth year in radio on a special broadcast in 1941. Simple arithmetic dictates that his debut would have been in 1931...September 4th to be exact.

To your right, we see a newspaper column from the Capitol Times of Madison, Wisconsin of September 3, 1931, listing the following day's radio programmes. There you can see Jack as a guest on RKO Theater of the Air. The New York Times of September 4 shows the programme airing at 10:30 PM over WEAJ, flagship of the Red Network of NBC. Also appearing in the hour-long show were Irish tenor Joseph Regan, and Aunt Jemima of Show Boat.

Jack Benny, who has appeared in Madison on the Orpheum theater stage a number of times, will be the guest artist in the RKO Theater of the Air program over NBC and WIBA Friday night at 8:30. Milton Schwarzwald's orchestra will provide the musical background for the program which will be presided over by William Hanley, the narrator.

If you're wondering about the famous Sullivan show, the radio listings of Times for Tuesday, March 29, 1932 show:

WABC 860 Kcs.

8:45 p.m.—Ed Sullivan Comments; Berger's Orch.; Jack Benny, Monologues.

Jack always credited the Sullivan broadcast with raising interest with the folks at Canada Dry who then signed him for his own show. Jack seems to have misremembered this as a result of his first radio broadcast which, as you can see, was not the case at all. And, to be honest, having Ed Sullivan "discover" him made for a better story. [EN: And the Sullivan appearance likely did pique Canada Dry's interest, so the earlier appearances become seemingly irrelevant details to the casual audience.]

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A few days ago, we espoused the opinion on this blog that Jack Benny's first appearance on the radio wasn't in 1932, as he had claimed for many years, and pointed out a 1931 appearance on the RKO Theater of the Air as likely being the first. A search found no evidence of any broadcasts in 1930 (though Tim Lones of the Cleveland Classic Media blog found one) and the grind of vaudeville would almost preclude anything in the '20s.

Turns out we were half right.

Laura Leff...sent a note that she was sure Jack had done some radio in the late '20s in Los Angeles when he was under contract to MGM. So back to the digging we went. And as usual, it turns out Laura was correct. Jack's famous Ed Sullivan show of 1932 wasn't his first radio appearance. But it wasn't in 1931, either.

To the right, you see a clipping from the radio page of the Oakland Tribune of October 9, 1929. At the very bottom, it reads, "Tonight KFRC will have Jack Benny as master of ceremonies for the Mavio [sic] club from 8 to 9. Marie Wells, popular musical comedienne, will sing a group of songs."

~~There will be no world series game on the air tomorrow but the NBC will distribute the Standard School broadcast at 11, as is the custom.~~  
~~Tonight KFRC will have Jack Benny as master of ceremonies for the Mavio club from 8 to 9. Marie Wells, popular musical comedienne, will sing a group of songs.~~

A check of listings in the Tribune and other California papers (unfortunately, I don't have access to any Los Angeles papers of the day) clears up the mystery. The show was called The MGM Movie Club, and it originated from KHJ, the Don Lee network station in Los Angeles. Don Lee owned KFRC in San Francisco and had four affiliates up the West Coast. On August 10, 1929, United Press reported Don Lee was merging his six stations with CBS as of the following January 1st. The Don Lee stations were carrying some CBS programming, but The MGM Movie Club wasn't one of them (at least, the CBS flagship in New York didn't run it, though it would have been a good candidate for a network show). It was a regular show; the previous week featured Basil Rathbone hosting, with Cliff Edwards, Bob Montgomery, and forgotten stars Ethelind Terry, Lawrence Gray, the Three Twins and Catherine Dale Owens.

I don't know any more about the programme or the broadcast itself, though Marie Wells' presence is puzzling as she was under contract to Warner Brothers.

At the time, Jack was about to open in MGM's The Hollywood Revue with just about every star the studio had at the time. No doubt that's what he was pushing on the broadcast. So I won't go so far as to say October 9, 1929 was Jack Benny's first appearance on radio. But we do know it wasn't 1932 as legend would have you believe.

And here's Tim Lones' find: "[The Cleveland Plain Dealer](#) listed something called [Voices from Filmland](#) at 7:30 PM on WHK-1390. The Date: Monday, January 20, 1930."

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**Hello! California!**  
From talkie land come the voices of Bessie Love and Charles King, screen favorites, at 7:30 p. m., WHK lay. That's on Voices from Filmland broadcast. Moviegoers remember these stars for their work in Broadway Melody." In addition, listeners will hear from Jack Benny, comedian; the Biltmore Trio; Burt's Orchestra and the "Fresh Baky Boys."

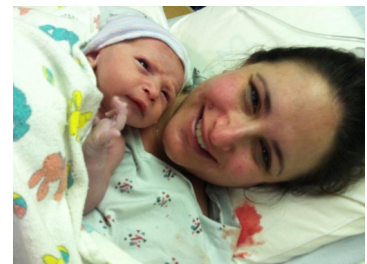


From Perri Harper: "I was looking through old posts in a Houston history forum recently. In a thread about old Houston movie theaters, I was surprised by the attached photo. I did not know the Alabama had opened its doors for the first time with

Jack Benny on the screen! The theater is still intact, but was used as a bookstore for years. Now its fate is in question, hence the forum concerns. Lots of people want to see it back to showing movies. If that happens, they should open with the same movie!

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Norman Jackson let us know that he went to a recent baby naming: Jack Eli Benny Frankel. Pictured at right with his proud mother, Lisa, you can see that he's already working on getting his hand up to the side of his face.





Jimmie Hicks' eagle eye and Los Angeles research has turned up some more fun and interesting clippings about Jack from a couple different eras. Enjoy!

Los Angeles Times, Sunday April 22, 1928

John Payne finally got his orders. His last few dates were with Elyse Knox.... Rehearsals on the Benny program, with Cantor as guest star, were funnier than the broadcast. Being an old-timer, Cantor had his own ideas. Finally, Benny said: "Eddie, just this once, won't you do it the way I want it done?" And you should have seen Mary Livingstone when she muffed a line and Cantor flipped: "Dinah Shore never does that".... When "The Hour Before Dawn"

Los Angeles Evening Herald and Express  
Harrison Carroll, Wednesday, May 5, 1943

Deep gloom in the Jack Benny camp. Bill Morrow and Ed Beloin, Jack's writers for eight years, report for induction on the twenty-ninth. They'll listen to their last air program from Camp MacArthur.

This also will be Benny's last until the fall. He'll play camps during the summer and try to dig up new writers.

\* \* \*

Los Angeles Evening Herald and Express  
Harrison Carroll, Thursday, May 6, 1943  
Incorrect: Only Morrow was drafted.

Los Angeles Examiner  
Monday, April 23, 1928

## *What's Up in Waukegan*

On Jack's birthday, folks gathered in downtown Waukegan at the Jack Benny statue to celebrate their favorite son. The mayor's name will be familiar to many of you: Robert Sabonjian. Not the same one that appeared on Jack's television program filmed at the Jack Benny Junior High School, but his son. Here's IJBFC friend and Waukegan Public Relations Director David Motley dressing Jack for the occasion.



## *Jack Benny Classifieds*

From Lawrence Epstein: "I wanted to let you and members of the International Jack Benny Fan Club know that the E-book edition of my new biography of George Burns has just been published. Here's a link: <http://www.amazon.com/George-Burns-American-Life-ebook/dp/B006Y4EB24/>

## *Treasures from the Warner Brothers Archive*

Many of you will recall that last year, Martin Gostanian and I went to the Warner Brothers Archive in search of conclusive evidence that Jack appeared in Casablanca. Try as we might, we came up with nothing certain.

We divvied up the work this way: I went over the production notes and files for Casablanca, and Martin went over a few boxes of other paperwork related to Jack. As fascinating as the movie is, I confess that Martin probably had the more interesting adventure, and regularly waved me over to see his latest discovery, which then sent me combing my mental archive (and computer notes). What turned up gives more visibility into Jack's 1940s movie career, why he didn't do much after The Horn Blows at Midnight (aside from the relentless joking about its quality), and that mysterious "movie about Jack's life" that is occasionally mentioned on the show and in the trade papers of the time.

We're going back at some point to look at the files specifically on the movies Jack appeared in for Warner Brothers through the 1940s:

- George Washington Slept Here (release November 28, 1942)
- Hollywood Canteen (released December 30, 1944)
- The Horn Blows at Midnight (released April 28, 1945)

We're especially keen to see the see the last of these, since it seems there was a long lag between the time the movie was shot (October 30, 1943 to December 25, 1943) and the date of its release (April 28, 1945). I have seen a couple newspaper clippings that indicate that Jack tried to delay or prevent its release, or even buy the rights to it. But don't quote me on that...give us a chance to get the full story and we'll bring it to you here.

I am going to lay out the findings as a chronological review of the documents that we deemed interesting enough to copy. Some of these are contracts, so rather than bore you with legalese, I will distill down the essence of the agreements in my own words, and add in other context from prior research.

### **Agreement, dated April 30, 1941**

- Jack is contracted to appear in two pictures, one to start shooting September 1, 1941 and the next some time in 1942.
- Salary is \$12,500 per week for a minimum of 10 consecutive weeks per film.
- During the radio broadcasting season, Jack would not be required to work on Saturday or Sunday, or start work earlier than 9:00 AM.
- If shooting is done outside of Los Angeles, travel would be permitted so that Jack could arrive back in Los Angeles by 10:00 AM on the Saturday before his radio broadcast.
- This is worth quoting: "One of the stories to be used by Producer for one of the two pictures shall be the story entitled 'THE WIDOW WOULDN'T WEEP', by Dalton Trumbo, which story Artist [Jack] has heretofore read and approved..." Gosh...Jack doing work by Trumbo and/or Preston Sturges...the mind boggles...
- Another worth quoting—basically that they hadn't officially settled on the other picture to be done, but, "Artist agrees that the play entitled 'GEORGE WASHINGTON SLEPT HERE', by George S. Kaufman and Moss Hart will be agreeable to him as one of the stories to be used by Producer for one of the two pictures, subject to Artist's approval of the screen play based on the above named story..."
- Jack had the right to approve of his costars, director, producer, and production supervisor, "but such approval shall not be unreasonably withheld." (We can all imagine what larger egos might do with this right.) I like the wording on this: "Producer shall only submit the names of so-called 'Ace' or 'Top-Flight' directors for Artist's approval." George Washington Slept Here was directed by William Keighley, who had a long resume that included The Adventures of Robin Hood and, also in 1942, The Man Who Came to Dinner.

- If Jack did not approve of a story, a costar, etc. at least two weeks prior to shooting, they would push out the start date for another two weeks to work it out. However, Warners could also use Jack's lack of approval after 30 days as a basis to terminate the agreement.
- If Jack was required for retakes or added scenes after the 10 consecutive weeks of shooting, he would be paid \$2,083.33 per day for those services.
- "Producer agrees to provide Artist with a 'star' dressing room and also agrees to provide Artist with a 'stand-in' at its own cost and expense." So much for Jack's claims of being in the men's room...maybe that was Paramount. But was there free parking, hmm? Guess we'll see...
- Jack's name would precede the name of all other artists in the picture, and costar names would be in a type size smaller than his name.
- Here's another fun clause: "Artist agrees that Producer shall have the right to 'dub' or use a 'double' under the following circumstances:
  - (a) When necessary to meet requirements of foreign exhibition [think of Jack speaking Italian...gotta love it]
  - (b) When necessary to meet censorship requirements, both domestic and foreign [\$#@\$(#@]
  - (c) When, in Producer's opinion, it is necessary to use a 'double' for the performance of hazardous acts [Jack in the coffee cup in Horn comes to mind]
  - (d) When Artist is not available
  - (e) When Artist is unable to meet certain requirements of the role, such as the rendition of instrumental music, or other similar services requiring special talent." [What, like playing the violin?]
- Half of 1% of each paycheck would be deducted for the Motion Picture Relief Fund of America.
- Jack's agent at the time was still Arthur Lyons. Despite the April date of the agreement, the footer indicates that it was typed on September 9, 1941. Jack was shooting, or close to the commencement of shooting, To Be or Not To Be for United Artists at that time.

**Inter-Office Communication from Steve Trilling to Roy J. Obringer (Assistant Secretary), dated February 25, 1944**

So...what happened to The Widow Wouldn't Weep? Jack and Trumbo? I mean, come on! We want to see it!



By February 1944, Warners had a new contract for two movies to be made with Jack commencing July 1, 1944. However, Warners had a stipulation per Trilling:

The terms, conditions, and salary will be identical with his current contract, with the exception that you will have to set up a clause to cover the submittal of properties as, I believe, the present contract specifies the material we are to use as a basis for screenplay. Perhaps you can consolidate this into one clause so that once we have submitted a property, and he approves it, he will 'consult and work on the script' and not place us in an embarrassing position similar to "WIDOW WOULDN'T WEEP" where, after we purchased a story at Benny's own request, he rejected the screenplay.

Arthur Lyons had suggested that they use verbiage from Jack's contract with 20th Century Fox (he had starred in The Meanest Man in the World for them in the interim, which was released on February 12, 1943) regarding the review of scripts.

**Telegram from Jack Benny to Jack Warner, dated February 7, 1945, 12:41PM**

And ironically enough:

This is to advise you of my approval of the literary property and/or screen play entitled "Chicken Every Sunday" as the basic literary property upon which the first photoplay in which I am to appear for you pursuant to the agreement between us dated May 19, 1944, is to be based. This approval is given pursuant to the provisions of paragraph 5 of said agreement, and is in reply to the submission of said literary property heretofore made by you to me.

Jack Benny

The telegram is sent from Beverly Hills, and is clearly a lawyer's wording—not Jack's—probably commensurate with the terms of the contract. On this date, Jack was likely in or around Waukegan, having performed on the 4th at St. Albans Hospital in New York, and preparing for his next broadcast on the 11th in Glenview, Illinois.

**Inter-Office Communication from Roy J. Obringer to Mr. Espinoza (to transmit via telegram to Jack Benny), dated February 7, 1945**

Priceless...just priceless...sounds like Jack's lawyer was a little behind the curve. Can you just imagine the cursing in the office behind the scenes?

Received your wire of this date wherein you purport to approve of the literary property and/or screen play Chicken Every Sunday as a basic literary property upon which the first photoplay in which you

are to appear for us under the agreement between us dated May 19, 1944 is to be based. We are at a loss to understand the purpose of your wire in view of the fact that you did as of yesterday, February 6, 1945, in a telephone conversation with our Jack L. Warner advise that you would not appear in a motion picture to be produced by us and based on the above literary property. Consequently we have made other arrangements with respect to the use of said literary property Chicken Every Sunday and cannot therefore accept your wire of this date as an approval of literary property contemplated under paragraph five of the agreement between us.

Martin knew immediately that Chicken Every Sunday had indeed been made into a movie starring Dan Dailey, Celeste Holm, Alan Young, Natalie Wood, and William Frawley. It was directed by George Seaton, who also directed Jack in Charley's Aunt and The Meanest Man in the World. However, it was made by 20th Century Fox, and not released until January 18, 1949.

The story is about a woman who takes in boarders as her husband spends their money on a series of silly investment schemes. The story bears a passing resemblance to the original George Washington Slept Here play, where the husband is the one who buys the broken-down shack, much to the chagrin of his wife. Of course, the sexes of the leads were reversed for that movie and are more in keeping with Jack's penurious radio character. Yet one has to wonder what the thinking was on either side for Chicken Every Sunday. And apparently the "other arrangements" made by Warners must have fallen through as well.

**Memo "From the Office of J.L. Warner," dated March 20, 1945**

Trumbo's back! I have to wonder if the above disconnect brought up some of the old bad blood from 1942 and frustrations over Jack approving, and then rejecting, script properties. So about a month and a half later, with copies to Roy Obringer and Steve Trilling:

In a telephone conversation between 12 and 1 P.M. on the above date, between Charles Einfeld and J.L. Warner, the following agreement was made:

Warner Bros. Studios would permit Jack Benny to take all of our material on THE WIDOW WOULDN'T WEEP to work on it with his own writers for the next three or four months at his own expense.

At the end of that time, if Benny had developed the screen play to the point where he would wish to do it as a picture, he was to come to J.L. Warner with this material so that J.L. Warner could determine whether we would want to make the picture with Benny or sell our

rights in the material to Benny so that he could make the picture elsewhere.

We have spent \$81,158 to date on the original story and screenplay. Benny agrees to purchase it from us for that sum plus our overhead charges if we do not want to make the picture and he wants to make it at some other studio.

George, Sam, Milt and Tack reworking Dalton Trumbo material. What would **you** give to be a fly on the wall of the script writing room?

**Inter-Office Communication from Steve Trilling to "Colonel Warner," dated April 12, 1945**

Too soon for Jack to have come up with anything on Widow Wouldn't Weep, but something's in the works...

Arthur Lyons is coming out tomorrow morning to discuss with me both JACK BENNY and IDA LUPINO setup. [Interesting...they costarred in Artists and Models, and were both in Hollywood Canteen]...he claims Benny wants to make a picture in October and has indicated he would like to make a good sensible little picture instead of an expensive one—and he was very much in favor of the idea of being the "co-producer."

Also remember that The Horn Blows at Midnight was on the verge of its release on the 28th of this month, and if the rumors are true, Jack had issues with the picture (maybe the inferred reference of "instead of an expensive one"). So it makes sense that he'd be trying to gain more creative control through being a coproducer.

**Inter-Office Communication from Steve Trilling to Roy Obringer, dated April 16, 1945**

So a few days later, Lyons had made the pitch, and Jack's contract with Warners was extended from ending June 30 to December 31, 1945, plus a term for the full year of 1946. Plus an amusing note that, "Benny further agreed that we should mutually withdraw the submittal and acceptance of the property 'CHICKEN EVERY SUNDAY' and start fresh without any properties on record as being submitted to date on the first year of the contract."

**Inter-Office Communication from Arthur Schwartz to Steve Trilling, dated June 20, 1945**

Awwwwwwwwww.....NUTS!

Jack Benny has just returned to me all the scripts on "The Widow Wouldn't Weep". As you know, he had been considering financing a writer to put the script in such shape that he would make a definite commitment to do the picture. He called me up to say that he was now abandoning that idea because he couldn't find the right writer, and that he was therefore returning the scripts to us.

After he returns from his USO tour, he may want to follow through on his original notion, and, if so, he will let me know.

**Letter from Lloyd Wright of Wright and Millikan to Arthur Lyons, dated October 1, 1945**

And now for something completely different...we've got a big lawyer referring to "the Warner and Fox situation, so far as it concerns Jack Benny." Now, Jack had a contract with Warners, as we know. He had also done Meanest Man in the World for Fox in 1943. However, it now sounds like Jack is thinking of starting his own company with investment from both parties. Wright suggests:

1. To make an investment of \$250,000.00 in Jack Benny Productions, Inc., callable at any time up to three or five years;
2. Agree to execute a release contract for the Jack Benny Productions, Inc. pictures and furnish a completion bond for each.
3. Enter into a studio facilities contract similar to those entered into with other independent producers.

He adds in the bottom paragraph, "This, with the money Jack would invest, together with the bank loan, should launch Jack on his long desired opportunity to engage in independent productions. Obviously, the same pattern would fit Fox." I'm seriously looking forward to seeing what can be found in the Horn files to substantiate a theory of Jack's dissatisfaction leading to this move. I can't prove anything yet.

Arthur Lyons was still in the picture at this point, but in August of 1946, Jack switched to being represented by MCA, and subsequently incorporated Amusement Enterprises on January 29, 1947 to produce the weekly radio program. I have not yet found documentation of "Jack Benny Productions" being actually incorporated, so it is possible that negotiations broke down and there wasn't enough investment, or Jack may have abandoned the idea for various reasons. The answer is out there somewhere. I'll let you know when I find it.

So about nine and a half months go by and...



**Inter-Office Communication from Roy Obringer to J.L. Warner, dated July 19, 1946**

Jack's contract has been offered to be extended by another six months, but no films have been made by him during the term of the current contract. Arthur Lyons communicated that they would do the extension "upon two conditions: first, that we give him a definite starting date for his first picture ALWAYS LEAVE 'EM LAUGHING to start sometime in February, 1947, and secondly, that Mike Curtiz directs the picture." Good choice, Jack. Shades of Casablanca again.

**Letter from Jack Benny to Julius Sinykin, dated September 7, 1946** (from the IJBFC files, not from the Warner Brothers archive)

So Jack is pressing in July for them to start work on this movie, and apparently they finally set a date...kind of...:

Dear Julius:

I am terribly sorry I did not get to see you before leaving Chicago. I had planned to spend the last Sunday and Monday in Waukegan, but I received word from Hollywood to be back here Labor Day as it was very important. They even had reservations for me on the plane, but I didn't want to fly so I managed to get a ticket on the Super Chief at a last minute's cancellation. Was in such a rush packing and everything that I didn't call you, but asked Florence to do so. Hope she didn't forget to. I hope I didn't spoil any of your plans for that week-end.

When I arrived home, I was going right into a picture the next day, but now it looks like we are not going to make it at all, so I could have stayed in Chicago another week if I had known this was going to happen.

Anyway, I will be seeing you sometime during the season.

Love always—

Jack

**Letter contract from (presumably) Roy Obringer to Jack Benny, dated July 17, 1947**

A year later, Jack is now represented by MCA and the following agreement is sealed "with reference to a proposed motion picture to be based upon that certain literary and/or dramatic material tentatively entitled 'ALWAYS LEAVE THEM LAUGHING.'"

- Jack had the right, from the date of the agreement through the end of the year, “to develop, at your own expense, a screen play based upon said material and suitable as a basis for a motion picture with you appearing therein.” Warners would then have the option to produce the picture. If Warners chose to make the picture, they would reimburse Jack for any expenses he had incurred in the development of the screenplay.
- They acknowledge that if they chose to make the picture, Jack may be engaged in making a different picture at 20th Century Fox (or possibly another company). If that happens, they will work to reschedule the start date of filming. If such rescheduling happens twice, then Warners could terminate the agreement with Jack and make the picture on their own with someone else.
- If Warners chooses not to make the movie, Jack could purchase the rights to the property from them within 9 months for \$25,000.
- Jack's salary would still be \$12,500 per week, and the daily rate would be 1/6th of that (same as the 1941 contract). Filming time is now estimated at 15 weeks, as opposed to 10 in the previous contract, but there is not a commitment to a minimum of 10 consecutive weeks.
- This document generally has a lot more legalese in it than the 1941 agreement, while most of the terms are similar. The clause about the star dressing room includes an interesting wardrobe commitment:

Likewise, we agree to provide, at our cost and expense, such character and/or period wardrobe as may be necessary for any character or role to be portrayed by you hereunder, but you agree that you will furnish and wear, without cost or expense to us, any and all necessary modern wardrobe and/or wearing apparel...Any loss of, or damage to, wardrobe furnished by you necessarily arising through the performance of your services or through lack of due care on our part shall be paid for by us.

- If shooting on location, Warners would “furnish you first-class transportation, including drawing room, if available,” and pay all associated expenses. No shooting would be done outside the United States
- Jack no longer has approval over co-stars, and their names can be in type equal in size to his name. Jack would get writing co-credit.
- Warners would not be able to use Jack's voice on radio without obtaining permission from the American Tobacco Company.
- An interesting addition, in conjunction with a *force majeure* clause (i.e., if there's a natural disaster, civil disturbance, or something way beyond

anyone's control, they can suspend the contract): "...we may suspend the operation of this agreement in the event that by reason of mental or physical disability or otherwise you shall be incapacitated...or in the event of your suffering any facial or physical disfigurement...or if your voice or ability to speak be impaired." If the impairment lasts for more than six weeks, Warners could terminate the contract. Jack could also terminate if a *force majeure* event lasted more than eight weeks.

So just what is Always Leave Them Laughing again? (Credit to member Natalie McLain for the New York Times items.)

New York Times April 5, 1946: "Dennis Day, of Jack Benny's Radio program will appear as himself in Always Leave Them Laughing, the Benny film at [Warner Brothers]."

New York Times July 3, 1946: "Also at Warners, Jack Benny is at the studio conferring on Always Leave Them Laughing the projected screen story of his life. Humphrey Bogart will be costarred with Benny, and Jerry Wald will produce the comedy."

November 23, 1947: On the weekly radio program, Jack gets a telegram from Jack Warner that they want to make a movie about Jack's life, and a good bit of the first half features the cast discussing it.

New York Times January 19, 1947: "In a lighter vein [Jerry Wald] is excited about a satire on movie biographies, Always Leave Them Laughing. This will be a picture within a picture, being a story about the filming of the life of a great comedian (Jack Benny) who is the technical adviser on the picture and whose suggestions are brutally ignored by the movie people. 'It's about time we started kidding ourselves.' says Mr. Wald."

The next mention of Always Leave Them Laughing in the Times was on April 5, 1949 as a Danny Kaye vehicle. Then on May 17, 1949, Milton Berle became the lead (with Iris Adrian also in the cast), and the film was ultimately released on November 26, 1949 about a comedian trying to break into the big time. Looks like another film file we'd better pull and see what further treasures await.

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Please send all questions, comments, corrections, and additions to:

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Laura Leff, President

Please, friends, send no bombs.



With Alexis Smith and Guy Kibbee in The Horn Blows at Midnight (but you knew that...)



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**To:**

Address correction requested

ISSN: **1087-6154**