

# NWS Information Services Review Committee

## Review Case #1 – “Singing Weatherman”

### 1. Background

On May 3, 2003, NWS received e-mail correspondence (Ref. 1) from Steven Root of WeatherBank, Inc. and President of the Commercial Weather Services Association. The e-mail was a complaint about the contents of a web page, “Weather Music Gallery,” (Ref. 2) on the El Paso, Texas Weather Forecast Office’s (WFO) web site. The web page contained original songs, written by the El Paso WFO’s Warning and Coordination Meteorologist (WCM), about various weather-related topics. Mr. Root felt that the material on this web page was not relevant to our mission of protecting life and property, appeared to be the result of “idle time,” and does not reflect responsible use of public resources.

The Office of Strategic Planning and Policy contacted WFO El Paso and through discussion with WFO personnel identified that the songs were written on personal time, at no cost to the government (Ref. 3). The WCM provided NWS a no cost, nonexclusive license to use the songs on the WFO El Paso web site (Ref. 4). General Counsel for NWS has confirmed that there are no legal restrictions on NWS regarding accepting this gift and has conferred with the WCM. Lastly, the songs have been provided as a resource to all WCMs in preparing public awareness materials (Ref. 5). NWS must now make a decision on whether or not to allow this music gallery to be accessible from NWS web sites.

### 2. References

Reference 1 – E-mail from Steven Root to Bill Proenza, David Johnson, John Jones, Edward Johnson, and Bill Alexander – Complaint about WFO El Paso’s “Weather Music Gallery” web page

Reference 2 – Printout of web page “Weather Music Gallery”

Reference 3 – E-mail string, including messages from Bill Alexander to Edward Johnson dated June 10, 2004 and from Bill Alexander to Glenn Tallia dated June 8, 2004, both with subject “Fwd: Re: Weather Music and History Site.”

Reference 4 – E-mail string, including message from Glenn Tallia to Bill Alexander, dated June 22, 2004, subject “Re: Fwd: Questions for Glenn.”

Reference 5 – Printout of web page “WCM Resource Center – Preparedness Music Gallery”

[Reference 6](http://www.nws.noaa.gov/directives/010/pd01001002a.pdf) – NWSI 10-102 “New or Enhanced Products and Services” (web address: <http://www.nws.noaa.gov/directives/010/pd01001002a.pdf>)

### 3. Issues

- Should NWS web sites be allowed to link to an employee’s weather-related work, created on his own time?
- Should the weather songs be able to be used by NWS in promoting public awareness? (Legally, we are permitted to (Ref. 4)). If so, should the “Weather Music Gallery” be accessible only to NWS staff for developing awareness material or should it be accessible to the general public?
- NWS has detailed policies and procedures for its weather, water, and climate products and services (e.g., Ref. 6). NWS public awareness/outreach materials tend to be less controversial, and NWS has developed limited guidance for these materials. Given that the “Weather Music Gallery” is not an NWS service and thus not bound to the public comment/review process specified in NWS Instruction 10-102, would public comment/review be appropriate given Mr. Root’s objection?

### 4. Options

- A. Remove Offending Material – It is not appropriate for weather music songs written on an employee’s free time to be placed on a publicly accessible NWS web page. Remove “Weather Music Gallery” from WFO El Paso’s web site.
- B. Explain Material/Status Quo – Prepare reply to Mr. Root explaining that the materials were produced at no cost to the Government, that the songs are valuable for public awareness of weather-related topics, and that we have a legal right to make them available on our web site. Make no changes to web site other than to clarify that the songs were developed at no cost to the government.
- C. Keep Material for Internal Use Only – Recognizing both that Mr. Root’s view may be held by others who visit the web site and that the songs are valuable for NWS public awareness efforts, make the “Weather Music Gallery” accessible to NWS users only (i.e., not publicly accessible).
- D. Submit Material to Review/Comment Process - The “Weather Music Gallery” web page should be submitted to a review/comment process like that defined in NWSI 10-102 (Ref. 6). The committee will review the decision of the Regional Director before it is final.

Reference 1

Subject: For the protection of life and property  
Date: Mon, 3 May 2004 15:19:13 -0500  
From: "Steve Root" <sroot@weatherbank.com>  
To: <Bill.Proenza@noaa.gov>,  
"David L. Johnson" <DL.Johnson@noaa.gov>,  
"John E. Jones" <John.Jones@noaa.gov>,  
<Edward.Johnson@noaa.gov>,  
<Bill.Alexander@noaa.gov>  
CC: <john.fausett@noaa.gov>

Bill Proenza  
Director, SRH, NWS

Bill Alexander, MIC  
El Paso NWS Office

RE: The Weather Music Gallery  
<http://www.srh.noaa.gov/elp/wcm/musicgallery.shtml>

Dear Sirs:

As you may know, much discussion has taken place during the recent past concerning the relationship between partners in the "weather enterprise", and the roles and responsibilities which each perform. A common theme of these discussions seem to be that the lines of responsibilities between participants, once clear, have shifted, and have resulted in duplication of effort and misdirected use of public funding.

Many from the commercial sector believe these redundant efforts and unnecessary waste of resources, if left unchecked, will certainly distract from our ability (the Enterprise as a whole) to sustain our growth trend. Even worse, our leadership position in the World community which we now enjoy, could be in jeopardy. Collectively, as participants in the Enterprise, we should focus on excelling in our individual core competencies.

In the current environment, actions from all participants are being scrutinized. It is widely accepted that the NWS is responsible for protecting life and property. With this in mind, I question the purpose and value of the above-referenced link, which appears to be the result of "idle time". Public servants should be focused, fiscal stewards when it comes to

public resources. The role of every NWS office is to produce "public goods", items which the commercial sector would not produce. These products could include better forecasts through existing channels, and generating more detailed weather watches and warnings with more frequent updates, etc., not song writing.

By allowing these non-core applications to be maintained, an explicit message is sent to other partners in the Enterprise and the public at large that as government officials, you endorse these presentations. Is this the case? Furthermore, in which manner does this specific presentation protect life and property?

We in the commercial sector are driven by the goal to produce a profit, year in and year out, and don't have a lot of indiscriminate "idle time". Government agencies are not held to the same economic standards and pressures as the commercial sector, yet they should be. In that manner, partners could have more time to focus on fostering partner relationships, rather than policing each other.

Receipt of acknowledgement of this email is requested.

Very truly yours,

Steven A. Root, CCM  
President & CEO,  
WeatherBank, Inc.  
1015 Waterwood Parkway, Suite J  
Edmond, OK 73034  
405-359-0773  
President,  
Commercial Weather Services Association

cc:

General David L. Johnson, Director, NWS  
John Jones, Deputy Director, NWS  
Dr. Edward Johnson, Strategic Planning and Policy Office, NWS

Steven A. Root <sroot@weatherbank.com>  
President & CEO  
WEATHERBANK, INC.

Steven A. Root

President & CEO <sroot@weatherbank.com>

WEATHERBANK, INC.

1015 WATERWOOD PKWY STE J Work Voice: 405-359-0773

EDMOND Work Fax: 405-341-0115

OK

73034-5325

Additional Information:

Version 2.1

Last Name Root

First Name Steven

Additional NameA.

Label Work 1015 WATERWOOD PKWY STE J EDMOND, OK 73034-5325

Revision 20040429T234822Z



# National Weather Service Forecast Office

## El Paso Area

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Local forecast by  
"City, St" or zip code

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[National Warnings](#)

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**Contact Us**

[tim.brice@noaa.gov](mailto:tim.brice@noaa.gov)

[NWS Home](#) > [SRH Home](#) > [ELP Home](#) > [Skywarn Training](#) > [Music Gallery](#)

## The Weather Music Gallery

These are original songs, written and recorded by WCM John Fausett on his personal time. These songs reflect John's passion for the primary mission of the National Weather Service [to save lives and property](#), and are offered at no expense to the federal government.

by WCM *John Fausett*



**Thunderstorm** - Tropical sounding music describing a mid-latitude thunderstorm.

[Lyrics](#)

**I'm Going Under** - Because you never know how deep that water is.

[Lyrics](#)

**Tornado Coming to Your Town** - Will you know what to do when a tornado comes to YOUR town?

[Lyrics](#)

**Skywarn Spotter** - A musical version of what a SKYWARN spotter does.

[Lyrics](#)

**Hurricane** - Thinking of riding out one of these monsters? Think again!

[Lyrics](#)

**Eyes of the west** - A ballad about the western SKYWARN spotter.

[Lyrics](#)

**Prairie Wind** - A frequent visitor to our neighboring weather offices to the east.

[Lyrics](#)

**Turn Around, Don't Drown™** - Check out the related [Turn Around, Don't Drown™](#) website.

[Lyrics](#)

**Silent Killer** - It's not all fun in the sun.

[Lyrics](#)

**One Team** - It takes team work to keep **you** safe.

[Lyrics](#)

**It's a Wildfire** - Don't let your dreams go up in smoke.

[Lyrics](#)



**Winter Storm** - Snow and ice are not always nice.

[Lyrics](#)



**Deadly Beauty** - Get grounded in the most current lightning safety info.

[Lyrics](#)



**The Sky is Brown** - Leading cause of multi-vehicle collisions in southwestern NM

[Lyrics](#)

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National Weather Service  
El Paso Area  
7950 Airport Rd  
Santa Teresa, NM 88008  
Ph: (505) 589-4088  
Page last modified: Feb 17, 2004

[Disclaimer](#)

[Privacy Policy](#)

Reference 3

Subject: Fwd: Re: Weather Music and History Site  
Date: Thu, 10 Jun 2004 12:47:50 -0600  
From: "Bill Alexander" <Bill.Alexander@noaa.gov>  
To: edward.johnson@noaa.gov  
CC: steven.cooper@noaa.gov, john.fausett@noaa.gov

Ed--

Here's some information about John Fausett's Weather Music Gallery as it appears on the El Paso Area Internet website. As you know we are making some changes in the features, including deleting a couple of songs that did not directly related to water or weather hazards. In addition, we will include a disclaimer indicating the songs all are John's original work and that he wrote, produced and recorded all the music on his own time; and, further, that he provides it all to the government at no cost. The site will include links both to the lyrics and to pertinent NOAA/Tri-Agency weather and flood safety brochures. John has copyrighted all the selections except, "Winter Storm" and "It's a Wild Fire" -- and he will get those copyrighted soon.

As you can see from the forwarding, I have contacted Glenn Tallia about John's legal position regarding this effort. I have not yet received a response from Glenn, but when we speak to Mr. Tallia we will bring up the issue about some sort of gift form that John may be able to prepare.

Please let me know if you have any other suggestions or comments.

Regards,

WOA

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Subject: Fwd: Re: Weather Music and History Site  
Date: Tue, 08 Jun 2004 14:05:36 -0600  
From: <Bill.Alexander@noaa.gov>  
To: glenn.e.tallia@noaa.gov  
CC: john.fausett@noaa.gov

Glenn--

Perhaps you remember me from the old days in the Office of Meteorology at WSH. I am the MIC at the Weather Forecast Office (WFO) in El Paso these days. My Warning Coordination Meteorologist, John Fausett, writes, produces and records his own music about weather hazards and preparedness. His music is featured on our WFO's Internet Home Page and has received widespread praise from Federal, state and local governments, the media and private individuals. Although his music is put together entirely on his own time, there has been flak from the private sector recently about its inclusion on a government web site.

John and I would like to talk to you about what he can and cannot do insofar as his music is concerned, i.e., profitability, promotion, etc.

When would be a good time to talk with you about this?

Thanks.



Bill Alexander  
505-589-4161 x. 222

-----  
Subject: Re: Weather Music and History Site  
Date: Fri, 04 Jun 2004 17:34:42 -0600  
From: "John Fausett" <John.Fausett@noaa.gov>  
To: "Albert E Theberge Jr" <Albert.E.Theberge.Jr@noaa.gov>  
CC: Bill.Alexander@noaa.gov,Ron.Trumbla@noaa.gov

Skip,

Now that I'm back and have had time to look at this message, I would be honored if you incorporated my songs into the NOAA History Site. We will eventually provide links to lyrics for each of the songs on the Weather Music Gallery, maybe by the end of this month.

As for putting some of the poems there to music, I don't think I have the time for that.

John Fausett, WCM El Paso

----- Original Message -----

From: "Albert E Theberge Jr" <Albert.E.Theberge.Jr@noaa.gov>  
Date: Tuesday, June 1, 2004 6:30 am  
Subject: Weather Music and History Site

> Dear Mr. Fausett,  
>

> I, and my colleague Janet Ward of the NOAA CIO's Office, produce the  
> NOAA History site at <http://www.history.noaa.gov/> and the NOAA Photo  
> Library at <http://www.photolib.noaa.gov/> . I came across your  
> unique and  
> amazing site when I was searching out links for the NOAA history  
> site (  
> looking for station, office, and project histories). I am requesting  
> that we be allowed to incorporate your music into the NOAA History  
> site. We already have an art and poetry segment of NOAA History  
> and your  
> music would make a great addition. Perhaps with your talents you  
> couldalso provide some music to some of the poetry as well. We  
> of course  
> would give you full credit for your work. I applaud your interest in  
> and passion for your work. You are a very talented and fortunate  
> person to be able to do what you do. Would it also be possible to  
> copies of  
> the words to your songs for inclusion on the site? Hope to hear from  
> you soon.

>  
> Skip Theberge  
> NOAA Central Library  
> <http://www.history.noaa.gov/>  
> <http://www.photolib.noaa.gov/>  
> <http://oceanexplorer.noaa.gov/history/history.html>  
> 301-713-2600 X-115  
>  
>

---

John G. Fausett <john.fausett@noaa.gov>  
Warning Coordination Meteorologist  
National Weather Service

John G. Fausett  
Warning Coordination Meteorologist <john.fausett@noaa.gov>  
National Weather Service  
7950 Airport Rd Fax: 505-589-4026  
Santa Teresa Work: 505-589-4088 x223  
NM  
88008  
USA  
Additional Information:  
Last Name Fausett  
First Name John  
Version 2.1

---

Bill Alexander <Bill.Alexander@noaa.gov>  
National Weather Service  
Weather Forecast Office EPZ

Bill Alexander  
National Weather Service <Bill.Alexander@noaa.gov>  
Weather Forecast Office EPZ  
7950 Airport Road Fax: 505-589-4026  
Santa Teresa Work: 505-589-4161  
New Mexico  
88008  
Additional Information:  
Last Name Alexander  
First Name Bill  
Version 2.1

---

Bill Alexander <Bill.Alexander@noaa.gov>  
National Weather Service  
Weather Forecast Office EPZ

Bill Alexander  
National Weather Service <Bill.Alexander@noaa.gov>  
Weather Forecast Office EPZ  
7950 Airport Road Fax: 505-589-4026  
Santa Teresa Work: 505-589-4161  
New Mexico  
88008  
Additional Information:  
Last Name Alexander  
First Name Bill  
Version 2.1

Subject: Re: Fwd: Questions for Glenn  
Date: Tue, 22 Jun 2004 12:43:48 -0400  
From: "Glenn E Tallia" <Glenn.E.Tallia@noaa.gov>  
Organization: NOAA  
To: Bill Alexander <Bill.Alexander@noaa.gov>  
CC: John Fausett <John.Fausett@noaa.gov>

Bill,

Here are my answers to John's questions.

1. Yes. He can sell his songs from his own personal web site. There is no problem with using Weather Music Gallery as the title. John created these songs on his own time and owns the copyright on the songs which gives him the right to decide what he will do with them. In the case of the NWS, he has generously provide us a no cost, nonexclusinve license to use the songs on our site. The fact that he has given us a no cost, nonexclusive license does not prevent him from marketing the songs commercially.

2. John can use the title and line Turn Around, Don't Drown, which is an NWS registered trademark but he will need to obtain VADM's Lautenbacher's permission before doing so. This is the case with all NOAA trademarks. If he replaced the phrase in the song, no such permission would be required. Getting permission is a paper process which can take a few months. I see no reason why permission would not be granted. However, it will take some time.

3. I see no problem with John using One Team. He owns the copyright and can do with it what he wants, even if it promotes the NWS. Also, I see no problem with him linking each song to the NWS preparedness web page.

Please feel free to call (301-713-1221) should you have questions or want to discuss. Glenn

Bill Alexander wrote:

- > Glenn--
- >
- > Here are the primary questions John has about his Weather Music
- > Gallery.
- >
- > Thanks.
- >
- > WOA
- >
- > -----
- >

> Subject: Questions for Glenn  
> Date: Thu, 17 Jun 2004 15:36:18 -0600  
> From: "John Fausett" <John.Fausett@noaa.gov>  
> To: Bill.Alexander@noaa.gov  
>  
> Bill,  
>  
> If I'm not around when you talk to Glenn, please get answers for the  
> following, keeping in mind my gift to the NWS is the liberty to use  
> the songs on the Weather Music Gallery for preparedness/training  
> purposes, free in the mp3 format to anyone, but that they are  
> copyrighted and belong to me. "Turn Around, Don't Drown" is a gray  
> area, though, as it includes a federal trademark within my lyrics.  
>  
> 1) Is the federal government okay with me commercially selling my  
> songs that are on a government website, provided I do so on my own  
> personal webpage with no reference or link to the EPZ Weather Music  
> Gallery (or visa versa)? If necessary, the CD for sale with these  
> songs would have a different title than "Weather Music Gallery".  
>  
> 2) If the answer to #1 is yes, then would I be able to include "Turn  
> Around, Don't Drown", which contains a title and a line in the chorus  
> that is a trademark owned by the federal government? If there is a  
> problem here, I could replace the trademarked phrase with another one  
> on the commercial version, or just do without the song period. I would  
> then consider it an NWS-only song.  
>  
> 3) If the answer to #1 is yes, what about "One Team", which directly  
> promotes the NWS? Can I even mention the NWS on my personal site?  
> Also, would I be able to provide links from each song to the  
> applicable NWS preparedness web page?  
>  
> As you can see, much depends on the answer to question #1. Since there  
> is an increasing interest among folks in purchasing redbook quality  
> CDs containing my weather songs, rather than downloading lesser  
> quality mp3 files from the EPZ web site, I have to make a decision.  
> Should there not be compatibility between offering free use on the EPZ  
> site and making a profit on my own site with the very same songs, I  
> would probably withdraw most of the songs from the Weather Music  
> Gallery with the exception of "Turn Around, Don't Drown" and "One  
> Team". It costs too much to provide these songs on homemade CDs free  
> of charge to those requesting this.  
>  
> I do have 4 other CDs that are non-weather related and I will assume  
> these would not be in question.  
>  
> John Fausett, WCM El Paso  
>

> -----  
>  
> John G. Fausett <john.fausett@noaa.gov>  
> Warning Coordination Meteorologist  
> National Weather Service  
>  
> John G. Fausett  
> Warning Coordination Meteorologist <john.fausett@noaa.gov>  
> National Weather Service  
> 7950 Airport Rd                      Fax: 505-589-4026  
> Santa Teresa                      Work: 505-589-4088 x223  
> NM  
> 88008  
> USA  
> Additional Information:  
> Last Name    Fausett  
> First Name   John  
> Version      2.1  
>

> -----  
>  
> Bill Alexander <Bill.Alexander@noaa.gov>  
> National Weather Service  
> Weather Forecast Office EPZ  
>  
> Bill Alexander  
> National Weather Service    <Bill.Alexander@noaa.gov>  
> Weather Forecast Office EPZ  
> 7950 Airport Road              Fax: 505-589-4026  
> Santa Teresa                      Work: 505-589-4161  
> New Mexico  
> 88008  
> Additional Information:  
> Last Name    Alexander  
> First Name   Bill  
> Version      2.1

-----  
Bill Alexander <Bill.Alexander@noaa.gov>  
National Weather Service  
Weather Forecast Office EPZ

Bill Alexander  
National Weather Service    <Bill.Alexander@noaa.gov>  
Weather Forecast Office EPZ  
7950 Airport Road              Fax: 505-589-4026  
Santa Teresa                      Work: 505-589-4161

New Mexico  
88008  
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National Weather Service  
Weather Forecast Office EPZ

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Weather Forecast Office EPZ  
7950 Airport Road Fax: 505-589-4026  
Santa Teresa Work: 505-589-4161  
New Mexico  
88008  
Additional Information:  
Last Name Alexander  
First Name Bill  
Version 2.1

Reference 5

Funded by NOAA

# WCM Resource Center

## Preparedness Music Gallery (Skywarn Spotter, Tornado & other songs)

### WCM Awareness Materials Catalogue Entry

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#### CONTACT INFORMATION

**Name:** John Fausett  
**Street address:** 7950 Airport Rd  
**City:** Santa Teresa  
**State, Zip:** NM, 88008  
**Phone (w/ extension):** 505-589-4088 x223  
**E-Mail:** john.fausett@noaa.gov  
**Today's Date:** 11/28/2001

---

#### INFORMATION ABOUT THE RESOURCE

**New or revised entry in the catalogue?** Revised

**Date of creation or latest revision:** 11/28/2001

**Title:** Preparedness Music Gallery (Skywarn Spotter, Tornado & other songs)

**Abstract:**

The popularity of the "Skywarn Spotter" song has inspired "Tornado Coming To Your Town" and others. Somewhere in this collection of MP3

files should be a song to suit your presentation needs. "I'm Going Under" (flash flood safety) and "Thunderstorm" are targeted for release before Christmas 2001.

---

## **DESCRIPTION**

### **This resource belongs in (select all that apply):**

Presentations

### **This resource relates to:**

Emergency managers  
Storm Spotters

### **This resource is intended for:**

Large group presentation

### **Topics:**

Floods  
Hail  
Lightning  
Thunderstorms  
Tornadoes

### **Location(s):**

Generic

### **Format(s):**

Sound file

### **Additional Information:**

The better the sound system, the better the effect, though any set of PC



speakers with a good MP3 player will probably do.

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## ACQUISITION INFORMATION

**URL:** [www.srh.noaa.gov/elp/wcm/musicgallery.html](http://www.srh.noaa.gov/elp/wcm/musicgallery.html)

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[Main Page](#) [Catalogue](#)