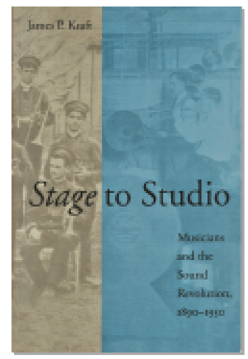
Stage to Studio



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Three

Encountering Records and Radio

SOUND MOVIES WERE not the only challenge facing musicians in the interwar years. Records and radio also provided entrepreneurs new ways of reproducing and disseminating musical sounds and thereby displacing musicians. The story of the record and radio industries in the 1920s and 1930s shows again that the diffusion of new technologies had profound effects on the work environment and market power of musicians, and it clarifies, therefore, the impact of sound technology on labor relations. As music businesses provided ever-increasing audiences with less and less expensive entertainment through greater efficiency and economies of scale, more and more musicians worried about their jobs and careers and challenged those threats as best they could.

WHEN AMERICA entered World War I, four firms dominated the record industry. The Victor Company, whose flat shellac discs were acoustically much superior to the cylindrical recordings pioneered by Edison, was the industry leader. From 1915 to 1917 Victor accounted for perhaps half of all record production and sales, and in 1918 it produced nearly thirty million records. The Columbia Phonograph Company, the Brunswick Company, and Edison's National Phonograph Company accounted for most of the remainder, while a few dozen minor firms shared the rest of the market.[1]

Although many Americans spun these early recordings in handsome Victrola cabinets in their living rooms, most enjoyed them in coin-operated machines in commercial places. Early in the century several thousand of these machines, each consisting of a phonograph, hand crank, horn, storage battery, and mechanisms for accepting coins, were in operation. Despite the fact that they broke down frequently, the machines were highly profitable. In 1906 the Automatic Machine and Tool Company of Chicago, apparently the most successful manufacturer of coin-operated phonographs, introduced a successful cabinet model featuring a selector and record changer that gave listeners a choice of recordings. "Slot parlors," which featured up to eight or ten of these phonographs as well as other coin-operated devices, suddenly became important locales of public entertainment.[2]

Despite the sophisticated look of this forerunner of the jukebox, the phonograph provided only limited competition to coin-operated player pianos, to which it was acoustically inferior. At the turn of the century the Aeolian Organ and Music Company produced about seventy-five thousand player pianos a year; but it was the Wurlitzer Company of Cincinnati that, in 1898, introduced the coin-operated version. In 1910, after dozens of other firms had produced their own models, Wurlitzer advertised fifty different player pianos, at prices ranging from $1,500 to $10,000. Proprietors of cafés, bars, skating rinks, bowling alleys, and other such places found these "nickel-grabbers" profitable. Within six months of purchasing one of them, some proprietors reported a return on their investment of as much as 100 to 300 percent. In the early twentieth century, when a few familiar songs like "After the Ball" and "Maple Leaf Rag" could keep an audience happy, player pianos filled many commercial needs.[3]

Critics at the time believed that such devices trivialized the musical experience and degraded its moral and aesthetic value. Recorded music, they warned, would homogenize musical culture at the expense of distinction and art. Such critics were no doubt in part concerned that recordings were helping to bring forms of "disreputable" music into mainstream culture. In the early twentieth century, though many, perhaps most, consumers still favored traditional folk or classical music, growing numbers preferred the newer and less socially acceptable sounds of blues, jazz, and even rag. Columbia's 1923 recording of "Down-Hearted Blues" by singer Bessie Smith, one of the highest-paid African Americans in vaudeville, sold 780,000 copies. The recordings of jazz pianist Thomas "Fats" Waller, who established his reputation as an organist at the Lincoln Theater in Harlem, were also big hits, especially his "Honeysuckle Rose" and "Ain't Misbehaving." But the relationship between technology and culture these examples illustrate was an interactive one. The popularity of certain musical styles determined the kinds of music the industry produced and marketed.[4]

Recordings had important implications for musical education, and thus for musical culture. Most notably, they made aspiring musicians less dependent on traditional sources of training: family members, private teachers, and music schools. Ambitious youths could learn to play by listening to recordings over and over again. One cornetist, Jimmy McPartland, explained that he and his high school friends learned to play jazz that way. "We'd have to tune our instruments up to the record machine, to the pitch," McPartland recalled, "and go ahead with a few notes. Then stop! A few more bars of the record, each guy would pick out his notes and boom! We would go on and play it." That this was not a unique experience is suggested by the fact that some prominent musicians were reluctant to make recordings lest other instrumentalists use them to duplicate their style. In 1916, for example, Victor offered to record Freddie Keppard's Original Creole Band, only to be told, "We won't put our stuff on records for everybody to steal."[5]

Instrumentalists who did make records discovered at once that recording was quite different from other forms of performing. A recent collection of interviews with musicians has shed light on just how the new sound technology affected musical performance. Ernest L. Stevens, a pianist employed by Edison, told his interviewers that making records was stressful work: "If you were making a record, you had to be so careful." Sometimes, Stevens said, "I'd go all the way through, make a perfect record . . . and about a second before the end my finger would slip," and "the whole recording would be thrown out." Stevens's tenseness was a product of his boss's demand for precision. "I shook like a leaf for the first record," he recalled, "and I did the same thing for the six hundredth." Other musicians thought recording stifled creativity. Violinist Samuel Gardner, for example, who worked for both Edison and Victor, explained that performing close to a horn was difficult: "We had to stand sideways so that the sound went into the horn, and you had to avoid striking the horn." Playing under such conditions, he added, "was an awful battle."[6]

Earnings from recording work varied widely. Until local unions fixed wages in record companies, instrumentalists took whatever they could get. In 1911 Samuel Gardner earned $10 for each of the few days a week he worked for Edison. Although he was often at the studio ten hours a day, he spent much of his time waiting for the busy inventor to focus on music projects. At Victor several years later, Gardner received $35 for each selec-

Musicians at work at the Okeh Records recording studio, circa 1925. The primitive microphone, a large horn visible at the rear of the studio, called for forceful playing. Okeh turned out a series of jazz records that featured now-famous musicians and singers like Louis Armstrong and Bessie Smith. *(Bettmann Archive)*

tion he recorded. In contrast, recording stars, of whom the biggest was Enrico Caruso, the "Greatest Tenor of Modern Times," made fortunes. In 1904, when orchestral recordings were still rare, Caruso signed a contract with Victor that paid him $4,000 for ten "sides" of records.[7]

Musicians soon began to wonder whether recordings of popular artists and songs would undermine the demand for live music. For a time, however, recorded music was too scratchy to pose a serious threat, even though it played in commercial places and offered a few performers a way to supplement their income. Joseph N. Weber, president of the American Federation of Musicians, told AFM conventioneers in 1926 that the phonograph had boosted public appreciation of music, and with it employment opportunities for musicians. "Instead of proving a development calamitous to our profession," he explained, "[the phonograph] has rather proven a boom." Recorded music reached the "smallest hamlets" of the country and in so doing advanced "the love of music among people" as well as "employment opportunities of musicians."[8] But the continued improvements in the quality of sound recordings concerned even Weber. Technicians at Western Electric had recently learned to convert sound waves into electrical impulses, which they then amplified and applied to the recording process. The advent of electrical recording, with its complex microphone and wire systems, produced recordings of unparalleled clarity and range. Manufacturers with heavy investments in traditional recording methods viewed the new technology with concern, but the fledgling radio industry adopted it at once. By the early 1920s, as a result, radio was offering sound reproduction of sufficient quality to attract rapidly growing audiences.[9]

FROM THE OUTSET, radio broadcasters used music to attract listeners. In fact, music was part of the first radio broadcast. When a former Edison employee, Reginald Fessenden, made his famous "continuous wave" transmission from Brant Rock, Massachusetts, on Christmas Eve in 1906, he featured a violin solo by himself. Other experimental broadcasters were soon transmitting performances of well-known vocalists and instrumentalists. But pioneers in radio did not rely solely on live performers; they also broadcast phonograph records and recordings of player pianos. Initially, then, live and recorded music complemented and competed with each other over the radio airwaves.[10]

The first commercial radio stations, however, used little recorded music. Because early recording technology depended on lung power, early phonograph records sounded tinny and amateurish in comparison with live performers. Radio audiences therefore much preferred live performances. In 1922, in apparent endorsement of that preference, the Commerce Department, to which the Radio Act of 1912 had given regulatory power over the airwaves, prohibited for-profit stations from broadcasting recorded music, including the music of player pianos. Justifying the prohibition, Secretary of Commerce Herbert Hoover reminded broadcasters that the airwaves belonged to the people and the public good demanded that radio stations use local talent and educational material. One of the responsibilities of publicly licensed broadcasters, Hoover maintained, was to create jobs in local communities. Broadcasters felt that they had no choice but to submit to Hoover's edict, for in the aftermath of the government takeover of the railroads during World War I, the fear of a takeover of radio as a public utility was understandably strong. As if to concentrate that fear, Congress had before it several proposals to nationalize radio.[11]

While all radio stations still shared the same wavelengths, as they did initially, local instrumentalists and musical groups performed on local programs across the nation. Radio audiences heard their performances interspersed with local weather reports, local and sometimes national sports scores, and children's programs. Schedules advertised in newspapers in 1924 helped audiences pick up live concerts. On Tuesday, February 3, for example, the *New York Times* advertised the weekend programs of more than forty stations, almost all of which included musical performances. On the following Sunday audiences on the East Coast might have heard the Meyer Davis Orchestra from WFI in Philadelphia or the Colonial Orchestra from WEAN in Providence. In the Midwest the available fare included music by the Rock Island Railway Orchestra from WOC in Davenport and the sounds of a "mixed quartet" from Zion, Illinois. Station KHI in Los Angeles scheduled four live concerts from eleven A.M. to three P.M. including one by the popular Coconut Grove Orchestra.[12]

The memoirs of singer Dorothy Stevens Humphreys, one of the first radio performers, illustrate the nature of early radio broadcasting. Humphreys began a long and successful career in radio in Columbus in 1920, when she was twenty-one years old. She later recalled her early experience:

> One day the phone rang and I was asked if I would like to be the first woman singer on the new stations? Would I?!!! But what would it be like? How did they do it? I wasn't the least bit afraid—just curious and excited. The day came! At WBAV—owned by the Erner and Hopkins Electric Company—I was ushered into a room, where the walls were completely covered with heavy burlap and near the piano was an odd looking contraption—a large wooden chopping bowl with something in the center (a microphone) on a metal stand. I was to stand in front of it and on signal—sing. . . . We did a half hour program and were quietly ushered out. It was over—but did anyone hear it? They did! The calls and mail [were] the answer to that—and my family just couldn't believe it—they had heard my voice coming over the air![13]

After this performance Humphreys sang for a second Columbus station, WCAH. "I sang in the [station owner's] living room," she recalled. "The music went over a telephone wire to the garage in the alley where the radio equipment was." The experience was a "glorious privilege," she said later, one that filled her with a sense of "great joy and fulfillment." Subse-

On the air at WJZ, New York, 1922. The first radio broadcasts sent the live performances of singers and pianists into the homes of thousands of set owners. At the microphone stands soprano Luellea Melins. WJZ became the flagship station of the National Broadcasting Company's Blue Network—later, the American Broadcasting Company. *(Bettmann Archive)*

quently Humphreys worked for three other Columbus stations, and eventually she performed on eight programs a week. Her accompanists ranged from a fourteen-piece orchestra to a string quartet, a musical duo, and occasionally a single pianist.[14]

Like Humphreys, other early performers found broadcasting novel and exciting. In fact, when station owners refused to pay them, as they usually did in the early years, musicians and singers worked for nothing. Broadcasters maintained that the publicity the artists received was compensation enough for their services. Radio appearances did in fact boost the careers of musicians, especially singers and bandleaders. Nevertheless, broadcasters soon found it necessary to pay performers. The first pressure to do so came from the American Society of Composers, Authors, and Publishers (ASCAP), which songwriters and music publishers had formed in 1914. In the early 1920s, when royalties from the sale of records and sheet music were declining, ASCAP set out to make up the loss through radio, which was already the principal outside source of family entertainment. Accusing broadcasters of violating copyright laws, ASCAP threatened to sue stations that refused to pay royalties to the owners of the songs they aired, and it placed advertisements in trade journals portraying recalcitrant broadcasters as new exploiters of labor.[15] The pressure paid off when David Sarnoff, president of Radio Corporation of America (RCA), the leading manufacturer of radio sets, called radio "a niggardly buyer" of musical talent and suggested that the future of broadcasting depended upon musicians being paid. "Radio must pay its way," Sarnoff said in early 1924, "as [do] thousands of theaters, dance halls, and cabarets."[16]

AFM locals endorsed Sarnoff's view and began demanding wages for radio work. Kansas City musicians were among the first to notify broadcasters that union members would no longer perform without pay, and thanks to union control over musical services there, instrumentalists began earning $4 each per radio appearance. "Prefer[ring] pay to glory," musicians in Chicago also refused to play without pay. "Radio broadcasting," they proclaimed, "has developed to such an extent in the past year as to become a serious menace to the professional musician." The Chicago union demanded that broadcasters hire orchestras on the basis of three-hour periods. As a result, in late 1924 Chicago musicians were receiving $8 each per radio engagement, regardless of whether they played three full hours.[17] James C. Petrillo, president of the Chicago local, explained the reasoning behind the union demand: "We are forced to this action by the falling off in demand for orchestra and band music since broadcasting has become popular." The public, Petrillo complained, instead of going to live performances, was staying at home and listening to radio. "People sit back in their homes and enjoy our performance," he reasoned. "Parties enjoy dancing to the faraway invisible orchestra. This is all right, but if it brings unemployment to our ranks we are justified in levying a moderate fee for our protection."[18]

To secure their position in radio, musicians' unions began demanding that stations hire orchestras of their own, sized according to station wattage, which largely determined audience size. The most powerful stations were asked to employ bands of at least twenty-three pieces, while the smallest stations could hire as few as two musicians. To enforce the demand, locals prohibited their members from performing for uncooperative broadcasters. The union monopoly on musical services and the dependence of radio on live performances ensured compliance with the demand.[19] This system guaranteed musicians steady work in radio. Buoyed by it, bandleaders began signing yearlong contracts with broadcasters, and the resulting radio orchestras earned handsome wages working twenty to thirty-five hours a week, forty to fifty weeks a year. At a time when the average wage earner in manufacturing made less than $125 a month, radio musicians were earning as much as $250. By 1925 more than five hundred radio stations across the country were providing staff musicians better-than-average wages as well as playing time to improve and to advertise their skills.[20]

The popularity of staff orchestras increased as radio adopted "toll" broadcasting, a format by which broadcasters passed some of their programming costs to advertisers. Station WEAF in New York, owned by American Telephone and Telegraph (AT&T), introduced this format in 1922, when it offered commercial advertisers airtime at the rate of $100 per ten minutes. The format quickly evolved into commercial sponsorship of half-hour musical concerts by WEAF musicians, and broadcasters around the nation were soon following the example. On WJZ in New York, to illustrate the pattern, the Wanamaker Organ Company sponsored weekly organ concerts, while in Dallas the Magnolia Petroleum Company did likewise for a program of live dance music on WFAA. By 1925 more than 160 of the nation's 561 radio stations had commercial sponsors for at least some of their programming. Musicians thus benefited as advertisers came to rely on radio orchestras to generate consumer demand for their products.[21]

As business sponsorship increased, improvements in radio technology accelerated the rising popularity of the broadcast medium. Better amplification of loudspeakers improved the quality of sound and eliminated the need for audiences to wear cumbersome headphones, and soon receivers could be plugged into ordinary electrical circuits, thus eliminating the need for batteries. The dramatic drop in the price of radios further boosted the medium. In 1924 a radio cost more than $200, but only three years later Sears, Roebuck was selling Silvertone models for $34.95, and nearly ten million Americans owned radios. These developments increased not only radio sales but the number of radio stations as well. As long as stations broadcast meaningful amounts of live music, this meant additional jobs for musicians.[22]

What all of this suggests is that throughout the artisanal stage of the radio industry, musicians had great influence over broadcasters and broadcasting policy. The poor quality of recordings made live music indispensable to broadcasters, and broadcasters themselves were unorganized and in no position to resist musicians' demands. Under these market conditions, unions shaped hiring patterns, job classifications, wage scales, and working conditions in the industry. Two union demands were especially effective in producing and sustaining this outcome: minimum wage scales and minimum orchestra sizes.

Changing circumstances soon threatened this outcome. Especially troubling for instrumentalists were the appearance and sudden proliferation of remote-control broadcasting. Broadcasters made "remotes" by running wires to hotels, theaters, dance halls, and nightclubs where transmitters picked up live musical programs and broadcast them over radio. This practice gave broadcasters access to new pools of talent, but it also reduced the need for staff orchestras. Places featuring live music gladly permitted remote broadcasting of the programs, for it meant free advertising, often on a national scale, and musicians in search of exposure welcomed the opportunity to get their music broadcast at no charge to themselves. To protect staff orchestras, local unions had to control remote broadcasts. Thus, in Chicago the union began permitting remotes only on stations employing staff orchestras. In many smaller cities, however, that option was not available to union locals.[23]

A more serious threat to radio musicians arose when stations in different localities began broadcasting programs simultaneously. In the early 1920s broadcasters discovered that news, sporting events, and musical programs emanating from one station could be carried by telephone lines to other stations, and thereby be transmitted to audiences far from the site of the broadcast. WEAF in New York and WNAC in Boston first demonstrated this technique, in 1923, when they simultaneously broadcast a five-minute saxophone solo. Soon thereafter a chain of twelve stations linked themselves together to broadcast one of the nation's first commercially sponsored shows, the *Eveready Hour.* In 1925 a chain of twenty stations simultaneously aired a speech by President Calvin Coolidge.[24] These developments enabled Americans to hear of national events as they happened, but they also threatened the livelihoods of many musicians. Events in Boston in 1924 illuminated the problem. There, three thousand people had bought tickets for a concert featuring the renowned violinist Frits Kreisler when a local radio station announced it would broadcast the concert live.

As a result of the announcement, more than half the ticket holders asked for refunds.[25]

At the 1926 convention of the AFM, president Weber addressed the growing concern over the impact of radio on employment. Radio, he predicted with typical optimism, "will broaden the knowledge and desire of the people for music, hence will ultimately increase the employment of musicians." Asked whether broadcast music might not replace live music, Weber responded in the same vein. "Radio services cannot always be had when wanted," he said, and would in any case be impractical "where the rendering of a set program is necessary at a certain time." He assured the convention that "no transmitted musical service will everlastingly displace the desire of the public for personal services rendered by the artist in the presence of the public."[26]

The rapid rise of radio had already cast doubt on Weber's assessment. Even as he spoke, the sudden appearance of a new national network linking radio stations from coast to coast was overshadowing all previous developments in the industry. This revolutionary innovation was a product of aggressive new strategies of both integration and diversification on the part of RCA. In 1926 RCA purchased the powerful New York station WEAF and created a subsidiary, the National Broadcasting Company (NBC), to transmit the station's commercial programming to broadcasters that affiliated with NBC. The toll-broadcasting format dictated the economics of the programs thus broadcast; NBC, however, paid affiliated stations between $30 and $50 for each commercial program they broadcast. By linking stations across the country, this arrangement created the largest, most effective advertising medium the world had ever known. In 1927, advertisers paid NBC about $7 million for its services.[27]

RCA followed up this success with a second network built around another powerful New York station, WJZ. By creating the second system, called the Blue Network because of the color of the markers that charted its affiliated stations on a map, RCA hoped to capture both ends of the music market. The Blue Network featured nonsponsored programs that appealed to middlebrow and sometimes highbrow listeners who preferred cultural or educational programs having little popular—or commercial—appeal. The network carried such things as concerts of symphonic music performed by staff orchestras, which NBC funded but whose costs it partially covered by charging affiliated stations $50 to $90 an hour for broadcast rights to them. Some stations received programming from the original Red Network as well as the newer Blue Network.[28]

Independent stations immediately recognized the value of network affiliation. The networks provided them with vastly improved programming, which in turn increased the size of their audiences and encouraged businesses to market their products on radio. Advertisers willingly paid higher fees for the chance to place advertisements between network shows. Network programming also gave stations time to develop programs of their own, programs that occasionally attracted national sponsors and thus added revenue and prestige. But in doing these things the networks notably reduced the need for local performers, including musicians. In 1930 NBC had more than seventy affiliates and net profits in excess of $2 million.[29] The future for most radio performers obviously lay with the networks.

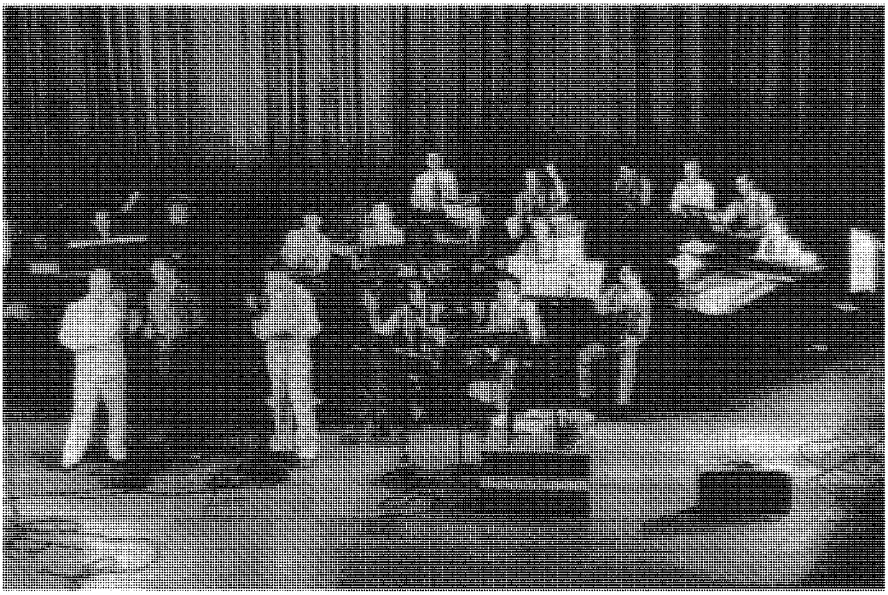
The success of NBC prompted the creation of two competing networks. The more important of the two emerged in 1927, when William S. Paley of Philadelphia purchased two regional broadcast alliances and merged them into the Columbia Broadcasting System (CBS), with WABC in New York as its flagship station. The immediate success of CBS resulted largely from Paley's innovativeness. With no income from the manufacture of radio sets to offset his broadcasting costs, Paley adopted aggressive strategies to attract advertisers while he revolutionized the relationship between the network and its affiliates. CBS provided nonsponsored programs to affiliates free of charge in exchange for the right to preempt their "prime" airtime in the early-evening hours. Once a show obtained a sponsor, CBS paid affiliates to carry it. One advantage of these formulae was that they immediately guaranteed advertisers specified time slots, which brought greater predictability to marketing. As for program content, CBS consciously adopted a popular, lowbrow approach. It presented the music of popular bandleaders like Paul Whiteman and equally popular comedy acts and soap operas. As a result, CBS quickly became the second largest network, with nearly eighty affiliates in 1931.[30]

The third major network appeared in 1934, when several large independent stations pooled their resources to form the Mutual Broadcasting System (MBS). Unlike NBC and CBS, Mutual was not itself a corporation but a federation of independent stations that exchanged programs. Each station agreed to create its own programs, secure sponsors for them, and share the programs with other federated stations. Because NBC and CBS had already signed the largest and most profitable stations, Mutual looked for affiliates among small stations, including those in small cities outside the populated areas of the East Coast. Some Mutual "quasi affiliates" also affiliated with NBC or CBS. In the late 1930s, when more than a hundred stations were regularly broadcasting Mutual programs, the network's key stations were WOR in Newark, New Jersey, WGN in Chicago, WLW in Cincinnati, WXYZ in Detroit, and KHJ in Los Angeles.[31]

The rise of MBS completed an industrial structure that remained undisturbed until the early 1940s, when federal regulators forced NBC to divest itself of the Blue Network, which became the American Broadcasting Company (ABC). At the center of this structure were the three major networks, which owned and operated a handful of key stations in major cities. Leasing telephone lines and transformers from AT&T, the networks sent their programs to some three hundred affiliates, which used the programs to supplement their own locally produced shows. On the periphery of the system were roughly an equal number of low-powered unaffiliated stations. Some of the latter broadcast from rural areas and catered to the concerns of farmers or regional audiences, while others had ties to universities or civic organizations and operated on a part-time basis. Most of them relied on news reports and recorded music and seldom, if ever, featured performances by local musicians. Many were outside the jurisdiction of musicians' unions.[32]

By the early 1930s, then, radio had moved beyond its artisanal stage. It was no longer an industry of fledgling stations struggling to keep abreast of technological innovation. It had instead become an oligopolistic industry dominated by a small number of large, integrated firms competing in a national market. These firms were monuments to the efficacy of financial and bureaucratic efficiency. In 1935 the central administration of NBC included departments of management, engineering, programming, sales, and traffic subdivided into eastern, central, and western divisions. There were also special departments, including promotions, station relations, and public relations. The key stations in the NBC network were themselves multidivisional firms. The money that flowed to network headquarters in New York best exemplified the magnitude of the firm's operations. In the midst of the Great Depression, 1935, NBC had eighty-seven affiliates, gross receipts of $26.7 million, and net profits of $3.6 million. It was only one of the subsidiaries of RCA.[33]

The triumph of network broadcasting took place against a background of economic hardship and social despair. Beginning in the early 1930s, the industrialized world was in the throes of a deep and persistent depression. From 1929 to 1932, stock prices on the New York stock exchange fell by approximately 75 percent, while the value of goods manufactured dropped 50



Crooner Rudy Vallee and his Connecticut Yankees performing in New York in 1932 for one of NBC's most popular commercially sponsored shows, the *Fleischmann's Yeast Hour.* Standing left to right are Chic Johnson, Ole Olsen, and the ever-popular Vallee himself. *(Ole Olsen Collection, Cinema–Television Library, University of Southern California)*

percent and several thousand banks and countless numbers of other businesses failed. The ranks of the unemployed swelled accordingly, from 3.2 percent of the nonfarm workforce in 1929 to more than 25 percent by 1933. In many jobs wages fell so low that workers who continued to work had difficulty surviving. In such a context, the economic performance of the radio industry was all the more remarkable.

Talented musicians in media centers were among those who prospered in the new corporate setting in radio. In New York, Chicago, Los Angeles, Detroit, Cleveland, and a few other cities where network programs originated, musicians found expanded opportunities. *Variety* testified to the changing times: "While musicians and musical organizations in general are fighting the mechanical age in the music biz, a select few are praying for it to stick. These are the radio musicians." Some instrumentalists in New York were earning up to $800 a week, playing for so many shows that cabs had to rush them from one studio to another. "I saw it!" recalled the wife of one musician. "They'd run from NBC and change their jackets on the way. They had guys who'd carry their horns and everything and get them on to the next show. This went on and on. They were making money like millionaires."[34] By 1935, when network broadcasting was in full bloom, more than one thousand musicians were making their living in radio. In addition, advertising agencies and program sponsors provided single-engagement work for many others. For most "commercial" programs, the networks and advertisers secured the services of well-known bandleaders and orchestras. In fact, NBC organized the Artists Bureau and Concert Service to ensure the services of star performers for its programs.[35]

George Olsen was one of the first bandleaders to realize the potential of network programming. Having established a reputation in vaudeville in New York, Olsen had the honor of conducting his orchestra on NBC's inaugural broadcast, on November 11, 1926. In the aftermath, Olsen was hired at a salary of $2,500 a week to conduct his orchestra on a weekly program on NBC sponsored by Canada Dry. The Olsen orchestra, which featured his wife, Ethel Shutta, as vocalist, thus became familiar to millions of Americans. Olsen opened the performances with "Beyond the Blue Horizon" and closed them with "Going Home Blues." The popularity of his NBC program helped Olsen secure work outside radio for years thereafter, in some of the nation's most popular theaters, hotels, and dance clubs.[36]

Network radio popularized many bandleaders and orchestras by remote broadcasting. In the mid-1930s remote broadcasts of bands like those of Fred Waring, Guy Lombardo, and Ben Bernie were among the most popular programs on radio. NBC and CBS carried remotes nightly at that time, from eleven P.M. to one A.M.. while Mutual did so from eleven to two. Bandleaders featured on these broadcasts typically translated the free publicity and exposure into more jobs at higher wages. So valuable did remote broadcasts become for the bands and their leaders that some of them accepted lower wages in order to play in places with remote outlets.[37]

Remote broadcasts helped give rise to the swing era, a distinct and exciting time in the history of American musical culture. Throughout the 1930s and 1940s, and especially between 1935 and 1945, several dozen nationally known "big bands" of ten to twenty pieces traveled across the country performing for a night or a week or two in hotels, dance clubs, and other such places. The typical bands played swing, a blend of rapid rhythmic beats and New Orleans–style jazz whose melodic sophistication preserved the improvisation that made jazz so popular with artists and au-

The Duke Ellington Orchestra recording in New York, 1937. Recording technology continued to improve during the 1930s, greatly expanding the audience for and the popularity of dance bands. *(Courtesy of Ray Avery)*

diences alike. The melodic riffs of horn sections were especially distinctive in much of this music. Benny Goodman's rendition of "Stompin' at the Savoy," Duke Ellington's "Take the 'A' Train," and Glenn Miller's "In the Mood" are classic examples of swing.

Traveling with the big bands was often exciting, but working conditions were frequently anything but glamorous. The bands sometimes played six or seven one-nighters a week, each in a different city. At the most hectic pace, musicians barely had time to shave before performances or to eat afterward. They often returned to the bus after a three- or four-hour performance only to have to travel through the night to the next job. On the road, musicians complained of bad food, lack of sleep, and a host of other inconveniences. Frank Sinatra, who traveled with the Harry James Orchestra for a while, recalled the routine: "There's nothing to beat those one-nighter tours, when you rotate between five places around the clock—the bus, your hotel room, the greasy-spoon restaurant, the dressing room (if any) and the bandstand. Then back on the bus to the next night's gig, maybe four hundred miles away or more."[38] But it was tours like this that

Remote broadcast of the Nat "King" Cole Trio, Hollywood, 1941. During the 1930s and 1940s radio stations relied on live music to attract audiences, especially during the late-night hours. KFWB picked up this performance of the soon-to-become-legendary Cole playing piano at Music City on the corner of Hollywood and Vine. Wesley Prince on bass and Oscar Moore on guitar accompanied Cole. Standing in the back of the room, at the upper left of the photograph, was Glen Wallich, founder of the nightspot—and of Capitol Records. *(Courtesy of Jerry Anker)*

made Sinatra, as well as other crooners like Rudy Vallee and Bing Crosby, a national star, first on radio and then in the movies.

Vocalists like Sinatra occupied a pivotal spot in the musicians' world. Indeed, they defined the era in terms of popular music. Popular singers added personality and even sex appeal to musical performances, and thus enhanced a band's value in the leisure market. During road trips vocalists often took on added responsibilities, such as caring for the music library or making travel arrangements. One reason for these additional chores was that singers had no union, and as a result they had less control over the conditions of their work and the wages they received. In fact, many of them worked for lower wages than the sidemen who accompanied them.

Vocalists learned to expect and deal with such problems as out-of-tune pianos, overly loud bands, poorly keyed arrangements, and inferior public-address systems. Big bands often featured female vocalists, some of whom—Doris Day, Peggy Lee, Dale Evans, Lena Horne, Ella Fitzgerald, and Billie Holiday—became stars in their own right. In a predominantly male business, female vocalists faced their own challenges, among which loneliness, male chauvinism, and the difficulty of ironing a dress in a moving bus were characteristic. Doris Day, who sang for the Barney Rapp and Les Brown bands, recalled the traveling experience from a woman's point of view. "Being on the road is not easy," she said, "especially for one girl among a lot of guys. There's no crying at night and missing mama and running home." Day nevertheless believed that her experience on the road had made her a "stronger," more "disciplined" performer. Like Day, many vocalists who began singing during the swing era remained stars long after that era passed.[39]

Big bands made up of black musicians confronted the challenge of traveling in segregated regions of the country where racism was blatant, even dangerous. "In those days you went South at the risk of your life," one black instrumentalist recalled. Perhaps the most popular of these traveling bands was led by the charismatic Cab Calloway, one of the few African Americans who appeared regularly on network radio. When Calloway's New York–based group toured Texas in 1935, it found itself in several perilous situations, especially at dances with mixed audiences. Bassist Milt Hinton toured with the band and recalled the experience: "At those dances the prejudice was terrible. Some [whites] would say, 'I'd pay a three hundred dollar fine just to hit one of those boys.'" On more than one occasion, Hinton said, promoters had to take band members to a private room, "to keep the people from getting at us." Racism was equally pronounced in parts of the Far West. "Going west was the same as being in Georgia or Mississippi," reedman Garvin Bushell said. "You couldn't stay there, couldn't eat there, couldn't go out."[40] Indeed, many experiences that white musicians found manageable, like getting food and hotel accommodations, black musicians found problematic.

STRUCTURAL CHANGES in radio presented musicians outside media centers with especially serious challenges. Network programming meant that superior players in a few large cities provided better music for listeners across the country than local bands could provide for those in their communities. Musicians in St. Paul (Minnesota), St. Petersburg (Florida), and other places across the country considered network broadcasts a form of unfair competition. Local stations, they complained, used network programs to avoid hiring local musicians, and thus to eliminate local orchestras. At the AFM convention in 1932, delegates from Local 77 in Philadelphia warned that musicians must control network broadcasts or else the "hook-up process" would reduce radio work for musicians to that of "a few highly trained specialists in two or three of our large cities."[41]

Other structural changes in the industry compounded the problems of musicians outside national media centers. The Radio Act of 1927 created a presidentially appointed Federal Radio Commission (FRC) to regulate use of the airwaves. Although unions, among others, could challenge the commission's decisions in courts, in fact they rarely did so, in part because the commission had the major voice in deciding who received new and renewed broadcast licenses. Unfortunately for musicians, the commission let lapse the policy forbidding commercial stations to use recorded music in programming. The commission agreed that radio had a responsibility to hire and foster local talent, and it even secured pledges from veteran as well as would-be broadcasters that they would not fill the airwaves with recorded music. But in practice the commission did not question programming policies. In fact, most commissioners accepted the broadcasters' own argument that local talent could not meet the standards of quality their audiences demanded. "It is true," the FRC stated, "that in the smaller communities which do not have adequate original program resources, the use of phonograph records may fill a need." The commission asked only that "mechanical reproductions" be identified as such. When the Communications Act of 1934 transferred regulatory power to the new Federal Communications Commission (FCC), the new agency continued to issue and renew licenses with little regard to local programming policies.[42]

For a time, trends in the record industry softened the impact of these developments. Although the industry had shown new signs of life in the mid-1920s when electricity and microphones made their way into the recording process, the Great Depression reversed the industry's growth. Between 1929 and 1933 the number of records sold annually fell from approximately 100 million to 10 million, and in the latter year recording companies manufactured only 2.5 million records.

But as sales and production plummeted, new developments transformed the business of recording and speeded its recovery. In 1929 RCA bought control of the financially troubled Victor Company and brought more sophisticated technologies as well as new management skills to the record industry. Over the next few years RCA-Victor introduced and popularized electrical recording as well as slower-turning, longer-playing, and more flexible discs. The company also fostered the development of efficient coin-operated music machines. Holding twelve to twenty-four records that distributors could easily—and therefore frequently—change, the jukebox quickly superseded the player piano as the nation's favorite source of cheap musical entertainment. In 1935 six companies produced a total of 120,000 of these machines. Jukebox operators quickly became the best customers of record manufacturers, purchasing roughly a third of all records sold in the mid-1930s. The formation in 1934 of the Decca Company, which specialized in the production of inexpensive (35-cent) records, coincided with and contributed to the rise of the jukebox business.[43]

Decca's inexpensive records played a key role in the popularity of swing music, which soon became a boon to all facets of the record industry, but especially to the jukebox business. Across the country thousands of hepcats and bobbysoxers pumped nickels into jukeboxes and jitterbugged to recorded swing music. By 1935 the craze had induced the industry to introduce long-playing records.[44] Again, cultural and technological changes coincided and reinforced each another. Technical innovations in recording encouraged new musical styles and dance steps, which in turn reshaped production technology.

By popularizing new recordings and musical styles, the jukebox further enhanced the star value of bandleaders and orchestras. Tommy Dorsey, whose up-tempo band was popular throughout this era, acknowledged the importance of the jukebox in his rise to stardom. "It's the sale of the records that makes a band," Dorsey explained, "and it's the jukeboxes that use the most records. These kids come out for lunch or recess and they pack into these soda parlors feeding nickels into the jukeboxes." The music machines, Dorsey recognized, drew large and enthusiastic audiences to his and his band's performances. To other musicians, however, the jukebox was a threat. In bars, dance halls, ocean-liner saloons, and countless other places where instrumentalists had once worked, coin-operated music machines became profitable alternatives to live performers. The precise step-by-step effect of jukeboxes on musical employment has never been documented definitively, but by the early 1940s AFM leaders believed that the machines had already cost musicians at least eight thousand jobs.[45]

The development of electrical transcription (ET) represented another technological advance with problematic consequences for working musicians. ETs were slow-spinning sixteen-inch discs sold only to radio stations. The Vitaphone Company's Harold J. Smith, who invented these discs, designed them to accompany silent movies, but they soon became more valuable to radio stations than to movie houses. With fifteen minutes of programming on each side, the discs gave broadcasters complete musical concerts to substitute for live local performances and even for network programs. The popularity of transcriptions, however, lay in the advantages they offered advertisers. Working with advertising agencies, transcription manufacturers made the big discs with prerecorded advertisements, or left blank spaces on them so that broadcasters could insert advertisements of their own.

Transcriptions thus provided a low-cost, highly efficient vehicle for advertising, and one independent of staff orchestras and the networks. The flexibility they thus afforded for the design of marketing strategies enabled advertisers to design specific programs for specific audiences with great precision and effect. In 1932, only two years after the introduction of transcriptions, approximately 75 percent of all stations were using them for some part of their programming needs, and advertisers were spending roughly $10 million to broadcast them. As markets for consumer goods expanded in the 1920s and contracted in the 1930s, everyone from car manufacturers and cosmetics makers to oil companies and local merchants sponsored transcribed programs to boost sales. Growing numbers of radio stations contracted with leading transcription companies like World Broadcasting Service and Standard Radio Library for fixed numbers of discs on a monthly or bimonthly basis.[46]

Transcriptions posed challenges to networks as well as staff orchestras. Although transcriptions solved problems related to program scheduling and time differences across the country, they also reduced the dependence of local broadcasters on network programming and in doing so threatened network profits. At first the networks discouraged the use of transcriptions, refused in fact to air them, and promoted the superior quality of their own live programs. After a while, however, they entered the transcription business. In 1934 RCA-NBC created a subsidiary, RCA-Thesaurus, to manufacture and sell or rent transcriptions. Initially this "transcription library service" distributed only NBC transcriptions to affiliated stations, but it soon began selling discs to other stations as well.[47] In these and other ways musical employers as well as musical workers adjusted to new technologies to survive in a rapidly changing industrial environment.

Big bands thrived in the new environment. During the depression decade transcription firms recorded the performances of the bands of

Benny Goodman, Woody Herman, Ray Noble, and other favorites for later radio broadcasts. Some bandleaders worked for several transcribers simultaneously and pocketed small fortunes, while sidemen had to satisfy themselves with union scale for transcribed performances—in the 1930s, about $24 for a three-hour recording session. But transcription also created problems. At least a few small companies pirated transcribed programs "off the lines" as they were broadcast, and though the pirated recordings were of poor quality, the companies sold them cheap to radio stations. In 1934 AFM president Joseph Weber complained that some broadcasters themselves were recording live radio performances for subsequent illegal sale. "Some stations," he said, "steal the music and sell it, and the musician is absolutely unprotected against such piracy." This practice, known as bootlegging, was far less a threat to musicians than was the production of legitimate transcriptions, which were a viable alternative to live radio performances. Transcription notably reduced the need for staff orchestras; even network musicians worried that it would eventually eliminate live radio work.[48]

INCREASING COOPERATION between broadcasters over labor-related issues was another threat to musicians. Since the late nineteenth century, in industries that became capital-intensive and structurally integrated, employers had pooled their resources to neutralize the potentially ruinous threats of competition and labor strife. The effort achieved new levels of cooperation around the turn of the century, when employers formed permanent trade associations dedicated to, among other things, resisting trade unionism. Builders in Chicago, for example, formed the Chicago Contractors' Council at this time to force unions in the building trades to abolish work rules that limited production and controlled the hiring process. The endeavor provoked a lengthy strike during which the council maintained its unity and helped deal a serious blow to Chicago trade unions. In the 1920s employer associations became far larger in scope and more aggressive in their antiunionism. Led by the National Association of Manufacturers (NAM), they lobbied lawmakers for favorable labor laws and launched public relations campaigns to gain public support for their stance during labor conflicts. In pursuing these goals the associations did more than eliminate union work rules and hold down wages during the 1920s and 1930s; they also convinced millions of Americans that trade unions and trade union leaders were "un-American" because they interfered with a person's right to sell his or her labor in the marketplace. NAM president

John E. Edgerton stated the attitude of most employer associations when he denounced trade union leaders as "pirates who parade in the guise of workingmen's friends."[49]

Like many employer organizations, the National Association of Broadcasters (NAB) began in opposition to labor activism. Its origins went back to 1923, when a number of station owners organized to prevent ASCAP from "extorting" license fees for the use of music composed by ASCAP members. "In our indignation [over ASCAP demands]," a Chicago broadcaster said, "we . . . decided we would form an organization." This pattern of one organized interest group spawning an oppositional interest group has a long history. As John Kenneth Galbraith explained years ago, "Power on one side of a market creates both the need for, and the prospect of reward to, the exercise of countervailing power from the other side."[50] Broadcasters did not create the NAB simply to countervail the economic power of their labor force; they organized it, instead, to dominate the labor force and thereby maximize their margins of profit.

Size was but one measure of the NAB's power. Through a well-oiled public relations operation, the association maintained efficacious alliances with molders of public opinion across the country. Through their control of news programs and in other ways, broadcasters interpreted industrial developments to the general public, and their interpretations reappeared in the print media, and in turn in the collective perceptions of varieties of public organizations—religious circles, women's organizations, educational groups, and other reflectors as well as molders of public opinion. NAB spokesmen often discussed radio as if it were a public resource the rise of which was a consequence of the functioning of natural forces of science and technology. One of them even called radio the "tool of democracy." The effect of such depictions was to neutralize critics of the broadcasting industry by making them appear to be backward-looking opponents of social or scientific progress, or of the people's right to know and hear. The prestige of broadcasters and NAB officials as well as their clout in national advertising and their ties to national business interests all enhanced the influence of radio at all levels of politics. Broadcasters were thus able to influence legislation that, among other things, prohibited their employees' unions from trying, in collective bargaining, to curtail the use of recorded music in radio broadcasting.[51]

During the 1920s the NAB had been relatively weak compared with the AFM in collective bargaining. But by the early 1930s the NAB had become the collective voice of several hundred broadcasters, and the balance of power between the two organizations shifted noticeably. When that occurred the NAB became a significant force in the world of working musicians. Before 1930, union musicians faced little organized resistance from employers. Theater owners had sometimes banded together to resist actors or musicians, but their combined power before the advent of sound movies was never impressive, and unions had effectively protected the wages and working conditions of theater musicians. The rise of NAB, however, put musicians in a position not unlike that of other skilled workers who faced powerful employer associations bent upon obstructing union goals. The nature of the radio industry, a closely knit web of a few vertically integrated firms, not only centralized but also facilitated the exercise of employer power.

The NAB, moreover, was not a faceless hierarchy. As Weber and other union officials understood, NAB leaders were personalities whom the public generally perceived as benefactors but whom they had to deal with as aggressive enemies of labor. Among the leaders was William S. Paley, a calculating, assertive businessman out to maximize profits at the expense of anyone who challenged his purpose. Paley's father, a Chicago cigar manufacturer, had been among the first in that industry to introduce machinery that simultaneously sped up production and reduced skill levels. When his father moved the business to Philadelphia in 1919, young Paley became a factory manager and made his first mark on labor history. In his father's absence he staffed the factory with young, semiskilled women to tend the new machinery. Shortly thereafter, skilled cigarmakers across the city went on strike to protect their wages and working conditions, and young Paley used his wealth and charm to persuade the women to stay on the job. He apparently provided them refreshment parties, boat rides on the Delaware River, and escort services to and from work. Recalling this experience in labor relations, Paley later remarked, "I became conscious of the fact that my boyhood had ended and that there were things in the world I could do and do well."[52]

To AFM officers in the early 1930s, the music industry was a world turned upside down. The mass dissemination of music via records and radio produced not a musicians' bonanza but their newest and greatest problem. "The mechanical developments in radio have been so rapid," union leaders concluded in 1933, "that it has been a constant battle to secure for our membership even the smallest percentage of what should constitute their fair share of the profits of industry. Records, electrical transcriptions, remote control and chain hook-ups," they continued, "have all contributed toward the complete elimination of the musician or the causing of each man employed to replace hundreds of men, just as in the case of the sound picture. . . . The possibilities of destruction of employment in all industries where sound reproduction is involved [are] simply appalling, a single station may one day service the entire country."[53]

AFM OFFICERS responded to the challenge in multiple ways. First, they turned to the federal government, warning the Federal Radio Commission in 1929 that "the invasion of the radio field by canned music [is] destroying the advancement of art at its base by depriving musicians of the necessary means of livelihood." Just as they did in the ongoing battle against sound movies, union officials argued that eliminating the sources of musicians' income hurt not only musicians but American culture itself. Even gifted instrumentalists, they pointed out, find themselves victims of technological unemployment. Despite the substance of this appeal, the commission responded that it lacked authority to interfere with broadcasters' use of recordings, and the appeal was in vain.[54]

Musicians reacted with understandable anger. At the AFM convention in 1933, A. C. Hayden, president of the Washington local, denounced broadcasters and federal officials alike. "They use their power against us," Hayden said of both groups, "whenever it is to their advantage and profit to do so." Hayden likened radio's access to political influence to the power the railroad industry once accrued by giving train passes to politicians. He accused broadcasters of similarly bribing politicians, up to and including the president: "In insidious ways, [broadcasters] ingratiate themselves into the favor of government officials . . . [and] give the President and cabinet officers [all] the [free campaign advertising] time they want, whenever they want it."[55]

While Hayden castigated broadcasters and politicians, other convention speakers raised more fundamental questions. How could the union help the growing number of locals concerned about decreasing job opportunities outside media centers without jeopardizing the members of locals in those centers whose work was partly responsible for the decrease? How was infighting between musicians in large and small cities to be avoided? What constituted a "fair share" of profits in the rapidly changing radio industry? As delegates debated these questions, the continuing loss of theater work plus the general insecurities of the depression era compounded their problems.

At the 1933 and 1934 AFM conventions, delegates offered various answers to the questions above. Those from Philadelphia recommended tariffs of $3 or $5 on each network program a station carried. Stations with staff orchestras would pay the lower tariff, those without orchestras the higher one. Several small locals suggested a boycott of networks that sold programs to affiliates without staff orchestras. Other delegates desperately urged the president of the federation "to immediately negotiate an arrangement [with broadcasters] in any manner that he sees fit to relieve the situation."[56] The most drastic proposal came from Chicago, where musicians had recently waged a bitter struggle with radio. After an unsuccessful attempt in 1931 to curb the use of recordings, James C. Petrillo of Local 10 proposed that the union confront the source of the recordings: record manufacturers. Specifically, Petrillo wanted manufacturers to place restrictions on the uses of their products, and he was ready to strike all record companies to accomplish that goal. His plan appealed to officers of small locals that had little to gain from record manufacturing, but the executive board rejected it. The board feared that such a strike would constitute a secondary boycott, an action designed to pressure a third party to force employers to comply with union demands. Such boycotts had been illegal since 1908, when a hat manufacturer in Danbury, Connecticut, convinced a federal court that a union-sponsored boycott of his products was a "conspiracy in restraint of trade," and thus a violation of the Sherman Antitrust Act. This ruling, which reflected growing juristic antagonism to organized labor, cost 197 members of the United Hatters Union fines of $240,000 and was bitterly resented by union leaders. Despite the implications of the ruling, Petrillo and some other AFM leaders believed that the courts would permit the proposed boycott because musicians worked in the recording industry.[57]

But Weber eschewed the kind of confrontation Petrillo supported, opting instead for "patient efforts" that he hoped would pay off in the long run. But in view of the sharp decline in union membership in the early 1930s, this kind of moderation looked less and less promising. Layoffs in theaters mounted, opportunities for work outside music evaporated, and musicians found it difficult even to pay their union dues. By 1934 the union was in full retreat. In five years membership had fallen from more than 150,000 to 100,000, costing the federation about $60,000 in annual revenue. These figures, plus Weber's belief in the futility of resisting technological innovations, do much to explain the union's reluctance to respond aggressively to the desperate circumstances of most of its members. "Workers set their faces forever in vain against the development of machinery," Weber had told musicians in 1929.[58] A few years later he told them again that nothing positive could come from pulling instrumentalists from the record industry: "The withdrawing of a handful of workers in an effort to hinder the continuation of an industry which represents an investment of billions of dollars would prove nothing else except that our conventions were devoid of proper discernment and our leaders were mere mental jugglers in their efforts to constructively meet changed conditions."[59]

Weber also feared that the action Petrillo proposed would endanger the opportunities new technology had already created and would continue to create in the future. Worried about the decline in union membership, Weber warned advocates of confrontation that "attempts to create employment in one direction may destroy other employment." The federation, he insisted, could not prevent broadcasters from importing canned music from other countries. "Musicians in London," he explained, "could in a short time litter this country with hundreds of thousands of records."[60]

At a critical moment in the history of musicians, then, their union decided to accept rather than resist technological change. Instead of an all-out strike to challenge the consequences of new technologies, Weber focused on encouraging the well-intentioned if impractical policy of the National Recovery Administration (NRA), a New Deal agency, to rejuvenate the economy through a "spread the work" plan. At the request of the NRA administrator in charge of the amusement trades, Weber agreed to a plan to aid out-of-work musicians by rotating the work available in motion pictures and radio among them and the musicians still at work. At the same time, Weber pressed upon the Roosevelt administration his and his union's concerns about the problems of unemployed musicians.[61]

In November 1933 Weber instructed union locals to substitute out-of-work musicians for those then regularly employed in radio and theater orchestras. Specifically, he proposed that bandleaders be retained but that sidemen be rotated "at least every four weeks." He also instructed orchestra leaders to make the rotations in consultation with employers. The proposal brought an avalanche of complaints from employed musicians as well as their employers. Broadcasters insisted on keeping key orchestra members and warned that advertisers would not sponsor bands with substitute players.[62] The management of station KFWB in Los Angeles, to illustrate the response, claimed that the rotation of band members would "upset the whole routine of a radio station," force the station to pay for additional rehearsals, and violate existing labor contracts. At the same time, employed musicians were in no mood to share their jobs and incomes. In the face of these objections Weber soon conceded that his proposal was unworkable, and radio stations continued to hire musicians as they saw fit.[63]

WHILE WEBER succumbed to policies of accommodation, several of the nation's leading bandleaders, among them Fred Waring, Paul Whiteman, and Guy Lombardo, formed the National Association of Performing Artists (NAPA) to increase their own record royalties. These bandleaders, who were also members of the AFM, had the phrase "For Home Use Only" printed on the labels of their recordings, and they sued broadcasters who ignored the labels and played the recordings on radio. This was one of the first attempts by musicians to control the use of their recordings. Like the NAB, NAPA was a response to the growing market power of a countervailing group, in this case broadcasters. Musicians created NAPA to protect themselves against exploitation and thus gain greater benefits from technological change.[64]

The AFM endorsed NAPA's efforts to control the use of records on behalf of musicians. In fact, AFM locals whose members collected record royalties suggested in 1933 that the federation pursue a similar strategy. But the union had no legal standing to sue broadcasters over their use of recordings, since it did not itself render musical services to them. After giving NAPA its blessing, the union watched the new organization and its efforts closely, for the federation had a vital interest in the question of whether broadcasters had to respect contracts between record companies and musicians. If it did, the AFM might be able to protect the rights of musicians in the recordings they made, and thereby gain a measure of control over radio's use of technology.[65]

The test began in 1935, when WDAS in Pennsylvania ignored the inscription "Not Licensed for Radio Broadcasts" on a recording by Fred Waring, and Waring sued. Two years later the Pennsylvania Supreme Court decided the suit in Waring's favor and issued an injunction against unauthorized airing of the bandleader's recordings. Insisting that the law must "adapt itself to new social and industrial conditions," the court disregarded earlier decisions concerning the transfer of property and ruled that the plaintiff's property rights in his recordings did not end with the sale of his records to the public. The court acknowledged that existing copyright laws did not protect Waring but concluded that "the nature of new scientific inventions make restrictions [on the use of recordings] highly desirable." Unrestricted broadcasting of Waring's music, the court found, might injure his reputation as well as his income, especially if stations played outdated recordings.[66]

The decision in the Waring case gave musicians a legal basis for collecting royalties on the commercial use of their recordings. But the ruling was effective only in Pennsylvania, and similar suits in other jurisdictions produced different results. Bandleader Frank Crumit lost a similar case in Massachusetts in 1936, as did Ray Noble in New York in 1937. Elsewhere broadcasters who lost in lower courts won appeals in higher courts. Finally, in 1940, in a case involving Paul Whiteman, a federal circuit court denied musicians the right to collect royalties on the use of their records by broadcasters, ruling that once records were bought and sold, purchasers could use them as they pleased. This decision ended NAPA's efforts in this area.[67]

Despite the failure, the story of NAPA speaks to two basic premises of this book: that the growing capacity to reproduce and disseminate musical performances benefited small groups of instrumentalists to the detriment of others, and that musicians responded to technological change in diverse ways. NAPA represented a handful of popular, wealthy bandleaders whose interests were largely removed from those of rank-and-file musicians. These fortunate few made an unsuccessful effort to increase the already considerable benefits they enjoyed from the sound revolution. Meanwhile, growing numbers of instrumentalists found themselves marginalized and, by the thousands, unemployed as a result of the same revolution. Both groups came therefore to demand that the union take aggressive action against recorded music, even if it meant direct confrontation with the recording industry.