

# MUSICIAN

international

**November 1959**

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international



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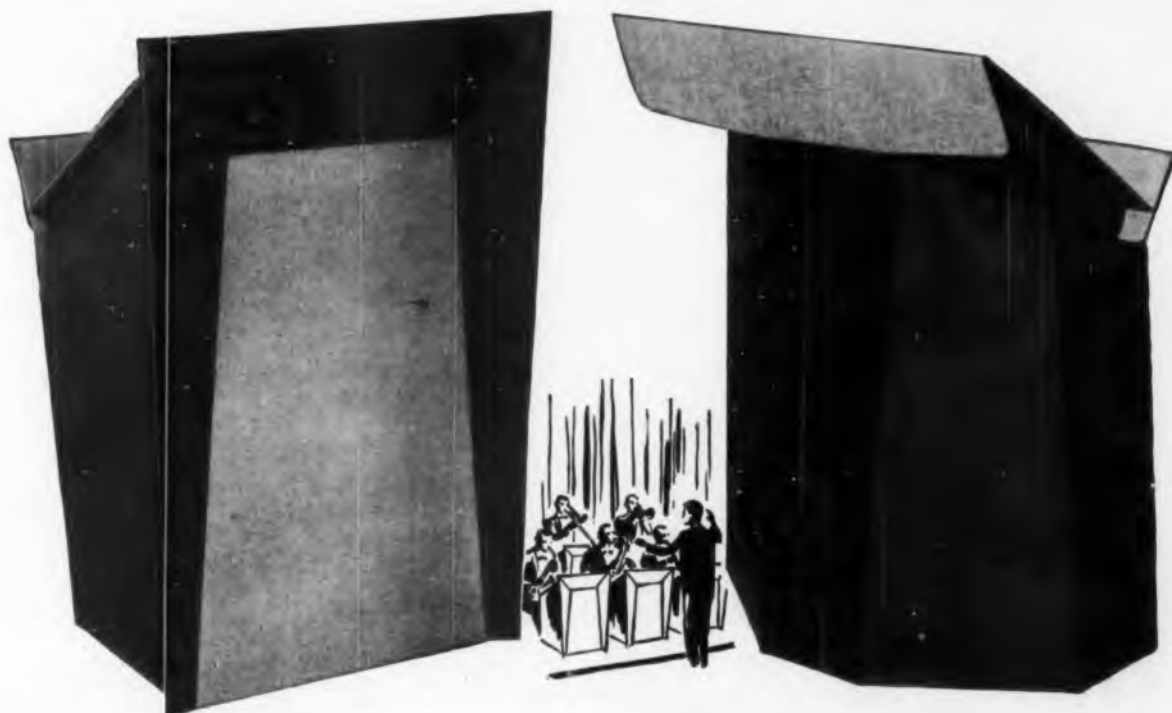
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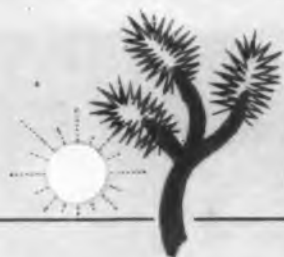
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INTERNATIONAL MUSICIAN



# • POWER for WHAT?

By George Meany, President, AFL-CIO



George Meany

There's a great deal of talk these days about the "power" of labor. Newspaper editorials and speeches by industrial tycoons emphasize the growing membership of unions, the increase in their financial resources and their developing political potential. The public is led to believe that the trade union movement has become "too powerful."

Too powerful for whom? Too powerful for what?

Are they talking in terms of exploiting the many for the benefit and enrichment of a few? Certainly not! The truth is just the other way around.

Those who have enjoyed monopolistic power over the nation's industrial life naturally fear and resent having to deal with labor on a basis of equality. And, by the same token, the politicians who serve business interests look with alarm at the political education programs conducted by the trade union movement. They are not happy about the political enlightenment of the voters. They know their control is jeopardized when the

citizens of our country go to the polls in record-breaking numbers on Election Day.

## Human Values

I see no harm in power, if it is power dedicated to human values, if it is power for good—and that is what the trade union movement seeks.

Obviously, concentration of power in the hands of a few can be dangerous to the general welfare. But when unions become more powerful, it means that the people of this country become more powerful. It is merely a practical application of the basic principle of democracy.

Our forefathers meant it to be that way. They believed that the enjoyment of freedom depended upon rule by the great masses of citizens. They were against monopoly of power by the wealthy. They were against monopoly of power by the military. They were against monopoly of power by the aristocracy. They were convinced that the free way of life could be safeguarded only when

power over the economic, social and political life of our country was *shared* by the many. That is exactly what the trade union movement has tried over the years to bring about.

Let us look back a bit to the time when the trade union movement had very little power but consistently used what power it possessed to advance causes of benefit to all the American people.

When Samuel Gompers and his associates lobbied in the state legislatures and the national Congress for an eight-hour day, was their purpose to degrade the worker? When  
*(Continued on the following page)*



President Kenin is greeted by George V. Allen, Director of the United States Information Agency, and Mrs. Jewett Shouse, Chairman of President Eisenhower's Music Committee of the People to People program, at a full-day meeting of the committee, at the Biltmore Hotel Grand Ballroom, October 6.

## TOWARD NATIONAL MATURITY

President Kenin, as Chairman of the luncheon given at the Biltmore Hotel Ballroom, October 6, by President Eisenhower's Music Committee of the People to People Program, told the guests, "Now we have reached our national maturity. It is a time to consolidate our gains, to reflect upon our future. But, above all, it is a time when we can afford to apply our talents and our energies to the greater development of our national culture and our native arts. Indeed, unless we do develop our human resources to match our  
*(Continued on page fifty-nine)*

President Kenin has appointed Ernie Lewis as Assistant to the President, in charge of the West Coast Office. This is in accordance with the amendment to Article 1, Section 1-N of the By-laws, adopted by the 1959 A. F. of M. Convention.

they campaigned for universal free education, was their objective to exploit the worker? When they battled for workmen's compensation laws were they trying to injure the interests of the American people? When they fought for union recognition and free collective bargaining, were they trying to create new millionaires at the expense of those who worked for wages?

Or was it to make life better for the worker, to obtain for him a larger share of the wealth he helped to produce, to give him greater purchasing power so that American industry and American agriculture could find a ready market for their rapidly growing productive capacity?

The record shows—beyond contradiction—that from its very inception the trade union movement has consistently used whatever power it had to raise the American standard of living, to promote the interests of all the American people and to enhance the power and prestige of the nation as a whole.

Yes, the record is clear. It proves that the trade union movement has always been in the forefront of all action—whether in the shop, in the community or at national and international levels—to obtain a better break for the average citizen. It has been an agency not only for democracy, but for democratization. Because of union efforts the immigrants who came to our shores learned that America was really a haven for the oppressed of the world. They learned through their unions to speak the language and to appreciate the blessings of freedom. They discovered that here in America men and women could stand together and fight for justice and progress with reasonable hope of success.

America's emancipation from isolationism was won the hard way—and the trade unions made a significant contribution toward the development of a more mature international policy.

We did not shrug our shoulders, as some did, and say it was none of our business if dictators engaged in wholesale murder and the degradation of humanity in other parts of the world. We insisted it was our business. We saw the inherent danger to our free way of life, whenever freedom was destroyed in other lands.

There was a time when many Americans applauded Mussolini for getting the trains to run on time in Italy. But it took an American trade unionist of Italian descent like Luigi Antonini, to awaken our people to the outrages committed by the Fascists. In like manner, labor led the opposition in America to the atrocities of Hitler and the Japanese war lords. We recognized them as enemies of free trade unions and therefore as enemies of all freedom. No group in America, from the very beginning, has been more adamant in its opposition to Communism and more active in resisting Soviet infiltration than the American labor movement.

Labor's influence in foreign affairs has not been merely negative. We have fought for justice and fair play for oppressed peoples everywhere. After the war, we helped the workers of Germany re-establish their free trade unions as a bulwark of democracy, social justice and peace. We have played a vital role in rallying support for the Hungarian and Algerian peoples in their struggle for national freedom. We are proud of the fact that we have been able to extend a helping hand, through Histadrut, to the people of Israel.

Colonialism is now a dangerous anachronism. We of labor believe that target dates should be set for ending it in Africa, Asia and wherever else it still exists. The perpetuation of colonialism by any segment of the free world merely plays into the hands of Communist imperialism.

Along with freedom, labor relies implicitly on the preservation of peace as the only sure road to human progress.

We say very simply, as we have said time and time again, that our country should meet with the other nations of the world, and directly with the Soviet Union, in a continual effort to reach real agreement which will be observed and adhered to by both parties.

But we must point out, with regard to the foreign ministers' conference and to any "summit" conference that may follow, that our government and the other nations of the free world should bear in mind that the Soviet Union has an unbroken record of making agreements for the purpose of breaking them. Its word is no good.

Let the diplomats of the free world, in their anxiety to obtain concession, remember always that we cannot rely on words without deeds. Let us be realistic. The Soviet Union can afford to be very generous with promises for they mean nothing. We cannot relax until an enforceable agreement is made and kept, in spirit as well as in letter. That is the one hope of world peace. Meanwhile, we must shun appeasement. There is no future in it. History has taught us that, if nothing else.

In all dealings with the Soviet Union, we must lead from strength and we must always be prepared.

This advice is offered not in the spirit of saber-rattling, but as cold common sense. Labor regards war as a completely unnecessary evil. The trade unionists of America and their families paid heavily in sweat and blood for the two World Wars and the Korean War. We dread the thought of a third World War, which may mean annihilation of all mankind.

Thus far, the cold war has proved a heavy burden to all of us. But the price of our national defense program cannot be considered too high as long as a hot war can be avoided. Nor can we hesitate to provide the military and financial aid required to sustain our allies and to prevent underdeveloped nations from going down to oblivion behind the Iron Curtain. America has always extended a helping hand to those who wish to be free and are willing to defend their freedom and American labor whole-heartedly supports this policy.

#### Business in Politics

It is rather strange, in view of labor's constructive record, that in this day and age there are still people who cling to the notion that America would be better off without trade unions.

Those who keep insisting that unions are "too powerful" actually want to render unions powerless—powerless to impede big business monopolies, or to seek further improvement in the American way of life.

In this effort to destroy the trade union movement, our opponents have enlisted—for a fee, of course, a small army of professional promoters. They have organized a widespread campaign to enact state "Right-to-Work" laws

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which guarantee no rights to anyone but seek to wreck union security.

These "pitch men" have now come up with another gimmick to exploit. They say businessmen must get more active in politics, learn more about it and do more about it. As if this were something new!

When I was a young boy, workers trying to earn a living encountered "pink slip" days which came around each year just before election time. The workers were told, by way of a pink slip inserted in their pay envelopes, that if a certain party or a particular candidate did not win, the factory would shut down the day after election. This form of intimidation, along with heavy campaign contributions, comprised the main expressions of business political activity. In fact, some businessmen made contributions to both parties, just to make certain they would be in good shape no matter who won.

Yet certain spokesmen now say business must enter the field of politics to meet the "threat" of big labor. Well, all I can say is: "Welcome. Come on in. The water is fine."

The more they get in with their financial resources, the greater interest will be stirred up among workers. Perhaps it will help us eventually to succeed in our efforts to encourage all workers to perform their duty as citizens by exercising their right to vote.

And when we get down to such a contest between workers and big business we will do all right, because there happen to be a few more of us than there are of them.

The big propaganda stick our opponents are using against us, of course, is the exposure of corruption in some segments of the labor and management field. They feel this is too good an opportunity to let pass. They are hungry for the kill. They propose to use the exposure of the sins of a very small minority as a means to bring about the punishment of all labor. They are going all out for the enactment of legislation, not to meet the corruption problem, but to hamstring the labor movement as a whole and render it powerless.

#### The AFL-CIO Position

The trade union movement met this problem head-on at the meeting of the AFL-CIO General Board in April, 1958. We pointed out we had taken effective and rigorous steps to clean house. We said we would go further and cooperate with Congress in the drafting of legislation to make it more difficult for anyone to misuse union funds.

Yes, we volunteered to cooperate in writing such legislation. But, we also said in April, 1958, that we will not accept punitive legislation designed to hurt the trade union movement under the guise of a law against corruption.

This was a truly significant action. Here was a group of private citizens saying to government: "We will assist you in writing legislation to regulate and govern certain of our actions." Where else in American life is there a parallel? What business organization has ever done such a thing? And the record shows that business is not immune to sin nor free of racketeering elements.

What other group in American life, business or professional, would, in the interests of morality, ethics and self-respect, cut off 10

per cent of its membership and income as a self-enforcing action against those responsible for corruption?

The AFL-CIO did that very thing by expelling organizations whose leadership was found to be tainted.

Where is the business or banking association which has shown equal courage under similar circumstances? Show me any business organization which has set up a moral code for its membership which matches the Ethical Practices Codes adopted by the AFL-CIO.

Labor still stands on the position it took in April, 1958. We are still willing to cooperate—and we have cooperated—in drafting anti-corruption legislation, but we still make the reservation, and we will not withdraw from it, that we will not accept punitive or anti-labor legislation as part of this package.

#### The Future

Now, as in the past, labor must continue to fight for its very existence as a free association of free men and women. We still have to fight for the right to conduct our own business in our own way, for the right to make our own mistakes and to correct those mistakes, for the right to make our maximum contributions as free citizens to our free society.

In America, we have a system of government which, while not perfect, has proved itself to be of greater benefit to its citizens than anything else yet devised by the mind of man. At a time when that system faces its greatest challenge, when its very existence is threatened by totalitarian aggression, you would think that the mutual interests of free labor and free management would draw them together. Yet we find American business mounting a furious attack upon the trade union movement which has proved a bulwark of defense to the free enterprise system.

This is typical of the short-sighted, bull-headed policy of big business through the years. Perhaps there are some aspects of life in the Soviet Union that appeal to them. Under the Red Flag there are no strikes, no slow-downs, no absenteeism, no labor problems at all. But our employer friends should realize that the Russians don't have any profit problems either.

Our road is clear. Our ideals are untarnished. Our record means something to us. We know where we are going, what our objective is. Ours is the very simple objective, in a democratic society, of securing for the workers a better and ever better share of the wealth of the nation which they help to create.

And we are going to pursue that objective with all the strength we possess.

When our opponents talk about the power of labor, their exaggerations carry little conviction. Our power is not the power of money. It is the right of free men and women in a free society to withhold their labor in the interests of justice.

Yes, the right to strike is labor's ultimate power—a power which we cannot be deprived of without fracturing the entire democratic structure of our nation. In these modern days we don't like to use the strike weapon unless we are forced to do so. That doesn't mean we have forgotten how to use it. If employers refuse to bargain in good faith and think the

time has come to get tough with labor, they will learn this truth to their sorrow.

We also have a basic political power—the power of numbers. The 17 million organized workers of America, together with their families and friends, constitute a significant number of votes in any election.

It is only since 1947 that labor has entered the political area in an organized way. We learned then, from a very simple demonstration by Congress in enacting the Taft-Hartley Act, that the gains and achievements we had won over the years could be taken away from us overnight by legislation. So the decision by labor to go seriously into the political action field was really made not by the leaders of labor but by the architects of anti-labor legislation.

We are determined to pursue our activity in this field with all earnestness. I will concede quite frankly that an effective political organization cannot be built in a day or a year. But we decided in 1947 that we had to get into this political business and stay in it until we succeeded in organizing a permanent, progressive and successful program and we are making steady progress toward that goal. In view of the increasing opposition from big business, I would predict even more rapid progress by labor's political arm in the years to come.

Using our economic strength, our political strength and any other weapon that we have the right to use, we are going to continue labor's efforts to make America a better place for all its citizens—not merely union members. Yes, even to provide a better and more stable climate for constant prosperity for employers and management.

Labor wants America to become more than an idealistic symbol for all the people of the world who believe in human freedom. We want to prove to them and to ourselves that we can make democracy work.

It is our intention to continue the fight against racial and religious discrimination until this ugly blot on our good name is eliminated.

We are going to carry on our drive to wipe out poverty and human misery not only in America but everywhere in our world.

We will use all the power and influence we have to see to it that the great scientific discoveries and inventions of our time are used not for the purposes of destruction, but for the enrichment of human life.

Let no one mistake or distort our purpose. Labor has no desire to take over America or make over America. We are not out to push anyone else down or around. What we seek is a balance of power in the economic and political life of the nation. Only thus can the proper atmosphere be created for the gradual but steady improvement in the standards of the American people.

In pursuit of our objectives, we may employ new methods from time to time, but we will never depart from the democratic principles laid down for us by the founders of the trade union movement 75 years ago.

Yes, labor has gained in power in America. We are proud of the way it has been used. We hope in the years to come that we will achieve greater power to work for the good of all America.



New York Philharmonic members sightseeing in the Kremlin.

## Our major symphonies act as goodwill ambassadors on three continents.

**T**HE ARRIVAL of the New York Philharmonic-Symphony in Washington, D. C., October 12, brought to a close the longest tour (and its third under ANTA auspices) yet made by that orchestra: fifty concerts in twenty-nine cities in seventeen European countries. This tour perhaps more than any other highlights the special characteristics of foreign travel for our musicians.

### On the Personal Side

Though the tours of our big symphony orchestras, under the Government-sponsored program of the past five years, have been mostly descriptions of concert halls and concert audiences, for the orchestra men themselves, tours are not all tossed bouquets, standing ovations, and swanky banquets. They are getting hastily into evening clothes back stage, making dashes after concerts for the airport. They are being stuck with roommates that snore, and coming down with the countries' current epidemics. They are getting to know the inhabitants of the various countries, with give and take on both sides.

The running commentary appearing in the Washington Local 161's periodical, *Hi-Notes*, puts the recent tour of the National Symphony

Orchestra in a more natural focus. "George Wargo (viola) shot 88 rolls of film through his 8-mm movie camera. Joe Leavitt gave a set of mallets to the tympanist of Buenos Aires Symphony. Mallets of this type, if they were attainable in Argentina, would have cost the equivalent of two weeks' salary. Other players gave away reeds and mouthpieces all along the line. Many of the boys and girls gave free lessons in the various cities. The tour's doctor, Alan Hoffman, did a good job in keeping the players healthy, except for a number of

French horn soloist Abo Kniaz eyes with interest some native pipers on hand to greet the National Symphony in sky-high La Paz, Bolivia.



cases of dysentery which has since become known as 'Montezuma's Revenge.' Most of the orchestra took advantage of the many good 'buys' encountered during the trip, to the point where all the wardrobe trunks were filled with merchandise that could no longer be carried by hand. We heard tell of vicuna blankets bought for \$9.00; inlaid chess boards for \$3.00; genuine leather suitcases for \$12.00; cashmere sweaters for \$3.00; and unborn calf leather handbags for \$6.00. Maurice Schones (cello) was the victim of a Latin pickpocket—had his wallet stolen."

### A Slight Case of Revolution

The New Orleans Philharmonic-Symphony, under Alexander Hilsberg's direction, also toured Latin America. From April 3 to 30, 1956, they played in fifteen countries, traveling by air and developing into an efficient band of troupers. In Havana, where a mild revolutionary movement was under way, with ensuing transportation difficulties, they helped unload their bulky instruments and hurriedly dressed in a theater alley after hustling their instruments on stage. In Bogota, Colombia, after a concert, hundreds of music lovers surrounded the two buses carrying the eighty-five members. In fact they wouldn't let the bus start until they had reached through the windows and had shaken hands with the New Orleans musicians.

With the New York Philharmonic members, it was a story of the accumulation not only of tangibles—gifts showered on the orchestra men and purchases made in the various coun-

tries, with literally tons of books, scores and art works shipped back to America—but also those intangibles of goodwill and mutual understanding between individuals which cannot be weighed nor estimated. Excitement, friendliness and enthusiasm met the men everywhere. Free interchange of ideas was possible also in Russia. For instance, a Russian showing a group from the orchestra the sights of Moscow kept referring to “your Stravinsky.” Finally one of the Philharmonic men spoke up and told him, “Stravinsky doesn’t belong only to us, but to the world.” Which even our Russian had to concede.

#### Saying it With Flowers

Violinist Morris Borodkin says the remarkable thing about the Russians was their eagerness to get across to the orchestra men their enthusiasm. “They were hungry to express their feelings for us. Groups of girls would come on the stage with great bouquets of flowers. Sometimes we were all banked up with flowers. Then their applause! They would send us notes asking for certain encores. ‘We would like you to play Ravel’s “La Valse,”’ one note would read, and at the bottom in a hasty scrawl, ‘God Bless America!’”

The friendliness was mutual. “For the final concert in Moscow, when we played Shostakovich’s Fifth Symphony, about eight Russian musicians played with us in the orchestra, and when the clapping continued—Russian audiences have a way of clapping in unison and continuing to do so until they get an encore—we made them stand up as a group and take their bows.”

Christine Stavrache (harp) attended a party held by the harpists of the Bolshoi Ballet. One of them said she would like to practice on Miss Stavrache’s harp, an American make. Miss Stavrache told her she could come backstage at such and such an hour. The harpist had finished her practicing by the time Miss Stavrache, held up by traffic, got there. But she had left on the orchestra seat a huge peach which she had picked from her own garden, as a “thank-you.”

This relishing of personal contact does not mean for a minute that orchestra men and women are immune to applause nor opaque to ovations. They are fully aware that the high point of foreign tours occurs right in the concert halls.

Irving Winslow, violinist in the Minneapolis Symphony, described his reactions on the Minneapolis Orchestra’s tour of the Middle

East in 1957, in the local’s periodical, *Fanfare*. “Can you imagine,” he wrote, “playing in a great outdoor theater in Athens built more than 1800 years ago by a rich Roman, on a stage where, those many centuries ago, were performed the hair-raising tragedies of Euripides or the chuckle-producing comedies of Aristophanes? Or can you visualize, at these concerts of ours, many modern Athenians, far up in the vast amphitheater, taking off their shirts and waving them frantically in applause? Those Greek audiences were splendid in their attention. When the orchestra was about to begin the playing of a composition, we could actually *feel* the intense concentration of the listeners. And woe to any poor devil in the background who accidentally rattled his program or coughed; he was immediately hushed and hissed into silence.”

#### Sheet Music Restrictions

Winslow had also an interesting sidelight to contribute on the difficulties Pakistani musicians encounter in obtaining sheet music. “For reasons of currency and strict regulations against certain imports,” he explains, “these far-away brother musicians cannot get a note of music from abroad. They do a beautiful job of playing much of our Amer-



Mason Jones, solo horn of the Philadelphia Orchestra, receiving a score from Maria Zavalishina, a member of the Soviet Composer’s Association in Kiev.



Three conductors of the New York Philharmonic tour at the Herodus Atticus Theatre in Athens. A corner of the Parthenon is in the background. Left to right: Thomas Schippers, Leonard Bernstein, and Seymour Lipkin. The latter two doubled as piano soloists.



ican dance music, but they have to transcribe every bit of it, note by note, from recordings!"

The Philadelphia Orchestra's third trans-Atlantic tour (May 10 through July 6, 1958) was an experience the men haven't been able even yet to fit into photograph albums, account books or travelogues. It was meeting strangers who quickly turned into friends; it was gauging American ways by "foreign" ways—not always to the former's advantage; it was crowding a year's worth of new experiences into a few weeks' time.

#### For Any Contingency

The men went prepared for any contingency. Their luggage included drip-dry clothing, even to trousers, packets of detergents, instant coffee, candy bars and chewing gum. The last two items were intended as giveaways for the youngsters enroute. They came in handy, too. At the Ukraina Hotel in Kiev, for instance, the orchestra men were surrounded by young boys offering to trade their youth buttons, kopek coins and other boy treasures for American pennies, candy, chewing gum, and anything they could use as souvenirs. Crowds of children seemed to spring



● The Boston Symphony Orchestra, under the direction of Charles Munch, performs in the Conservatoire, Leningrad.

● Director Antal Dorati (center) gets a brief explanation from Zahouri Khan on the technique of playing the "sarangi." Seen at left are Lev Aronson, cellist, and Sonia Kahn, harpist. This during the Middle East tour of the Minneapolis Symphony, September 7 to October 7, 1957.

● The Cleveland Orchestra, George Szell, Conductor, takes a bow in Warsaw. (Photo: Dan Weiner, Columbia Records.)



up wherever the men congregated and often would follow them about Pied Piper fashion.

The orchestra men in their turn stocked up on souvenirs. As for their finances, they received a daily allowance of \$13 for meals and hotel, payable in local currencies. The local sponsor would meet them at the airport with 107 envelopes containing the equivalent of these amounts. Some of the men preferred to stay in cheaper rooms, and put in their extra cash on buying native articles of the lands they were in.

#### No Singles

Sometimes the hotel arrangements left little choice. At Kiev, it was learned that everyone was to stay at the Ukraina Hotel, a sprawling establishment for which, as one orchestra man remarked, "You needed a map to get around." Sixty single rooms and thirty double rooms had been requested, but the singles were not forthcoming. Seemed you had to sleep two to a room whether you liked it or not. Who was to bunk with whom? The method of deciding—from flipping coins to simply following the directions of the manager of the orchestra—did not always lead to sound sleep. However,

this last minute scramble was to be repeated in virtually every city visited in Russia and Poland.

Then those passport difficulties! Once a member left his passport in Paris and the Rumanian guards at that country's border were all for barring his progress completely. Finally they let him in, but special "companions" were detailed to stay with him at his hotel and to accompany him to the concert hall until he could produce the precious document.

#### Composers' Clubs

A regular event, in the Soviet cities, was the invitation to attend the composers' "clubs," to share refreshments and to listen to and talk about music. At various such parties, the men were given at least a dozen scores of Russian works, all autographed. Fortunately they could reciprocate with records and pictures of the Orchestra.

In 1956, when the Boston Symphony made the longest tour of its seventy-five years, giving twenty-seven concerts in nineteen cities in the British Isles and on the European Continent, it was the center of festivities in almost every city visited. On the eve of its very first concert, in Cork, Ireland, a buffet supper was tendered it by Henry Laughlin, Boston publisher, at Castle Hyde, his summer home. In Stockholm the orchestra members were the guests of Ambassador John Moors Cabot, a cousin of Henry B. Cabot, president of the orchestra's Board of Trustees. At the close of the afternoon concert, September 8, 1956, in Moscow—this was the first time an American orchestra had ever performed there—receptions were arranged for the men by the

Ministry of Culture of the U.S.S.R. and by the United States Ambassador, Charles E. Bohlen. So also in Berne, Switzerland, and in London. Since thirty-five of the orchestra men were accompanied by their wives, such festivities were especially in order.

#### The Long Lineup

Perhaps the biggest thrills are reserved for orchestras touring the Orient, and among these orchestras perhaps the Symphony of the Air, as being the first to tour it extensively, got the cream of the enthusiasm. "Tokyo and most of the rest of Japan," wrote oboist Paul Renzi in a subsequent article in *Musical Courier*, "could have been ours for the asking. Tickets to concerts became more precious than gems . . . Three thousand students petitioned the members for extra concerts . . . I was there when the student line began forming at about 4:00 P. M. I was still there at midnight when the line of 2,000 happy, patient students stretched several blocks long. Many of the musicians stayed with the line and talked with the students, brought them refreshments and even shared their blankets with them until the box office opened at nine the following morning. Some of us cried like babies afterward. It was an experience that none of us will ever forget . . . we spent as much time with these students as our schedule would allow."

Mr. Renzi continued, "The Mainichi newspaper and the Japan Broadcast Orchestra were our hosts in Japan. They saw to our every comfort but even if we had to sleep in the open and live on fish and rice, I for one would still have been happy to play for these remarkable people."

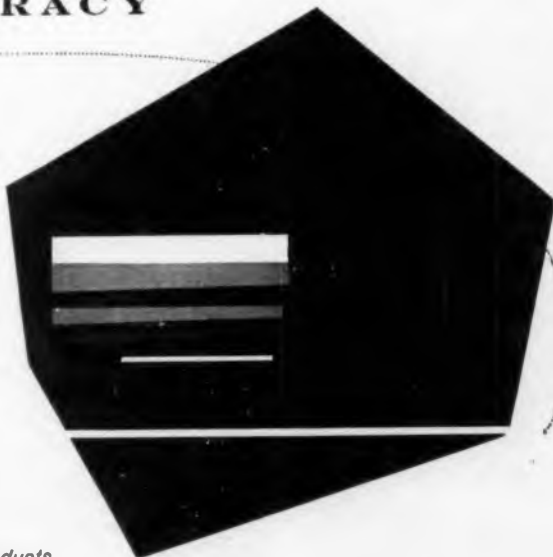
When the Los Angeles Philharmonic went on its tour of the Philippines, Thailand, Singapore, Malaya, Hong Kong, Taiwan, Korea and Japan from April 30 to June 26, 1956, the consensus of opinion among editorial writers of the principal newspapers was that the orchestra had accomplished the work of a hundred good will ambassadors. Some of the Los Angeles Philharmonic men who happened to like popular orchestration added to their bit for international goodwill by sitting in on impromptu "jump sessions" with the jazz combos in some of the night spots of Tokyo and other cities. But usually the Philharmonic men and women won friends and influenced people through their regular music making. Western symphonic music is a cult with the modern-day youth of the East, and the Los Angeles orchestra not only packed them in at concerts but was recipient also of personal proofs of the inhabitants' regard. As conductor of the orchestra, Alfred Wallenstein observed, "The symphony orchestra is a big-calibre weapon in the war for men's minds."

The present resume of foreign tours of our major symphony orchestras by no means covers the musical projects engaged in by the International Cultural Exchange Service of the American National Theatre and Academy. In a subsequent issue we shall speak about other orchestras, including the Little Orchestra Society of New York, of outstanding chamber groups and of distinguished soloists who have performed abroad.



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# Over Federation Field ...



President Kenin and Leo Rapp, President of Local 4, Cleveland, Ohio, check a report on dance band developments.

local was founded, were printed in the newspaper and the contestants were asked to give the titles. The first prize was either a hundred dollar bond or the services of a dance band for an evening's entertainment. Numerous smaller prizes—a set of tickets to the symphony, tickets to dances—were also rewarded.

Two persons, a woman and a man, tied for the first prize. The woman chose the \$100 bond, and the man, the dance band, stipulating that it was to play for a teen-age canteen. It was an exciting contest. Hundreds of answers were received, and the judges were kept busy right up to the last minute of the allotted time.

Remarking on such projects that so markedly contribute to a revival of live music, President Kenin said, in a press conference in Cleveland, October 12, "We hope the bands are coming back. We see signs of it everywhere. We find on our tours around the country that people want and enjoy live music."

The first Open House Party in the new home was held October 15. Starting at 2:00 P. M., members came to the building in streams to inspect its many fine features: the



President Kenin is welcomed to the New Jersey State Conference by Raymond J. Brogan, President of Local 151, Elizabeth, New Jersey, as Joseph Carrafello (center), President of the Conference, looks on. The Conference, held September 13, saw more than one hundred delegates representing locals throughout New Jersey and two from Pennsylvania gathered together, with honored guests International President Kenin, International Treasurer George Clancy, International Secretary Stanley Ballard and officers of Local 802, New York City. Al Manuti, President; Max Arons, Secretary; and Hyman Jaffe, Treasurer. In his speech, President Kenin urged local unions to continue their efforts to have the 20 per cent amusement tax repealed.

large aluminum framed windows of modern design; the modern free-standing stairway to the second floor; the handsome meeting hall which accommodates two hundred; the fine tiling effect—thirty-six-inch square tiles, alternating white - and - gold and black - and - gold. Refreshments were served, and a huge birthday cake called attention to the fact that Local 4 will soon reach its sixty-third birthday. It was chartered November 15, 1896.

The twentieth annual Conference of Eastern Canadian Locals was held in the Walper Hotel at

Kitchener, Ontario, October 4, 1959. The Federation was represented by Executive Officer Walter M. Murdoch. Provincial Officers John H. Addison and Irvin Street, representing Ontario and the Maritimes, were also present. There were forty-five delegates and eighty-five guests, the largest delegation ever to attend this Conference. A heavy agenda was presented for discussion and a fraternal and harmonious spirit prevailed throughout the deliberations. At the end of the day, the delegation sat at a banquet during which a monster live music show was presented. A new President and Vice-President, namely Bill Taylor and Gordon Beadle, were elected. The Secretary was retained in office. Local 226, Kitchener, must be congratulated for the wonderful manner in which it received the delegates and their guests and for its initiative in pointing up all the Conference activities with live music, executed by members of the local exclusively. The officers of Local 226 deserve much praise for their endeavors.

The so-called "cabaret tax" is notorious not only for its prohibitive 20 per cent impost, but for its longevity!

How long, oh how long, is an "emergency"?

(Continued on page thirty-six)

INTERNATIONAL MUSICIAN

The new home of the Cleveland Federation of Musicians, dedicated in mid-October.





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# LOUIS PRIMA

by Dom Cerulli



● There's a wild, swinging music-with-a-smile going around these days, and Louis Prima is its sponsor and chief perpetrator.

In Los Angeles, Las Vegas, Miami Beach—wherever Prima and his handsome wife, Keely Smith, take the bandstand, mayhem runs riot and "Standing Room Only" signs go up.

## Sophistication to Shreds

Backed by the raucous swing of Sam Butera and The Witnesses, Prima and Smith tear into pop tunes and standards and shred them all over the stage. Their audiences, meanwhile, are also shredded. The Prima-Smith combination has brought broad, outrageous, often hilarious low comedy into the nation's top clubs again. Sophistication lasts about ten seconds when Prima and his crew get moving.

They are generally acknowledged to be one of the hottest music acts working today.

But, to be coldly analytical about it, Louis

really isn't doing his entertaining today much differently than he was when he fronted his roaring big band in the 40's. In those days he made such words as *pizza* and *lasagna*, and such titles as *Angelina* and *Robin Hood* household names. He always had a great show band, but he, himself, was its leading attraction. Blowing rough-toned trumpet in short, gutty phrases, and singing around lyrics in a gravelly voice, Prima sparked any ballroom or theater into chuckling life.

Today he continues in much the same vein. He still assaults pop tunes with a variety of grimaces and grins, and a voice whose timber can be likened to a happy buzz-saw making its first bite into a hickory log.

And he still always puts on a rousing show.

But this is something that seems to have been born with Prima. He came into the world in New Orleans, Louisiana, on December 7, 1911, and before he was into his 'teens, he had started what became seven years of violin instruction. Soon he switched to trumpet, guided by his brother Leon. Then, after having played with local bands and led his own groups as a youth, he left New Orleans for New York.

## His Door to Fame

Prima, barely into his twenties, opened at New York's Famous Door with a jumping little group. Starting in 1934, he made many Brunswick and Vocalion records leading "The New Orleans Gang."

"We were originally supposed to get the National Biscuit radio program that made Benny Goodman such a hit," Louis said in a recent interview. "But after we lost the broad-

Above, l. to r.: Frank Sennes, Hollywood's *Moulin Rouge* owner, actress Sophia Loren, Louis Prima, Keely Smith.

INTERNATIONAL MUSICIAN

cast, I took the group to the west coast, then back to the Hickory House in New York."

And then—along came Swing.

Louis, prodded and encouraged by Guy Lombardo, formed a big band. The move was a wise one, for through much of the 1940's, Prima's band worked the nation's leading theaters and ballrooms, and made a fine succession of very popular records, including *Robin Hood*, *Angelina*, *Oh Marie*, *Brooklyn Boogie*, *Civilization*. Prima was the writer of one of the anthems of the Swing Era: *Sing, Sing, Sing*—made into a Swing Classic by Benny Goodman and his band.

#### Record of a Record

Oddly enough, Keely Smith credits one of Louis' hot records with eventually bringing them together.

"When I was a kid in Norfolk, Virginia," she recalls, "I fell in love with Louis' music, particularly *Civilization*. Hearin' that set me to thinkin' how it'd be to work with his band."

Keely noted that she had never thought much about being a singer before that. When Prima's band came to Virginia Beach, about twenty miles from Norfolk, Keely decided that she had to sing with this band, but she just didn't have the nerve to go up and ask for an audition.

"My brother went and asked for me," she says. "Well, I sang for Louis; he liked my singing, and I joined the band."

Soon after, they were married. Today, after five years of marriage, they have two children, Toni, four, and Luanne, two. They also have a twenty-acre farm-estate near Covington, Kentucky, and a year-round home in Las Vegas, where they work about thirty weeks each year.

Keely's contributions to the act, in addition to dressing it up with attractive femininity, are her voice and her deadpan reaction to Louis' antics. In the latter field, she is a perfect foil for the leader's zany antics. As a vocalist, she has a rich, husky, sensuous voice and an easy style with a torchy ballad.

#### No Singles for Them

After Louis broke up his big band, one of the splinters from all that woodshedding grew into an act also a headliner in clubs and on TV—The Goofers. Drummer Jimmy Vincent, who sparked the Prima's band rhythm section for years, is the powerhouse in The Goofers, and their antics (including playing while swinging from trapezes or while on pogo sticks) are illogical extensions of the clowning around that was an integral part of any Prima band show.

A short while back, rumors flew fast and furious that the Prima-Smith team would break up and each would do a single. "If I were to do a single," Louis said, "it just wouldn't be the same at all."

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"I have no single plans," Keely concurred. "The act will continue as long as we're all happy."

The husband-wife team, with its virtually all-improvised presentations, can command top prices in the nation's top rooms, as well as appear on TV and in movies almost at will. They have, in fact, formed their own movie production company, KeeLou, Inc. Their film, *Hey Boy, Hey Girl*, is currently in release.

Although they now record for Dot Records, they have made a succession of big-selling Capitol albums which show their fracturing tactics to good advantage. In addition, Butera and The Witnesses have their own LP, and Keely has one all to her voice.

Louis sums up what he thinks is the reason for his success in one important word—*variety*. "The audience never knows what's coming next. And to tell the truth, neither do we."

Any Prima-Smith show has wonderful pace, with Keely's warm ballads set off beautifully by their position in among the screwball ditties and the pulverized pop tunes.

"And best of all," Louis says, "The shows have to get better, because we're the one act in show business that's constantly rehearsing."

But whether the act rehearses while it's on-stage or not, one thing seems sure—box office records fall like duckpins in a bowling tournament when Prima's group comes to town.

They came to the Moulin Rouge over a frantic New Year booking last year; and amazed music reporters counted 1,200 hopefuls lined up outside the club one night, wait-



ing patiently for possible admission to the midnight show.

Louis left town with a new box-office record, and some sort of a mark in turning away customers. An estimated 15,000 disappointed people had to be turned away because there just wasn't room enough to handle the crowds Prima-Smith can attract.

#### The Long Swing Together

Since 1956, when the act broke out of the so-called "Lounge" category and into the big time, big money class at Las Vegas, Prima and Smith have come a long and swinging way together, leaving a trail of shattered pop tunes behind them.

But who else in show business could break up a capacity house by merely having the girl sing sweetly, "I've got it bad, and that ain't good;" then having the guy roll his eyes and roar, "I got it good, and that ain't bad."

Probably nobody could but Prima, and he can do it every time.

Left to right: Dean Martin, Frank Sinatra, Keely Smith and Louis Prima.



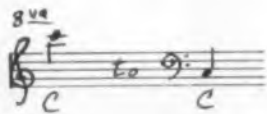
# The Marimba



**A  
CHALLENGE  
TO  
COMPOSERS**

by **Vida Chenoweth**

● The standard North American marimba has a range of four chromatic octaves:



although many marimbas now have a bass range extending to:



Because the wooden keys, as well as their tubular resonators, graduate from bass to treble, the highest octave has less sound duration than either the middle or bass register. The uppermost octave is almost xylophone-like in character.\*

### Types of Mallets

A hard rubber mallet is most successful in the extreme treble while any variety of mallet may be used in the other two registers depending upon the effect desired. For example, if a composer wishes more tone than percussion, he will signify the use of soft mallets, the heads of which are wound with yarn. If he wants much volume

and a strong, percussive sound he will score the passage for hard rubber mallets. It is sufficient for the composer to note simply: "hard mallets" or "soft mallets," as the case may be. Since there is a wide selection among both hard and soft mallets, it is best to let the player make the final choice. Marimbists have individual preferences relative to weight and flexibility of a mallet as well as to degrees of hardness or softness. Some players even make their own mallets.

### Ensemble Writing

In ensemble writing, it is especially important to know how to bring the marimba into relief. The rich, legato sonorities obtained by four-part harmony, display the marimba at its most resonant and most consonant. This "organ-like" quality is produced by four soft mallets sustaining the chords with quick, repeated strokes. The principle of this tone production is in the agitation of the air in the resonator-pipes beneath the keys; practically no percussion is heard.

Unfortunately, the mellow sound achieved by expert soft-mallet playing is a sound easily eclipsed or absorbed by other instruments—particularly if they are scored higher than the marimba part. Paul Creston, in his *Concertino for Marimba and Orchestra*, has avoided the tendency to overshadow the marimba's overtones by furnishing (in the second movement) the solo marimba with pizzicato accompaniment. Robert Kurka's *Concerto for Marimba and Orchestra* avoids the problem stylistically; his *Concerto* is a modified concerto grosso. Milhaud's *Concerto for Marimba and Vibraphone* also solves the problem, antiphonally. Sarmientos, himself an accomplished marimbist, rarely scores any instrument above the marimba part although he does alter the marimba's tone color by assigning a part (to the

\*Xylophones do not necessarily have resonators; marimbas always have resonating channels beneath the keys.

clarinet) in unison with the solo marimba. When Sarmientos orchestrates the marimba below other instruments it is when the marimba is carrying strong rhythms played with four hard mallets.

Achieving the marimba's predominance, in scoring for a large ensemble, is often not difficult at all. Chords striking the treble register with very hard mallets can penetrate the entire brass section. The problem of over-powering the marimba becomes acute only in soft passages.

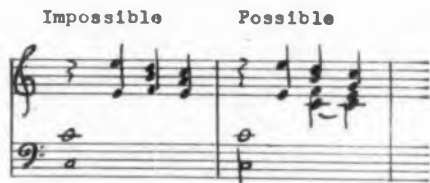
Though it is similar in timbre, the piano is effective accompaniment for the marimba: legato and staccato in the one instrument complement the qualities in the other.

#### Four-Mallet Technique

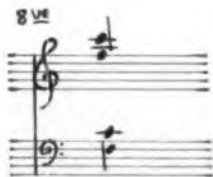
There are no mechanical features to aid the marimbist in dynamics, phrasing or in sustaining sound. The player's action (known as "roll")—of quickly repeating the note or chord with alternating mallets—is the only means of prolonging the sound. For this reason it would be impossible to hold a four-note chord and play a melody simultaneously: both hands would be required to sustain the chord:



A player has complete control over four mallets at most:



Voice spacing between two mallets in one hand should not exceed a tenth; and between bass and tenor the interval would be better limited to an octave because the bass keys are broad. Spacing between the hands (between tenor and alto parts) may be estimated at most at two and one-half octaves.



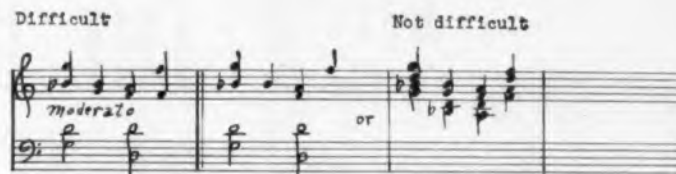
It is possible to cross voices in four-mallet playing, as well as in two-mallet playing, but, while they are crossed, the inner mallets should not be more than a fourth or fifth apart:



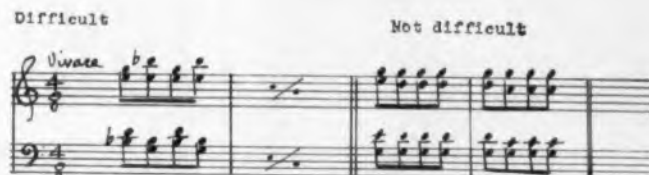
A composer can approximate four-mallet technique by working at the piano keyboard with only the thumbs and little fingers extended. In his Concertino for Marimba and Orchestra, Paul Creston thus assimilated marimba technique.

Nearly all second year students can manage four mallets when the harmony is close or when the voices move chiefly in parallel motion. Only the proficient marimbist can control the voice parts independently when leaps as wide as a fifth are called for. It takes advanced marimbists also to play two- or three-voice polyphonic works

(or four slow-moving parts such as Bach chorales). In every instance, the two inner mallets (tenor and alto parts) are easier to maneuver than the outer ones:



Intervals played by two mallets in one hand should not change rapidly unless the movement is scalewise:



When a composer wishes a change of mallets for the sake of tone color, he should allow time for this. To lay down a set of four mallets and pick up a different set of four is hazardous if 10-20 seconds is not provided for the exchange. It requires less time—about ten seconds, safely—to lay down two of four mallets, but to pick up two requires a few seconds more.

It would seem that parallel intervals in rapid succession would be easy for one hand as it is on all other keyboard instruments. However, if the passage continues beyond five scale degrees, a change in hand position is required, because of the keys' graduation in width. The notes between the interval of a fifth, for instance, may span twelve inches in the bass and as few as six inches in the treble register:

(Continued on page twenty-six)



Vida Chenoweth will be soloist with the Orchestra of America, conducted by Richard Kern, in Carnegie Hall January 13, 1960.



# THE USE OF THE LOWER LIP IN HORN PLAYING

by Philip Farkas

● Philip Farkas, principal horn of the Chicago Symphony, was born in Chicago in 1914 and began the study of the French horn in junior high school. For eight years his instructor was Louis Defrasne. After three years as a member of the Chicago Civic Orchestra, a training group for future symphony musicians, he received his first professional appointment in 1934, as first horn in the newly-organized Kansas City Philharmonic under Karl Krueger. Three years later Frederick Stock, who was then Conductor of the Chicago Symphony, had him come to Chicago as first chair horn in that orchestra. After a five-year tenure there, Farkas transferred for four years to the Cleveland Orchestra, playing under Artur

Redzinski, Erich Leinsdorf and George Szell. Then for one season he was first horn in the Boston Symphony under Serge Koussevitzky. His second period with the Chicago Symphony began in 1947. Mr. Farkas has also appeared as soloist with the Chicago Symphony Orchestra. Along with his symphony work he is the horn instructor at Northwestern University and the hornist of the Chicago Symphony Woodwind Quintet. He is also the author of a recently published book, "The Art of Horn Playing."

The accompanying article is taken from a book, to be published in the near future. Its tentative title is "The Brass Players' Embouchure Problems."

One of the more common misuses of the embouchure is a tendency on the part of the player to protrude the lips out into the mouthpiece—a sort of pouting expression which causes the inside surfaces of the lip to become the vibratory edges of the embouchure opening. Characteristically, the tone resulting from this is thick, dark, smokey, without ring or resonance and inclined to be "grainy" or slightly rough. It gives the impression that all the air is not being converted to vibration—and this is precisely the case.

Ideally, vibrating surface or vibrating string is set into motion by a force working at a right angle (90°) to its surface or linear direction. A violin bow should cross the strings at right angles. The tympani sticks strike the tympani head at right angles. And even the schoolboy, seeking to annoy the teacher by squeaking his chalk on the blackboard, will instinctively hold the chalk exactly perpendicular to the board. If he "drags" the chalk so that it slants backward to the contact point no vibration will result.

This same type of vibration is a most desirable quality for the brass player to achieve with his lips. If the lips are slanted into the mouthpiece by pouting, the vibration, if it does not stop completely, will be of inferior quality. This results, of course, from the lips not being held in that right angle position to the moving air-stream. The cure consists simply in holding the lips back against the teeth firmly so that they cannot pout.

As in all other phases of brass playing, this holding-back feeling is not violent or intense. It is no more, perhaps, than the refusal to permit a pout. Anyone using the cheeks correctly will find that there is very little tendency to pout, as the cheek contraction, opposing, as it does, the lip contraction, draws the lips quite firmly over the arch of the front teeth. So, in correcting this inclination to pout into the mouthpiece, the player should give careful consideration to the cheek muscles and see that they are upholding their share of the work. For, if they are contracting sufficiently, the tendency to let the lips sag into the mouthpiece is practically nil.

## The Happy Mean

In all embouchure problems, over correction is as bad as no correction at all. If, in training a tightrope walker, you corrected his tendency to fall always to his right by suggesting that he fall to the left from that time on, he would be little better off. Brass playing and tightrope walking are very much alike, in that a perfect balance requires that we "lean" neither too far left nor too far right.

From the foregoing warning against "pouting," it is conceivable that some students will say to themselves, "I'll fix that problem once and for all by pulling the lips back until they curve in over the teeth like those of an oboe player!"

The result of this would be even more detrimental to good brass playing than the pout. Here is what happens when the lips slant backward even the slightest degree: the air pressure blowing against the lips tries to swing the

# TOWARD BETTER UNDERSTANDING

by Drew Pearson

lips out, and the little opening so necessary to forming a clear, free tone is actually blown shut. If we imagine a little pair of swinging doors in place of the lips, we shall understand why this undesirable action takes place. Let us suppose that these swinging doors actually touch each other when they are in alignment. Now, if air is forced through them, they swing outward. As they do so, the edges, which were just touching, separate, and the opening between them gets larger and larger as the air pressure is increased. However, if the doors are slanted slightly inward before the air pressure is applied, the commencement of the air pressure swings the doors closed. Thus the inward slanted lips produce the most undesirable condition of closing tighter and tighter as the player tries to play louder and louder. Players who get the feeling that the horn chokes up as they try to make a *crescendo* would do well to explore the possibility that their lips might be held in just such a back-slanted position.

## Lower Lip Discipline

The lower lip would seem to be more often the offender. Perhaps it is because the surfaces of the lower teeth, being smaller, offer it less support than the upper teeth offer the upper lip. Or perhaps the lower jaw, tending to recede as it does, allows the lower lip to slide back of the upper lip and thus create a new bad habit. I have had success in curing this problem, once it is definitely established that it is the lower lip which is curling in, by the procedure outlined in the following.

First, we must understand that the lower lip is most remarkably agile—much more so than the upper. Its construction permits it to roll very far outward so that it appears large and pouted. Or it can be rolled back inward so that no red shows at all. Because of this we might say that the lower lip has the ability to swivel, exposing at will the finest thin red line or the utmost fullness, including even the inner surface. This flexibility is another reason why we so often find the lower lip rolled or slanted too far back. Luckily, however, this same flexibility makes the correction of the problem relatively easy. Place the lips in the usual playing position on that invaluable aid, the mouthpiece rim, and, using the mirror, observe the proportion of each lip being used. Then, without moving or disturbing the upper lip in any way, deliberately take the lower lip out of the rim and replace it lower on the rim. In other words put less lower lip into the mouthpiece. This will result in too large an opening between the lips—one which could not possibly vibrate.

Now, without sliding either lip on the mouthpiece rim, roll the lower lip farther into the mouthpiece. The flesh of the lower lip will then fill in this too-large opening, and, with proper judgment, make the opening just right in size. Note that the lower lip is now expos-

ing slightly more of its inner surface. This procedure might be put in another way. Place the upper lip as always, but deliberately place the mouthpiece a little too high on the lower lip; then slightly (please note that "slightly"! ) turn the lower lip inside-out until the proper amount of lower lip is again showing in the mouthpiece rim. It will appear to be the same amount as always but the actual playing surface will consist of more of the inner area of the lower lip.

In seeking the utmost moderation in applying this somewhat abstract principle, let us keep well in mind that we are not attempting to pout the lower lip outward to a noticeable degree, but only to keep it from rolling inward to a detrimental degree. This entire concept must be tried experimentally with the utmost delicacy and finesse, lest we lean too far in the other direction.

As an aside, it might be of interest to the reader to learn that the horn players of a hundred years ago used a lip setting on the mouthpiece which required such an extreme application of this outward rolling of the lower lip that it appeared as though the lower lip was actually out of the mouthpiece and even encompassing some of the mouthpiece beyond and outside the rim. Because of its appearance, this embouchure setting was called in Germany "*einsetzen*" (setting-in). This contrasted with the embouchure the trumpet players of that time and most modern brass players use today: a "setting-on position," called in Germany, "*ansetzen*." Although this old "setting-in" position gave every appearance of employing no lower lip in the mouthpiece, such was not the case. Most of the lower lip was outside the mouthpiece, but the lip was so rolled inside-out that quite a substantial amount of lower lip was in fact present in the mouthpiece. The proportions were much the same as they are for modern horn players: two-thirds upper lip and one-third lower lip. The difference lay in the part of the lower lip used. The old "setting-in" method used the soft, always moist, inner surface of the lower lip. Although this had some drawbacks, its chief advantages were an extremely soft, mellow tone and smooth, liquid-like slurs.

## Similar Features

Our modern "setting-on" method loses some of this tone and produces a harder slur, but gives better endurance, easier high notes and greater technique. Though we use this modern "setting-on" method almost exclusively, today the two methods are not so diametrically opposed as their names might indicate. There has always been a suggestion of that "setting-in" usage of the lower lip in the "setting-on" embouchure, and it is this spirit or feeling of similarity, however slight, that I have tried to convey in this discourse concerning the lower lip.

In the center of the Capitol Theater stage, the fragile form of Galina Ulanova fluttered to the floor in the climax of *The Dying Swan*. Out in the body of the theater, 3,426 spectators—the most ever squeezed into the Capitol—paid uproarious tribute. Scene after scene, dance after dance of the Bolshoi Ballet had brought from staid, conservative, culture-satiated Washingtonians unabashed, uninhibited, tumultuous approval.

Beyond that approval, beyond the record-breaking \$37,000 box-office receipts which topped the Metropolitan Opera's \$29,000, beyond the ballerinas' quick tour of Lincoln Memorial and Congress was something more important than art and appreciation of art.

It was the fact that art can form a bridge between people.

So far diplomats have not been able to bridge the gap between the political animosities of the United States and the Soviet Union; nor have the scientists sitting in Geneva; nor even the heads of states meeting at the summit in 1955.

But the lithe beauty of Ulanova's body and face; the suppleness of Susanna Zvyagina in the "Sabre Dance," and the rugged expressive hands of Yuri Faier as he led seventy American musicians and one hundred Russian dancers in perfect rhythm—they did what trained diplomats and skilled politicians have not been able to do.

They helped the Russian and American people understand each other.

For the Americans who applauded the grace and symmetry of the Bolshoi Ballet began to understand that a determined cultured people had produced it, dating back from 1773 when a dancer from the St. Petersburg court theater, Filippo Becarri, had offered to teach children in the Moscow orphanage how to dance.

They began to realize that a ballet so beautiful could not have come from a nation of state policemen and Communist criminals, but from a nation which has achieved great beauty, and which now, by finally lifting the Iron Curtain, wants to share it.

Likewise, the Russian ballerinas, who toured Washington by bus before their performance, knew they were not visiting a nation of hate-mongers and wicked capitalists.

When they wanted to stop rush-hour traffic near the 14th Street bridge to take pictures

(Continued on page fifty-nine)

# **STATE GOVERNORS** **LIVE MUSIC A BOOST!**

# GIVE

Governor Robert B. Meyner of New Jersey signs "Use Live Music Week" proclamation in the presence of President Kenin and Assemblyman Charles E. Farrington.



● The half-hundred men presently governing as many states of our Union were not chosen, it is suspected, for their knowledge of Bach's fugal structure, for their ability to sort out the themes in a symphony, nor yet for their skill in detecting the styles of the name band leaders. They were chosen rather for their stand on housing, road-improvement, farm benefits and welfare laws, as well as for their general administrative ability. However, men capable of leadership in practical fields are likely to be sensitive also to developments in the field of art. It has happened, therefore, that a goodly number of our governors have become champions of music. A few—and we wish we could put the number higher—have even become aware of the social implications in the present musical scene: that with music increasing in popularity while jobs for musicians decrease in number and stability, our country faces an impasse which can be resolved only by quick and decisive action. Some governors have offered the weight of their prestige toward starting a countertrend.

### Spokesman for Music

A case in point is Governor Meyner of New Jersey. Not only does he speak on behalf of music whenever he finds an opportunity to do so—witness his speech at the intermission of a concert of the New Jersey Symphony Orchestra last season at Millburn, when he urged music lovers of the State "to form voluntary organizations in pursuit of an ideal"—but he also recently signed a proclamation in which he declared the week of September 20-26 as "Use Live Music Week." Mrs. Meyner is one of the Trustees of the Orchestra.

The proclamation deserves to be read carefully:

"Whereas, the universal language of music interprets the whole spectrum of human emotional experience, and music, apart from providing pleasurable listening, has power to soothe, to excite, to inspire and to exalt; and

"Whereas, the well-being of music as an art is directly related to the situation of its individual practitioner, the professional musician; and

"Whereas, professional musicians have been especially subjected to unemployment through automation by the widespread use of mechanized music; and

"Whereas, the discouragement of professional musicians arising from the difficulty of making a livelihood at their life's work can, in the long run, work only harm to one of the cornerstones of our culture; and

"Whereas, the New Jersey State Conference of the American Federation of Musicians, representing 10,000 members in New Jersey, is in the midst of a campaign to aid its membership by encouraging the increased use of live music;

"Now, therefore, I, Robert B. Meyner, Governor of the State of New Jersey, do hereby proclaim the week of September 20-26, 1959, as "Use Live Music Week" in New Jersey and do urge our citizens to give an added dimension to their enjoyment of music by patronizing original performances."

Proclamations and statements especially advocating *live music* have also been issued by George Docking, Governor of Kansas ("Whereas, since 1929 and the advent of the

'era of mechanization' for music, unemployment among professional musicians has increased by an appalling rate . . . I . . . do hereby proclaim the week of August 2, 1959, as 'Live Music Week'"); by G. Mennen Williams, Governor of Michigan ("Real musicians and live music give us moments we never forget"), and by Cecil H. Underwood, Governor of West Virginia ("Whereas, only through an educated public relative to the plight of *live* music will its preservation be assured . . . our talented orchestras and artist musicians should be encouraged, nourished and enjoyed by the citizens of the State").

### "Music Week" Declarations

As is known, most governors issue proclamations declaring the first week in May as "Music Week," and a few issue, besides, proclamations designating February as "American Music Month." Other pronouncements in behalf of music—such as New York's Governor Rockefeller welcoming the National Association of Music Merchants, the assignment of a time in December by Governor Price Daniel of Texas as "Christmas Carol Hour," and the appointment of a committee to "encourage performance and publication of music of merit by Western composers" by Governor Edmund G. Brown of California—are helps

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toward the wider recognition of music's value in our lives. However, for real service to musicians these cannot compare with the proclamations emphasizing *live* musical enterprise.

In at least five of our states—North Carolina, Vermont, Rhode Island, Utah and Oklahoma—active assistance toward specific musical organizations can be traced directly to governors. The organizations singled out for such state support are usually symphony orchestras.

Thus, Benjamin Swalin, Conductor of the North Carolina Symphony, in a letter addressed to this office, expresses deep gratitude to that State's late Governor J. Melville Broughton under whom the orchestra received its first appropriation, via S. B. No. 248, passed by the Legislature on March 8, 1943. Today, what with the State's \$30,000 per year toward its support, plus the gratuitous services it offers in legal advice, privilege of purchasing through the Division of Purchases and Contracts, exemption from State sales taxes and hotel taxes, and free auditing service, the North Carolina Symphony is proud carrier of culture to the four corners of the State.

### Symphony Week

Early each year its present governor, Luther H. Hodges, issues a declaration for "North Carolina Symphony Week." The one of January of the current year stated: "During the past year, the North Carolina Symphony traveled 6,992 miles and presented 107 concerts, sixty-two of which were free performances for children. The Symphony carried free educational programs to 151,827 children during its 1958 tour, and more than 41,300 adults attended regular concerts in forty-eight separate communities. Hundreds of thousands more enjoyed the orchestra through the media of radio and television."

Governor Luther H. Hodges of North Carolina



NOVEMBER, 1959

Governor Hodges went on to say, "There is today, in our fast-moving and complex society, a great need for an awareness and appreciation of the value of good music. In recognition of this fact, and in acknowledgment of the dedication and artistry of those who actively promote this truly significant program, it is a pleasure to designate the week of January 18-24, 1959, as 'North Carolina Symphony Week' and to urge that all our citizens continue their support of this superb cultural organization."

### State Grant

Vermont has a symphony orchestra which travels in a cavalcade of cars loaded with musicians and their paraphernalia to one town after another to give concerts—and this pretty much throughout the year. In every session the Vermont State Legislature passes a bill appropriating \$10,000 to sustain and encourage the Vermont Symphony. It has had state support since 1939.

The Vermont Symphony, as well as the North Carolina Symphony, gives a concert every other year in the State's House of Representatives. Writes Alan Carter, Conductor of the former orchestra, "This concert for representatives, senators and all state house employees is always a very exciting concert for us, one that draws a packed house and a most enthusiastic one. This year, just as rehearsal was about to begin, Governor Robert T. Stafford found his way through the mesh of pre-rehearsal confusion to greet me and the orchestra, and that evening he and Mrs. Stafford attended the concert. He was completely in favor of our annual bill for support which I am sure had a great deal to do with its passage."

Governor C. Del Sesto of Rhode Island is enthusiastically behind the State's aid to music. During the most recent session of the Rhode Island General Assembly, \$28,000 was appropriated for music projects, including \$7,000 for free, public outdoor band concerts, \$12,000 for the Rhode Island Philharmonic Orchestra to provide symphony concerts, \$7,000 for the Rhode Island Opera Guild providing for free public opera performances, and \$2,000 to the Providence Philharmonic Orchestra to provide symphony concerts. (The State pays for the Rhode Island Philharmonic's transportation up to a fifteen-mile limit.) The orchestra's school program, for which the Music Performance Trust Funds of the Recording Industries match the sums put up by the public, private and parochial schools, consists of twenty-nine orchestral concerts and 104 chamber concerts.

### School Projects

We have not the space here to describe the vast school music programs of the various states, although these indeed amount to indirect aid by such states. The case of Utah might be cited as one of many examples. In 1948, the Utah Symphony became directly associated with the State University, its conductor being appointed professor of music there and its home becoming a building on the campus. Now its rehearsals are open to students and its first-chair artists are members of the department's instructional staff. Numerous other state universities—the Indi-



Governor Christopher Del Sesto of Rhode Island

ana, the Illinois, the Minnesota, the Tennessee—look to symphony orchestra members to fill faculty positions. The campuses thus become a source of earning power for musicians.

The Utah Symphony receives, besides, through the Utah State Institute of Fine Arts, \$12,500 a year from the State of Utah. In return for this grant, the orchestra goes to any town in the state, no matter how far, without charging for travel or lodging expenses.

### Festival for Strings

Oklahoma's Governor J. Howard Edmondson has shown as much ingenuity as any governor in his means of promoting musical enterprise. Through his Board, which controls the parks, he has aided music in Oklahoma and throughout the United States via the first International Congress of Strings held this past summer in Greenleaf State Park. Through his instigation, the planning board (Oklahoma Planning and Resources Board) spent \$8,092.40 in improvements of facilities in the Greenleaf Lake Park youth camp, where the Congress was held. Eighty-two students were accommodated there.

Thus have governors proved spokesmen for and protagonists of music. Albert D. Rosellini, Governor of Washington, was therefore quite in character when he welcomed the delegates of the recent A. F. of M. Convention to Seattle with the words, "Music is interwoven in the fabric of our lives from morning to night . . . States like ours measure their social achievements with a cultural yardstick." He was, in a word, epitomizing by his very gesture of welcome, the truth that it has been in many cases the governors who have sparked enthusiasm for and promoted support of live music in their respective states.

—Hope Stoddard.



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● MAX RABINOVITSJ, the new Concertmaster of the Ottawa Philharmonic, came to the United States from his native Belgium at the age of fifteen, after having studied there at the Conservatoire Royal de Bruxelles. He settled with his family in Camden, New Jersey. Resuming his studies at the New School of Music in Philadelphia, he was offered, on graduation, a full scholarship to the University of Miami. He stayed there two years, after which he accepted a position with the New Orleans Philharmonic-Symphony under Alexander Hilsberg. After a season with this orchestra, he again entered on a period of study, and was accepted at the Curtis Institute of Music, from which he graduated this past year. His teacher at the Curtis Institute of Music was Toshiya Eto.

● MASON JONES is head man in the Philadelphia Orchestra's six-man horn section. Thanks to an understanding and perceptive high school teacher, he got a reasonably early start on his musical career. He was encouraged to try for a scholarship at the Curtis Institute of Music, where he became a pupil of Anton Horner. Horner incidentally at the time held the first-desk position with the Philadelphia Orchestra, and, as head of the horn department at Curtis, and as private teacher, is credited with having taught more than half of the French horn players now in the country's great orchestras.

Mason Jones soon became such a master of his instrument that in 1938, at the age of nineteen and before he had even won his diploma, he was engaged by the Philadelphia Orchestra. After two seasons with the Symphony, he moved up to the first desk, and Horner, through reasons of age, moved down the line.

During the war years, Jones enlisted in the U. S. Marine Band at Washington, D. C., and became solo horn. He is a member of the Philadelphia Woodwind Quintet, composed of first chair members of the Orchestra. He has been a featured soloist and recording artist with the National Gallery Orchestra (in Washington, D. C.) and is a member of the Curtis Institute.



● ERNEST WALKER, principal of the second violin section of the St. Louis Symphony, is one of the few native St. Louisans in the Orchestra. The son of a pianist-organist identified with the local scene for forty-five years, Walker got his early training from Hugo Olk, former Concertmaster of the St. Louis Symphony and from Ludwig Becker of Chicago. He also spent two summers with Leopold Auer in Chicago.

Walker joined the St. Louis Symphony in 1930 at the age of seventeen but continued his studies under the Spanish conductor and violinist, E. Fernandez Arbos, then podium guest of the St. Louis Symphony. In 1934 Vladimir Golschmann, long-time Conductor of the St. Louis Symphony, introduced Walker to Firmin Touche and the final phase of the young violinist's training began. He studied with Touche in Paris during the summer of 1934.

Walker has been with the St. Louis Symphony for thirty years, with the exception of the 1943-44 and 1944-45 seasons, when he played with the Minneapolis Symphony. For five months in 1946 he served as lead violin with Desi Arnaz during a picture at Universal, put in

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a three-month stint at New York's Copacabana, and went on a tour of theaters.

He has appeared in solo recitals and as guest soloist with orchestras in the midwest as well as with various chamber music groups. He is on the faculty of Washington University (St. Louis) and spends his summers with the Municipal Opera Orchestra of which he is Con-  
certmaster.

● **ARMANDO GHITALLA**, assistant first trumpet with the Boston Symphony and trumpet soloist with the Boston "Pops" Orchestra, was born in Alpha, Illinois. He graduated from the Juilliard School of Music in 1949, having played first trumpet during the 1948-49 season with the New York City Opera Company. He was first trumpet with the Houston Symphony for two years prior to his joining the Boston Symphony in 1951. During 1956 he toured with the Boston Symphony to Ireland, Scotland, England, Copenhagen, Oslo, Helsinki, Leningrad, Vienna, Germany, Switzerland and France.



Moscow, Prague,

He presented a trumpet recital at Town Hall, New York, March 23, 1958, assisted by members of the Boston Symphony conducted by Arthur Fiedler.



● **FRANK HOUSER**, Concertmaster since 1958 of the San Francisco Symphony Orchestra, was born in that city forty-three years ago. He has been a symphony member for twenty-three years, during eleven of which he has served as Assistant Concertmaster. In addition to his symphony work, Mr. Houser has been violin instructor at San Francisco State College for a number of years and Concertmaster of the San Francisco Opera and Summer "Pops" orchestras. He was formerly a member of

the NBC musical staff and of the now disbanded San Francisco String Quartet.

This past summer, Mr. Houser served on the faculty of the International String Congress at Greenleaf Lake State Park, near Tulsa, Oklahoma.

● **NELSON L. DAYTON**, first bassoon of the Buffalo Philharmonic, graduated from the Cincinnati Conservatory of Music with a Bachelor of Music degree in 1952. He entered the Air Force and spent the last two and a half years of his enlistment period in the Air Force Band in Washington, D. C., and in traveling with that band in the United States, Europe and North Africa. He entered the New England Conservatory of Music in January, 1955, as a student of Sherman Walt, first bassoonist with the Boston Symphony. He studied at Tanglewood in the summer of 1955, and his tenure with the Buffalo Philharmonic began with the 1955-56 season. He has just received his Master's Degree in Music at the New England Conservatory of Music, as a student of Sherman Walt, after working toward this end for three summers.



● **LEWIS E. WALDECK**, tuba of the New Orleans Philharmonic since 1958, is a native New Yorker, and started to play the tuba in the high schools of that city. He attended Brooklyn College, meanwhile studying with William Bell. His regular music education was received from his father, a teacher of voice. Waldeck's first job was with the Florida Symphony (1953-54) under Frank Miller. In 1954-55 he was a member of the St. Louis Symphony. He has also played in New York with the City

Center Ballet and the Radio City Music Hall Orchestra. In his spare time, Mr. Waldeck and a partner run the University Brass Series, a publishing company devoted to the printing of music for brass ensembles.

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**COMPOUND MEASURES**

*J. C., Minnesota*, is hazy about the breakdown of the beat in such "unusual" measures as those grouped in fives and sevens.

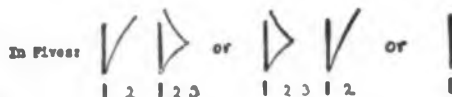
There is nothing unusual about the compounds appearing under the five-eight or seven-eight signatures you illustrate, *J. C.*, or to such counterparts as 5/16 or 5/4, or to 7/16 or 7/4. Trouble is, there isn't too much information about these in current drumming textbook literature.

Rhythmic figures grouped in fives and sevens appear more frequently than you may realize: in symphonic music, the ballet, program music, and even in current Greek dance music, much of the latter following the patterns in question.

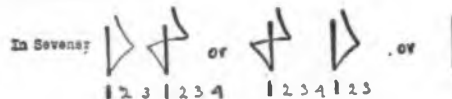
"How is 5/8 and 7/8 beaten?" inquires *J. C.*

In 5/8 or its counterparts the leader may beat a *two* and a *three*, a *three* and a *two* or *one* beat to the measure, according to the character of the music and the tempo. His baton beats appear in chart form below:

THE LEADER'S BATON BEATS



In 7/8 or its counterparts he may beat a *three* and a *four*, a *four* and a *three* or occasionally *one* beat to the measure, according to character and tempo, viz:



**Question:** How shall I know how the leader is going to beat such measures?

**Answer:** First of all, watch him closely. He will feel hurt if you don't. Seriously, his beats, if outside accepted standards, will generally be indicated by the composer in the score and, when possible, transferred by the copyist to the orchestral or band parts.

A common method of indicating the division of the beat in compound measures is by use of broken bars (dotted lines), as follows:



With eighth or sixteenth notes, the distribution of *beams* (the horizontal bars at the end of the note-stems), which normally are

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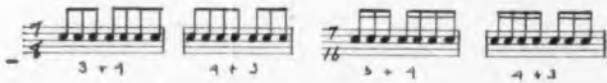
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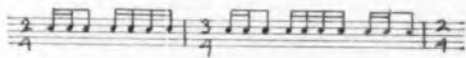
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supposed to follow the rhythm pattern of the measure will often point out the way:



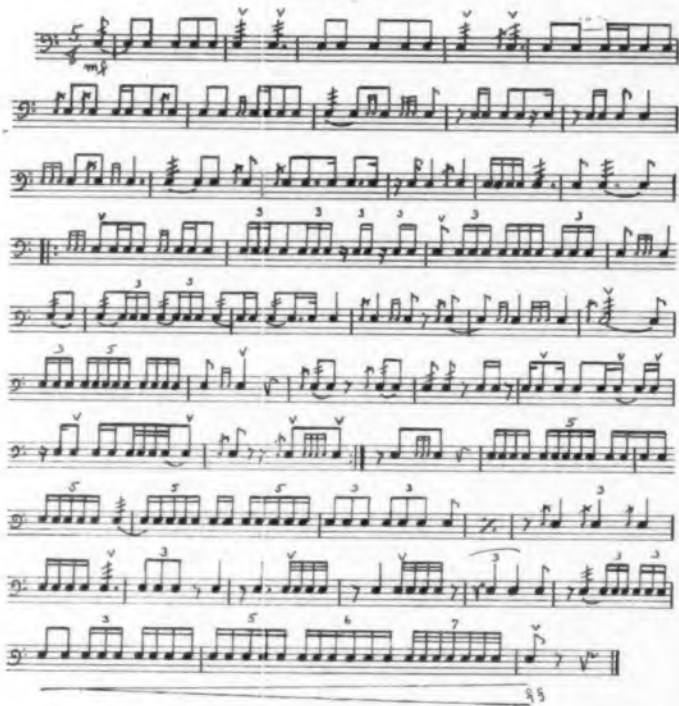
Manifestly, the use of beaming or broken bars to delineate rhythmic patterns is more for the textbook than for printed music in which patterns are subject to constant change. In serious music we are more apt to find *alternated signatures* for such patterns as those of *fives* or *sevens*. Here dependence rests neither on make-shift beams or broken bars. The following quite common combination of the 2/4 and the 3/4 signature to delineate a 5/4 pattern appears in Stravinsky's *Petrouchka*. (The notes are fill-ins, not those appearing in the score.)



### Try This on Your Piano

Try out your sight-reading skill, *J. C.*, on the Etude in 5/8 which follows. Due to its character, in which regularity of pulse is constantly varied, its beaming goes haywire, and, unless your sight-reading ability is "up there," so will you.

### Etude in 5/8



### Credit Where Credit Is Due

While I stated above that drumming textbook literature on compounds is scarce, it is by no means non-existent. Recognition is due two authoritative textbooks which I have on my bookshelves, dealing with the subject.

One is Carl E. Gardner's "Progressive Studies for the Snare Drum," Book IV (Post Graduate), published by Carl Fischer. Here you will find the function of dots, beams, etc., applied in detail to measures grouped in *fives*, also such interesting figures as 3 1/2/4, founded on one of the odd rhythms in the *Dance des Eclairs*, from Florient Schmitt's *La Tragedie de Salomé*. The other is Morris Goldenberg's "Modern School for the Snare Drummer, with a Guide Book for the Artist Percussionist," published by Chappell. This is

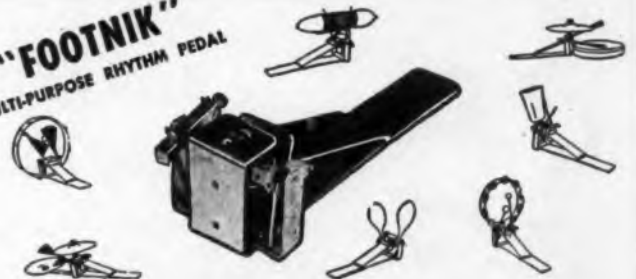
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and this position is recommended both for standup playing in orchestral concert and sitting down to the set.

The playing spot may be in the center of the drumhead or to one side; the drum may be tilted or adjusted flat; but the specified distance between where the stick tips customarily strike and the "funny bone" of the elbow should, for a person of normal proportions, make for best results in comfort, control and speed.

The same distancing applies to practice on the pad.

**Eye Strain in Sight-Reading**

Speaking about distancing, it is vitally important for the student who reads his music while playing or practicing on the pad to make sure that the music is placed at a proper distance for eye comfort.

The near-sighted person should see that his music is comfortably near, so that he doesn't have to bend forward or strain his eyes to get a clear vision. The far-sighted one should place the music at his most comfortable reading distance. A music stand, conveniently placed for reading and playing at the set is preferable to throwing the sheets onto one of the tom toms and twisting one's body into a letter "S" in order to see them.

Proper lighting is another "must."

Tired, smarting or watery eyes—or headaches after practice—are symptoms that something is wrong with the reading conditions.

Quin Ryan in *The Boston Globe* tells about the thoughtful drummer. He wouldn't practice on his drum set until sometime after midnight, lest he disturb the neighbors listening to the late, late movies on TV.

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JOHNNY: No more music lessons.

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In orchestrating for such jazz groups the arranger attempts to retain the feeling of improvisation. In the same way, musical examples shown here are actually not improvised, but arranged in a manner that suggests ad-lib playing and do not sound too contrived.

The first musical illustration is based on the song, "Dark Eyes," in the key of D minor. The chord progression for the first eight measures is: A7 /A7 /Dm /Dm /A7 /A7 /Dm /Dm /. At first a very commercial popular improvisation is shown:

This popular style of jazz would sound equally well on all instruments as it is not written with just one instrument in mind. Of course embellishments such as grace notes or slurs as well as special accents can add many improvements tailored to just one individual instrument. On keyboard instruments a more extended melody range could be used to greater effect, as shown in the next version of "Dark Eyes":

On the other hand, keeping the melody within a small range would sound equally impressive, especially for wind instruments. In the following example an individualized tone on a trumpet or saxophone should make this small range variation quite appealing:

Up to this point a popular jazz style was featured. The same chord progression of "Dark Eyes" could be utilized in a more progressive, modern manner as shown in the following illustration:

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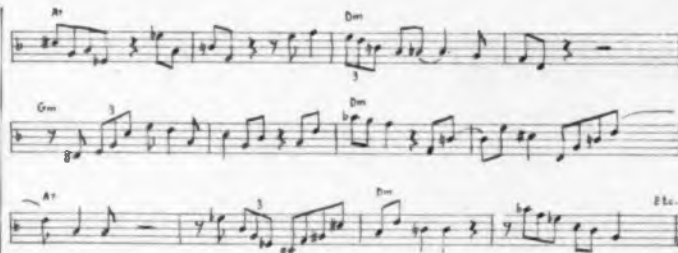
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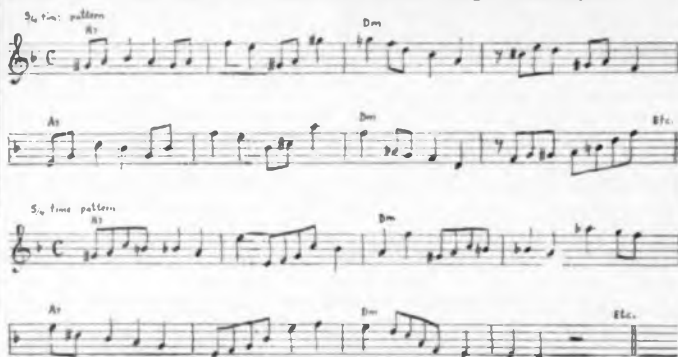
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Aside from melodic variations, it is often effective to use rhythmic variations in jazz improvisation. One such example is the superimposing of a 3/4 or 5/4 rhythm pattern on a regular 4/4 beat. This principle is easily explained in the following sketch:



The first note of each pattern should be accentuated, thereby featuring an accent on a different beat in each measure. A practical application of this principle is shown in the next two examples which, incidentally, are still ad-lib variations on the song, "Dark Eyes":



Countless additional variations are made possible by changing the 3/4 or 5/4 rhythm patterns to any other combination of eighth and quarter notes or even including sixteenth notes and triplets. A little experimentation on this subject will open up many new avenues of jazz improvisation to the performer and arranger.

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# Over Federation Field

(Continued from page sixteen)

President Kenin dedicated the new \$110,000 headquarters building of Local 153, San Jose, on September 27. In his dedicatory speech he pointed out that "Musicians are the first victims of auto-

mation . . . We lost employment in theaters, in cafes, in many other places. Now we are campaigning to regain recognition. The Music Performance Trust Funds has spent \$23,000,000 in the last dec-



At the dedication of the new headquarters of Local 153, San Jose, California. Front row, left to right: Tad Patnea, Secretary, Local 153; Joe Carrillo, Vice-President; President Kenin; Orrin Blattner, President, Local 153; Syl Caselli, Sergeant-at-Arms. Back row, left to right: Myron Kegobain, Executive Board Member; John Schebotta and Elwood Hart, Trustees; Don Meyer, Bert Veale, Les Weagly and Mike Melle, Executive Board Members.

ade so that the public may know the difference between live and canned music."

The new Local 153 building, located at 310 West San Fernando Street, San Jose, with 5,000 square feet of space, has a modern, fully equipped meeting hall for four hundred persons. The hall can be quickly changed into a ball room or banquet room. It also has space for auditions and rehearsal of bands.

Local 153, chartered in 1901, began saving in 1946 to build the new hall. In 1955 the present site was purchased. Late last year construction was started.

"So far, the potential voting strength of labor has never been realized on the American political scene. We are working hard, through the Committee of Political Education and its many state and local subdivisions, to convince our members how important it is for them to exercise their right to vote.

"The last Congressional elections showed we have made considerable progress. If we keep on plugging as strongly as we can, the 1960 elections will result in an even more sweeping political overturn and make it possible once

more for our nation to resume its interrupted march to progress."  
—AFL-CIO Secretary - Treasurer William F. Schnitzler, speaking at the A. F. of M. Convention in Seattle.

I noticed a pithy little paragraph from the pen of Local 5's President Eduard Werner, published in "Keynote," the Detroit local's official periodical: "Some day," he writes. "I would like to tell what I really think of labor unions who march behind a scab band. One union claimed they did not have enough money to hire a band but protested against automation and with banners implored all the other unions to help them against the encroachment of the machine age. Guess who was in front of them? You're right, it was a truck with a phonograph and loud speaker playing one recorded march after another. I had something to say to them at the next meeting of the Detroit and Wayne County AFL-CIO. Incidentally, I have the absolute unanimous support of the AFL-CIO's officials in our fight against this sort of thing and we'll see continued improvement in situations of this kind."

—Ad Libitum.

## HARRY A. MOORE

Harry A. Moore, a life member and former Secretary of Local 282, Alton, Illinois, passed away recently at the age of seventy-five. He was born on December 10, 1882, at Carrolton, Illinois.

Some of the musical organizations of which he had been a member were the Crescent Orchestra, Temple Theater Pit Orchestra, and the orchestras of excursion boats on the Mississippi River. Later he formed his own orchestra, which played many dance engagements in the Alton area.

## DONALD PLECITY

Donald Plecty, past President of Local 243, Monroe, Wisconsin, died of a heart attack May 23.

Born at Gilman, Wisconsin, April 17, 1919, he attended the University of Wisconsin School of Music for two years. He belonged to Local 166, Madison, and was President of Local 243 for six years.

## BRAD SHEPHARD

Brad Shephard, former Secretary of Local 127, Bay City, Michigan, died May 23.

Born in Bay City January 5, 1893, he was Secretary of Local 127 for twenty-five years, and was

at one time its President. He had also served as President of the Bay City Federation of Labor. A musician for over thirty-five years, he played with the LaForge Band for years and then directed his own organization.

Mr. Shephard attended the Conventions of the Federation as a delegate of Local 127 the twenty-five years he held office as Secretary.

## JAMES A. LeFEVRE

James A. LeFevre, former President of Local 311, Wilmington, Delaware, passed away June 29.

Born in Middletown, Delaware, July 6, 1890, he joined Local 311 in April, 1916. He served the local as Treasurer and then as Secretary. In 1930 he was elected President of the local, a position he held for twenty years. He was a delegate to the Conventions of the Federation from 1923 and served

on the Finance Committee for many years. Mr. LeFevre also served as Vice-President of the Penn-Del-Mar Conference from 1927.

## LESLIE M. ABBOTT

Leslie M. Abbott, a member of the Board of Local 628, Sarnia, Ontario, Canada, passed away on July 7 after a two-year illness. He was forty-one years of age.

Mr. Abbott played trumpet with many groups in Sarnia and the surrounding territory. In 1946 he held the office of President of Local 628.

## LEWIS J. SCHEUERLE

Lewis J. Scheuerle, Vice-President of Local 339, Greensburg, Pennsylvania, passed away recently.

Born June 23, 1899, in Austria, he resided in Irwin, Pennsylvania, for the past twenty-eight years. He

was leader of his own dance band for a time and was also a member of the Greensburg Concert Band, the Andrew Shirley Band, the Syria Temple Band and the Tall Cedars Band.

## ROBERT M. JONES

Robert M. Jones, President of Local 138, Brockton, Massachusetts, died September 4. He was in his seventieth year.

For many years Mr. Jones conducted his own orchestra and was active in community projects. He served as President of Local 138 for ten years and was a delegate to several Conventions of the Federation.

## EMILE BARBOT

Emile Barbot, an honorary member of Local 802, New York City, passed away recently at his home in Miami, Florida, where he had been living for the past eleven years.

Born in Geneva, Switzerland, eighty-six years ago, he was a graduate of the Paris Conservatory of Music. He was a member of the New York Symphony Orchestra for thirty-eight years and had played in Chautauqua over a period of years during the summer months. His instruments were bassoon and violin.

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VIOLIN VIEWS AND REVIEWS

By SOL BABITZ

### THE ORCHESTRA TONE AND HOW TO CURE IT

Some violinists who play in an orchestra for any length of time have a tendency to develop a rough, forced tone quality. The obvious explanation for this would be that, since the player cannot hear himself in the orchestra, he cannot help developing an ugly tone. Similarly, a painter who has insufficient light will produce poor colors because he cannot see what he is doing.

The comparison is not exact, however, for all violinists do not develop the "orchestra tone." Only those who already have a tendency to press too hard in solo playing develop the forced orchestra tone, whereas a violinist with good right arm culture simply cannot force the tone—even when he cannot hear himself.

An exception occurs to my mind. Even the best violinists, when at times they play under conductors who demand more volume, have, in seeking to satisfy them, forced themselves to give more than the maximum natural tone. How welcome then to hear a good conductor say, "Now, let us try it again without pressing." The result in the latter case is always a clear resonant tone emerging—as though the orchestra had cleared its throat.

Each player must solve the problem of excessive pressure for himself. It depends both on his listening apparatus and—as I shall point out later—on his "feeling" apparatus.

Finding which muscular activity causes which tone is a "must" for orchestra musicians. It is natural to press when trying to play loud. This motor response has been established from the first lesson. Each player's solution to this habit of excessive pressure is to find the right ratio of substitutes. One player will find that releasing slightly the excessive downward pressure in itself will solve his problem. Another player will find he must speed up the bow motion slightly in order to compensate for the loss of pressure. He will also discover that he must remove the bow somewhat from the neighborhood of the bridge, since fast strokes and proximity to the bridge are producers of bad tone.

There are cases in which it is incorrect to try to improve the tone by releasing pressure. Indeed this may cause weakening of the tone. In the following example:

played 3 inches from point  
using about 3 inches of bow.



there must be constant forte pressure. The forced quality can be removed only by moving the bow closer to the bridge. One and three-fourths inches from the bridge will sound forced. One and one-fourth inches will sound good. Using the above type of passage as a model

(Continued on page thirty-nine)

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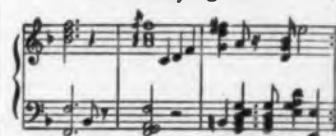
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by Vance S. Jennings

### CHOOSING A METHOD BOOK

In the discussion, "a first lesson on the clarinet," contained in the August issue of this department, reference was made to choosing good method books for your pupils. Many conscientious teachers feel that it is difficult to teach using only the available published material; so they resort to writing original material for the use of their students. Later perhaps they use this material in writing a method book of their own. A compilation of the choice material that is written for this purpose would certainly make a wonderful reference work for the teachers across the country.

However, the average teacher is faced with a wide choice of material from that already available to him in published form. In choosing, he must recognize the problems and needs of his pupils and make his recommendations based upon those factors.

### Level

Probably the first factor to consider is the level of the pupil. If he is a beginner, the teacher must determine which of the many beginning methods is most suitable. Some method books progress more rapidly than others. Some require more thought on the part of the pupil. Therefore the age, intelligence, musical ability and past musical experiences enter into the making of this choice. If the pupil has studied some other musical instrument previously, then there will probably be less concern over the basic music theory such as note values and music reading. Much of this will transfer, and thus the student so trained is apt to progress more rapidly than an actual beginner.

### Logical Sequence

Another important factor to consider is whether or not the book follows the general sequence preferred by the particular teacher. It is disconcerting to any student to be told to purchase a book and then have the next six months filled with complaints on how inadequate the book is. So choose a book which follows the sequence which you as a teacher believe to be correct.

### Remedial Material

For the student who cannot progress with normal rapidity, remedial material is important. The student needs to feel that he is progressing. If he can go on to the next lesson, he feels a sense of accomplishment even though the teacher knows the material in the new lesson is virtually at the same level as that in the previous one. This is helpful in keeping a struggling young student interested in his instrument. The chief offenders among our method books are those which fail to provide sufficient material at the elementary level—the so-called "tutor" methods, the ones which most of us studied. While these books do provide beginning material, it is usually very brief and not at all practical. Thus these "tutor" methods, although they are

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the mainstay of our available material on the clarinet and saxophone, are to be used only after the pupil is ready to study the level of material which constitutes the bulk of the music contained in the book. These wonderful old methods simply are not for beginners.

Plenty of good beginning material is available, however, and the teacher should keep up with the new output as it comes on the market. For example, there is a method available for those who believe in a legato approach to the clarinet. For the very young student there is a method which contains some very clever drawings and illustrations of musical terms as well as many simple, well-known tunes.

**Fundamental Content**

One thing is often lacking in the newer methods. In order to make the musical content of the book more palatable for our young students, many authors have removed the fundamental or foundational materials from their books. This is unfortunate. Method books *must* contain such basic materials as scales, arpeggios, and related studies. Any book lacking in this vital area is simply inadequate for the purpose.

A teacher should not of course expect a method book to contain everything. Supplemental material must be used. To make lessons more interesting and comprehensive, the use of solos and materials to meet special needs of a pupil is strongly encouraged. Also duet material and music for even larger ensembles should be used if at all practical for the teacher.

Use of band or orchestra class methods for the private student is not advisable. These method books were devised for the use of mixed instrumental groups and as such do not always follow the most logical sequence for each instrument included in the group. In the case of the orchestra class methods, the problem of key signatures arises very early and can cause the wind instrument players trouble and confusion. As an example, even the simple "open string" key of G containing one sharp throws the B-flat clarinet into the key of A, three sharps, and the E-flat saxophones into the key of E, or four sharps.

Finally, the material as presented in a method book should be interesting to the student and it should present a constant challenge. This will help maintain his interest and keep him working on his instrument. Clarity of the notation also is a help. If a method can meet each of the foregoing requirements, it should work well as a teaching method.

**VIOLIN — views and reviews**

(Continued from page thirty-seven)

the player can experiment by changing tempo, quantity of bow, distance from the bridge. In each case his ear should tell him when the good quality occurs and when it is forced.

**The Deliberately Forced Tone**

Sometimes a forced tone is suited to the nature of the music being played—but this should be done deliberately and with perfect control. A good exercise for training the ear and muscles to differentiate between a good tone and a forced tone is to play various kinds of slow strokes, as well as whole bows, in different parts of the bow. At first play with more than maximum pressure so that a choked tone quality is produced; continue playing, meanwhile carefully releasing the pressure little by little until the forced sound is gone and a clear forte sound appears. As soon as this point is reached re-apply the pressure so that the forced sound reappears. By doing this repeatedly you begin to learn not only to hear but to feel the difference between a good tone and a forced one. This is most important because the only way to eliminate the forced tone is to train oneself to know merely by the feel of the hand on the bow whether or not the tone is being forced.

Note: Triple and quadruple stop chords are almost invariably played with a forced quality because they are marked forte or fortissimo, and therefore pressed too hard. These can be improved by deliberately playing them piano or mezzo forte. There will be no loss of volume and resonance will be enhanced.

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# SYMPHONY



The Cincinnati Symphony, now enlarged to ninety-two members, includes Robert Sayre as first cellist and Robert Willoughby as first chair flute . . . Raymond F. Kohn is the new manager of the National Symphony Orchestra. For the past year he has been General Manager of WGMS. . . . Seven new players have joined the Oklahoma City Symphony: violinists William Nation and Katherine Burke; percussionist Thomas Gauger; string bass John Williams; bassoonist Joan Powell; and violists, husband and wife, Elizabeth and Arthur Bauch . . . The new concertmaster of the Waukesha (Wisconsin) Symphony is Fritz Siegal who succeeds Herman Clebanoff. New faces in the Chicago Symphony will be Sidney Harth, Concertmaster; Frank Miller, principal violoncellist; Harold Sorin, in the viola section; Grover Schiltz, assistant first oboist; Byron Peebles, assistant first trombonist; and Gordon Peters, principal of the percussion section . . . The Philadelphia Orchestra has David Grunischlag, former Concertmaster with the Israel Philharmonic Orchestra, in the first violin section . . . The New Jersey Symphony has a new Concertmaster. He is Louis Gabowitz, a native of Philadelphia, and a member of the Casals Festival Orchestra.

**CARNEGIE HALL** In what will probably be its last year of concert presentations, Carnegie Hall will resound to a distinguished series of orchestras this season. The New York Philharmonic will of course give its 120-plus concerts there, the Boston its twenty-concert series and the Philadelphia Orchestra, its ten-concert series. Besides, the National Symphony of Washington, D. C., will present two concerts (November 30 and March 14) and

the Cleveland Orchestra, three concerts (February 1, 8 and 15). Moreover the newly formed Orchestra of America, under the musical direction of Richard Korn, will present a series of five Wednesday evening concerts in Carnegie Hall. This latter orchestra has been established to explore important though unfamiliar American music literature, to assist young composers to gain recognition, and to enrich the experience of music lovers.

**ANNIVERSARIES** The Philadelphia Orchestra marks its sixtieth anniversary in November, and Maestro Ormandy reaches his sixtieth birthday the same month (November 16 and 18 respectively) . . . The Duluth Symphony, Hermann Herz, Conductor, will dedicate its opening concert to the United Nations, which is celebrating its fourteenth anniversary this year . . . The Worcester Music Festival, celebrating its one hundredth anniversary October 19 through 24, had the Detroit Symphony under Paul Paray for its official festival orchestra.

**YOUTH** In Philadelphia, the first Junior Student Concert will be called, appropriately, "Let's Meet the Orchestra." Pianist Helen Dawson will be soloist. Conductor William Smith—he is Assistant Conductor of the Philadelphia Orchestra—has scheduled a world premiere for this program: "1863—The Gettysburg Address" by Burle Marx . . . The first Youth Concert this season for the Chicago Symphony will be entitled "The Circus" and will be conducted by the orchestra's Associate Conductor, Walter Hendl . . . The Little Orchestra Society of New York is to present six different programs for children this year, each to be given twice, at 11:00 A. M. and at 3:00 P. M. . . . The Tucson (Arizona) Symphony gives six youth concerts each season, performing for 20,000 children. The orchestra's regular conductor, Frederic Balazs, conducts these concerts, with the Elementary Music Supervisor, Carol Rinehart, acting as commentator. Also the Tucson Youth Symphony meets regularly in rehearsals, workshops and clinics, under Mr. Balazs' direction, and that of the orchestra's Assistant Conductor, George Lotzenhiser.

**SOLOISTS** Six soloists never before heard with the Minneapolis Symphony are to be presented in the forthcoming subscription series: Ingrid Haebler, Gaby Casadesus, Leonard Pennario, Eugene Istomin and Ruth Slezczynska, pianists; and Johanna Martzy, violinist. The orchestra will have as "repeaters" Claudio Arrau, Robert Casadesus, pianists; Rafael Druian, Szymon Goldberg and Yehudi Menuhin, violinists; and Giolietta Simionatto, mezzo-soprano . . . Marie St. Gaudens-Fiatarone will be piano soloist at the November 14 concert of the Richmond (California) Symphony . . . The soloists for opening concerts respectively of the Baltimore Symphony, the University of Miami Symphony, the Tampa Philharmonic and *L'Orchestra Symphonique de Quebec* were pianists Leon Fleisher, Rudolf Firkusny, Moura Lympany and Jorge Bolet. Violinists as season openers were Yehudi Menuhin for the National Symphony, Isaac Stern for the Atlanta Symphony and Dayton Philharmonic, Ruggiero Ricci for the Tucson Symphony, and

Jaime Laredo for the Cleveland Orchestra. Laredo, a Bolivian violinist who captured first prize in the 1959 Queen Elisabeth of Belgium International Music Competition, was also soloist at the Dallas Fall Festival of Music, Art and Drama opening, October 23 . . . Joyce Flissler, the violinist who along with Van Cliburn in Russia focussed world attention on musical America—she won a place among the violin contestants—will be soloist with the Midland (Texas) Symphony November 21.

**SPECIAL** For its Citizenship Day Concert, the Honolulu Symphony Orchestra, George Barati, Conductor, performed Sousa's "Stars and Stripes Forever," Copland's *A Lincoln Portrait*, and three Hawaiian songs. The program closed with Beethoven's "Victory" Symphony No. 5 . . . The Philadelphia Orchestra has announced three special concerts: Van Cliburn, December 17; Leopold Stokowski, February 23; and Victor Borge, April 12 . . . The Providence (Rhode Island) Philharmonic Orchestra, directed by Domenico Lombardi, presented a "Neapolitan Night" in Roger Williams Park recently. The concert was sponsored by the MPTF of the Recording Industries.



"Dallas" and "Callas" are more than rhyme words these days. The latter was the chief attraction during the Texas city's Fall Festival of Music, Art and Drama in October. She sang the principal soprano roles of *Lucia di Lammermoor*, *The Barber of Seville* and *Medea* . . . The Philadelphia Grand Opera Company has designated three Sundays—December 13, February 7 and April 3—as the dates for performances respectively of the double bill, *I Pagliacci* and *Suor Angelica*, *La Bohème* and *The Bartered Bride* . . . With the starting date on September 26, in Poughkeepsie, New York, the Wagner Opera Company is taking five popular Italian operas (*Madame Butterfly*, *La Bohème*, *Rigoletto*, *La Traviata* and *The Barber of Seville*) on a nine-week tour of the United States and Canada. Felix W. Salmaggi is the general manager, and Anton Guadagno shares the conducting duties . . . The highlights of the Little Orchestra Society's thirteenth season of Town Hall concerts, under the direction of Thomas Scherman, are four one-act operas in concert versions. The first of these operas, Handy's *The Apothecary*, was presented on October 19. It was sung in an English translation especially prepared by Thomas Scherman . . . Now entering its eighth year, the American Opera Society, in addition to its performances in New York at Carnegie Hall and the Metropolitan Museum of Art, is presenting a series at the Academy of Music in Philadelphia and at Constitution Hall in Washington, D. C. The New York series opened October 20 with the first American performance in over one hundred years of Donizetti's tragic opera, *Maria de Rohan*, under the baton of Nicola Rescigno.

**PREMIERES** At its October 15 and 17 concerts, the Cleveland Orchestra under George Szell gave local premiere performance to Benjamin Lees' Second Symphony . . . Harold Blumenfeld's "Miniature Overture" was premiered by the St. Louis Symphony, directed by Edouard



van Remoortel, at the October 30 and 31 concerts . . . A Concerto da Camera for strings and solo winds will be played on November 19 by the Civic Orchestra of Minneapolis, conducted by Thomas Nee. The work, by Everett Helm, a Minneapolis-born composer residing in Wurttemberg, Germany, was commissioned by the orchestra . . . The October 19 concert of the Roanoke (Virginia) Symphony included the first performance of Robert Stewart's Overture, *Molab*.

Instead of a personnel manager, the **IDEAS** Tucson (Arizona) Symphony Society has a five-member orchestra committee, elected by the general orchestra membership . . . Traveling problems have been reduced for the current eight-week Boris Goldovsky Grand Opera Tour (October 5-November 28) through the employment of an all-but-indestructible type of scenery of minimal weight and bulk. This fiberglass and aluminum acoustical scenery perfected under a Ford Research Grant is being used for the forty-seven presentations of the new *Rigoletto* presented in forty-six cities throughout eighteen states.

**TOURS** Record for the Latin-American tour of the National Symphony Orchestra: 17,000 air miles flown; nineteen South and Central American countries visited; sixty-eight concerts given in twelve weeks. Programs were as varied as the countries visited, including music of North American composers Barber, Creston, Copland, Gould, Gershwin, Hanson, Piston; the national anthems and the indigenous music of each country; the classics. The National Symphony will make two New England tours this season, one late this Fall and one in March. It will also tour the Southern States from January 28 to February 18 . . . The Boston Symphony is making six short tours during the present season. Between October 19 and 25 it was heard in Utica, Syracuse, Rochester, Toledo, Detroit and Ann Arbor. During the third week in each month from November through March, it will include five Wednesday evening and five Saturday matinee concerts at Carnegie Hall, New York, and a series of five Friday programs at the Academy of Music, Brooklyn. The orchestra will play twice in New Haven, Connecticut (November 17 and March 22) and twice in Washington's Constitution Hall (December 17 and Febru-

ary 18). The following cities will be visited for one performance each: Northampton, Massachusetts; Englewood, New Jersey; Newark, New Jersey; Baltimore, Maryland; Storrs, Connecticut; New London, Connecticut; and Philadelphia, Pennsylvania . . . George Barati, conductor of the Honolulu Symphony, has recently concluded a guest-conducting tour of Japan, Taiwan and the Philippines with the Tokyo Philharmonic. At a concert at Camp Drake, major United States military installation near Tokyo, Walter Hautzig was guest soloist in Grieg's Piano Concerto.



The new conductor of the San Diego Symphony is Earl Murray. He was born in San Francisco, studied at the University of California and with Monteux. In 1942 he became a member of the San Francisco Symphony, in 1951, its rehearsal conductor, in 1953, its assistant conductor, and in 1955, its associate conductor. A more extended biography of Mr. Murray appeared in the January, 1958, issue of the *International Musician* on page 42 . . . Haig Yaghjian, former music director of the Fresno (California) Philharmonic, is the new assistant conductor of the Cincinnati Symphony. Max Rudolf is the orchestra's Musical Director . . . Leonard B. Smith, known as Conductor of the band bearing his name, has been engaged as the Conductor of the Scandinavian Symphony Orchestra in Detroit . . . Robert Zeller, Conductor of the Grand Rapids Symphony, made his symphonic debut in Scandinavia late in September, conducting the Salmo Symphony . . . Leon Pouloupoulos, Conductor of the St. Petersburg and Clearwater, Florida, symphony orchestras, directed the Kansai Symphony in an all-Beethoven concert in Osaka, Japan, August 3 . . . Jose Serebrier, last year's Dorati scholar with the Minneapolis Symphony at the University of Minnesota, is now engaged in another season of student conducting at the Minneapolis Symphony and the University of Minnesota . . . Walter Mantani for the past six years has been conductor of two orchestras, the Midland Symphony and the Odessa Symphony, both in Texas. Between concerts he is on constant call as lecturer for civic clubs and in the schools of both cities . . . The Fort Lauderdale Symphony announces the appointment of Mario di Bonaventura as Music Director and Conductor for

the 1959-60 season . . . Ronald Ondrejka, formerly Conductor of the United States Seventh Army Symphony Orchestra, has been selected by William Steinberg as one of the young American conductors to appear on a regular subscription series of the Pittsburgh Symphony. He will conduct in Pittsburgh on February 12 and 14 and his program will include Henry Cowell's Symphony No. 11, *The Seven Rituals of Music* . . . Robert Strassburg conducted three concerts with the Orquesta Sinfonita de Colombia this summer. He is a resident of Miami, Florida, where he is known as the founder of the Youth Symphony . . . Leopold Sipe has been appointed Music Director and Conductor of the St. Paul Civic Philharmonic Society. He was selected from more than seventy applicants from this country, Canada and Europe. Sipe has been conductor of the College of Puget Sound-Tacoma Symphony, and during his three years in this capacity he has organized a string quartet, conducted the college chamber orchestra, founded a youth orchestra in Tacoma and served on the college faculty . . . Harry Farbman, Musical Director of the Springfield, Illinois, Symphony, will appear this season as Guest Conductor of the St. Louis Symphony.

**FAVORED DAYS** The Philadelphia Orchestra gives its concerts on Friday afternoons, Saturday evenings and Monday evenings in the home town and Tuesday evenings in New York City . . . The New York Philharmonic plays Saturday and Thursday evenings and Friday and Sunday afternoons . . . The Boston Symphony has Friday afternoons and Tuesday and Saturday evenings . . . The Cincinnati Symphony favors Fridays and Saturdays, the Cleveland, Thursdays and Saturdays, and the Houston, Mondays and Tuesdays . . . The New Jersey Symphony presents its concerts in clusters of four. The November four—on the third, fourth, fifth and seventh of the month—will be presented respectively in Livingston, Millburn, Montclair, and Rutherford. The soloist will be violist William Primrose. Subsequent concert clusters will be given in January and March.

**MONEY** For the second consecutive year the Vancouver Symphony, through ticket revenue, plus a grant from the city and community fund-raising, has operated without a deficit.

The Richmond Symphony, Richmond, Virginia. The Old Dominion Foundation has voted a grant of \$6,050 to the two-year-old orchestra to pay half the expenses of four out-of-town regular concerts and one out-of-town youth concert during the current season. The orchestra's regular Conductor is Edgar Schenkman.



# RADIO and TELEVISION ...

In the first of the series called "Leonard Bernstein and the New York Philharmonic," October 25, the program included a film based on the performances of that orchestra and its conductor in Moscow this past summer, and showed Boris Pasternak, Dimitri Shostakovich, and the widow of the late composer Serge Prokofiev greeting the visiting American musicians.

This Peabody Award-winning concert series on CBS Television, sponsored by the Ford Motor Company, will have three more hour-long concerts, in November, January and March.

The Peabody citation stated that "by his virtuosity and genius for expression, Mr. Bernstein has inspired a resurgence of interest in symphonic music through intelligent and articulate discussions illustrated by orchestral performance of the highest quality."

For the third consecutive year, Cleveland radio station WGAR, in cooperation with the A. F. of M. and the Musical Arts Association, will present the Cleveland Orchestra in a series of twenty coast-to-coast broadcasts, the time Sundays from 3:05 to 4:00 P. M. The opening concert will be December 20. Approximately 175 Columbia Broadcasting System affiliated stations are expected to carry the AM and FM broadcasts.

Chamber music was featured on two different one-hour programs in Los Angeles on September 6. The first program, broadcast from the Los Angeles County Museum (KFAC-AM&FM), consisted of compositions by Vernon Leftwich (Local 47), William Schmidt (47), Charles Haubiel (802), and Charles Maxwell (47). Instrumentalists were Richard Giese, flute; Arthur Gault, oboe; Albert Klingler, clarinet; Irving Rosenthal, horn; Walter Ritchie, bassoon; and Yoshiko Niiya, piano. The second program, over KPFK-FM, offered works by Otto Bostelmann, Russell Garcia (47), Charles Haubiel and Charles Maxwell. Instrumentalists were Arthur Hoberman, flute; William Kurasch, violin; Lawrence Segal, viola; and Alexander Reisman, cello.

These programs were made possible through assistance from the Music Performance Trust Funds of the Recording Industries.

On October 9, the Bell Telephone Hour presented the first of twelve music specials over NBC-TV. Eleven of these hour-long colorcasts are being presented within the framework of NBC's Friday night series of specials from 8:30 to 9:30 P. M., and the twelfth will be on Easter Sunday.

The Bell Telephone Hour's fourth music special of the current television season, November 20, will be devoted entirely to the music of George Gershwin. Andre Previn will be soloist in the *Rhapsody in Blue* with the accompaniment of Donald Voorhees and the

Bell Telephone Orchestra. Polly Bergen and Vic Damone will sing selections from Gershwin's musical comedies, and jazz stylist, Ella Fitzgerald, will sing selections from *Porgy and Bess*.

Ira Gershwin, brother of the late composer and lyricist for his most successful songs, will be music consultant for the program.

The eighteenth season of the A. W. Mellon Concerts at the National Gallery of Art in Washington, D. C., began September 20, and will continue through June, 1960. Richard Bales is directing them for his seventeenth year. Through the cooperation of Local 161, the concerts are being broadcast in their entirety by Station WGMS-AM and FM, Washington.

The New York Times and radio station WQXR are currently choosing participants for a "Musical Talent in Our Schools" series of broadcasts they are sponsoring, beginning next Spring. The project is conducted each year in cooperation with the New York City Board of Education and parochial private high school authorities. Judges of the auditions are Rudolf Serkin, pianist; Leonard Rose, cellist; Artur Rubinstein, pianist; Leonard Bernstein, Music Director of the New York Philharmonic; and Jascha Heifetz, violinist. Abram Chasins, Music Director of WQXR, has directed the project since its inception.

Dr. William Sebastian Hart, Musical Director of the Gettysburg Symphony, will appear on ABC TV network on Johns Hopkins File 7 series set for Sunday, November 8, at 12 noon.



Dr. William Sebastian Hart

Dr. Hart will speak and demonstrate musically on the subject: "What is a conductor?" During the course of the half hour Dr. Hart will play "Pop Goes the Weasel" in the style of Bach, Mozart, Mendelssohn, Debussy and Prokofiev. This one-half-hour program will subsequently be available on film to churches, colleges and other interested groups.

"The King's Men," a trio of members of Local 479, Montgomery, Alabama, provides "Music for Reminiscing" for the program in "The Guest Room," now being televised over WSFA-TV, Montgomery, Alabama, and serving thirty-five Alabama counties as well as several counties in Georgia and Florida. Joe Thomas is pianist of the trio; Buddy Samford, bassist and vocalist; and Burt Lydic is trumpeter and violinist plus musical director on "The Guest Room" and promotion manager at WSFA-TV.

The trio performs over the station five times a week at 5:30 P. M.



WSFA-TV Trio, Montgomery, Alabama. Left to right: Burt Lydic, Buddy Samford, Joe Thomas and Bart Darby, staff announcer and "Guest Room" host.

# Where they are playing



We welcome advance information for this column. Address: International Musician, 39 Division Street, Newark 2, New Jersey.

**DON GLASSER** is signed for a November 17 opening at New York's Roseland Ballroom . . . **MARY McLEAN** is playing clubs and cocktail lounges in and around Vincennes, Ind. . . **BENNY SNYDER** is holding forth at the Pioneer Cafe in Wrightstown, N. J. . . **SIR JUDSON SMITH** is currently keyboarding at The Lounge in Lansing, Mich. He specializes in calypso numbers which he picked up during cocktail lounge engagements in the Virgin Islands . . . **JUNE SAFFORD** has been performing at the Buccanor Inn, Longboat Key at Sarasota, Fla., since it opened three years ago . . . **CURLEY GOLD** is playing various dates throughout the State of California.



Don Glasser



Mary McLean



Benny Snyder



Judson Smith



June Safford



Curley Gold

## EAST

**Norm Tofte** and his Group have been employed on Saturday nights at O'Brien's Danceland in Kirkwood, N. Y., for one year. On piano there is Jack Jones; Vic Di Vigili plays sax and clarinet; Gail Swikehardt, bass; and Norm Tofte, drums and vocals . . . **Paula Paige** closed a six-month engagement, playing piano nightly at her own place, the Lakeside Restaurant and Music Bar at Saratoga Lake, N. Y.

## NEW YORK CITY

"Jazz for Moderns" tees off a seventeen-day tour on November 13. The package, which includes **Dave Brubeck's Quartet**, **Lambert, Hendricks and Ross Combo**, **Maynard Ferguson**, **Chris Connor**, **Chico**

**Hamilton Quintet** and emcee **Leonard Feather**, will play its Carnegie Hall date on November 20.

## MIDWEST

**Roy Eldridge** opens a two-weeker at the Embers in Fort Wayne, Ind., on November 30 . . . **The Martin Denny Foursome** is booked there for a single week beginning February 22.

**The Earl Bostic Combo** is due at **Ciro's** in Milwaukee, Wis., on November 3 . . . **The Ahmad Jamal Trio** opened Milwaukee's "Music for the Moderns" second year's jazz concert season at the Shorewood Auditorium on September 22. **Duke Ellington** and his Band will perform on January 18, with **J. J. Johnson's Quintet** signed for February 16. The

fourth attraction of the 1959-60 series has not been announced as yet . . . **The O'Brien and Evans Duo** is in its sixth month at the Hotel Wausau, in that Wisconsin town.

**The Six Fat Dutchmen Orchestra** of New Ulm, Minn., has been voted the nation's number one polka band in the country for the fourth consecutive year by the National Ballroom Operators . . . **The Don Shirley Combo** is scheduled for two weeks at Mr. K's in Minneapolis, Minn., starting December 21.

## CHICAGO

**The Bob Centano Jazz Group** is working the Chicago area . . . **Earl "Fatha" Hines** bowed at the London House October 20 for a four weeks' stay . . . **George Shearing** is set for three weeks at this locale beginning November 18 . . . In addition to their regular Fridays and Saturdays at the Red Arrow in Stickney, Ill., **Franz Jackson** and his Original Dixieland Jass Band perform every Thursday night at **Jazz Ltd.** . . . **The Chicago Jazz Ensemble** recently opened an indefinite engagement at **Ray Colomb's Jazzville U. S. A.** The group has **Gene Esposito** on piano and trumpet, **Joe Daley** on tenor sax, **Hal Russell** on drums and vibes, and **Jim Atlas** on bass.

## SOUTH

**Gene Krupa** makes an eleven-day appearance at **Bourbon Street's Dream Room** in New Orleans, La., beginning November 13. Other upcoming dates on his itinerary include: **Henry Grady Hotel**, Atlanta, Ga., November 24 to December 5; **London House**, Chicago, Ill., De-

cember 22 to January 10; **Miami Springs Villas**, Miami Springs, Fla., January 15 to February 6; **Porky's Hideaway**, Fort Lauderdale, Fla., February 8 to February 14.

## WEST

**Tony Pastor** has given up his big band to form a family unit (**Tony Pastor** and his two sons, **Guy** and **Tony, Jr.**). The act, currently performing in Las Vegas, Nev., is billed as "The Pastors" . . . **The Sons of the Golden West** (**Norval "Buss" Boyk**, violin; **Dave Yeary**, guitar, comic and vocals; **Paul Shilling**, guitar and vocals; and **Sammy White**, bass and vocals), at the **Golden Nugget** there, open at **Harrah's Club** in Reno, Nev., on November 16.

**Don Pietro**, the "Clown Prince of the Piano," is presenting comedy in concert form at the **Fling** in San Diego, Calif.

After completing twenty-seven weeks at the **Esquire Club** in Rapid City, S. D., the **Larry Ward Quartet** has settled at the **Park Lane Hotel** in Denver, Colo., for an indefinite time. **Larry Ward** on trombone and bass is aided by **Kay Canfield** on cocktail drums and vocals, **Frank Green** on piano and organ, and **Chester Chastain** on tenor sax.

**Wes Tittle** and his **Tri-County Boys** have been featured on Saturday nights at the **V. F. W. Hall**, **Redmond Airbase**, **Redmond, Ore.**, for the past five years. The personnel includes **Marvin Jacobs**, steel guitar; **Dale Brown**, lead guitar and vocals; **Bill Goldman**, drums; **Bob Church**, rhythm guitar and vocals; and **Wes Tittle**, bass and vocals.



The Tommy Garrett Orchestra plays military clubs, colleges and conventions in South Carolina and part of Georgia. The members, all of whom belong to Local 502, Charleston, South Carolina, include **J. D. Blanding, Jr.**, **J. V. McKnight**, **Tommy Garrett, Sr.**, **Ed Smith**, **M. J. Yon, Jr.**, **Kenneth Gunnels**, **Jack Bello**, **Ralph Fowler**, **Tommy Garrett, Jr.**, and **Leonard Scott, Jr.**



● **Joseph Wincenc:** As the newly appointed Associate Conductor of the Buffalo Philharmonic Orchestra, Mr. Wincenc feels right at home. He is a native of Buffalo (born there October 16, 1915); he was a member of the Buffalo Philharmonic from 1938 to 1941, the latter year its Concertmaster; he organized and conducted the Business and Professional Men's Symphony in Buffalo; he taught in public and private schools in Buffalo and its suburbs; and, since 1947, he has been professor of music at the State University of New York College for Teachers at Buffalo.

Mr. Wincenc has held various other posts in New York State. He was a member of the Chautauqua Symphony for five seasons (1939-43). In 1946 he organized the Amherst Symphony Orchestra and has since been its Musical Director. Since 1950 he has been Conductor of the Orchard Park Symphony.

This past summer he was guest professor at Madison College, Harrisonburg, Virginia, where he taught advanced conducting in the graduate division and was Director of the Summer Band School. He inaugurated the new summer series known as the Clarence Pops at the Clarence, New York, Town Park, formerly the Automobile Club of Buffalo.

Mr. Wincenc is a graduate of Oberlin Conservatory of Music, where he majored in violin and conducting. He attended the State Conservatory of Music in Prague and was awarded a Master's Certificate in 1938. He has an M.A. degree from Columbia University.

He is married to the former Margaret Miller, a graduate of Oberlin, where she majored in piano and organ. They have three daughters.

● **Walter F. Moeck:** Organizer and Conductor of the Alabama Pops Orchestra, Birmingham, Alabama, Walter F. Moeck, a native of Milwaukee, Wisconsin, began studying piano at seven and, at nine, trumpet. At sixteen he played first trumpet with the Wisconsin Symphony. After high school he attended the Eastman School of Music in Rochester, New York, and while at Eastman played with the Rochester Philharmonic and Civic Orchestras and the Metropolitan Opera Traveling Orchestra.

Mr. Moeck received his Bachelor of Arts degree from Eastman and his Master of Arts degree from the University of Iowa, then studied under Pierre Monteux for several seasons.

Upon graduating from Eastman, Mr. Moeck accepted a position in the music department of the University of Alabama. There he taught

brass instruments, and conducted the symphony orchestra and brass ensemble. During his conductorship at the University of Alabama he gave concerts featuring the standard orchestra repertoire, contemporary music and oratorio. At the same time he conducted the Southeastern Composers Forum Orchestra, performing from thirty to forty contemporary works each year.

While conducting the University of Alabama Symphony and Forum Orchestra, he was Associate Conductor and first trumpet in the Birmingham Symphony Orchestra, a post he held for eight years.

In 1956 he founded the Alabama Pops Orchestra of which he is now Musical Director and Conductor. His summer concerts in Birmingham have drawn large audiences.

Mr. Moeck recently organized the Birmingham Brass Chamber Music Group. He gives instrumental clinics and writes articles for music and educational magazines. His work with children in the musical field is highlighted by his post as Instrumental Director of the Indian Springs School for Boys.

As more and more young people participate in symphonic music as audiences and as performers, it is Mr. Moeck's desire to bring to the lovers of good music everywhere an opportunity to enjoy it, and to teach the general public to enjoy music at its best.

● **Barnett Breeskin:** Conductor of the Miami Beach Civic Orchestra, the Miami Ballet Company and the Beauville Symphonette, as well as Concertmaster of the Fort Lauderdale Symphony Orchestra, Barnett Breeskin has brought each of these organizations to fuller activity. In the three seasons he has had the Miami Beach Civic Orchestra under his baton,

it has risen from a "scant handful of musicians" to a city-sponsored orchestra of seventy-four instrumentalists, playing eight concerts between October and May in the 3,600-seat Miami Beach Municipal Auditorium. Moreover it has a record of more-than-capacity audiences at all times.

Mr. Breeskin, born in New York City of Russian parents, was already playing the violin at the age of four. He studied as a child with Kemp Stillings and with his cousin, Elias Breeskin.

As he developed into a violinist of high skill, he played in orchestras in the New York area, appeared on radio with Paul Whiteman, and played under Hans Kindler in the National Symphony Orchestra in Washington, D. C.

After study for a summer at L'Ecole Monteux, school for conductors run by Pierre Monteux, in Hancock, Maine, he became qualified also for podium activity. His aim as Conductor of the Miami Beach Civic Orchestra is to make it "one of the best yet and to develop music here as a major drawing card for the thousands who both dwell and vacation in South Florida."

● **Herbert Garber:** The new Associate Conductor of the Tulsa (Oklahoma) Philharmonic served during the 1958-59 season as Assistant Conductor of the Hartford (Connecticut) Symphony. Before that he was successively Musical Director and Conductor of the opera, *Open the Gates*, by Dai-Keong Lee at the Black Friars' Guild, New York City, Assistant Conductor of the New York City Ballet Company, and Conductor of the National Company of "The Teahouse of the August Moon." He has studied under and was later Assistant to Leon Barzin at the National Orchestral Association, New York City. He was violist in the Ronald Murat String Quartet and violinist in the Hartford String Quartet, as well as violinist in the National Orchestral Association and in the Hartford Symphony Orchestra.

Born in New York City December 8, 1919, he was a student at the Frank Damrosch School (1928-33), at the Institute of Musical Art, later called The Juilliard School of Music (1933-38), and at the Washington Square College of Arts and Sciences (1938-43) where he earned his Bachelor of Arts Degree in Music.

He is married to the former Jeannette Hall, and they have one child, Sharon, aged four.

Joseph Wincenc



Walter F. Moeck



Barnett Breeskin



INTERNATIONAL MUSICIAN

Of interest in the world of

# CHAMBER MUSIC



Eric Simon

Eric Simon, for nineteen years teacher of clarinet and orchestration at the Mannes College of Music, New York, until his recent resignation, has been appointed Musical Director of the Second Annual Town Hall Festival of Music in that city. The series will include three concerts, at the first of which, on November 22, Mr. Simon will conduct the Wind Symphony,

made up of members of the Boston Symphony, with Leonid Hambro, piano. Subsequent events will include an Ernest Bloch Memorial (December 6) and the debut of a new ensemble, "The Fireside Players"—two vocalists and six instrumentalists—on January 24.

The Tucson (Arizona) String Quartet, composed of Tucson Symphony members, is to appear regularly in classroom performances in the public schools of that city during the current season. The Youth Concerts Committee each year commissions new works to be heard on their programs.

One of the first touring chamber music ensembles to perform in the new State of Alaska will be the Claremont String Quartet: Marc Gottlieb, Vladimir Weisman, violins; William Schoen, viola; and Irving Klein, cello. Beginning in October, the Quartet is presenting seventeen concerts there during a five-week stay.

A \$300 prize for a string quartet is being offered by the Hans J. Cohn Music Foundation, established in memory of a physician-musician of Woodstock, New York. The winning work will be chosen by a jury composed of Henry Cowell, William Kroll, H. A. Schimmerling and Alexander Semmler. Manuscripts must be received by December 31. For further information, write the Foundation, at Woodstock.

The Oklahoma City Symphony Society is presenting three chamber concerts this season: the first, on October 4, by the Oklahoma City Symphony String Quartet; the second, January 22, by the Juilliard String Quartet; and the third, May 8, by the Fine Arts String Quartet.

The opening concert of Antient Concerts took place in Carnegie Hall, October 24, under the direction of Homer Wickline. The five subsequent concerts, also in Carnegie Hall, and the three children's concerts in the YMHA, New York, will specialize in Medieval, Renaissance and Baroque music, featuring ancient instruments.

Leon Stein's Quintet for Solo Saxophone and String Quartet has been selected for performance at the University Composers' Exchange Festival of American Music to be held on the campus of Valparaiso (Illinois) University, November 14. Cecil Leeson will be the saxophone soloist with the Chicago String Quartet, whose members are Oscar Chausow, David Chausow, Harold Newton and Leonard Chausow.

Paul Shure is the new first violinist of the Oberlin String Quartet. He is also professor of violin at the Ohio college. He comes from Los Angeles where he was concertmaster of the 20th Century-Fox Studio Orchestra.

"Three Evenings With Great Composers" is the title of a Sunday evening series presented on the University of California, Los Angeles, campus this season. On November 22, rarely heard chamber works of Mendelssohn will be performed by Louis Kaufman and James Getzoff, violins; Albert Falkove, viola; George Neikrug, cello; and assisting artists.

The University of Michigan Woodwind Quintet, composed of faculty members from the School of Music, was one of the first resident ensembles of its kind on any college



The University of Michigan Woodwind Quintet. Left to right: Nelson Hauenstein, flute; Florian F. Mueller, oboe; Clyde A. Carpenter, French horn; Lewis H. Cooper, bassoon; and Albert Luconi, clarinet.

campus. It was originated by a group of Music School faculty members who practiced together and played several concerts of their own. In 1949, the University gave them official recognition, making membership in the Quintet a part of their contractual duties along with teaching their individual instruments. Since then, only two personnel changes have occurred.

Present members of the ten-year-old Quintet are: Clyde Carpenter, French horn; Nelson Hauenstein, flute; Albert Luconi, clarinet; Lewis Cooper, bassoon; and Florian Mueller, oboe.

The group plays at least one campus concert each semester including the Summer Session, and guest appearances, tours for extension service, and performances at conferences and meetings raise the annual total of concerts to about twenty. When the Quintet plays at music conferences and on tour, they also hold instructional clinics for music teachers and students.

The "Twin Cities Trio" (St. Paul, Minneapolis), organized two years ago, appeared in Carnegie Hall, October 4. The ensemble, composed of Beata Blood (violin), Rubi Wentzel (cello), and Virginia Krumbiegel (piano), presented a new work by Vincent Carpenter, composer in residence at Macalester College in St. Paul.



The Twin Cities Trio. Left to right: Beata Blood, violin; Rubi Wentzel, cello; and Virginia Krumbiegel, piano.



### The Chester City Band

The Chester City Band is one of the very best illustrations we have anywhere of stability in the concert band world. Like other famous bands of quarter century and more endurance—for instance, the bands of Long Beach, California; Racine, Illinois; Asbury Park, New Jersey; Sioux Falls, South Dakota; Joplin, Missouri; and Hagerstown, Maryland—it has undergone several changes in title while it has maintained its high standards in musicianship and its active life.

First organized around 1930, in Linwood, Pennsylvania, by J. Wharton Gootee, the band changed its locale for a period in the mid-thirties to Marcus Hook. Then in 1935 it was engaged to provide the music for the annual commencement of the Pennsylvania Military College of Chester and, realizing other engagements in that city, moved there in 1940, now a fully professional organization. Already it had had two names: the "Scrap Iron Band" (of Linwood), and the "Viscose Band" (of Marcus Hook). Now, since the band's rehearsals were conducted in the Moose Hall of Chester, it became known as the Moose Band. It acquired a fourth title in 1941, when the Elks Lodge made tempting proposals to the Band and it entered into that organization, becoming the Chester Elks' Band.

Then, on July 4, 1959, when the National Anthem concluded the Band Concert at Lake Field in Prospect Park, Pennsylvania, the Chester Elks' Band underwent its fifth metamorphosis, becoming the Chester City Band. Again, though, this means, rather than a setback or discontinuance, a further development. With its personnel and management remaining the same—Robert B. Keel continues as its business manager and Thomas G. Leeson as its Conductor—its activities will be even further increased in line with closer affiliation with the city.

With the change in title comes a complete change in uniforms—the new ones "bankers' grey" with powder blue and silver trim—and, as well as a new look, a new outlook.

Writes Manager Robert B. Keel, "It is our feeling that this municipal assistance is a credit to our Mayor and City Council and indicates their recognition of the importance of

music in public relations. We can salute an administration that gives recognition to a professional unit."

So the band erstwhile entitled the Scrap Iron Band, Viscose Band, Moose Band, and Chester Elks' Band, marches on to a new phase in its history and in the history of band music in Delaware County, as the *Chester City Band*.

### Hagerstown Band Leaderless

Dr. Peter Buys has announced his resignation as conductor of the Hagerstown (Maryland) Municipal Band, thus ending a career of leadership of thirty-nine years in that organization and a total of forty-six years as bandmaster. The last concert which he will direct will be on November 22 in South Hagerstown High School auditorium.

Dr. Buys, who was born in Amsterdam, Holland, August 11, 1881, has been a resident of the United States since 1902 and a citizen since 1906. From 1912 to 1930 he was arranger for John Philip Sousa and attributes much of his band know-how to this close association with the great leader.

During his years as the Hagerstown Municipal Band conductor he has elevated what was at the beginning an obscure local band to a position of national prominence among concert bands. The band has played summer concerts to large audiences in Hagerstown's City Park through the years, and has participated in all civic and patriotic parades and in local functions. Its fifty musicians are all members of Local 770.

The band is looking for a replacement, and details may be secured from Dr. H. F. Carbaugh, 306 N. Potomac Street, Hagerstown, Maryland.

Arthur Wise, Bandmaster, Lincoln High School, Stratford Drive, Philadelphia, Pennsylvania, is undertaking a research project on bands and orchestras that visited Willow Grove Park, Pennsylvania, between 1896 and 1926. Anyone having information on this subject please get in touch with him.

Chester (Pennsylvania) City Band, Director, Thomas G. Leeson



Dr. Peter Buys

Captain A. R. Teta, former chief bandmaster of the 43rd Division, is eager to get any material concerning the history of the bands that were in that Division during World War II. Any bandmen and bandmasters who were in that Division and who took movies and stills while in service should get in touch with him at Post Office Box 1826, New Haven, Connecticut. Captain Teta is especially interested in getting movies of the dedication of Camp Blanding in 1941.

Morton Gould, American composer-conductor, will conduct the Fifth All-American Bandmasters' Band of the Mid-West National Band Clinic to be held at the Hotel Sherman in Chicago, December 9 to 12.

The 1959-60 Edwin Franko Goldman Scholarship has been awarded to flutist Marilyn Anne Laughlin, of Minneapolis, Minnesota.

★ Philadelphia's Mayor Richardson Dilworth formally inaugurated the Philadelphia Festival of Western Hemisphere Music on September 27. To be held from October, 1959, to June, 1960, the festival will have over sixty different organizations—orchestras, choruses, chamber groups, schools, churches and opera companies—contributing. William R. Smith, assistant conductor of the Philadelphia Orchestra, and Guillermo Espinosa, Music Section Chief of the Pan American Union, will conduct the orchestra.

★ In conjunction with the celebration of its 150th anniversary in 1960, the Park Avenue Christian Church in New York City announces a contest for a musical composition, the winner to receive a prize of \$200. For further information write "Anthem," 1010 Park Avenue, New York 82.

★ The music publishing firm of G. Schirmer, Inc., will be one hundred years old in 1961 and plans a nation-wide observance of the milestone.

★ The Mid-West National Band Clinic will be held at the Hotel Sherman in Chicago, December 9 to 12. The closing concert will be by the "Fifth" All-American Bandmasters' Band, recruited from school band directors all over the United States and directed by composer-conductor Morton Gould.

★ Richard Burgin, Associate Conductor and Concertmaster of the Boston Symphony, has been appointed to the faculty of Boston University. He will conduct special concerts of the University Chamber Orchestra and will teach violin and advanced conducting to specially qualified students.

★ The National Association of Schools of Music will meet in Detroit, Michigan, at the Statler-Hilton Hotel, November 27-28.

★ Adela Bay, pianist and teacher, long-time member of Local 802, has developed a useful musical device and one adjusted to the modern education psychology. Called "Tonemeter," it presents the tonal relationships and harmonic patterns visually in a readily understandable form, and thus assists in the grasping of the fundamental rudiments of music.

★ The New York City Rodgers and Hammerstein Scholarship, established by the Mayor's Committee on Scholastic Achievements, will provide a full \$800 annual scholarship at the Mannes College of Music for five years. The 1960 recipient will be chosen via a con-

## It's in the news!

test held in the public, private and parochial schools throughout the city. He will begin his studies in the fall of 1960.

★ Three hundred dollars is offered for a work for harp alone or for harp with one or more instruments and \$50.00 for a moderately easy harp solo, by the Northern California Harpists' Association, Inc. Address the Association at 1757 East 38th Street, Oakland 2, California.

★ A grant of \$1,000 from Broadcast Music, Inc., has made possible the establishment of the John Lewis Chair in Jazz Composition by the School of Jazz, Inc., at the Music Barn, Lenox, Massachusetts. By means of this grant, composition students who entered the school this past summer got a reduction of \$125 on the normal tuition of \$385. The session ran from August 9 to August 30.

★ Marianne Probst of Augsburg, Germany, won first place in the World Accordion Competition ("Coupe Mondiale") which took place in New York recently under the auspices of the International Confederation of Accordionists. She was the only German contestant for the championship.

★ Pianist Leon Fleisher has joined the faculty of the Peabody Conservatory.

★ A grant of \$1,000 to the Arcari Foundation of Philadelphia for the encouragement and advancement of serious music composition for the accordion has been made by Dr. Ernst Hohner, head of the musical instrument house of Matthes Hohner A. G. of Trossinger, Germany.

★ Mel Powell has been awarded a Guggenheim Fellowship in musical composition for 1959-60.

★ Sidney Harth, recently appointed concertmaster of the Chicago Symphony Orchestra, has been named an instructor in violin at DePaul University's School of Music.

★ A resident string quartet at Hartt College of Music of the University of Hartford has been announced by Dr. Moshe Paranov, President of Hartt. Members are Gerald Gelbloom, first violin; Bernard Lurie, second violin; Marie Blewett, viola; and Dorothy Fidler, cello.

★ A competition for a choral work has been announced for Rhode Island. Any composer resident in this state may submit one or more choral works. The winning composition will be published by Boosey and Hawkes in connection with Brown University Publications. Also the composer will receive from the Wassili Leps

Foundation \$150.00 in advance of royalties. For further information address: Wassili Leps Foundation, Department of Music, Brown University, Providence 12, Rhode Island.

★ Hugo Weisgall, a faculty member of the Juilliard School of Music, will be Visiting Professor of Music at Pennsylvania State University this winter.

★ A violin completed in 1734 by Antonio Stradivari and reputedly worth around \$100,000, has been given to Benno Rabinof, the concert violinist. The donor chooses to remain anonymous.

★ The Albuquerque (N.M.) Civic Symphony is offering a \$250 prize for an unperformed symphonic work it will introduce this season.

★ Daniel Guilet, violinist with the Beaux Arts Trio of New York, has been named to the Indiana University music faculty as resident violinist for the coming school year. The Trio was in residence at the university this summer as well as in 1957.

★ Vlado Kolitsch, violinist and pedagogue, presently marking the thirtieth anniversary of teaching in America, has moved his studios from New York to the West Coast. He is a member of the faculty of Los Angeles Conservatory of Music.

★ Virgil Thomson has written a composition for unaccompanied accordion. It is called "Lamentations," and will run for about five minutes in length.

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# LABOR-MANAGEMENT REPORTING AND DISCLOSURE ACT OF 1959

In accordance with Section 103 which states, "Every Labor Organization shall inform its members concerning the provisions of this Act," we are printing it herewith:

Public Law 86-257, 86th Congress, S. 1555, September 14, 1959

An Act to provide for the reporting and disclosure of certain financial transactions and administrative practices of labor organizations and employers, to prevent abuses in the administration of trusteeships by labor organizations, to provide standards with respect to the election of officers of labor organizations, and for other purposes.

## SHORT TITLE

Section 1. This Act may be cited as the "Labor-Management Reporting and Disclosure Act of 1959."

## DECLARATION OF FINDINGS, PURPOSES, AND POLICY

Sec. 2. (a) The Congress finds that, in the public interest, it continues to be the responsibility of the Federal Government to protect employees' rights to organize, choose their own representatives, bargain collectively, and otherwise engage in concerted activities for their mutual aid or protection; that the relations between employers and labor organizations and the millions of workers they represent have a substantial impact on the commerce of the Nation; and that in order to accomplish the objective of a free flow of commerce it is essential that labor organizations, employers, and their officials adhere to the highest standards of responsibility and ethical conduct in administering the affairs of their organizations, particularly as they affect labor-management relations.

(b) The Congress further finds, from recent investigations in the labor and management fields, that there have been a number of instances of breach of trust, corruption, disregard of the rights of individual employees, and other failures to observe high standards of responsibility and ethical conduct which require further and supplementary legislation that will afford necessary protection of the rights and interests of employees and the public generally as they relate to the activities of labor organizations, employers, labor relations consultants, and their officers and representatives.

(c) The Congress, therefore, further finds and declares that the enactment of this Act is necessary to eliminate or prevent improper practices on the part of labor organizations, employers, labor relations consultants, and their officers and representatives which distort and defeat the policies of the Labor Management Relations Act, 1947, as amended, and the Railway Labor Act, as amended, and have the tendency or necessary effect of burdening or obstructing commerce by (1) impairing the efficiency, safety, or operation of the instrumentalities of commerce; (2) occurring in the current of commerce; (3) materially affecting, restraining, or controlling the flow of raw materials or manufactured or processed goods into or from the channels of commerce, or the prices of such materials or goods in commerce; or (4) causing diminution of employment and wages in such volume as sub-

stantially to impair or disrupt the market for goods flowing into or from the channels of commerce.

## DEFINITIONS

Sec. 3. For the purposes of titles I, II, III, IV, V (except section 505), and VI of this Act—

(a) "Commerce" means trade, traffic, commerce, transportation, transmission, or communication among the several States or between any State and any place outside thereof.

(b) "State" includes any State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, the Canal Zone, and Outer Continental Shelf lands defined in the Outer Continental Shelf Lands Act (43 U.S.C. 1331-1343).

(c) "Industry affecting commerce" means any activity, business, or industry in commerce or in which a labor dispute would hinder or obstruct commerce or the free flow of commerce and includes any activity or industry "affecting commerce" within the meaning of the Labor Management Relations Act, 1947, as amended, or the Railway Labor Act, as amended.

(d) "Person" includes one or more individuals, labor organizations, partnerships, associations, corporations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, or receivers.

(e) "Employer" means any employer or any group or association of employers engaged in an industry affecting commerce (1) which is, with respect to employees engaged in an industry affecting commerce, an employer within the meaning of any law of the United States relating to the employment of any employees or (2) which may deal with any labor organization concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work, and includes any person acting directly or indirectly as an employer or as an agent of an employer in relation to an employee but does not include the United States or any corporation wholly owned by the Government of the United States or any State or political subdivision thereof.

(f) "Employee" means any individual employed by an employer, and includes any individual whose work has ceased as a consequence of, or in connection with, any current labor dispute or because of any unfair labor practice or because of exclusion or expulsion from a labor organization in any manner or for any reason inconsistent with the requirements of this Act.

(g) "Labor dispute" includes any controversy concerning terms, tenure, or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of employment, regardless of whether the disputants stand in the proximate relation of employer and employee.

(h) "Trusteeship" means any receivership, trusteeship, or other method of supervision or control whereby a labor organization suspends the autonomy otherwise available to a subordinate body under its constitution or by-laws.

(i) "Labor organization" means a labor organization engaged in an industry affecting commerce and includes any organization of any kind, any agency, or employee representation committee, group, association, or plan so engaged in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment, and any conference, general committee, joint or system board, or joint council so engaged which is subordinate to a national or international labor organization, other than a State or local central body.

(j) A labor organization shall be deemed to be engaged in an industry affecting commerce if it—

(1) is the certified representative of employees under the provisions of the National Labor Relations Act, as amended, or the Railway Labor Act, as amended; or

(2) although not certified, is a national or international labor organization or a local labor organization recognized or acting as the representative of employees of an employer or employers engaged in an industry affecting commerce; or

(3) has chartered a local labor organization or subsidiary body which is representing or actively seeking to represent employees of employers within the meaning of paragraph (1) or (2); or

(4) has been chartered by a labor organization representing or actively seeking to represent employees within the meaning of paragraph (1) or (2) as the local or subordinate body through which such employees may enjoy membership or become affiliated with such labor organization; or

(5) is a conference, general committee, joint or system board, or joint council, subordinate to a national or international labor organization, which includes a labor organization

engaged in an industry affecting commerce within the meaning of any of the preceding paragraphs of this subsection, other than a State or local central body.

(k) "Secret ballot" means the expression by ballot, voting machine, or otherwise, but in no event by proxy, of a choice with respect to any election or vote taken upon any matter, which is cast in such a manner that the person expressing such choice cannot be identified with the choice expressed.

(l) "Trust in which a labor organization is interested" means a trust or other fund or organization (1) which was created or established by a labor organization, or one or more of the trustees or one or more members of the governing body of which is selected or appointed by a labor organization, and (2) a primary purpose of which is to provide benefits for the members of such labor organization or their beneficiaries.

(m) "Labor relations consultant" means any person who, for compensation, advises or represents an employer, employer organization, or labor organization concerning employee organizing, concerted activities, or collective bargaining activities.

(n) "Officer" means any constitutional officer, any person authorized to perform the functions of president, vice-president, secretary, treasurer, or other executive functions of a labor organization, and any member of its executive board or similar governing body.

(o) "Member" or "member in good standing," when used in reference to a labor organization, includes any person who has fulfilled the requirements for membership in such organization, and who neither has voluntarily withdrawn from membership nor has been expelled or suspended from membership after appropriate proceedings consistent with lawful provisions of the constitution and by-laws of such organization.

(p) "Secretary" means the Secretary of Labor.

(q) "Officer, agent, shop steward, or other representative," when used with respect to a labor organization, includes elected officials and key administrative personnel, whether elected or appointed (such as business agents, heads of departments or major units, and organizers who exercise substantial independent authority), but does not include salaried non-supervisory professional staff, stenographic, and service personnel.

(r) "District court of the United States" means a United States district

(Continued on page fifty-one)





# OFFICIAL BUSINESS

## COMPILED TO DATE

### CHANGES OF OFFICERS

Local 338, Mt. Vernon, Ohio.—Acting Secretary, Lowell J. Van Rhoden, 609 East Gambier St., Mt. Vernon, Ohio.

Local 347, Imperial Valley, Calif.—Secretary, J. B. Owen, 404 North J St., Imperial Valley, Calif. Phone: FLanders 5-1389.

Local 634, Keene, N. H.—President, James S. Davis, 309 Pearl St., Keene, N. H.

Local 746, Plainfield, N. J.—Secretary, William F. Sayre, 417 Tappan Ave., North Plainfield, N. J.

### CHANGES IN ADDRESSES OF OFFICERS

Local 88, Benld, Ill. — President, Ferdinand Girardi, 302 West Oak St., Benld, Ill. Phone: VERNON 5-4539.

Local 109, Pittsfield, Mass.—President, Charles M. DeBlois, 1060 North St., Pittsfield, Mass.

Local 138, Brockton, Mass.—President, John A. Garand, 23 Main St., Brockton, Mass.

Local 151, Elizabeth, N. J.—Secretary, William E. Cron, 24 Colby Lane, Cranford, N. J. Phone: BRIDGE 6-4589.

Local 203, Hammond, Ind. — President, Joe (Shep) Sherpetosky, P. O. Box 4096, Hammond, Ind. Secretary, Rees Lloyd, P. O. Box 4096, Hammond, Ind.

Local 204, New Brunswick, N. J.—Secretary, Oscar J. Walen, 941 Bergen Ave., North Brunswick, N. J.

Local 246, Marlboro, Mass.—President, John A. Di Buono, Hosmer St., Marlboro, Mass.

Local 319, Milford, Mass.—President, Nicholas A. Narducci, 25 Northrop St., Hopedale, Mass. Phone: GREENLEAF 3-1696.

Local 400, Hartford, Conn. — President, Louis J. Zebedeo, 635 Main St., Hartford 3, Conn. Phone: CHAPEL 7-3205—CHAPEL 7-3206. Secretary, Joseph Dorenbaum, 635 Main St., Hartford 3, Conn. Phone: CHAPEL 7-3205—CHAPEL 7-3296.

Local 447, Savannah, Ga.—Secretary, Paul H. Rainey, 403 Whitaker St.

Local 589, Columbus, Ohio.—Secretary, DeWitt Allison, 209 South Champion Ave., Columbus, Ohio. Phone: CLEARBROOK 2-6683.

Local 635, Lexington, Ky.—Secretary, Lee M. Black, 411 East Sixth St., Lexington, Ky. Phone: 3-0347. President, W. L. Smith, 278 East Fifth St., Lexington, Ky. Phone: 3-3102.

Local 81, Cincinnati, Ohio (colored) — President Alexander Baker, 1316 Burdette Ave., Cincinnati 6, Ohio. Phone: CAPITAL 1-1658. Secretary, Wilhelm Smythe, 1810 Fairfax Ave., Cincinnati 7, Ohio. Phone: PLAZA 1-1776.

Local 55, Meriden, Conn.—President, Gilbert R. Rogers, 417 South Elm St., Wallingford, Conn. Phone: COLONY 9-8848.

Local 126, Lynn, Mass.—President, Robert W. Townsend, 22 Great Woods Terrace, Lynn, Mass. Phone: LYNN 3-5912.

Local 186, Waterbury, Conn.—President, Joseph Sauchelli, 316 Fairlawn Ave., Waterbury 5, Conn. Phone: PLAZA 4-6803.

### CHANGES OF CONFERENCE OFFICERS

Illinois State Conference Secretary, Roger Vogtinann, 834 Douglas Ave., Aurora, Ill. Phone: 2-8453 or 2-7622.

Connecticut State Conference President, Joseph Sauchelli, 316 Fairlawn Ave., Waterbury, Conn.

### WANTED TO LOCATE

Pierce, William (Bill), former member Local 70, Omaha, Neb.

Crider, John, former member Local 542, Flint, Mich.

Ryte (Orts), Richard, member Local 802, New York, N. Y.

Mitchell, Willie Melvin (Bill), member Local 802, New York, N. Y.

Anyone knowing the whereabouts of the above will please get in touch with Stanley Ballard, Secretary, A. F. of M., 220 Mt. Pleasant Ave., Newark, N. J.

### PLACED ON NATIONAL DEFAULTERS LIST

The following are in default of payment to members of the American Federation of Musicians either severally or jointly:

Lark Cocktail Lounge, and Glen Chapman, Norwalk, Calif., \$60.00.

The Plush Horse, and Harold Gelber, Redondo Beach, Calif., \$104.98.

Brush 'N Horn, and John D. Evans, San Diego, Calif., \$370.00.

Kathleen Knudson (Also listed in Misc.), San Francisco, Calif., \$55.00.

Central Booking Office (License No. 217), Chicago, Ill., \$8,817.29.

Ye Olde Cellar, Bob Biltone and Edward Karoff, Chicago, Ill., \$450.00.

Tony Monte, Stickney, Ill., \$100.00.

Lee and Ray Club, and Coylee Bronaugh, Indianapolis, Ind., \$553.00.

Spring Valley Country Club, Baltimore, Md., Valley Stream Country Club, Burtonsville, Md., Herbert L. Davidson and Davidson & Taylor Enterprises, Inc., Washington, D. C., \$4,750.00.

Norvel Band, Havre de Grace, Md. (restored), \$20.25.

Don's Cafe, and Don Marion, Lowell, Mass. (restored), \$402.56.

The Starlight Club, and Bill Usery, Marshall, Mo., \$45.00.

Earl Harris, Newark, N. J., \$64.00.

Aladdins Lamp Club, and Joseph Rinaldi, North Bergen, N. J., \$50.00.

Steele's Ship Bar, and George Crider, Sommers Point, N. J., \$107.70.

Matteawan State Hospital, Civil Service Employees Association, Beacon, N. Y., \$90.00.

Sara Vaughn, New York, N. Y., \$400.00.

Swan Lake Inn, and Samuel Ticke, Swan Lake, N. Y., \$50.72.

Luigi's, and Carl Mancino, Syracuse, N. Y., \$350.00.

Jesse Vause, Berwyn, Pa. (restored), \$210.00.

The Fountain Head, and Morris B. Singer, New Hope, Pa., \$1,530.43.

Espey Park, and Luther Allen, Halls, Tenn. (restored), \$200.00.

Acousta (Audio) Sounds, Inc., and J. Kurns, Seattle, Washington, \$195.00.

The Pine Chalet, and Robert J. Bertrand, Minocqua, Wis., \$300.00.

Abarts Lounge, and Abraham Spencer, Washington, D. C. (restored), \$425.00.

Davidson & Taylor Enterprises, and Herbert L. Davidson (See also Spring Valley Country Club, Baltimore, Md.), Washington, D. C., \$4,750.00.

Hedin House, Planet Room, and Paul Stanley, Washington, D. C., \$575.00.

Stuart Productions, Ltd., and Stuart MacKay, Toronto, Ontario, Canada, \$500.00.

Kathleen Knudson, Miscellaneous (Also listed in San Francisco, Calif.), \$55.00.

### REMOVED FROM NATIONAL DEFAULTERS LIST

#### CALIFORNIA

Hollywood: Duke, Maurice, and the Maurice Duke Enterprises

La Mesa: Foothills Restaurant, and Harry Pletcher

Oakland: 53 Club, The, and Joe Mendus

Vallejo: Love, Joe

#### FLORIDA

Dunedin: Ford, Jack

#### ILLINOIS

Park City: Shalimar, The, and John Valavanis

#### LOUISIANA

New Orleans: Berns, Harry (Also listed under Tulsa, Okla.)

Martinez, Grace

#### MARYLAND

Baltimore: New Jazz City

#### MASSACHUSETTS

Boston: Calypso Room, Tony Pallini, Don Carlos and Ada Bullock

New Bedford: Derby, The, and Henry Correia

Wayland: Polka, The, and Louis Garston

Wayland: Steele, Chauncey Depew

#### MISSISSIPPI

Biloxi: Lawrence, Larry, Agency (License No. 1670)

#### NEW JERSEY

Scotch Plains: Shackamaxon Country Club, and Frank Lesnick

#### NEW YORK

Lewiston: Scott's Riverside Inn, and Harry and Irma Scott

Massena: Willow Grove Hotel, The, and Gaby Pelifan (See also Milton Morison Agency, New York, N. Y.)



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**OKLAHOMA**

**Fairfax:**  
Jumps Roller Rink, and W. L. Jumps

**Tulsa:**  
Berns, Harry (Also listed under New  
Orleans, La.)

**TEXAS**

**Laredo:**  
Laredo Country Club

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Blu's

**Escondido:**  
Saddle & Sirloin Restaurant

**Redding:**  
Jerome Organization, and Jerry Mc-  
Cleod

**Richmond:**  
Broderick, Earl Warren

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**Fort Myers:**  
Rendezvous Lounge, and Eddie Smith

**West Panama City Beach:**  
Old Dutch Inn, and Cliff Stiles and  
Harold Loughn

**ILLINOIS**

**Peoria:**  
Miller Park, and Harry Miller

**INDIANA**

**Gary:**  
Small Farms Drive Inn, The

**Indianapolis:**  
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**NEBRASKA**

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**CANADA**

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ault

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Top Hat Cafe

**CONNECTICUT**

**Hartford:**  
Keyboard Restaurant

**Saybrook:**  
Pease House

**KANSAS**

**Fredonia:**  
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**OKLAHOMA**

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**Chester, Pa., Local 484—**William Mc-  
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**Chicago, Ill., Local 10 —**Newton  
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Arthur P. Jonas, Charles Roberts,  
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Leo Terry, James W. Ellioth, Mario  
Tarry, Salvatore Perrone, Frank L.

Petry, Gertrude Thingier Maxham, Bill  
Blair.

**Cleveland, Ohio, Local 4—**John De-  
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**Daytona Beach, Fla., Local 601 —**  
Samuel J. Gershman.

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Elizabeth, N. J., Local 151—Sam

Hirschman.

**Hartford, Conn., Local 400—**Joseph  
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**Houston, Texas, Local 65—**Ben Gross-  
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# Labor-Management Reporting and Disclosure Act of 1959

(Continued from page forty-eight)

court and a United States court of any place subject to the jurisdiction of the United States.

## TITLE I—BILL OF RIGHTS OF MEMBERS OF LABOR ORGANIZATIONS

### BILL OF RIGHTS

Sec. 101. (a) (1) *Equal Rights.*—Every member of a labor organization shall have equal rights and privileges within such organization to nominate candidates, to vote in elections or referendums of the labor organization, to attend membership meetings, and to participate in the deliberations and voting upon the business of such meetings, subject to reasonable rules and regulations in such organization's constitution and by-laws.

(2) *Freedom of Speech and Assembly.*—Every member of any labor organization shall have the right to meet and assemble freely with other members; and to express any views, arguments, or opinions; and to express at meetings of the labor organization his views, upon candidates in an election of the labor organization or upon any business properly before the meeting, subject to the organization's established and reasonable rules pertaining to the conduct of meetings: *Provided,* That nothing herein shall be construed to impair the right of a labor organization to adopt and enforce reasonable rules as to the responsibility of every member toward the organization as an institution and to his refraining from conduct that would interfere with its performance of its legal or contractual obligations.

(3) *Dues, Initiation Fees, and Assessments.*—Except in the case of a federation of national or international labor organizations, the rates of dues and initiation fees payable by members of any labor organization in effect on the date of enactment of this Act shall not be increased, and no general or special assessment shall be levied upon such members, except—

(A) in the case of a local labor organization, (i) by majority vote by secret ballot of the members in good standing voting at a general or special membership meeting, after reasonable notice of the intention to vote upon such question, or (ii) by majority vote of the members in good standing voting in a membership referendum conducted by secret ballot; or

(B) in the case of a labor organization, other than a local labor organization or a federation of national or international labor organizations, (i) by majority vote of the delegates voting at a regular convention, or at a special convention of such labor organization held upon not less than thirty days' written notice to the principal office of each local or constituent labor organization entitled to such notice, or (ii) by majority vote of the members in good standing of such labor organization voting in a membership referendum conducted by secret ballot, or (iii) by majority vote of the members of the executive board or similar governing body of such labor organization, pursuant to express authority contained in the constitution and by-laws of such labor organization: *Provided,* That such action on the part of the executive

board or similar governing body shall be effective only until the next regular convention of such labor organization.

(4) *Protection of the Right to Sue.*—No labor organization shall limit the right of any member thereof to institute an action in any court, or in a proceeding before any administrative agency, irrespective of whether or not the labor organization or its officers are named as defendants or respondents in such action or proceeding or the right of any member of a labor organization to appear as a witness in any judicial, administrative, or legislative proceeding, or to petition any legislature or to communicate with any legislator: *Provided,* That any such member may be required to exhaust reasonable hearing procedures (but not to exceed a four-month lapse of time) within such organization, before instituting legal or administrative proceedings against such organizations or any officer thereof: *And provided further,* That no interested employer or employer association shall directly or indirectly finance, encourage, or participate in, except as a party, any such action, proceeding, appearance, or petition.

(5) *Safeguards Against Improper Disciplinary Action.*—No member of any labor organization may be fined, suspended, expelled, or otherwise disciplined except for non-payment of dues by such organization or by any officer thereof unless such member has been (A) served with written specific charges; (B) given a reasonable time to prepare his defense; (C) afforded a full and fair hearing.

(b) Any provision of the constitution and by-laws of any labor organization which is inconsistent with the provisions of this section shall be of no force or effect.

### CIVIL ENFORCEMENT

Sec. 102. Any person whose rights secured by the provisions of this title have been infringed by any violation of this title may bring a civil action in a district court of the United States for such relief (including injunctions) as may be appropriate. Any such action against a labor organization shall be brought in the district court of the United States for the district where the alleged violation occurred, or where the principal office of such labor organization is located.

### RETENTION OF EXISTING RIGHTS

Sec. 103. Nothing contained in this title shall limit the rights and remedies of any member of a labor organization under any State or Federal law or before any court or other tribunal, or under the constitution and by-laws of any labor organization.

### RIGHT TO COPIES OF COLLECTIVE BARGAINING AGREEMENTS

Sec. 104. It shall be the duty of the secretary or corresponding principal officer of each labor organization, in the case of a local labor organization, to forward a copy of each collective bargaining agreement made by such labor organization with any employer to any employee who requests such a copy and whose rights as such employee are directly affected by such agreement, and in the case of a labor organization other than a local labor organization, to forward a copy of any such agreement to each constituent unit which has members directly affected by such agreement; and such officer shall maintain at the principal office of the labor organization of which he is an officer copies of any such agreement made or received by such labor organization, which copies shall be available for inspection by any member or by any

employee whose rights are affected by such agreement. The provisions of section 210 shall be applicable in the enforcement of this section.

### INFORMATION AS TO ACT

Sec. 105. Every labor organization shall inform its members concerning the provisions of this Act.

## TITLE II—REPORTING BY LABOR ORGANIZATIONS, OFFICERS AND EMPLOYEES OF LABOR ORGANIZATIONS AND EMPLOYERS

### REPORT OF LABOR ORGANIZATIONS

Sec. 201. (a) Every labor organization shall adopt a constitution and by-laws and shall file a copy thereof with the Secretary, together with a report, signed by its president and secretary or corresponding principal officers, containing the following information—

(1) the name of the labor organization, its mailing address, and any other address at which it maintains its principal office or at which it keeps the records referred to in this title;

(2) the name and title of each of its officers;

(3) the initiation fee or fees required from a new or transferred member and fees for work permit required by the reporting labor organization;

(4) the regular dues or fees or other periodic payments required to remain a member of the reporting labor organization; and

(5) detailed statements, or references to specific provisions of documents filed under this subsection which contain such statements, showing the provision made and procedures followed with respect to each of the following: (A) qualifications for or restrictions on membership, (B) levying of assessments, (C) participation in insurance or other benefit plans, (D) authorization for disbursement of funds of the labor organization, (E) audit of financial transactions of the labor organization, (F) the calling of regular and special meetings, (G) the selection of officers and stewards and of any representatives to other bodies composed of labor organizations' representatives, with a specific statement of the manner in which each officer was elected, appointed, or otherwise selected, (H) discipline or removal of officers or agents for breaches of their trust, (I) imposition of fines, suspensions, and expulsions of members, including the grounds for such action and any provision made for notice, hearing, judgment on the evidence, and appeal procedures, (J) authorization for bargaining demands, (K) ratification of contract terms, (L) authorization for strikes, and (M) issuance of work permits. Any change in the information required by this subsection shall be reported to the Secretary at the time the reporting labor organization files with the Secretary the annual financial report required by subsection (b).

(b) Every labor organization shall file annually with the Secretary a financial report signed by its president and treasurer or corresponding principal officers containing the following information in such detail as may be necessary accurately to disclose its financial condition and operations for its preceding fiscal year—

(1) assets and liabilities at the beginning and end of the fiscal year;

(2) receipts of any kind and the sources thereof;

(3) salary, allowances, and other direct or indirect disbursements (including reimbursed expenses) to each officer and also to each employee who, during such fiscal year, received more than \$10,000 in the aggregate from such labor organization and any other labor organization affiliated with it or with which it is affiliated, or which is affiliated with the same national or international labor organization;

(4) direct and indirect loans made to any officer, employee, or member, which aggregated more than \$250 during the fiscal year, together with a statement of the purpose, security, if any, and arrangements for repayment;

(5) direct and indirect loans to any business enterprise, together with a statement of the purpose, security, if any, and arrangements for repayment; and

(6) other disbursements made by it including the purposes thereof; all in such categories as the Secretary may prescribe.

(c) Every labor organization required to submit a report under this title shall make available the information required to be contained in such report to all of its members, and every such labor organization and its officers shall be under a duty enforceable at the suit of any member of such organization in any State court of competent jurisdiction or in the district court of the United States for the district in which such labor organization maintains its principal office, to permit such member for just cause to examine any books, records and accounts necessary to verify such report. The court in such action may, in its discretion, in addition to any judgment awarded to the plaintiff or plaintiffs, allow a reasonable attorney's fee to be paid by the defendant, and costs of the action.

(d) Subsections (f), (g), and (h) of section 9 of the National Labor Relations Act, as amended, are hereby repealed.

(e) Clause (i) of section 8(a)(3) of the National Labor Relations Act, as amended, is amended by striking out the following: "and has at the time the agreement was made or within the preceding twelve months received from the Board a notice of compliance with sections 9 (f), (g), (h)."

### REPORT OF OFFICERS AND EMPLOYEES OF LABOR ORGANIZATIONS

Sec. 202. (a) Every officer of a labor organization and every employee of a labor organization (other than an employee performing exclusively clerical or custodial services) shall file with the Secretary a signed report listing and describing for his preceding fiscal year—

(1) any stock, bond, security, or other interest, legal or equitable, which he or his spouse or minor child directly or indirectly held in, and any income or any other benefit with monetary value (including reimbursed expenses) which he or his spouse or minor child derived directly or indirectly from, an employer whose employees such labor organization represents or is actively seeking to represent, except payments and other benefits received as a bona fide employee of such employer;

(2) any transaction in which he or his spouse or minor child engaged, directly or indirectly, involving any stock, bond, security, or loan to or from, or other legal or equitable interest in the business of an employer whose employees such labor organiza-

tion represents or is actively seeking to represent;

(3) any stock, bond, security, or other interest, legal or equitable, which he or his spouse or minor child directly or indirectly held in, and any income or any other benefit with monetary value (including reimbursed expenses) which he or his spouse or minor child directly or indirectly derived from, any business a substantial part of which consists of buying from, selling or leasing to, or otherwise dealing with, the business of an employer whose employees such labor organization represents or is actively seeking to represent;

(4) any stock, bond, security, or other interest, legal or equitable, which he or his spouse or minor child directly or indirectly held in, and any income or any other benefit with monetary value (including reimbursed expenses) which he or his spouse or minor child directly or indirectly derived from, a business any part of which consists of buying from, or selling or leasing directly or indirectly to, or otherwise dealing with such labor organization;

(5) any direct or indirect business transaction or arrangement between him or his spouse or minor child and any employer whose employees his organization represents or is actively seeking to represent, except work performed and payments and benefits received as a bona fide employee of such employer and except purchases and sales of goods or services in the regular course of business at prices generally available to any employee of such employer; and

(6) any payment of money or other thing of value (including reimbursed expenses) which he or his spouse or minor child received directly or indirectly from any employer or any person who acts as a labor relations consultant to an employer, except payments of the kinds referred to in section 302(c) of the Labor Management Relations Act, 1947, as amended.

(b) The provisions of paragraphs (1), (2), (3), (4), and (5) of subsection (a) shall not be construed to require any such officer or employee to report his bona fide investments in securities traded on a securities exchange registered as a national securities exchange under the Securities Exchange Act of 1934, in shares in an investment company registered under the Investment Company Act of 1940, or in securities of a public utility holding company registered under the Public Utility Holding Company Act of 1935, or to report any income derived therefrom.

(c) Nothing contained in this section shall be construed to require any officer or employee of a labor organization to file a report under subsection (a) unless he or his spouse or minor child holds or has held an interest, has received income or any other benefit with monetary value or a loan, or has engaged in a transaction described therein.

#### REPORT OF EMPLOYERS

Sec. 203. (a) Every employer who in any fiscal year made—

(1) any payment or loan, direct or indirect, of money or other thing of value (including reimbursed expenses), or any promise or agreement therefor, to any labor organization or officer, agent, shop steward, or other representative of a labor organization, or employee of any labor organization, except (A) payments or loans made by any national or State bank, credit union, insurance company, savings and loan association or other credit institution and (B) payments of the kind referred to in

section 302(c) of the Labor Management Relations Act, 1947, as amended;

(2) any payment (including reimbursed expenses) to any of his employees, or any group or committee of such employees, for the purpose of causing such employee or group or committee of employees to persuade other employees to exercise or not to exercise, or as the manner of exercising the right to organize and bargain collectively through representatives of their own choosing unless such payments were contemporaneously or previously disclosed to such other employees;

(3) any expenditures, during the fiscal year, where an object thereof, directly or indirectly, is to interfere with, restrain, or coerce employees in the exercise of the right to organize and bargain collectively through representatives of their own choosing, or is to obtain information concerning the activities of employees or a labor organization in connection with a labor dispute involving such employer, except for use solely in conjunction with an administrative or arbitral proceeding or a criminal or civil judicial proceeding;

(4) any agreement or arrangement with a labor relations consultant or other independent contractor or organization pursuant to which such person undertakes activities where an object thereof, directly or indirectly, is to persuade employees to exercise or not to exercise, or persuade employees as to the manner of exercising, the right to organize and bargain collectively through representatives of their own choosing, or undertakes to supply such employer with information concerning the activities of employees or a labor organization in connection with a labor dispute involving such employer, except information for use solely in conjunction with an administrative or arbitral proceeding or a criminal or civil judicial proceeding; or

(5) any payment (including reimbursed expenses) pursuant to an agreement or arrangement described in subdivision (4);

shall file with the Secretary a report, in a form prescribed by him, signed by its president and treasurer or corresponding principal officers showing in detail the date and amount of each such payment, loan, promise, agreement, or arrangement and the name, address, and position, if any, in any firm or labor organization of the person to whom it was made and a full explanation of the circumstances of all such payments, including the terms of any agreement or understanding pursuant to which they were made.

(b) Every person who pursuant to an agreement or arrangement with an employer undertakes activities where an object thereof is, directly or indirectly—

(1) to persuade employees to exercise or not to exercise, or persuade employees as to the manner of exercising, the right to organize and bargain collectively through representatives of their own choosing; or

(2) to supply an employer with information concerning the activities of employees or a labor organization in connection with a labor dispute involving such employer, except information for use solely in conjunction with an administrative or arbitral proceeding or a criminal or civil judicial proceeding;

shall file within 30 days after entering into such agreement or arrangement a report with the Secretary, signed by its president and treasurer or corresponding principal officers, containing the name under which such person is en-

gaged in doing business and the address of its principal office, and a detailed statement of the terms and conditions of such agreement or arrangement. Every such person shall file annually, with respect to each fiscal year during which payments were made as a result of such an agreement or arrangement, a report with the Secretary, signed by its president and treasurer or corresponding principal officers, containing a statement (A) of its receipts of any kind from employers on account of labor relations advice or services, designating the sources thereof, and (B) of its disbursements of any kind, in connection with such services and the purposes thereof. In each such case such information shall be set forth in such categories as the Secretary may prescribe.

(c) Nothing in this section shall be construed to require any employer or other person to file a report covering the services of such person by reason of his giving or agreeing to give advice to such employer or representing or agreeing to represent such employer before any court, administrative agency, or tribunal of arbitration or engaging or agreeing to engage in collective bargaining on behalf of such employer with respect to wages, hours, or other terms or conditions of employment or the negotiation of an agreement or any question arising thereunder.

(d) Nothing contained in this section shall be construed to require an employer to file a report under subsection (a) unless he has made an expenditure, payment, loan, agreement, or arrangement of the kind described therein. Nothing contained in this section shall be construed to require any other person to file a report under subsection (b) unless he was a party to an agreement or arrangement of the kind described therein.

(e) Nothing contained in this section shall be construed to require any regular officer, supervisor, or employee of an employer to file a report in connection with services rendered to such employer nor shall any employer be required to file a report covering expenditures made to any regular officer, supervisor, or employee of an employer as compensation for services as a regular officer, supervisor, or employee of such employer.

(f) Nothing contained in this section shall be construed as an amendment to, or modification of the rights protected by, section 8(c) of the National Labor Relations Act, as amended.

(g) The term "interfere with, restrain or coerce" as used in this section means interference, restraint, and coercion which, if done with respect to the exercise of rights guaranteed in section 7 of the National Labor Relations Act, as amended, would, under section 8(a) of such Act, constitute an unfair labor practice.

#### ATTORNEY-CLIENT COMMUNICATIONS EXEMPTED

Sec. 204. Nothing contained in this Act shall be construed to require an attorney who is a member in good standing of the bar of any State, to include in any report required to be filed pursuant to the provisions of this Act any information which was lawfully communicated to such attorney by any of his clients in the course of a legitimate attorney-client relationship.

#### REPORTS MADE PUBLIC INFORMATION

Sec. 205. (a) The contents of the reports and documents filed with the Secretary pursuant to section 201, 202, and 203, shall be public information, and the Secretary may publish any information and data which he obtains pursuant to the provisions of this title.

The Secretary may use the information and data for statistical and research purposes, and compile and publish such studies, analyses, reports, and surveys based thereon as he may deem appropriate.

(b) The Secretary shall by regulation make reasonable provision for the inspection and examination, on the request of any person, of the information and data contained in any report or other document filed with him pursuant to section 201, 202, or 203.

(c) The Secretary shall by regulation provide for the furnishing by the Department of Labor of copies of reports or other documents filed with the Secretary pursuant to this title upon payment of a charge based upon the cost of the service. The Secretary shall make available without payment of a charge, or require any person to furnish, to such State agency as is designated by law or by the Governor of the State in which such person has his principal place of business or headquarters, upon request of the Governor of such State, copies of any reports and documents filed by each person with the Secretary pursuant to section 201, 202, or 203, or of information and data contained therein. No person shall be required by reason of any law of any State to furnish to any officer or agency of such State any information included in a report filed by such person with the Secretary pursuant to the provisions of this title, if a copy of such report, or of the portion thereof containing such information, is furnished to such officer or agency. All moneys received in payment of such charges fixed by the Secretary pursuant to this subsection shall be deposited in the general fund of the Treasury.

#### RETENTION OF RECORDS

Sec. 206. Every person required to file any report under this title shall maintain records on the matters required to be reported which will provide in sufficient detail the necessary basic information and data from which the documents filed with the Secretary may be verified, explained or clarified, and checked for accuracy and completeness, and shall include vouchers, worksheets, receipts, and applicable resolutions, and shall keep such records available for examination for a period of not less than five years after the filing of the documents based on the information which they contain.

#### EFFECTIVE DATE

Sec. 207. (a) Each labor organization shall file the initial report required under section 201(a) within ninety days after the date on which it first becomes subject to this Act.

(b) Each person required to file a report under section 201(b), 202, 203(a), or the second sentence of 203(b) shall file such report within ninety days after the end of each of its fiscal years; except that where such person is subject to section 201(b), 202, 203(a), or the second sentence of 203(b), as the case may be, for only a portion of such a fiscal year (because the date of enactment of this Act occurs during such person's fiscal year or such person becomes subject to this Act during its fiscal year) such person may consider that portion as the entire fiscal year in making such report.

#### RULES AND REGULATIONS

Sec. 208. The Secretary shall have authority to issue, amend, and rescind rules and regulations prescribing the form and publication of reports required to be filed under this title and such other reasonable rules and regulations (including rules prescribing reports concerning trusts in which a labor organization is interested) as he may find

necessary to prevent the circumvention or evasion of such reporting requirements. In exercising his power under this section the Secretary shall prescribe by general rule simplified reports for labor organizations or employers for whom he finds that by virtue of their size a detailed report would be unduly burdensome, but the Secretary may revoke such provision for simplified forms of any labor organization or employer if he determines, after such investigation as he deems proper and due notice and opportunity for a hearing, that the purposes of this section would be served thereby.

#### CRIMINAL PROVISIONS

Sec. 209. (a) Any person who willfully violates this title shall be fined not more than \$10,000 or imprisoned for not more than one year, or both.

(b) Any person who makes a false statement or representation of a material fact, knowing it to be false, or who knowingly fails to disclose a material fact, in any document, report, or other information required under the provisions of this title shall be fined not more than \$10,000 or imprisoned for not more than one year, or both.

(c) Any person who willfully makes a false entry in or willfully conceals, withholds, or destroys any books, records, reports, or statements required to be kept by any provision of this title shall be fined not more than \$10,000 or imprisoned for not more than one year, or both.

(d) Each individual required to sign reports under sections 201 and 203 shall be personally responsible for the filing of such reports and for any statement contained therein which he knows to be false.

#### CIVIL ENFORCEMENT

Sec. 210. Whenever it shall appear that any person has violated or is about to violate any of the provisions of this title, the Secretary may bring a civil action for such relief (including injunctions) as may be appropriate. Any such action may be brought in the district court of the United States where the violation occurred or, at the option of the parties, in the United States District Court for the District of Columbia.

### TITLE III—TRUSTEESHIPS

#### REPORTS

Sec. 301. (a) Every labor organization which has or assumes trusteeship over any subordinate labor organization shall file with the Secretary within thirty days after the date of the enactment of this Act or the imposition of any such trusteeship, and semi-annually thereafter, a report, signed by its president and treasurer or corresponding principal officers, as well as by the trustees of such subordinate labor organization, containing the following information: (1) the name and address of the subordinate organization; (2) the date of establishing the trusteeship; (3) a detailed statement of the reasons for establishing or continuing the trusteeship; and (4) the nature and extent of participation by the membership of the subordinate organization in the selection of delegates to represent such organization in regular or special conventions or other policy-determining bodies and in the election of officers of the labor organization which has assumed trusteeship over such subordinate organization. The initial report shall also include a full and complete account of the financial condition of such subordinate organization as of the time trusteeship was assumed over it. During the continuance of a trusteeship the labor organization which has assumed trusteeship over a

subordinate labor organization shall file on behalf of the subordinate labor organization the annual financial report required by section 201(b) signed by the president and treasurer or corresponding principal officers of the labor organization which has assumed such trusteeship and the trustees of the subordinate labor organization.

(b) The provisions of section 201(c), 205, 206, 208, and 210 shall be applicable to reports filed under this title.

(c) Any person who willfully violates this section shall be fined not more than \$10,000 or imprisoned for not more than one year, or both.

(d) Any person who makes a false statement or representation of a material fact, knowing it to be false, or who knowingly fails to disclose a material fact, in any report required under the provisions of this section or willfully makes any false entry in or willfully withholds, conceals, or destroys any documents, books, records, reports, or statements upon which such report is based, shall be fined not more than \$10,000 or imprisoned for not more than one year, or both.

(e) Each individual required to sign a report under this section shall be personally responsible for the filing of such report and for any statement contained therein which he knows to be false.

#### PURPOSES FOR WHICH A TRUSTEE MAY BE ESTABLISHED

Sec. 302. Trusteeships shall be established and administered by a labor organization over a subordinate body only in accordance with the constitution and by-laws of the organization which has assumed trusteeship over the subordinate body and for the purpose of correcting corruption or financial malpractice, assuring the performance of collective bargaining agreements or other duties of a bargaining representative, restoring democratic procedures, or otherwise carrying out the legitimate objects of such labor organization.

#### UNLAWFUL ACTS RELATING TO LABOR ORGANIZATION UNDER TRUSTEESHIP

Sec. 303. (a) During any period when a subordinate body of a labor organization is in trusteeship, it shall be unlawful (1) to count the vote of delegates from such body in any convention or election of officers of the labor organization unless the delegates have been chosen by secret ballot in an election in which all the members in good standing of such subordinate body were eligible to participate, or (2) to transfer to such organization any current receipts or other funds of the subordinate body except the normal per capita tax and assessments payable by subordinate bodies not in trusteeship; *Provided*, That nothing herein contained shall prevent the distribution of the assets of a labor organization in accordance with its constitution and by-laws upon the bona fide dissolution thereof.

(b) Any person who willfully violates this section shall be fined not more than \$10,000 or imprisoned for not more than one year, or both.

#### ENFORCEMENT

Sec. 304. (a) Upon the written complaint of any member or subordinate body of a labor organization alleging that such organization has violated the provisions of this title (except section 301) the Secretary shall investigate the complaint and if the Secretary finds probable cause to believe that such violation has occurred and has not been remedied he shall, without disclosing the identity of the complainant, bring a civil action in any district court of

the United States having jurisdiction of the labor organization for such relief (including injunctions) as may be appropriate. Any member or subordinate body of a labor organization affected by any violation of this title (except section 301) may bring a civil action in any district court of the United States having jurisdiction of the labor organization for such relief (including injunctions) as may be appropriate.

(b) For the purpose of actions under this section, district courts of the United States shall be deemed to have jurisdiction of a labor organization (1) in the district in which the principal office of such labor organization is located, or (2) in any district in which its duly authorized officers or agents are engaged in conducting the affairs of the trusteeship.

(c) In any proceeding pursuant to this section a trusteeship established by a labor organization in conformity with the procedural requirements of its constitution and by-laws and authorized or ratified after a fair hearing either before the executive board or before such other body as may be provided in accordance with its constitution or by-laws shall be presumed valid for a period of eighteen months from the date of its establishment and shall not be subject to attack during such period except upon clear convincing proof that the trusteeship was not established or maintained in good faith for a purpose allowable under section 302. After the expiration of eighteen months the trusteeship shall be presumed invalid in any such proceeding and its discontinuance shall be decreed unless the labor organization shall show by clear and convincing proof that the continuation of the trusteeship is necessary for a purpose allowable under section 302. In the latter event the court may dismiss the complaint or retain jurisdiction of the cause on such conditions and for such period as it deems appropriate.

#### REPORT TO CONGRESS

Sec. 305. The Secretary shall submit to the Congress at the expiration of three years from the date of enactment of this Act a report upon the operation of this title.

#### COMPLAINT BY SECRETARY

Sec. 306. The rights and remedies provided by this title shall be in addition to any and all other rights and remedies at law or in equity: *Provided*, That upon the filing of a complaint by the Secretary the jurisdiction of the district court over such trusteeship shall be exclusive and the final judgment shall be *res judicata*.

### TITLE IV—ELECTIONS

#### TERMS OF OFFICE; ELECTION PROCEDURES

Sec. 401. (a) Every national or international labor organization, except a federation of national or international labor organizations, shall elect its officers not less often than once every five years either by secret ballot among the members in good standing or at a convention of delegates chosen by secret ballot.

(b) Every local labor organization shall elect its officers not less often than once every three years by secret ballot among the members in good standing.

(c) Every national or international labor organization, except a federation of national or international labor organizations, and every local labor organization, and its officers, shall be under a duty, enforceable at the suit of any bona fide candidate for office in such labor organization in the district court of the United States in which such labor organization maintains its

principal office, to comply with all reasonable requests of any candidate to distribute by mail or otherwise at the candidate's expense campaign literature in aid of such person's candidacy to all members in good standing of such labor organization and to refrain from discrimination in favor of or against any candidate with respect to the use of lists of members, and whenever such labor organizations or its officers authorize the distribution by mail or otherwise to members of campaign literature on behalf of any candidate or of the labor organization itself with reference to such election, similar distribution at the request of any other bona fide candidate shall be made by such labor organization and its officers, with equal treatment as to the expense of such distribution. Every bona fide candidate shall have the right, once within 30 days prior to an election of a labor organization in which he is a candidate, to inspect a list containing the names and last known addresses of all members of the labor organization who are subject to a collective bargaining agreement requiring membership therein as a condition of employment, which list shall be maintained and kept at the principal office of such labor organization by a designated official thereof. Adequate safeguards to insure a fair election shall be provided, including the right of any candidate to have an observer at the polls and at the counting of the ballots.

(d) Officers of intermediate bodies, such as general committees, system boards, joint boards, or joint councils, shall be elected not less often than once every four years by secret ballot among the members in good standing or by labor organization officers representative of such members who have been elected by secret ballot.

(e) In any election required by this section which is to be held by secret ballot a reasonable opportunity shall be given for the nomination of candidates and every member in good standing shall be eligible to be a candidate and to hold office (subject to section 504 and to reasonable qualifications uniformly imposed) and shall have the right to vote for or otherwise support the candidate or candidates of his choice, without being subject to penalty, discipline, or improper interference or reprisal of any kind by such organization or any member thereof. Not less than fifteen days prior to the election notice thereof shall be mailed to each member at his last known home address. Each member in good standing shall be entitled to one vote. No member whose dues have been withheld by his employer for payment to such organization pursuant to his voluntary authorization provided for in a collective bargaining agreement shall be declared ineligible to vote or be a candidate for office in such organization by reason of alleged delay or default in the payment of dues. The votes cast by members of each local labor organization shall be counted, and the result published, separately. The election officials designated in the constitution and by-laws or the secretary, if no other official is designated shall preserve for one year the ballots and all other records pertaining to the election. The election shall be conducted in accordance with the constitution and by-laws of such organization insofar as they are not inconsistent with the provisions of this title.

(f) When the officers are chosen by a convention of delegates elected by secret ballot, the convention shall be conducted in accordance with the constitution and by-laws of the labor organization insofar as they are not inconsistent with the provisions of this title. The

officials designated in the constitution and by-laws or the secretary, if no other is designated, shall preserve for one year the credentials of the delegates and all minutes and other records of the convention pertaining to the election of officers.

(g) No moneys received by any labor organization by way of dues, assessments, or similar levy, and no moneys of an employer shall be contributed or applied to promote the candidacy of any person in an election subject to the provisions of this title. Such moneys of a labor organization may be utilized for notices, factual statements of issues not involving candidates, and other expenses necessary for the holding of an election.

(h) If the Secretary, upon application of any member of a local labor organization, finds after hearing in accordance with the Administrative Procedure Act that the constitution and by-laws of such labor organization do not provide an adequate procedure for the removal of an elected officer guilty of serious misconduct, such officer may be removed, for cause shown and after notice and hearing, by the members in good standing voting in a secret ballot conducted by the officers of such labor organization in accordance with its constitution and by-laws insofar as they are not inconsistent with the provisions of this title.

(i) The Secretary shall promulgate rules and regulations prescribing minimum standards and procedures for determining the adequacy of the removal procedures to which reference is made in subsection (h).

#### ENFORCEMENT

Sec. 402. (a) A member of a labor organization—

(1) who has exhausted the remedies available under the constitution and by-laws of such organization and of any parent body, or

(2) who has invoked such available remedies without obtaining a final decision within three calendar months after their invocation,

may file a complaint with the Secretary within one calendar month thereafter alleging the violation of any provision of section 401 (including violation of the constitution and by-laws of the labor organization pertaining to the election and removal of officers). The challenged election shall be presumed valid pending a final decision thereon (as hereinafter provided) and in the interim the affairs of the organization shall be conducted by the officers elected or in such other manner as its constitution and by-laws may provide.

(b) The Secretary shall investigate such complaint and, if he finds probable cause to believe that a violation of this title has occurred and has not been remedied, he shall, within sixty days after the filing of such complaint, bring a civil action against the labor organization as an entity in the district court of the United States in which such labor organization maintains its principal office to set aside the invalid election, if any, and to direct the conduct of an election or hearing and vote upon the removal of officers under the supervision of the Secretary and in accordance with the provisions of this title and such rules and regulations as the Secretary may prescribe. The court shall have power to take such action as it deems proper to preserve the assets of the labor organization.

(c) If, upon a preponderance of the evidence after a trial upon the merits, the court finds—

(1) that an election has not been held within the time prescribed by section 401, or

(2) that the violation of section 401 may have affected the outcome of an election,

the court shall declare the election, if any, to be void and direct the conduct of a new election under supervision of the Secretary and, so far as lawful and practicable, in conformity with the constitution and by-laws of the labor organization. The Secretary shall promptly certify to the court the names of the persons elected, and the court shall thereupon enter a decree declaring such persons to be the officers of the labor organization. If the proceeding is for the removal of officers pursuant to subsection (b) of section 401, the Secretary shall certify the results of the vote and the court shall enter a decree declaring whether such persons have been removed as officers of the labor organization.

(d) An order directing an election, dismissing a complaint, or designating elected officers of a labor organization shall be appealable in the same manner as the final judgment in a civil action, but an order directing an election shall not be stayed pending appeal.

#### APPLICATION OF OTHER LAWS

Sec. 403. No labor organization shall be required by law to conduct elections of officers with greater frequency or in a different form or manner than is required by its own constitution or by-laws, except as otherwise provided by this title. Existing rights and remedies to enforce the constitution and by-laws of a labor organization with respect to elections prior to the conduct thereof shall not be affected by the provisions of this title. The remedy provided by this title for challenging an election already conducted shall be exclusive.

#### EFFECTIVE DATE

Sec. 404. The provisions of this title shall become applicable—

(1) ninety days after the date of enactment of this Act in the case of a labor organization whose constitution and by-laws can lawfully be modified or amended by action of its constitutional officers or governing body, or

(2) where such modification can only be made by a constitutional convention of the labor organization, not later than the next constitutional convention of such labor organization after the date of enactment of this Act, or one year after such date, whichever is sooner. If no such convention is held within such one-year period, the executive board or similar governing body empowered to act for such labor organization between conventions is empowered to make such interim constitutional changes as are necessary to carry out the provisions of this title.

### TITLE V—SAFEGUARDS FOR LABOR ORGANIZATIONS

#### FIDUCIARY RESPONSIBILITY OF OFFICERS OF LABOR ORGANIZATIONS

Sec. 501. (a) The officers, agents, shop stewards, and other representatives of a labor organization occupy positions of trust in relation to such organization and its members as a group. It is, therefore, the duty of each such person, taking into account the special problems and functions of a labor organization, to hold its money and property solely for the benefit of the organization and its members and to manage, invest, and expend the same in accordance with its constitution and by-laws and any resolutions of the governing bodies adopted thereunder, to refrain from dealing with such organiza-

tion as an adverse party or in behalf of an adverse party in any matter connected with his duties and from holding or acquiring any pecuniary or personal interest which conflicts with the interests of such organization, and to account to the organization for any profit received by him in whatever capacity in connection with transactions conducted by him or under his direction on behalf of the organization. A general exculpatory provision in the constitution and by-laws of such a labor organization or a general exculpatory resolution of a governing body purporting to relieve any such person of liability for breach of the duties declared by this section shall be void as against public policy.

(b) When any officer, agent, shop steward, or representative of any labor organization is alleged to have violated the duties declared in subsection (a) and the labor organization or its governing board or officers refuse or fail to sue or recover damages or secure an accounting or other appropriate relief within a reasonable time after being requested to do so by any member of the labor organization, such member may sue such officer, agent, shop steward, or representative in any district court of the United States or in any State court of competent jurisdiction to recover damages or secure an accounting or other appropriate relief for the benefit of the labor organization. No such proceeding shall be brought except upon leave of the court obtained upon verified application and for good cause shown, which application may be made ex parte. The trial judge may allot a reasonable part of the recovery in any action under this subsection to pay the fees of counsel prosecuting the suit at the instance of the member of the labor organization and to compensate such member for any expense necessarily paid or incurred by him in connection with the litigation.

(c) Any person who embezzles, steals, or unlawfully and wilfully abstracts or converts to his own use, or the use of another, any of the moneys, funds, securities, property, or other assets of a labor organization of which he is an officer, or by which he is employed, directly or indirectly, shall be fined not more than \$10,000 or imprisoned for not more than five years, or both.

#### BONDING

Sec. 502. (a) Every officer, agent, shop steward, or other representative or employee of any labor organization (other than a labor organization whose property and annual financial receipts do not exceed \$5,000 in value), or of a trust in which a labor organization is interested, who handles funds or other property thereof shall be bonded for the faithful discharge of his duties. The bond of each such person shall be fixed at the beginning of the organization's fiscal year and shall be in an amount not less than 10 per centum of the funds handled by him and his predecessor or predecessors, if any, during the preceding fiscal year, but in no case more than \$500,000. If the labor organization or the trust in which a labor organization is interested does not have a preceding fiscal year, the amount of the bond shall be, in the case of a local labor organization, not less than \$1,000, and in the case of any other labor organization or of a trust in which a labor organization is interested, not less than \$10,000. Such bonds shall be individual or schedule in form, and shall have a corporate surety company as surety thereon. Any person who is not covered by such bonds shall not be permitted to receive, handle, disburse, or otherwise exercise custody or control of the funds or other property of a labor

organization or of a trust in which a labor organization is interested. No such bond shall be placed through an agent or broker or with a surety company, in which any labor organization or any officer, agent, shop steward, or other representative of a labor organization has any direct or indirect interest. Such surety company shall be a corporate surety which holds a grant of authority from the Secretary of the Treasury under the Act of July 30, 1947 (6 U.S.C. 6-13), as an acceptable surety on Federal bonds.

(b) Any person who wilfully violates this section shall be fined not more than \$10,000 or imprisoned for not more than one year, or both.

#### MAKING OF LOANS; PAYMENT OF FINES

Sec. 503. (a) No labor organization shall make directly or indirectly any loan or loans to any officer or employee of such organizations which results in a total indebtedness on the part of such officer or employee to the labor organization in excess of \$2,000.

(b) No labor organization or employer shall directly or indirectly pay the fine of any officer or employee convicted of any wilful violation of this Act.

(c) Any person who wilfully violates this section shall be fined not more than \$5,000 or imprisoned for not more than one year, or both.

#### PROHIBITION AGAINST CERTAIN PERSONS HOLDING OFFICE

Sec. 504. (a) No person who is or has been a member of the Communist Party or who has been convicted of, or served any part of a prison term resulting from his conviction of, robbery, bribery, extortion, embezzlement, grand larceny, burglary, arson, violation of narcotics laws, murder, rape, assault with intent to kill, assault which inflicts grievous bodily injury, or a violation of title II or III of this Act, or conspiracy to commit any such crimes, shall serve—

(1) as an officer, director, trustee, member of any executive board or similar governing body, business agent, manager, organizer, or other employee (other than as an employee performing exclusively clerical or custodial duties) of any labor organization, or

(2) as a labor relations consultant to a person engaged in an industry or activity affecting commerce, or as an officer, director, agent, or employee (other than as an employee performing exclusively clerical or custodial duties) of any group or association of employers dealing with any labor organization,

during or for five years after the termination of his membership in the Communist Party, or for five years after such conviction or after the end of such imprisonment, unless prior to the end of such five-year period, in the case of a person so convicted or imprisoned, (A) his citizenship rights, have been revoked as a result of such conviction, have been fully restored, or (B) the Board of Parole of the United States Department of Justice determines that such person's service in any capacity referred to in clause (1) or (2) would not be contrary to the purposes of this Act. Prior to making any such determination the Board shall hold an administrative hearing and shall give notice of such proceeding by certified mail to the State, county, and Federal prosecuting officials in the jurisdiction or jurisdictions in which such person was convicted. The Board's determination in any such proceeding shall be final. No labor organization or offi-

cer thereof shall knowingly permit any person to assume or hold any office or paid position in violation of this subsection.

(b) Any person who wilfully violates this section shall be fined not more than \$10,000 or imprisoned for not more than one year, or both.

(c) For the purposes of this section, any person shall be deemed to have been "convicted" and under the disability of "conviction" from the date of the judgment of the trial court or the date of the final sustaining of such judgment on appeal, whichever is the later event, regardless of whether such conviction occurred before or after the date of enactment of this Act.

#### AMENDMENT TO SECTION 302, LABOR MANAGEMENT RELATIONS ACT, 1947

Sec. 505. Subsections (a), (b), and (c) of section 302 of the Labor Management Relations Act, 1947, as amended, are amended to read as follows:

"Sec. 302. (a) It shall be unlawful for any employer or association of employers or any person who acts as a labor relations expert, adviser, or consultant to an employer or who acts in the interest of an employer to pay, lend, or deliver, or agree to pay, lend, or deliver, any money or other thing of value—

"(1) to any representative of any of his employees who are employed in an industry affecting commerce, or

"(2) to any labor organization, or any officer or employee thereof, which represents, seeks to represent, or would admit to membership, any of the employees of such employer who are employed in an industry affecting commerce, or

"(3) to any employee or group or committee of employees of such employer employed in an industry affecting commerce in excess of their normal compensation for the purpose of causing such employee or group or committee directly or indirectly to influence any other employees in the exercise of the right to organize and bargain collectively through representatives of their own choosing, or

"(4) to any officer or employee of a labor organization engaged in an industry affecting commerce with intent to influence him in respect to any of his actions, decisions, or duties as a representative of employees or as such officer or employee of such labor organization.

"(b) (1) It shall be unlawful for any person to request, demand, receive, or accept, or agree to receive or accept, any payment, loan or delivery of any money or other thing of value prohibited by subsection (a).

"(2) It shall be unlawful for any labor organization, or for any person acting as an officer, agent, representative, or employee of such labor organization, to demand or accept from the operator of any motor vehicle (as defined in part II of the Interstate Commerce Act) employed in the transportation of property in commerce, or the employer of any such operator, any money or other thing of value payable to such organization or to an officer, agent, representative or employee thereof as a fee or charge for the unloading, or in connection with the unloading, of the cargo of such vehicle: *Provided*, That nothing in this paragraph shall be construed to make unlawful any payment by an employer to any of his employees as compensation for their services as employees.

"(c) The provisions of this section shall not be applicable (1) in respect to any money or other thing of value

payable by an employer to any of his employees whose established duties include acting openly for such employer in matters of labor relations or personnel administration or to any representative of his employees, or to any officer or employee of a labor organization, who is also an employee or former employee of such employer, as compensation for, or by reason of, his service as an employee of such employer; (2) with respect to the payment or delivery of any money or other thing of value in satisfaction of a judgment of any court or a decision or award of an arbitrator or impartial chairman or in compromise, adjustment, settlement, or release of any claim, complaint, grievance, or dispute in the absence of fraud or duress; (3) with respect to the sale or purchase of an article or commodity at the prevailing market price in the regular course of business; (4) with respect to money deducted from the wages of employees in payment of membership dues in a labor organization: *Provided*, That the employer has received from each employee, on whose account such deductions are made, a written assignment which shall not be irrevocable for a period of more than one year, or beyond the termination date of the applicable collective agreement, whichever occurs sooner; (5) with respect to money or other thing of value paid to a trust fund established by such representative, for the sole and exclusive benefit of the employees of such employer, and their families and dependents (or of such employees, families, and dependents jointly with the employees of other employers making similar payments, and their families and dependents): *Provided*, That (A) such payments are held in trust for the purpose of paying, either from principal or income or both, for the benefit of employees, their families and dependents, for medical or hospital care, pensions or retirement or death of employees, compensation for injuries or illness resulting from occupational activity or insurance to provide any of the foregoing, or unemployment benefits or life insurance disability and sickness insurance, or accident insurance; (B) the detailed basis on which such payments are to be made is specified in a written agreement with the employer, and employees and employers are equally represented in the administration of such fund, together with such neutral persons as the representatives of the employers and the representatives of employees may agree upon and in the event the employer and employee groups deadlock on the administration of such fund and there are no neutral persons empowered to break such deadlock, such agreement provides that the two groups shall agree on an impartial umpire to decide such dispute, or in event of their failure to agree within a reasonable length of time, an impartial umpire to decide such dispute shall, on petition of either group, be appointed by the district court of the United States for the district where the trust fund has its principal office, and shall also contain provisions for an annual audit of the trust fund, a statement of the results of which shall be available for inspection by interested persons at the principal office of the trust fund and at such other places as may be designated in such written agreement; and (C) such payments as are intended to be used for the purpose of providing pensions or annuities for employees are made to a separate trust which provides that the funds held therein cannot be used for any purpose other than paying such pensions or annuities; or (6) with respect to money or other thing of value paid by any employer to a trust fund es-

tablished by such representative for the purpose of pooled vacation, holiday, severance or similar benefits, or defraying costs of apprenticeship or other training programs: *Provided*, That the requirements of clause (B) of the proviso to clause (5) of this subsection shall apply to such trust funds."

#### TITLE VI—MISCELLANEOUS PROVISIONS

##### INVESTIGATIONS

Sec. 601. (a) The Secretary shall have power when he believes it necessary in order to determine whether any person has violated or is about to violate any provision of this Act (except title I or amendments made by this Act to other statutes) to make an investigation and in connection therein he may enter such places and inspect such records and accounts and question such persons as he may deem necessary to enable him to determine the facts relative thereto. The Secretary may report to interested persons or officials concerning the facts required to be shown in any report required by this Act and concerning the reasons for failure or refusal to file such a report or any other matter which he deems to be appropriate as a result of such an investigation.

(b) For the purpose of any investigation provided for in this Act, the provisions of sections 9 to 10 (relating to the attendance of witnesses and the production of books, papers, and documents) of the Federal Trade Commission Act of September 16, 1914, as amended (15 U.S.C. 49, 50), are hereby made applicable to the jurisdiction, powers, and duties of the Secretary or any officers designated by him.

##### EXTORTIONATE PICKETING

Sec. 602. (a) It shall be unlawful to carry on picketing on or about the premises of any employer for the purpose of, or as part of any conspiracy or in furtherance of any plan or purpose for, the personal profit or enrichment of any individual (except a bona fide increase in wages or other employee benefits) by taking or obtaining any money or other thing of value from such employer against his will or with his consent.

(b) Any person who wilfully violates this section shall be fined not more than \$10,000 or imprisoned not more than twenty years, or both.

##### RETENTION OF RIGHTS UNDER OTHER FEDERAL AND STATE LAWS

Sec. 603. (a) Except as explicitly provided to the contrary, nothing in this Act shall reduce or limit the responsibilities of any labor organization or any officer, agent, shop steward, or other representative of a labor organization, or of any trust in which a labor organization is interested, under any other Federal law or under the laws of any State, and, except as explicitly provided to the contrary, nothing in this Act shall take away any right or bar any remedy to which members of a labor organization are entitled under such other Federal law or law of any State.

(b) Nothing contained in titles I, II, III, IV, V, or VI of this Act shall be construed to supercede or impair or otherwise affect the provisions of the Railway Labor Act, as amended, or any of the obligations, rights, benefits, privileges, or immunities of any carrier, employee, organization, representative, or person subject thereto; nor shall anything contained in said titles (except section 505) of this Act be construed to confer any rights, privileges, immunities, or defenses upon employers, or to impair or otherwise affect the

rights of any person under the National Labor Relations Act, as amended.

##### EFFECT ON STATE LAWS

Sec. 604. Nothing in this Act shall be construed to impair or diminish the authority of any State to enact and enforce general criminal laws with respect to robbery, bribery, extortion, embezzlement, grand larceny, burglary, arson, violation of narcotics laws, murder, rape, assault with intent to kill, or assault which inflicts grievous bodily injury, or conspiracy to commit any of such crimes.

##### SERVICE OF PROCESS

Sec. 605. For the purpose of this Act, service of summons, subpoena, or other legal process of a court of the United States upon an officer or agent of a labor organization in his capacity as such shall constitute service upon the labor organization.

##### ADMINISTRATIVE PROCEDURE ACT

Sec. 606. The provisions of the Administrative Procedure Act shall be applicable to the issuance, amendment, or rescission of any rules or regulations, or any adjudication, authorized or required pursuant to the provisions of this Act.

##### OTHER AGENCIES AND DEPARTMENTS

Sec. 607. In order to avoid unnecessary expense and duplication of functions among Government agencies, the Secretary may make such arrangements or agreements for cooperation or mutual assistance in the performance of his functions under this Act and the functions of any such agency as he may find to be practicable and consistent with law. The Secretary may utilize the facilities or services of any department, agency or establishment of the United States or of any State or political subdivision of a State, including the services of any of its employees, with the lawful consent of such department, agency, or establishment; and each department, agency, or establishment of the United States is authorized and directed to cooperate with the Secretary and, to the extent permitted by law, to provide such information and facilities as he may request for his assistance in the performance of his functions under this Act. The Attorney General or his representative shall receive from the Secretary for appropriate action such evidence developed in the performance of his functions under this Act as may be found to warrant consideration for criminal prosecution under the provisions of this Act or other Federal law.

##### CRIMINAL CONTEMPT

Sec. 608. No person shall be punished for any criminal contempt allegedly committed outside the immediate presence of the court in connection with any civil action prosecuted by the Secretary or any other person in any court of the United States under the provisions of this Act unless the facts constituting such criminal contempt are established by the verdict of the jury in a proceeding in the district court of the United States, which jury shall be chosen and empaneled in the manner prescribed by the law governing trial juries in criminal prosecutions in the district courts of the United States.

##### PROHIBITION ON CERTAIN DISCIPLINE BY LABOR ORGANIZATION

Sec. 609. It shall be unlawful for any labor organization, or any officer, agent, shop steward, or other representative of a labor organization, or any employee thereof to fine, suspend, expel, or other-

wise discipline any of its members for exercising any right to which he is entitled under the provisions of this Act. The provisions of section 102 shall be applicable in the enforcement of this section.

#### DEPRIVATION OF RIGHTS UNDER ACT BY VIOLENCE

Sec. 610. It shall be unlawful for any person through the use of force or violence, or threat of the use of force or violence, to restrain, coerce, or intimidate, or attempt to restrain, coerce, or intimidate any member of a labor organization for the purpose of interfering with or preventing the exercise of any right to which he is entitled under the provisions of this Act. Any person who willfully violates this section shall be fined not more than \$1,000 or imprisoned for not more than one year, or both.

#### SEPARABILITY PROVISIONS

Sec. 611. If any provision of this Act, or the application of such provision to any person or circumstances, shall be held invalid, the remainder of this Act or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

### TITLE VII — AMENDMENTS TO THE LABOR MANAGEMENT RELATIONS ACT, 1947, AS AMENDED

#### FEDERAL-STATE JURISDICTION

Sec. 701. (a) Section 14 of the National Labor Relations Act, as amended, is amended by adding at the end thereof the following new subsection:

"(c) (1) The Board, in its discretion, may, by rule of decision or by published rules adopted pursuant to the Administrative Procedure Act, decline to assert jurisdiction over any labor dispute involving any class or category of employers, where, in the opinion of the Board, the effect of such labor dispute on commerce is not sufficiently substantial to warrant the exercise of its jurisdiction: *Provided*, That the Board shall not decline to assert jurisdiction over any labor dispute over which it would assert jurisdiction under the standards prevailing upon August 1, 1959.

"(2) Nothing in this Act shall be deemed to prevent or bar any agency or the courts of any State or Territory (including the Commonwealth of Puerto Rico, Guam, and the Virgin Islands), from assuming and asserting jurisdiction over labor disputes over which the Board declines, pursuant to paragraph (1) of this subsection, to assert jurisdiction."

(b) Section 3(b) of such Act is amended to read as follows:

"(b) The Board is authorized to delegate to any group of three or more members any or all of the powers which it may itself exercise. The Board is also authorized to delegate to its regional directors its powers under section 9 to determine the unit appropriate for the purpose of collective bargaining, to investigate and provide for hearings, and determine whether a question of representation exists, and to direct an election or take a secret ballot under subsection (c) or (e) of section 9 and certify the results thereof, except that upon the filing of a request therefor with the Board by any interested person, the Board may review any action of a regional director delegated to him under this paragraph, but such a review shall not, unless specifically ordered by the Board, operate as a stay of any action taken by the regional director. A vacancy in the Board shall not im-

pair the right of the remaining members to exercise all of the powers of the Board and three members of the Board shall, at all times, constitute a quorum of the Board, except that two members shall constitute a quorum of any group designated pursuant to the first sentence hereof. The Board shall have an official seal which shall be judicially noticed."

#### ECONOMIC STRIKERS

Sec. 702. Section 9(c) (3) of the National Labor Relations Act, as amended, is amended by amending the second sentence thereof to read as follows: "Employees engaged in an economic strike who are not entitled to reinstatement shall be eligible to vote under such regulations as the Board shall find are consistent with the purposes and provisions of this Act in any election conducted within twelve months after the commencement of the strike."

#### VACANCY IN OFFICE OF GENERAL COUNSEL

Sec. 703. Section 3(d) of the National Labor Relations Act, as amended, is amended by adding after the period at the end thereof the following: "In case of a vacancy in the office of the General Counsel the President is authorized to designate the officer or employee who shall act as General Counsel during such vacancy, but no person or persons so designated shall so act (1) for more than forty days when the Congress is in session unless a nomination to fill such vacancy shall have been submitted to the Senate, or (2) after the adjournment sine die of the session of the Senate in which such nomination was submitted."

#### BOYCOTTS AND RECOGNITION PICKETING

Sec. 704. (a) Section 8(b) (4) of the National Labor Relations Act, as amended, is amended to read as follows:

"(4)(i) to engage in, or to induce or encourage any individual employed by any person engaged in commerce or in an industry affecting commerce to engage in, a strike or a refusal in the course of his employment to use, manufacture, process, transport, or otherwise handle or work on any goods, articles, materials, or commodities or to perform any services; or (ii) to threaten, coerce, or restrain any person engaged in commerce or in an industry affecting commerce, where in either case an object thereof is:

"(A) forcing or requiring any employer or self-employed person to join any labor or employer organization or to enter into any agreement which is prohibited by section 8(e);

"(B) forcing or requiring any person to cease using, selling, handling, transporting, or otherwise dealing in the products of any other producer, processor, or manufacturer, or to cease doing business with any other person, or forcing or requiring any other employer to recognize or bargain with a labor organization as the representative of his employees unless such labor organization has been certified as the representative of such employees under the provisions of section 9: *Provided*, That nothing contained in this clause (B) shall be construed to make unlawful, where not otherwise unlawful, any primary strike or primary picketing;

"(C) forcing or requiring any employer to recognize or bargain with a particular labor organization as the representative of his employees if another labor organization has been certified as the representative of such employees under the provisions of section 9;

"(D) forcing or requiring any employer to assign particular work to employees in a particular labor organization or in a particular trade, craft, or class rather than to employees in another labor organization or in another trade, craft, or class, unless such employer is failing to conform to an order or certification of the Board determining the bargaining representative for employees performing such work:

*Provided*, That nothing contained in this subsection (b) shall be construed to make unlawful a refusal by any person to enter upon the premises of any employer (other than his own employer), if the employees of such employer are engaged in a strike ratified or approved by a representative of such employees whom such employer is required to recognize under this Act: *Provided further*, That for the purposes of this paragraph (4) only, nothing contained in such paragraph shall be construed to prohibit publicity, other than picketing, for the purpose of truthfully advising the public, including consumers and members of a labor organization, that a product or products are produced by an employer with whom the labor organization has a primary dispute and are distributed by another employer, as long as such publicity does not have an effect of inducing any individual employed by any person other than the primary employer in the course of his employment to refuse to pick up, deliver, or transport any goods, or not to perform any services, at the establishment of the employer engaged in such distribution;"

(b) Section 8 of the National Labor Relations Act, as amended, is amended by adding at the end thereof the following new subsection:

"(e) It shall be an unfair labor practice for any labor organization and any employer to enter into any contract or agreement, express or implied, whereby such employer ceases or refrains or agrees to cease or refrain from handling, using, selling, transporting or otherwise dealing in any of the products of any other employer, or to cease doing business with any other person, and any contract or agreement entered into heretofore or hereafter containing such an agreement shall be to such extent unenforceable and void: *Provided*, That nothing in this subsection (e) shall apply to an agreement between a labor organization and an employer in the construction industry relating to the contracting or subcontracting of work to be done at the site of construction, alteration, painting, or repair of a building, structure, or other work: *Provided further*, That for the purposes of this subsection (e) and section 8(b)(4)(B) the terms "any employer," "any person engaged in commerce or an industry affecting commerce," and "any person" when used in relation to the terms "any other producer, processor, or manufacturer," "any other employer," or "any other person" shall not include persons in the relation of a jobber, manufacturer, contractor, or subcontractor working on the goods or premises of the jobber or manufacturer or performing parts of an integrated process of production in the apparel and clothing industry: *Provided further*, That nothing in this Act shall prohibit the enforcement of any agreement which is within the foregoing exception."

(c) Section 8(b) of the National Labor Relations Act, as amended is amended by striking out the word "and" at the end of paragraph (5), striking out the period at the end of paragraph (6), and inserting in lieu thereof a semicolon and the word "and," and adding a new paragraph as follows:

"(6) where within the preceding twelve months a valid election under section 9(c) of this Act has been conducted, or

"(7) where such picketing has been conducted without a petition under section 9(c) being filed within a reasonable period of time not to exceed thirty days from the commencement of such picketing: *Provided*, That when such a petition has been filed the Board shall forthwith, without regard to the provisions of section 9(c) (1) or the absence of a showing of a substantial interest on the part of the labor organization, direct an election in such unit as the Board finds to be appropriate and shall certify the results thereof: *Provided further*, That nothing in this subparagraph (C) shall be construed to prohibit any picketing or other publicity for the purpose of truthfully advising the public (including consumers) that an employer does not employ members of, or have a contract with, a labor organization, unless an effect of such picketing is to induce any individual employed by any other person in the course of his employment, not to pick up, deliver or transport any goods or not to perform any services."

"Nothing in this paragraph (7) shall be construed to permit any act which would otherwise be an unfair labor practice under this section (8)(b)."

(d) Section 10(l) of the National Labor Relations Act, as amended, is amended by adding after the words "section 8(b)," the words "or section 8(e) or section 8(b) (7)," and by striking out the period at the end of the third sentence and inserting in lieu thereof a colon and the following: "*Provided further*, That such officer or regional attorney shall not apply for any restraining order under section 8(b) (7) if a charge against the employer under 8(a) (2) has been filed and after the preliminary investigation, he has reasonable cause to believe that such charge is true and that a complaint should issue."

(e) Section 303(a) of the Labor Management Relations Act, 1947, is amended to read as follows:

"(a) It shall be unlawful, for the purpose of this section only, in an industry or activity affecting commerce, for any labor organization to engage in any activity or conduct defined as an unfair labor practice in section 8(b) (4) of the National Labor Relations Act, as amended."

thereof a semicolon and the word "and," and adding a new paragraph as follows:

"(7) to picket or cause to be picketed, or threaten to picket or cause to be picketed, any employer where an object thereof is forcing or requiring an employer to recognize or bargain with a labor organization as the representative of his employees, or forcing or requiring the employees of an employer to accept or select such labor organization as their collective bargaining representative, unless such labor organization is currently certified as the representative of such employees:

"(A) where the employer has lawfully recognized in accordance with this Act any other labor organization and a question concerning representation may not appropriately be raised under section 9(c) of this Act.

"(B) where within the preceding twelve months a valid election under section 9(c) of this Act has been conducted, or

"(C) where such picketing has been conducted without a petition under section 9(c) being filed within a reasonable period of time not to exceed thirty days from the commencement of such picketing: *Provided*, That when such a petition has been filed the Board shall forthwith, without regard to the provisions of section 9(c) (1) or the absence of a showing of a substantial interest on the part of the labor organization, direct an election in such unit as the Board finds to be appropriate and shall certify the results thereof: *Provided further*, That nothing in this subparagraph (C) shall be construed to prohibit any picketing or other publicity for the purpose of truthfully advising the public (including consumers) that an employer does not employ members of, or have a contract with, a labor organization, unless an effect of such picketing is to induce any individual employed by any other person in the course of his employment, not to pick up, deliver or transport any goods or not to perform any services."

"Nothing in this paragraph (7) shall be construed to permit any act which would otherwise be an unfair labor practice under this section (8)(b)."

(d) Section 10(l) of the National Labor Relations Act, as amended, is amended by adding after the words "section 8(b)," the words "or section 8(e) or section 8(b) (7)," and by striking out the period at the end of the third sentence and inserting in lieu thereof a colon and the following: "*Provided further*, That such officer or regional attorney shall not apply for any restraining order under section 8(b) (7) if a charge against the employer under 8(a) (2) has been filed and after the preliminary investigation, he has reasonable cause to believe that such charge is true and that a complaint should issue."

(e) Section 303(a) of the Labor Management Relations Act, 1947, is amended to read as follows:

"(a) It shall be unlawful, for the purpose of this section only, in an industry or activity affecting commerce, for any labor organization to engage in any activity or conduct defined as an unfair labor practice in section 8(b) (4) of the National Labor Relations Act, as amended."

#### BUILDING AND CONSTRUCTION INDUSTRY

Sec. 705. (a) Section 8 of the National Labor Relations Act, as amended

#### INTERNATIONAL MUSICIAN



by section 704(b) of this Act, is amended by adding at the end thereof the following new subsection:

"(f) It shall not be an unfair labor practice under subsection (a) and (b) of this section for an employer engaged primarily in the building and construction industry to make an agreement covering employees engaged (or who, upon their employment, will be engaged) in the building and construction industry with a labor organization of which building and construction employees are members (not established, maintained, or assisted by any action defined in section 8(a) of this Act as an unfair labor practice) because (1) the majority status of such labor organization has not been established under the provisions of section 9 of this Act prior to the making of such agreement,

or (2) such agreement requires as a condition of employment, membership in such labor organization after the seventh day following the beginning of such employment or the effective date of the agreement, whichever is later, or (3) such agreement requires the employer to notify such labor organization of opportunities for employment with such employer, or gives such labor organization an opportunity to refer qualified applicants for such employment or (4) such agreement specifies minimum training or experience qualifications for employment or provides for priority in opportunities for employment based upon length of service with such employer, in the industry or in the particular geographical area: *Provided*, That nothing in this subsection shall set aside the final proviso to section

8(a) (3) of this Act: *Provided further*, That any agreement which would be invalid but for clause (1) of this subsection, shall not be a bar to a petition filed pursuant to section 9(c) or 9(e)."

(b) Nothing contained in the amendment made by subsection (a) shall be construed as authorizing the execution or application of agreements requiring membership in a labor organization as a condition of employment in any State or Territory in which such execution or application is prohibited by State or Territorial law.

#### PRIORITY IN CASE HANDLING

Sec. 706. Section 10 of the National Labor Relations Act, as amended, is amended by adding at the end thereof a new subsection as follows:

"(m) Whenever it is charged that any person has engaged in an unfair labor practice within the meaning of subsection (a) (3) of (b) (2) of section 8, such charge shall be given priority over all other cases except cases of like character in the office where it is filed or to which it is referred and cases given priority under subsection (1)."

#### EFFECTIVE DATE OF AMENDMENTS

Sec. 707. The amendments made by this title shall take effect sixty days after the date of the enactment of this Act and no provision of this title shall be deemed to make an unfair labor practice, any act which is performed prior to such effective date which did not constitute an unfair labor practice prior thereto.

## HONORS and AWARDS

The national AFL-CIO will award \$6,000 merit scholarships to six high school students of exceptional ability who plan to enter college in September, 1961. Each scholarship will cover four years of study. If you are a second semester junior or first semester senior in this 1960 spring semester you are eligible for participation in the program. Scholarships will be awarded for study at any accredited college or university in the United States. It will be the obligation of the winners to make all arrangements for admission to the school of their choice and to maintain good standing throughout the four-year period of the scholarship. For further information on these National Merit Scholarship Awards, write to John D. Connors, education director, AFL-CIO Education Department, 815 16th Street, N. W., Washington 6, D. C.

In the Citation of Honor accorded the United States Air Force Band by the Air Force Association at its recent national convention, it was stressed that the band had "through the medium of music" made a contribution "to peace and understanding among people and nations," by its "distinguished performances before eighteen million persons throughout the United States and the Free World."

The thought that making "a contribution to peace and understanding among peoples" lies within the power of every musician working within his profession is enough to stimulate all of us toward fuller effort.

The National Music Council has announced that applications are being received from composers not over thirty-five years of age, who would be interested in spending the scholastic year 1960-61 in secondary public school systems throughout the United States. These composers will have no teaching responsibilities but will compose music written specifically for performance by the orchestras, choruses, bands and other musical organizations of the school systems with which they will be associated.

Application blanks and further information may be obtained from Edwin Hughes, Executive Secretary, National Music Council, 117 East 79th Street, New York 21, New York.

The Council is associated with the Ford Foundation in the administration of this program.

NOVEMBER, 1959

## MAGNATONE



Left to right: Al Hendrickson, Howard Roberts, Bill Pitman, Bob Gibbons, Tom Tedesco.

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Explain it as we may, a martial strain will urge a man into the front rank of battle sooner than an argument, and a fine anthem excite his devotion more certainly than a logical discourse.—Tuckerman.



The Stan Walker Group, members of Local 174, New Orleans, Louisiana, is in its third year of entertaining in the Mississippi City Room of the San Beach Steak Inn, Mississippi City, Mississippi. The group includes left to right: Stan Walker, organ; Jim Anderson, piano; and Rosemary, vocals.

# Travelers' Guide to Live Music



Pictures for this department should be sent to the International Musician, 39 Division Street, Newark 2, N. J., with names of players and their instruments indicated from left to right. Include biographical information, and an account of the spot where the orchestra is playing at present time.

The Politen Trio, members of Local 6, San Francisco, California, is in its third year of entertaining every week end at Lyles' in San Francisco. The personnel includes left to right: Lou Wirgler, vocals and leader; Ren Livoty, drums and vocals; and Bob Miller, sax, clarinet and vocals.

The Soundtracks have been at the Shirley Club in Everett, Massachusetts, for one year. Left to right: Chick Corea (Local 9, Boston, Massachusetts), Billy Costa (Local 214, New Bedford, Massachusetts), Reggie Amaral (Local 216, Fall River, Massachusetts), and Cal Cordeiro (Local 216).

The Michel Sauro Quartet, members of Local 406, Montreal, Quebec, Canada, is in residence at the Blue Danube Hotel, St. Sulpice, Quebec. Left to right: Freddy Franco, guitar; Tommy Woods, electric bass; Chico Juanez, timbales and drums; and Michel Sauro, accordion, vocals and leader.



Billy Williams and his Orchestra, members of Local 301, Pekin, Illinois, play at universities, colleges and clubs throughout central Illinois. Personnel includes Cary Rabards, Sr., William Kunz, Billy Williams (Treasurer of Local 301), Floyd Antle, Phil Friederich (Vice-President of Local 301), Roy Merlot, Mike Gregory, and Bob Barron (Executive Board Member of Local 301).

Joe Pat and his Orchestra, members of Local 10, Chicago, Illinois, are active throughout Chicago and its surrounding area. Members include Leo Brodack, Ray Cataldi and Frank Gentile, saxes and clarinets; Joe Pat Paterek, accordion, solovox and leader; Florian Wilczynski, guitar and banjo; Art Cataldi and Al Koch, trumpets; Gene Wozniak, drums; and Charles Guse, bass and tuba.

Al Noyce Orchestra, members of Local 73, Minneapolis, and Local 30, St. Paul, Minnesota, is in its sixth year of playing leading ballrooms and colleges in and around the twin city area. Front row, left to right: Vern Swarts, Henry Hunke, James Lovarett, Dentley Haugasag, Jack Carloan, Al Noyce. Back row, left to right: Gordon Bailey, Leo Fine, Monte Weissberg, James Hening, Sumner Benson.



## NATIONAL MATURITY

(Continued from page nine)

physical prowess, our mark in the vast history of mankind may well be a minor one."

President Kenin further pointed out, "Music can be a spearhead of the entire effort. I say this for two reasons: first, music has an inherent, built-in quality of effectiveness in our work, because music immediately leaps the language barrier. Whether through Dizzy Gillespie's tilted trumpet or Leonard Bernstein's baton, people of all nations and languages can understand what the musician is trying to communicate, without the necessity for a translator . . . Second, the trail already has been blazed. America has begun successfully the job of creating better international understanding through music . . . a familiar and well-received medium of expression and communication and a badge of peace for the American artist who in many ways is just now coming of age."

In referring to automation which has caused technological unemployment of musicians, Mr. Kenin said: "We musicians can hope to survive, not by rebelling against the machine, but by expanding the public demand for *live* music. And, if we are to maintain standards of professional excellence that we are not ashamed to exchange with artists of other nations on a people-to-people basis, our government must face the reality—long since arrived at in Europe—that the cultural arts require federal and state sustenance at home if they are to flourish abroad. And if we can get a proper measure of support and appreciation of our artists, we shall be that much better equipped to carry out such worthy projects as our part in the People to People Program, which is really a new form of diplomacy."

## TOWARD BETTER UNDERSTANDING

(Continued from page twenty-three)

of the Jefferson Memorial because it was so beautiful, they probably did not know that it was erected in honor of the first and foremost teacher of American democracy. They just knew that the memorial in honor of Thomas Jefferson was beautiful and regardless of traffic, they wanted to photograph it.

And when they were so fascinated with the radio sets that described the portraits at the Mellon Art Gallery, they did not appreciate the fact that the founder of the gallery had been an oil-and-aluminum millionaire, Andrew Mellon, architect of the Coolidge-Hoover policy that we must have no contacts with the Communist world.

This did not interest the ballerinas. What they said was: "This is a wonderful art gallery. This is beautiful. It has real art."

Even the relentless anti-Russian heart of old Andy Mellon might have melted had it heard the ecstasy of these modern-day Russians over his gallery—the Bolshoi Ballet . . .

It was Eddie Dowling, the Irish actor, who first urged that the Bolshoi Ballet be brought to Washington. . . . Twenty-five years have passed since then. The Iron Curtain has been lifted. American tourists can now go to Russia. Almost 2,000 professors, farm leaders, business leaders, labor leaders, athletes, artists, musicians have exchanged visits . . .

So, slowly, but irresistibly and effectively, people-to-people friendship is working. And its success will make it much harder for some trigger-happy general or rabble-rousing politician on either side of the Iron Curtain to start war.

The Bolshoi Ballet was an appropriate climax to this forward march of friendship, and Eddie Dowling, the Irish actor who conceived it, should have been in Washington to watch the seed he planted twenty-five years before finally come to magnificent fruition.

Reprinted from *The Newark-Star Ledger*  
(Newark, New Jersey) May 20, 1959.

NOVEMBER, 1959



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<b>Philadelphia</b>		<b>Austin</b>		Pliner, Al, Entertainment Service	1050	<b>WISCONSIN</b>		Larkin, James	
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<b>Providence</b>		Talent Agency, The (Jay Byars)	3004	<b>San Antonio</b>		Ross, Dace "Curly," Agency		Ville La Salle, Quebec	
Bar Agency, Bennie Woods	3670	Dallas		Artists Management and Entertainment Agency		Wausau		Blythe, Thomas William	
Clarke, Albert J.	1950	Allied Artists of America	3699	Black, Metha (Mrs.)		Entertainment Booking Agency, Robert Malley		Moose Jaw, Saskatchewan	
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		Parker, Roy L.	1009	Zachery, Colonel C.					
		Scoggin, Chic, Agency	1177						
		Wright, Charles D.	2012						

## CLOSING CHORD

(Continued from page thirty-six)

### ROCCO BERARDUCCI

Rocco Berarducci, President of Local 223, Steubenville, Ohio, died July 6, shortly after his return from the Seattle Convention.

Mr. Berarducci had been a member of Local 223 for twenty-five years. He served as Business Agent for two years and assumed the office of President on January 1, 1959, after having served as Secretary for the previous year. He attended the 1957, 1958 and 1959 Conventions of the Federation as a delegate from that local, as well as the Tri-State Conferences and others.

He was a member of many musical organizations in this area and played drums in the Local 223 Concert Band.

### JOHN DEOMA

John Deoma, a member of Local 4, Cleveland, for thirty-five years, passed away at his home August 22. He was seventy-one years of age.

He joined the local in 1917 and was a bass drummer in Russo's Brass Band. From 1948 Mr. Deoma had been custodian of Local 4's headquarters building.

### ROLAND KOHLER

Roland Kohler, Treasurer and former Secretary of Local 8, Milwaukee, Wisconsin, died on August 29 following a heart attack. He was seventy years old.

Mr. Kohler began his musical career with the old Houlers Juvenile Band in Milwaukee about

1900. He played the flute and piccolo with several circus bands and was a member of the orchestra of the old Primrose and Dockstader minstrel show. He was a member of a Shrine band, an American Legion band and the National Soldiers Home Band.

In 1932, Mr. Kohler became Secretary of Local 8, a position he held until 1954 when he was named Treasurer of the local.

### MICHELE PERRONE

Michele Perrone, a member of Local 10, Chicago, Illinois, passed away May 17.

A concert musician for more than fifty years, Mr. Perrone played with orchestras in the Chicago Civic Opera House for thirty-two years. He also had played with the Chicago Symphony Orchestra and the Kansas City Philharmonic Orchestra.

### J. MACK KELLEY

J. Mack Kelley, a long time member and former officer of Local 153, San Jose, California, died September 1 at the age of sixty-three.

A native of Arkansas, he lived most of his life in Tulsa, Oklahoma, coming to San Jose seventeen years ago. He was a member of the Tulsa Symphony and a member of Local 94 of that city.

Mr. Kelley was at one time Vice-President of Local 153 and served on its Board of Directors for several terms. As an xylophone player, he was soloist with the San

Jose Municipal Band and other groups; as a drummer and tympanist he played with the San Jose Symphony and the Municipal Band. He operated a music store in San Jose and conducted a dance orchestra up to the time of his death.

### ULYSSES SHERIDAN FELTON

Ulysses Sheridan Felton, a former member of Local 45, Marion, Indiana, died October 6 at the age of ninety-three.

Mr. Felton was traveling with an orchestra when Local 45's charter was signed. He joined the local as soon as he came off the road, that is, May 1, 1897. He was a delegate to the Federation's Convention held in Minneapolis, Minnesota, in 1909. He retired from membership in 1933.

### E. M. ALLIGER

E. M. (Cy) Alliger, the "dean" of Local 645, Sayre, Pennsylvania—he helped organize the local in 1913 and served as advisor to its officers for many years—passed away at his home recently.

He started his musical career at an early age and, after graduating from the Boston Conservatory of Music, spent many years traveling with the Ringling Brothers Circus Band as conductor. He played trumpet and cornet on the show boats that used to ply the Ohio and Mississippi rivers and toured Europe under John Philip Sousa. In New York City he was a member of the brass section of the B. A. Rolfe Lucky Strike Dance Orchestra.

Mr. Alliger came to Sayre in 1927 and for several years di-

rected the Lehigh Valley Sayre System Shops Band. He organized two Boys' Bands in Sayre and a similar group in East Smithfield, Pennsylvania. He was a noted teacher of the trumpet and was a partner in the organization of the Bartlett-Alliger Accordion Band which gave many concerts throughout this area in recent years.

He attended numerous Conventions of the Federation as a delegate from Local 645.

### J. EDWARD BOYD

J. Edward Boyd, a life member of Local 404, New Philadelphia-Dover, Ohio, suffered a fatal heart attack on September 10. He was forty-nine years old.

He became a member of Local 404 on September 7, 1929, and served the local as an officer in various capacities for nearly twenty-five years. He was given a life membership on May 1, 1951, which was countersigned by former President Petrillo.

He was also a well-known orchestra leader and worked with various brass bands.

Mr. Boyd attended many Conventions of the Federation as a delegate, the most recent one being in 1958 in Philadelphia.

### JOHN F. KUBAT

John F. Kubat, a member of Local 4, Cleveland, for thirty-five years, passed away on September 20. He was sixty-seven years old.

In former years Mr. Kubat played string bass and tuba with Phil Spitalny's Orchestra, with Larry Revell and with Austin Wiley's Orchestra.

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**DRUM** (Cocktail), give price, age and what set consists of, also make and finish. Will pay C.O.D., Weldon S. Brady, Waterville, Minn. Phone: 319.

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**HEARTACHES BY THE NUMBER** Pamper  
**HEY LITTLE GIRL** Roosevelt-Tollie  
**IN THE MOOD** Shapiro-Bernstein  
**JUST ASK YOUR HEART** Rameb  
**LONELY STREET** Four-Star  
**LOVE POTION** (Publ. not available)  
**MACK THE KNIFE** Harms  
**MISTY** B.V.C.  
**MR. BLUE** Cornerstone  
**OH CAROL** Shapiro-Bernstein

**POISON IVY** Tiger  
**PRIMROSE LANE** Music Productions  
**PUT YOUR HEAD ON MY SHOULDER** Spanka  
**SAY MAN** Arc  
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**WE GOT LOVE** Bourne  
**WOO HOO** Keys-Hansen  
**WORRIED MAN** Harvard & Highridge  
**YOU WERE MINE** Hill & Range

**HONORABLE MENTION** Bad Girl Believe Me Boo Boo Stick Beat Broken Hearted Melody Crying in the Chapel Dance With Me Darling, I Love You Every Little Thing I Do Fool's Heart of Fame I'm Gonna Get Married I Dig Girls I Loves You Porgy I'll Be Seeing You If I Give My Heart to You It Happened Today Joey's Song Living Doll Love Walked In Red River Rock Running Bear Shout Ski King Some Kind-a-Earthquake Sleepwalk Talk to Me The Best of Everything There Comes a Time Three Bella You're Gonna Miss Me You Better Know It.

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