The History of the Twentieth Century
Episode 421
"Two Strikes and You're Out"
Transcript

[music: Fanfare]

The Forties were the twilight of the big bands, for several reasons. Two of them are two crucial music industry strikes. Or were they a strike and a boycott?

Welcome to *The History of the Twentieth Century.*

[music: Opening War Theme]

Episode 421. Two Strikes and You're Out.

In the United States in the last third of the 19th century, following the abolition of slavery, there emerged in the African-American community in the South what were known as "juke joints." The origin of the term is uncertain.

A juke joint was, in a nutshell, a poor man's nightclub. African-American sharecroppers and field hands spent all week doing backbreaking work for next to no pay; when the weekend came, they naturally wanted a place to unwind and have some fun. African-Americans in the segregated South would not have been welcomed at clubs that catered to white people, even if they could afford them, which they mostly couldn't. Besides, nightclubs are usually found in cities, and we are speaking here of rural people living in small communities.

Hence, the juke joint. It might be in some old abandoned shack, or maybe someone's house. It was only open on the weekends, but there you could get together with your buddies in a public space that had food and drink, music, and dancing, along with gambling and other unsavory activities, which is why juke joints had a bad reputation. During Prohibition, juke joints also served as speakeasies. The music in a juke joint would be provided by one or two musicians performing the blues, the preferred music of African-Americans of the time. Later on, after phonographs came on the scene, the music might come from blues records.

Why am I telling you all this? Hold that thought for a few minutes.

I've been talking about the development of popular music in the US since the early days of the podcast. American popular music was already influential at the beginning of the century. After the First World War and with the introduction of jazz, America defined popular music for the rest of the world.

You'll recall that at the beginning of the century, the music business was primarily the sale of sheet music to be performed at home, usually on a piano, and the songwriter was the linchpin of the industry.

Then came the phonograph, which had been around since the late 19th century, but the fidelity of the recordings wasn't very good. If you've heard old phonograph records, you know what I mean. In 1925, electronic amplification was introduced, which produced a more natural sound in the recording process. It also allowed for amplification of the playback, so now you could play your records really loud.

By this time, the popularity of jazz was soaring. By its nature, jazz music is not written with notes on a page. Jazz musicians basically make it up as they go along, so you can't distribute jazz as sheet music, but phonograph records were just the thing. They also made it possible for wanna-be jazz musicians to hone their skills by listening to the music of the masters, over and over again.

The introduction of jazz and phonographs heralds a change in the music business. No longer is the songwriter the most important artist. Increasingly, the musician is. By 1925, Louis Armstrong is more popular and more influential than, say, Irving Berlin.

But the 1920s was also the time of the radio craze. David Sarnoff pitched radio as a "music box." A radio receiver might be more expensive up front than a phonograph, but once you owned a radio receiver, you don't need to keep buying records. The latest music was always at your fingertips whenever you wanted it.

That's assuming you like the kind of music coming out of your radio speaker. If your taste in music ran more toward blues or jazz or country or folk or the heavier sorts of classical music—something more serious than *Hungarian Rhapsody* or *The Blue Danube*—the radio wasn't going to scratch your itch. You'd be better off with a phonograph. Besides, there were no commercials or news breaks on the phonograph.

The standard phonograph record during the period between the wars was a disc made of shellac. It was typically ten inches across, sometimes twelve, and was played on a turntable that turned at a speed of about 78 revolutions per minute, or rpm. Later generations would refer to these records as "78s," but at the time, people called them "records," because that was the only format in widespread use.

A ten-inch 78rpm record can play for about three minutes. That's not a long time. If you were a classical-music lover and you wanted to listen to Beethoven's *Fifth Symphony*, you'd have to buy a whole book of about six 78rpm records in paper sleeves, bound inside a hardcover album. It would cost you a pretty penny, and you could only listen to the music in three-minute bursts, between which you'd have to manually change the record.

You can perform a song in three minutes, if it isn't too long; indeed, the popularity of phonographs compelled songwriters and musicians to produce music that could be performed in just that length of time. But three minutes is still only three minutes. If you wanted to listen to more than three minutes' worth of music, again you'd have to manually change the record after every song. The radio doesn't make you do that.

In 1928, a businessman named Homer Capehart started the Capehart Automatic Phonograph Company of Fort Wayne, Indiana. The company's first product was called the Orchestrope. The Orchestrope was a phonograph that weighed 110 pounds and was built inside a big wooden cabinet, but this behemoth could do something no other phonograph of the time could do: you could load it with a stack of 28 records, and it would play them one at a time. An intricate mechanism would lift a record off the top of the stack, play it, flip it over, return it to the bottom of the stack, and then play the next record on the top. In this way, the Orchestrope would play 56 three-minute music tracks sequentially in the order you chose to arrange them without any human intervention. That's about two and a half hours of music, and after it played the last song, it would start the sequence all over again and continue for as long as you wished.

With a list price of $1,250, on the eve of the Great Depression, this machine was clearly a luxury item. Ownership was beyond the means of the average person. But that didn't mean the average person couldn't enjoy it. People could rent an Orchestrope for the weekend and use it to host a dance party at their home. It was just like hiring a live band that would play whatever you told it to play, only the Orchestrope never took breaks.

This sort of thing was particularly popular among people whose taste in music didn't align with what they were playing on the radio. One such group was African-Americans, who might hire an Orchestrope for a blues party.

But there was another, more common way an ordinary person might get to enjoy an Orchestrope. The Capehart company also made a coin-operated version. You put a nickel into a coin slide, pushed it in, and the Orchestrope would play one record, just for you. If you wanted more than one song, you were in luck; the Orchestrope could accept up to twenty nickels and would play one song in exchange for each.

Orchestropes began to appear in bars and restaurants, and they had another feature that was particularly handy in such places: a wall box, separate from the machine. There might be a box at every booth, giving patrons the opportunity to spend a nickel to order up a song without leaving their table.

Technological progress inevitably brings lower prices and improved features over time. Other companies got into this business. The music machines became cheaper, and soon appeared models that not only let you buy a song, but let you pick a specific record off a menu by pressing buttons. The machine would then pick out and play the music you requested.

By the beginning of the Second World War, these machines were common in America, in bars and restaurants, and in other public spaces. One of these machines filled with blues records would be just the thing to provide cheap and easily available music at one of those juke joints I was talking about at the beginning of the episode—see, I told you I'd come back to them—and by 1940, the common term for these machines was "juke boxes." The manufacturers didn't like that name and tried to discourage it, because juke joints were regarded as sleazy, disreputable places, but the public had the final say, and so juke boxes they became. We still use the name in our time, though most people today don't know what a juke joint is. There are still a few of those around, too.

I already described to you how jazz went mainstream in the Thirties with the rise of swing and the big bands. Fred Astaire inspired a dance craze, which led to the construction of ballrooms across the country, some of them huge, spectacular venues, with mirrored walls, chandeliers, and their own restaurants. Every ballroom needed a band of course, though if you couldn't afford to visit a ballroom, you could listen in on the radio and imagine the elegant couples gliding across the inlaid wooden floor. In 1937, Benny Goodman's band played at Carnegie Hall. Jazz was now on an equal footing with more "respectable" music.

Hollywood got into the new music, too. It is not a coincidence that the Motion Picture Academy introduced its award for Best Original Song in 1935. But, as I've pointed out before, when jazz came out of the cellars and swing became big business, it was white musicians who got the spotlight. Artie Shaw, Woody Herman, and Tommy Dorsey acknowledged their debt to Duke Ellington, but when Paramount released *The Big Broadcast of 1937*, it was Benny Goodman and his Orchestra that got the screen time, not Ellington. And when they released *Birth of the Blues* in 1941, despite the title, the main cast was all white.

In the New York City of 1940, you could go to any one of two dozen venues—hotels, ballrooms, clubs—and dance to a live performance from a big band. Bands that didn't have a long-term agreement with a certain venue toured across the country, so you didn't have to be a New Yorker to listen to Woody Herman. And if you couldn't find, or couldn't afford, live music, there were jukeboxes everywhere.

Two of the biggest hits of 1940 came from a new up-and-coming band, Glenn Miller and His Orchestra, titled "Tuxedo Junction" and "In the Mood." I will have more to say about Glenn Miller in a future episode. Despite Glenn Miller's success, Benny Goodman was still the king of swing. In January 1940, Tommy Dorsey and his band played the Coronado Theatre in Rockford,

Illinois, with a new singer who had recently jumped ship from Harry James' orchestra. His name was Frank Sinatra, he was 24 years old, and he opened the show by singing "Stardust."

Dorsey later recalled of that night that Sinatra was nothing more than a "skinny kid with big ears," but when he began to sing, Dorsey was amazed at the energy and excitement he drew from the crowd. Singing with Harry James was all well and good, but singing with Tommy Dorsey could make you a star, and it seemed this young man was on his way.

The emergence of Frank Sinatra came at a turning point in American popular music. I said the key figures in American music were once songwriters and then the musicians. By 1940, you could say the bandleaders, whose names were more familiar to the public than were the names of their musicians or their singers. That was about to change, though it wasn't because of Sinatra. It was because of a strike. Or was it a boycott?

[music: Tchaikovsky, *Piano Concerto No. 1*.]

Back in episode 237, I related to you the story of ASCAP. ASCAP is an acronym for the American Society of Composers, Authors, and Publishers, which was, and still is, a non-profit organization created to protect and enforce the rights of (primarily) composers, songwriters, and their publishers.

I mentioned earlier that at the beginning of the century music was distributed primarily as sheet music and the songwriters were the most important figures in the music business. Tin Pan Alley, which is a metonym for the American songwriting business generally, made their money by selling sheet music to individuals for performance in private homes.

Buying the sheet music only entitled you to that much: the right to perform the work privately. Public performance was a whole other matter. Under copyright law, composers and songwriters have the right to claim royalties from anyone who performs their work in public for profit.

Please note the words *for profit*. Free and open public performances not for profit do not require a royalty payment. So, for example, if you put your stereo speakers into the window of your apartment and play your favorite music at full blast for the entertainment of your neighbors, as was common practice in my day, that would not make you liable to pay royalties. Like the guy who lived in the apartment above mine when I was in college and felt some perverse need to play "The Piña Colada Song" out his window at full blast every morning at precisely 2:00 AM, didn't incur liability for royalties by doing that, although I still think he owes me something for all the sleepless nights, not to mention ruining "The Piña Colada Song" for me forever.

But tracking down each and every musician who was performing your music publicly for profit and billing them for royalties was not an easy thing to manage, and many royalties went uncollected. Imagine if you will that you are in the New York City of 1912 and you are the celebrated composer Victor Herbert, who wrote many successful operettas including *Babes in*

Toyland and *Naughty Marietta*. Upscale restaurants of the time frequently hired musicians to play music for their guests. So if you, Mr. Herbert, went out for dinner, it was entirely possible that as you ate, you would be serenaded by music you composed, knowing well that you wouldn't receive a penny for the performance.

These are circumstances likely to cause indigestion, which moved Mr. Herbert to found ASCAP in 1914. Soon all the big names from Tin Pan Alley, composers, songwriters, and publishers, were members. People like: Louis Hirsch, Jerome Kern, George M. Cohan, Rudolf Friml, Irving Berlin, and John Philip Sousa.

The principle behind ASCAP was simple. No one composer, not even a Victor Herbert, had the resources to take legal action against every person and every venue that was using their music without paying royalties, but anyone who was doing that with Victor Herbert's music, was probably also playing other composers' music without paying. If they all banded together, they could go after every one of them.

Victor Herbert took a New York restaurant all the way to the Supreme Court over this question. The restaurant argued that they didn't charge anyone to enter the restaurant; therefore there was no profit, and therefore no obligation to pay royalties. Victor Herbert argued that the music played in the restaurant was part of the overall atmosphere, which is part of what people pay for when they eat in a restaurant, so the performance was indeed for profit.

The Supreme Court agreed in an opinion written by Justice Oliver Wendell Holmes, which noted that "the Defendant's performances are not eleemosynary."

Did I already tell you this story in episode 237? Yes. Did I tell it to you all over again simply because I wanted an excuse to say the word *eleemosynary* one more time? I sure did. Saying the performances were not eleemosynary means that playing the music was *not* an act of charity.

When radio came along, ASCAP had the same argument with the radio stations: that broadcasting music over the airwaves constituted a public performance for profit. This was also litigated and again the courts agreed with ASCAP.

ASCAP was a boon for the composers, because it captured royalties for them that would otherwise have gone unpaid, but it was also helpful to the radio stations and others who paid royalties, because instead of having to track down and pay every individual songwriter, they now only had to pay one annual fee to ASCAP that granted them permission to play the music of any ASCAP member. ASCAP then would divvy up the fee among its members in proportion to how often their music was played.

From 1920 to 1940, radio went from being a niche hobby to a fad to one of the principal sources of American entertainment and popular culture. Radio was increasingly the medium by which most Americans heard new music, and ASCAP kept raising its licensing fees accordingly,

justifying the increases by pointing out that ever-increasing exposure of its members' songs on the radio was depressing sales of sheet music and phonograph records; therefore, radio's license fees should increase commensurably.

The last straw came in 1940, when ASCAP announced that next year's radio license fees, that is, in 1941, would be something like triple this year's fees. The radio networks decided they'd had enough and refused to renew their licenses.

The radio broadcasters began a boycott of ASCAP. Or ASCAP boycotted radio, or maybe ASCAP or the radio stations went on strike; I guess it depends on how you look at it. For ten months in 1941, no ASCAP music could be played on the radio. ASCAP sat back and waited, confident the broadcasters would have to give in. ASCAP controlled a catalog of well over a million songs by the most popular songwriters of the day. How could the networks hold onto their audiences without playing any of this fine music?

I should mention here that ASCAP had a fairly exclusive membership; it was the composers' country club, so to speak; its membership consisting largely of old-style Tin Pan Alley songwriters and composers of music for Broadway or Hollywood. Not anyone could join. You not only had to compose music, you had to be a composer who writes out their compositions in music notation. In other words, jazz musicians need not apply.

Actually, as I noted in episode 60, in which I talked about Irving Berlin, even this great songwriter couldn't read or write music. ASCAP made a special exception to let him join. He was Irving Berlin, after all.

So what about the big bands that performed in dance halls and hotel ballrooms, their music also broadcast nationwide? Overnight, they had to look elsewhere for material: either music in the public domain or else music created by people who didn't meet ASCAP's standards. That would be: jazz, country, blues, folk, and regional music. Or they could import music from other countries.

The most popular big band at this time was the one led by relative newcomer Glenn Miller. In 1940, Glenn Miller and his orchestra had scored a huge hit with "In the Mood," the top-selling big band record of all time. I've posted a YouTube video of Miller and his band performing "In the Mood," and I'd encourage you to go listen to it. In 1941, during the ASCAP boycott, Miller and his band reached number one on the newly introduced *Billboard* magazine chart with a recording of their arrangement of a Russian folk melody, "Song of the Volga Boatmen." Xavier Cugat and his orchestra played tangos imported from South America. Jimmy Dorsey imported songs from Spain.

Gene Krupa's band played arrangements of Stephen Foster songs, such as "My Old Kentucky Home" and "Jeanie with the Light Brown Hair." Les Brown picked up on that one, too. In fact,

so many bands were performing “Jeanie with the Light Brown Hair” in 1941 that *Time* magazine facetiously told its readers that Jeanie “was widely reported to have turned gray.”

Bands also arranged themes taken from classical music. One band leader turned this device into a trademark: Freddy Martin. His band’s breakout hit came during the ASCAP boycott; it was a swing arrangement of the theme from the first movement of Tchaikovsky’s *Piano Concerto No. 1.* Originally they performed it as an instrumental number, but later lyrics were added and the piece became known as “Tonight We Love.” Martin went on to present big band versions of a number of classical favorites, including “Dingbat the Singing Cat,” adapted from Prokofiev’s *Peter and the Wolf,* “Bumble Boogie,” a boogie-woogie number based on Rimsky-Korsakov’s *Flight of the Bumblebee,* and “A Lover’s Concerto,” based on the *Minuet in G Major,* which in Freddy Martin’s day and my day we thought had been composed by Johann Sebastian Bach, but we have since learned that is not true.

The radio industry’s National Association of Broadcasters fought back by establishing its own competing licensing agency, Broadcast Music, Incorporated, known to all by its initials BMI. BMI’s standards were—it wouldn’t be fair to say *lower,* so let’s say *broader* than ASCAP’s; BMI was happy to sign up blues, country, jazz, folk, or gospel musicians, among others.

In the last week of October 1941, ten months into the boycott, ASCAP threw in the towel and agreed to lower its fees.

Less than a year later, in August 1942, the musicians went on strike.

[music: Carmichael, “Stardust.”]

James Caesar Petrillo was born on March 16, 1892. In his twenties, he played trumpet professionally, but in 1919, at the age of 27, he found his true calling as a union organizer. He rose through the ranks until 1940, when he became president of the American Federation of Musicians, or AFM, a position he would hold until 1958.

Petrillo was an outspoken union leader. His name was frequently in the news, and you can tell by the number of jokes about him that can be heard in radio shows and movies of the period. Even Bugs Bunny once took a jab at him.

At the beginning of 1942, as America went to war, Petrillo found himself the head of a union with a majority of its membership unemployed. The war surely was a contributing factor, but a union can’t organize a strike against a war. The radio, which increasingly was playing recorded music rather than presenting live performances, was also surely a factor, but Federal law prohibited a strike against radio, so Petrillo pointed a finger at the musicians’ next most dreaded foe: the jukebox.

Petrillo called it “scab number one.” Earlier in the century, there had been hundreds of dance halls and thousands of restaurants across America presenting live music performed by members

of the AFM. Now those jobs were gone, replaced by the ubiquitous jukebox. Records played on the radio and records played on jukeboxes were taking jobs away from musicians. Petrillo therefore called a strike against the record companies, beginning at midnight of July 31, 1942.

American record companies—in particular, the big three: RCA Victor, Columbia, and Decca—began recording like crazy, to build up an inventory of music they could draw from if Petrillo was serious about this strike, which some people doubted. All the big band leaders were in the recording booths: Woody Herman, Benny Goodman, the Dorsey brothers, Kay Kyser, Guy Lombardo, Glenn Miller, Duke Ellington, Count Basie, and Spike Jones among them. Likewise the top singers of the time: Judy Garland, Dinah Shore, Peggy Lee. Miss Peggy Lee was quite fond of a blues song called "Why Don't You Do Right?" which had been recorded the previous year by African-American blues singer Lil Green. Benny Goodman hated the song, but he was willing to have his orchestra back her up on a last-minute recording of "Why Don't You Do Right?" It would reach number one on the *Billboard* chart during the strike.

When the strike actually began, the big record companies were confident they could outlast the AFM, especially with their bulked-up inventory of recordings. They could also re-release older, out-of-print recordings from their back catalogs as far back as 1925, when electronic recording first became standard.

Warner Brothers' 1942 film *Casablanca*, which I talked about at length in episode 394, created a demand for the 1931 song "As Time Goes By," which features prominently in the movie. Pity poor Dooley Wilson, the man who sang the song in the film. He could have cashed in the success of *Casablanca* by releasing a recording of "As Time Goes By," not to mention some of the other songs he performs so well in the film, including "It Had to Be You" and "Knock on Wood," but the strike meant there were no musicians available who could back him up on the recording.

But RCA Victor could cash in by reissuing their 1931 recording of the song, performed by Rudy Vallee. The reissued recording reached number one on the charts. Sorry, Dooley.

There are alternatives, though, to backing up a singer with musicians. One possibility is to use *a capella* singers. And that brings me to the Mills Brothers. They were four out of nine siblings living in Piqua, Ohio: Donald, the youngest of the four, sang lead, with older brothers Herbert, Harry, and John, Jr. backing him up. John Sr., their father, ran a barbershop and had his own barbershop quartet, called "The Four Kings of Harmony."

His four sons formed their quartet while they were still boys and performed in churches and in front of their dad's barbershop in their own jazz-inflected style of barbershop singing. They hit on the idea of not only singing but using their voices to mimic the sounds of various brass instruments. John Jr. would play guitar.

In 1928, they were hired by radio station WLW in Cincinnati and became local radio celebrities. When Duke Ellington brought his orchestra to Cincinnati and heard the Mills Brothers sing, he

got them a contract with Okeh Records, a label that specialized in what were at the time called "race records," which meant records produced for the African-American market, and they moved to New York City. In 1930, they auditioned for CBS in New York and began to perform on network radio programs like Rudy Vallee's *Fleischmann's Yeast Hour*, under the name "Four Boys and a Guitar." In 1931, their first record, the jazz standard "Tiger Rag," originally recorded by the Original Dixieland Jass Band back in 1917, sold over a million copies, a first for African-American artists.

In 1932, when lead singer Donald was still only 17 years old, they got a radio program of their own, another first for African-Americans. Their program began with an announcer carefully explaining to the audience that the only musical instrument they would hear was a guitar. Every other sound came from the mouth of one of the Mills Brothers. Some listeners found that hard to believe. They made their first of twenty appearances in motion pictures that same year. In 1934, they became the first African-Americans to give a Royal Command Performance before King George V and Queen Mary in London.

Sadly, in 1936, John Jr. died at the age of 25. Their father took his namesake son's place in the group. They were performing in England again in 1939 as the war began. They left the country as quickly as they could on the only available ship, which took them to Australia. They toured South America for a time, and did not return to the States for good until 1941.

By then, another African-American singing group, the Ink Spots, had moved into the niche the Mills Brothers had previously occupied, and they were uncertain about their group's future. They needn't have worried. When the AFM strike came in 1942, Decca, the company they were now with, was practically begging them to make new recordings.

The Mills Brothers released a record of a song called "I'll Be Around" that year. That record didn't do so well until music lovers and radio stations began turning it over and listening to the song on the B-side, which was titled "Paper Doll." In November 1942, it reached number one on the *Billboard* chart and stayed there twelve weeks. "Paper Doll," the afterthought song that the Mills Brothers are said to have recorded in about fifteen minutes, sold six million copies and earned the group six gold records. They gifted one of them to Jim Petrillo.

The AFM strike hit the big bands hard. As was the case with the Mills Brothers while they were touring abroad, the American public was just plain forgetting about them, and here we see one of the reasons the big band era came to a close.

Decca Records finally gave in to the AFM in September 1943, more than a year after the strike began. The other two major labels, RCA Victor and Columbia, held out for another 14 months, but they too eventually settled with the AFM, appropriately enough, on Armistice Day 1944. It was, and still is, the longest strike in the history of the American entertainment industry.

We'll have to stop here for today. I thank you for listening and I'd like to thank Justin for his kind donation, and thank you to Norma for becoming a patron of the podcast. Donors and patrons like Justin and Norma help cover the costs of making this show, which in turn keeps the podcast available free for everyone always, so my thanks to them and to all of you who have pitched in and helped out. If you'd like to become a patron or make a donation, you are most welcome; just visit the website, historyofthetwentiethcentury.com and click on the PayPal or Patreon buttons.

As always, the podcast website also contains notes about the music used on the podcast. If you hear a piece of music on the podcast and you would like to know more about it, including the composer, the performers, and a link to where you can download it, that would be the place to go. While you're there, you can leave a comment and let me know what you thought about today's show.

I've gotten a lot of response to my call for questions, and it looks like there will be a question-and-answer episode, sometime before the end of the year. I'll keep you posted.

Next week is a bye week for the podcast, but I hope you'll join me in two weeks' time, here on *The History of the Twentieth Century*, as we return to the Italian front and look at Winston Churchill's idea for how to break the stalemate in southern Italy. A Stranded Whale, in two weeks' time, here, on *The History of the Twentieth Century.*

Oh, and one more thing. In today's episode, I mentioned Peggy Lee's recording of "Why Don't You Do Right?" which was released in 1943. Peggy Lee had already had one record that reached the top ten in the *Billboard* magazine chart, but it was this record, "Why Don't You Do Right?" that made her famous. She had recently married, to musician David Barbour, and planned to quit her singing career and settle down as a homemaker, but after the success of this record, she was inundated with offers. She kept turning them down until at last her husband told her, "You really have too much talent to stay at home…"

She went on to a hugely successful singing career, and "Why Don't You Do Right?" would continue to be one of her signature songs.

The song itself was originally written and performed by a blues singer named Kansas Joe McCoy and was released by Decca in 1936 as "The Weed Smoker's Dream." McCoy later revised the song and the lyrics so it could be sung by a woman, and it became "Why Don't You Do Right?" recorded first by Lil Green and then by Peggy Lee.

The original song depicted a marijuana user lamenting the money he was losing because he couldn't hold down a job. The revised song is sung from the point of view of the marijuana user's girlfriend, complaining that he can't hold down a steady job and support her. Hence the refrain: "Why don't you do right/Like some other men do?/Get out of here/and get me some money, too."

I suspect that most of my listeners who are acquainted with this song know it from the 1988 Hollywood film *Who Framed Roger Rabbit*, directed by Robert Zemeckis and distributed by Disney. *Who Framed Roger Rabbit* is a fantasy-comedy set in a world in which cartoon characters—the film calls them "toons"—exist in the real world and live and work alongside humans.

In the film's world, toons live in segregated communities and are often discriminated against. The song "Why Don't You Do Right?" is performed by Jessica Rabbit, with the character's singing voice provided by singer/actress Amy Irving, who was at the time married to Steven Spielberg, whose production company, Amblin Entertainment, co-produced the film.

In the film, Jessica Rabbit performs the song at the Ink and Paint Club, a nightclub where toons serve and entertain an exclusively human clientele. The Ink and Paint Club is clearly patterned on the Cotton Club, a Prohibition-era Harlem nightclub where African-Americans served and entertained an exclusively white clientele. I described the Cotton Club in episode 312.

[music: Closing War Theme]