

# The National Association of Broadcasters

NATIONAL PRESS BUILDING \* \* \* \* \* WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

## NAB REPORTS

Vol. 1 - No. 1  
MARCH 11, 1933

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### ANNOUNCEMENT!

Beginning with this issue, the official publication of the National Association of Broadcasters will be known as NAB REPORTS instead of the BROADCASTERS NEWS BULLETIN. This and all future issues of NAB REPORTS, will be printed and punched to fit into a five-ring binder which may be purchased at small cost through the Association.

The BROADCASTERS NEWS BULLETIN will be suspended as a regular publication and will be used in the future only for special reports.

The decision to replace the mimeographed bulletins with printed reports was based upon two principal considerations: First, a substantial saving in production and mailing costs; and, second, the necessity for a more usable and more readable method of publishing information.

Gradually, there will be a change in the content and style of items reported. When the BROADCASTERS NEWS BULLETIN was founded, nearly three years ago, there were no trade publications regularly and satisfactorily presenting general news of broadcasting. Now this field is being adequately covered and there is no desire on the part of the Association to duplicate this effort.

NAB REPORTS will give to members the official news of the Association, texts of important court decisions, digests of bills which would affect radio, decisions of the Federal Radio Commission, rulings of state and federal government departments relating to radio, and other similar material. In other words, NAB REPORTS will constitute a service rather than a news bulletin.

Pages will be numbered consecutively and all items will be indexed quarterly. You should begin filing these sheets with this issue.

Binders for filing the reports may be purchased through NAB Headquarters at a cost of \$2.00 each. A single binder will take a two years' supply of NAB REPORTS. If you want a binder, you may place your order by writing NAB Headquarters, National Press Building, Washington, D. C.

PHILIP G. LOUCKS, *Managing Director.*

on banking legislation is a criterion, it is safe to assume that any legislation recommended by President Roosevelt will be promptly enacted.

### ROOSEVELT OFFERED COOPERATION

Assurances that he would have the hearty support of the broadcasters of the country were given President Franklin D. Roosevelt in a telegram sent him today by Alfred J. McCosker, President of the National Association of Broadcasters, and Director and General Manager of Station WOR in Newark, New Jersey.

It was pointed out by the broadcasting executive that in the recent campaign, both before and after his nomination, President Roosevelt had made more use of extensive broadcasting than any aspirant to public office.

A copy of Mr. McCosker's telegram to President Roosevelt follows:

Hon. Franklin D. Roosevelt,  
President of the United States,  
White House,  
Washington, D. C.

It is with great sincerity that I assure you of the hearty and continued cooperation of the broadcasters of the United States throughout your administration. We deem it a privilege to place our facilities at your disposal whenever you desire them. We are confident your administration will be a most successful and notable one.

(Signed) ALFRED J. MCCOSKER, *President,*  
National Association of Broadcasters,  
1440 Broadway,  
New York, N. Y.

### NORTH AMERICAN COMMITTEE MEETS

At the meeting of the general committee preparing for the forthcoming North American Radio Conference held March 10, at the Federal Radio Commission, a detailed statement was presented by James W. Baldwin on behalf of the National Association of Broadcasters to show the position of the Association and the reasons therefor. This statement is now the subject of general discussion by the Committee. The next meeting is scheduled for Monday, March 13.

### ROOSEVELT SUMMONS 73RD CONGRESS

At the call of President Roosevelt, the Seventy-third Congress convened in special session on March 9 and with unprecedented speed enacted emergency banking legislation recommended by him in a special message. The Congress will remain in session to consider other necessary economic legislation and will afterward recess until the administration's general relief and reorganization program can be whipped into final shape.

Only five committees were organized in the House. Other committees will be organized later but it appears certain that Representative Otis S. Bland of Virginia, will accept the chairmanship of the House Merchant Marine, Radio and Fisheries Committee.

In the Senate, committee chairmanships were announced although only a few committees were organized. Senator Clarence C. Dill of Washington, has been named chairman of the Senate Committee on Interstate Commerce, and Senator Robert F. Wagner of New York, has been named chairman of the Senate Committee on Patents.

The administration has not announced its plans with respect to radio regulation although scores of unconfirmed rumors persist. It is known, however, that thought has been given to co-ordinating the regulation of transportation facilities and it is probable that a program will be ready in the near future. If the action of Congress

### COMMISSION SUSPENDS RULE 151

In view of the present financial and economic situation, the Federal Radio Commission on March 10, on motion of Commissioner Starbuck, decided that "the provision of Rule 151 of the Commission's Rules and Regulations may be partially suspended until June 1, 1933, upon written application to the Commission specifying the exact hours the station will operate.

Rule 151 provides: "Except Sundays, the licensee of each broadcast station shall maintain a minimum regular operating schedule of two-thirds of the hours that it is authorized to operate during each broadcast day."

### COURT OF APPEALS UPHOLDS KFPY

Symons Broadcasting Company (KFPY, Seattle, Wash.) v. Federal Radio Commission. Court of Appeals of District of Columbia No. 5757, March 6, 1933. Appeal from decision of Commission granting application for modification of construction permit authorizing Station KSEI, Pocatello, Idaho, to operate on 890 kc. Station KFPY protested on ground that it had pending at time of grant an application for same frequency. No hearing had been held.

In reversing the decision and remanding the case for further proceedings the court said:

"In this case the Spokane station in apt time filed its protest. It was certainly an aggrieved party, because it had filed an application for the same frequency as that sought by the Pocatello station. From the time the same was lodged with the supervisor in Seattle it was 'pending before the Commission.' But notwithstanding this the Commission ignored the protest and refused to grant a hearing, and this, we think, was arbitrary and in violation of its rules. And in addition to this, we think it not untimely to say that in granting and refusing applications for licenses, where two or more stations are applicants for the same frequency, it is the duty of the Commission to grant either party a hearing on due notice, for otherwise there is a denial of due process and a substitution in its place of arbitrary power, and that, of course, may not be countenanced."

### McCOSKER NAMES NAB COMMITTEES

President Alfred J. McCosker this week announced the following committee appointments for the current year:

#### Tax Committee

Chairman E. M. Elkin, KDKA, Pittsburgh, Pennsylvania; P. J. Hennessey, Jr., WJZ, New York, N. Y.; Sydney M. Kaye, WABC, New York, N. Y.; A. Z. Moore, WKJC, Lancaster, Pennsylvania; Edgar T Bell, WKY, Oklahoma City, Oklahoma; Wiley P. Harris, WJDX, Jackson, Mississippi; C. R. Myers, KOIN, Portland, Oregon.

#### Constitution and By-Laws Committee

Chairman William S. Hedges, WMAQ, Chicago, Illinois; W. J. Damm, WTMJ, Milwaukee, Wisconsin; Harry Shaw, WMT, Waterloo, Iowa.

#### Program Committee

Chairman Edgar L. Bill, WMBD, Peoria, Illinois; John Elwood, WEAJ, New York, N. Y.; Fred Willis, WABC, New York, N. Y.; Clarence Wheeler, WHEC, Rochester, New York; John Henry, KOIL, Council Bluffs, Iowa; Rogan Jones, KVOS, Bellingham, Washington; Judith Waller, WMAQ, Chicago, Illinois; Charles A. Sessions, WIBW, Topeka, Kansas; Birt Fisher, KOMO, Seattle, Washington.

#### Commercial Committee

Chairman H. K. Carpenter, WPTF, Raleigh, North Carolina; Leslie Fox, WSM, Nashville, Tennessee; Martin Campbell, WFAA, Dallas, Texas; H. K. Boice, WABC, New York, N. Y.; Roy C. Witmer, WJZ, New York, N. Y.; John Patt, WGAR, Cleveland, Ohio; Donald Davis, WHB, Kansas City, Missouri; Charles Chatterton, KGW, Portland, Oregon; Roy Harlow, WNAC, Boston, Massachusetts.

#### Membership Committee

Chairman H. H. Bliss, WCLO, Janesville, Wisconsin; F. P. Manchester, WAAW, Omaha, Nebraska; W. E. Hutchinson, WAAF, Chicago, Illinois; Eugene V. Cogley, WLBW, Erie, Pennsylvania; Roy Thompson, WFBG, Altoona, Pennsylvania; Arthur Kales, KECA, Los Angeles, California; Harold Wheelahan, WSMB, New Orleans, Louisiana; William Knight, WTOG, Savannah, Georgia; F. E. Tunnicliff, KFNF, Shenandoah, Iowa; Ed Riggins, KMJ, Fresno, California; S. H. Cook, WFBL, Syracuse, New York; Allen T. Simmons, WADC, Akron, Ohio; Don Gilman, KGO, San Francisco, California; G. E. Zimmerman, KPRC, Houston, Texas; LeRoy Mark, WOL, Washington, D. C.

#### Cost Accounting Committee

Chairman Arthur Church, KMBC, Kansas City, Missouri; Walter J. Damm, WTMJ, Milwaukee, Wisconsin; M. R. Runyon, WABC, New York, N. Y.; H. F. McKeon, WJZ, New York, N. Y.; R. W. Hoffman, WHFC, Chicago, Illinois; Lewis Weiss, WJR, Detroit, Michigan; J. H. Ryan, WSPD, Toledo, Ohio; J. L. Kaufman, WCAE, Pittsburgh, Pennsylvania; I. Z. Buckwalter, WGAL, Lancaster, Pennsylvania.

#### Engineering Committee

Chairman Joseph Chambers, WLW, Cincinnati, Ohio; Charles W. Horn, WEAJ, New York, N. Y.; Ed Cohan, WABC, New York, N. Y.; John F. Byrne, WEAO, Columbus, Ohio; Walter Evans,

KDKA, Pittsburgh, Pennsylvania; William West, KSD, St. Louis, Missouri; John Fetzer, WKZO, Kalamazoo, Michigan; Stanley Hubbard, KSTP, St. Paul, Minnesota; William Foss, WMAS, Springfield, Massachusetts.

### KFAB CASE TO BE APPEALED

C. A. Sorenson v. KFAB Broadcasting Company. Supreme Court of Nebraska. No. 28749. Appeal from the District Court of Lancaster County from judgment in favor of plaintiff for damages for defamation by transmission of certain language over Station KFAB during political campaign in summer of 1930. The State Supreme Court previously held the station liable for damages notwithstanding Section 18 of the Radio Act of 1927 and remanded the case for further proceedings. Further proceedings were had and the case is now before the Supreme Court again on appeal. Should the upper court affirm its earlier holding the case will be carried to the Supreme Court of the United States for review.

### NEW YORK BROADCASTERS MEET

A meeting of New York state broadcasters will be held Monday, March 13, at Albany, N. Y., for the purpose of effecting machinery for presentation of their combined views on state legislative matters. The meeting will be attended by nearly all New York state broadcasters.

### SUPREME COURT DENIES WNJ APPEAL

The Supreme Court of the United States on March 6, 1933, denied the petition of the Radio Investment Company (WNJ, Newark, N. J.) for a review of a decision of the Court of Appeals of the District of Columbia upholding the decision of the Federal Radio Commission deleting the station. Station WNJ formerly shared time with Stations WHOM, WMBS, and WKBO. Both stations WNJ and WMBS were taken off the air and Station WHOM was awarded three-fourths time. Station WNJ appealed. Station WMBS did not appeal. The decision of the Supreme Court winds up the litigation.

### INSURANCE ADVERTISING RESTRICTED

Merton L. Brown, Massachusetts Commissioner of Insurance, on February 17, notified all publishers of newspapers, magazines and radio broadcasting stations in Massachusetts to the effect that Chapter 25 of the Acts of 1933 "prohibits the printing or publication of certain advertisements of foreign insurance companies or foreign fraternal benefit societies that are not duly licensed in this Commonwealth, in newspapers, magazines or other periodicals published in the commonwealth or over radio broadcasting stations located therein."

The department, says the Commissioner, will gladly furnish information whether any insurance company or fraternal society is duly licensed in the state and requests that newspapers and stations ascertain whether any company or society offering advertising of the kind described in the act is duly licensed, before its advertisements are published or broadcast.

### WOULD DENY WMBH INCREASED HOURS

Application of Edwin D. Aber (WMBH, Joplin, Mo.) for increased operating hours from 35 to 71½ hours per week. Report No. 462. (Pratt, e.) Recommends that application be denied.

The examiner points out that "the use of additional hours by WMBH would extend the duration of interference which now exists between this station and another on the same channel (1420 kc).

"Although applicant, now rendering a local service designed to meet the needs and requirements of the listeners in the area served, could, through the use of additional hours extend and improve the service of WMBH, the granting of this application would result in an increase in the broadcasting facilities of a state and zone which are already over quota," the reported stated.

### REPORT OPPOSES ABILENE STATION

Application of John Tindale for a construction permit to erect a new broadcasting station to operate on 1420 kc. at Abilene, Texas, sharing time with KABC, San Antonio, Texas. Report No. 463 (Yost, c. e.) Report recommends that application be denied and that renewal application of KABC be granted.

The chief examiner explained in his report that when the hearing was called "no one appeared on behalf of applicant Tindale and no evidence was introduced in support of said application."

### STAY ORDER IN KGDA CASE

Mitchell Broadcasting Corporation (KGDA, Mitchell, S. D.) v. Federal Radio Commission. Court of Appeals of the District of Columbia. No. 5912. March 8, 1933. Appeal from decision of the Commission deleting Station KGDA. The Court granted an order staying the decision of the Commission for thirty days from March 8.

### ATHLETIC BROADCASTS IN GEORGIA

On March 2nd the Georgia Senate passed S. 202, the bill which would compel certain colleges to permit broadcasting of athletic events.

### ATHLETIC BROADCASTS IN S. C.

House Bill No. 27 has now been passed by both branches of the South Carolina Legislature. By virtue of this action of March 3rd it is now up to the Governor whether heads of state colleges will be authorized and directed to permit broadcasting of athletic events. If he approves, the law becomes effective at once.

### ATTACHMENT OF RADIOS PROHIBITED

Those who feel that a radio receiving set is a necessity in every American home will be grateful to Representative Logsdon of the Oklahoma Legislature who introduced on March 6th, H. 596, which would exempt radios (and electric refrigeration) from attachment and execution.

### TESTIMONY ON THE AIR NOT BARRED

The Missouri bill (H. 463) which would have provided that no witness would have been permitted or compelled to testify in a proceeding if the testimony were to be broadcast received an unfavorable committee report on March 1st.

### LAFOUNT LAUDS INAUGURAL BROADCASTS

Radio will play an important part in the present national crisis, Acting Chairman Lafount of the Federal Radio Commission declared, in a statement on March 6, 1933, in which he lauded the part played by broadcasters in carrying the Roosevelt inaugural ceremonies to the nation.

"Radio broadcasting in America reached a high pinnacle—perhaps its high water mark, when the proceedings attending the inauguration of President Roosevelt were put on the air and the important events were flashed throughout the nation by the press," the acting chairman said.

"The value of radio as a public servant and as an instrumentality for the instantaneous dissemination of news, with the cooperation of the press, was forcibly demonstrated," he said.

"Never in the history of the world has an event been so widely or so successfully covered. Not only did practically all our public 'listen in' but the people, especially public officials in 20 other leading nations, followed the inaugural proceedings with keen interest. Those in command in other nations were extremely anxious to learn of the plans and policies of the new administration.

"In the present national crisis radio will play an important part in permitting those in authority to call together 'our whole family' to talk to them freely and frankly."

### KLX GRANTED POWER INCREASE

Application of the Tribune Publishing Company (KLX, Oakland, Calif.), for increase in power from 500 to 1,000 watts on 880 kc. Application granted by Commission reversing Report No. 441 (Pratt, e). In its decision the Commission found that the station was financially able to operate with 1,000 watts power; that it renders a community service not available from other stations in

the Oakland area; that the increased power will not cause any additional interference; and that the "exclusive nature of many of the applicant's broadcasts makes it desirable that they be made available to as many listeners as possible."

### TELEVISION PERMIT DENIED

Application of Visual Radio Corporation for construction permit to erect and operate a new experimental visual and sound broadcasting station at Watsonstown, Pa. Denied by Commission sustaining Report No. 450 (Hyde, e).

The Commission contended that the applicant had not shown it had necessary financial ability to carry out program of experimentation proposed; that its laboratory development was insufficient; and that the band 2200 to 2300 kc. sought was not available for the requested use.

### WWV CHANGES TRANSMISSION HOURS

The Bureau of Standards standard frequency transmission, from its station WWV, will be conducted from 12 noon until 2 p. m. and from 10 p. m. until 12 midnight every Tuesday beginning April 1, 1933. The frequency is 5000 kc. (From October to March the schedule was from 10 a. m. until 12 noon, and from 8 to 10 p. m.)

### HEARING CALENDAR

Oral argument of the so-called "1020 Case" will be heard by the Commission, sitting en banc, on Wednesday, March 15, 1933. This case arose from the application of KYW-KFKX, Chicago, for permission to move to Philadelphia, and from the application of the Kunsky-Trendle Broadcasting Corp., Detroit, Mich., for the facilities of KYW. The following interested parties have been notified: WJAS, Pittsburgh, Pa.; WHAS, Louisville, Ky.; WFAN, WIP, WCAU, WRAX, and WPEN, Philadelphia, Pa.; WIBG, Elkins Park, Pa.; WORK, York, Pa.; WHN, WRNY, and WQAO-WPAP, New York City.

Oral argument before the Commission, sitting en banc, will be heard Monday, March 13, 1933, on the application of WCGU, Brooklyn, N. Y., for renewal license on 1400 kc., sharing with WFOX, WLTH, and WEBC.

A hearing, before an examiner, on the applications of WOWO, Fort Wayne, Ind., and WWVA, Wheeling, W. Va., for unlimited time and a power increase on the 1160 kc. channel is scheduled for Wednesday, March 15, 1933.

### APPLICATIONS SET FOR HEARING

New, William Ayera Wynne, Greenville, N. C.—CP for 100 watts daytime on 1420 kc.

WFOX, Paramount Broadcasting Corp, Brooklyn, N. Y.—Mod. of lic. to increase hours from one-quarter time, sharing with WLTH, WCGU, and WBBC, to unlt'd. one-half time. 1400 kc.

WTAG, Worcester Telegram Publishing Co., Worcester, Mass.—Mod. of lic. to increase night-time power from 250 watts to 500 watts. 580 kc.

WQDH, A. J. St. Antoine & E. J. Regan, St. Albans, Vt.—CP to move transmitter outside of city limits of St. Albans; change equipment; change frequency to 1340 kc.; increase power to 1 kw.

### RENEWAL APPLICATIONS RECEIVED

The following applications for renewal licenses were received during the current week:

WBNX, New York, N. Y.; WMSG, New York, N. Y.; KLO, Ogden, Utah; WCDA, New York, N. Y.; WNAD, Norman, Oklahoma; KWSC, Pullman, Wash.; WLB-WGMS, Minneapolis, Minn.

KGER, Long Beach, Calif.; KLS, Oakland, Calif.; KSCJ, Sioux City, Iowa; KXRO, Aberdeen, Wash.; WAAT, Jersey City, N. J.; WBCM, Bay City, Mich.; WBIG, Greensboro, N. C.; WCSC, Charleston, S. C.; WHA, Madison, Wis.; WPHR, Petersburg, Va.; WQBC, Vicksburg, Miss.; WSBT, South Bend, Ind.; WTAQ, Eau Claire, Wis.; WTFI, Athens, Ga.

WCAP, Asbury Park, N. J.; WODA, Paterson, N. J.; WOAX, Trenton, N. J.; WEBC, Superior, Wis.; KMA, Shenandoah, Iowa.

### APPLICATIONS RETURNED

During the current week the following applications were returned by the Commission either at the request of the applicant or for the reason they did not comply with regulations:

WMAL, Washington, D. C. (auxiliary); WAMC, Anniston, Ala.; Dietrich Dirks, Lincoln, Neb.; WHA, Madison, Wis.; KLS, Oakland, Calif.; KGA, Spokane, Wash.; KGER, Long Beach, Calif.; WCAP, Asbury Park, N. J.; WHEC-WABO, Rochester, N. Y.; WODX, Mobile, Ala.; WSBT, South Bend, Ind.

### RENEWALS GRANTED

During the current week the Commission granted applications for renewal license for the regular period to the following stations:

WACO, Waco, Tex.; WASH, Grand Rapids, Mich.; WBRC, Birmingham, Ala.; WDAE, Tampa, Fla.; WDAY, Fargo, N. Dak.; WDBJ, Roanoke, Va.; WJAS, Pittsburgh, Pa.; WJDX, Jackson, Miss.; WKAQ, San Juan, P. R.; WOOD, Grand Rapids, Mich.; WRC, Washington, D. C., and auxiliary; WREN, Lawrence, Kans.; WTAW, College Station, Tex.; WXYZ, Detroit; KDYL, Salt Lake City; KFBB, Great Falls, Mont.; KFKU, Lawrence, Kans.; KFVB, Hollywood, Calif.; KFWI, San Francisco; KGGF, Coffeyville, Kans.; KGGN, Albuquerque, N. Mex.; KGH, Billings, Mont.; KOL, Seattle; KQW, San Jose, Calif.; KROW, Oakland, Calif.; KRSC, Seattle, KTAT, Fort Worth, Tex.; KTFI, Twin Falls, Idaho; KWWG, Brownsville, Tex.; KYA, San Francisco.

## MISCELLANEOUS COMMISSION ACTION

KVOA	Robert M. Riculfi Tucson, Ariz.	Reconsidered and granted request to take deposition of Robert M. Riculfi in Tucson, in connection with his application for renewal of license of Station KVOA now pending on the hearing docket.
KGOA	Mitchell Broadcasting Corp. Mitchell, S. D.	Granted temporary license pursuant to and in accordance with temporary restraining order issued by Court of Appeals of the D. C. on March 8, 1933, to operate on 1370 kc., 100 watts, unlt'd. time.
KRLD	KRLD Radio Corp. Dallas, Tex.	Dismissed application on request of station's attorney for Mod. of Lic. to permit operation for a maximum of 6 hours daytime on 1040 kc. with authority to select the hours and to share time with KTBS on 1040 kc.
KGIZ	Grant City Park Corp. Grant City, Mo.	Renewal of license set for hearing. 1500 kc.

## APPLICATIONS RECEIVED

### FIRST ZONE

(None)

### SECOND ZONE

WBCM	James E. Davidson Bay City, Mich.	Special authorization to increase power from 500 watts to 1 KW on experimental basis for sixty days. 1410 kc.
WSAZ	WSAZ, Inc., Huntington, W. Va.	Special authorization to change frequency, power and hours of operation from 580 kcs., 250 watts night, 500 watts to local sunset, shares WOBU to 1190 kcs., 500 watts and 1 KW on experimental basis, limited time until sunset at San Antonio, Texas.
WOBU	WOBU, Inc. Charleston, W. Va.	Modification of license to change hours of operation from shares with WSAZ to unlimited. Facilities of WSAZ, Huntington, W. Va. 580 kc.
NEW	Lee Elton Spencer Greensburg, Pa.	C. P. for new station (transmitter location Jeannette, Pa.) to use 800 kcs., 250 watts, daytime.

### THIRD ZONE

KOCW	J. T. Griffin Chickasha, Okla.	Mod. of C. P. granted 12/2/32 to make changes in equipment, new transmitter and extend dates of commencement and completion. 1400 kc.
WSB	Atlanta Journal Co. Atlanta, Ga.	Mod. of C. P. granted 11/17/31 for 50 KW station to extend completion date to 6/17/33. 740 kc.
NEW	Robert C. Harper Jonesboro, La.	C. P. for new station to use 1370 kcs., 40 watts, daytime.
WABZ	Samuel D. Reeks New Orleans, La.	C. P. to move transmitter locally and install new transmitter. 1200 kc.
WHEF	J. Niles Boyd Wholesale Grocery Co., J. O. Ashworth and J. R. Smithson d/b as Attala Milling & Produce Co. Kosciusko, Miss.	Mod. of C. P. granted 3/18/32 for new station to extend dates of commencement and completion. 1500 kc.

### FOURTH ZONE

NEW	Kenneth A. Hunter and Fred M. Hager, Jr. d/b as Hager and Hunter Owatonna, Minn.	C. P. for new station to use 1310 kcs., 25 watts, specified hours 9 a. m. to 3 p. m.
WLB-WGMS	University of Minnesota Minneapolis, Minn.	Mod. of Lic. for change in specified hours of operation to include hours now assigned KFMX. Requests facilities of KFMX, Northfield, Minn. Consent of KFMX given. 1250 kc.
WLBL	State of Wisconsin, Wisconsin Department of Agriculture & Markets Stevens Point, Wjs.	Mod. of lic. to increase power from 2 KW to 2½ KW (daytime station). 900 kc.

### FIFTH ZONE

WGIX	Clyde D. Smith and R. W. Lautzenheiser d/b as Vegas Broadcasting Co. Las Vegas, Nevada	Involuntary assign. of lic. of Station KGIX. 1420 kc.
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NEW	Clyde D. Smith & R. W. Lautzenheiser d/b as Vegas Broadcasting Co. Las Vegas, Nevada	C. P. for new station to use 1420 kcs., 100 watts, daytime, facilities KGIX, Las Vegas, Nevada.
KOL	Seattle Broadcasting Co., Inc. Seattle, Wash.	Mod. of lic. to change frequency from 1270 kcs. to 850 kcs.

## APPLICATIONS GRANTED

(Action subject to the provisions of Rules 44 and 45.)

### FIRST ZONE

WLEY	Lexington Air Station Lexington, Mass.	Granted consent to vol. assign. of lic. to Albert S. Moffat. 1370 kc.
WMCA	Knickerbocker Broadcasting Co. New York, N. Y.	Granted special authority to make tests for a period of 15 days between the hours of 1 and 6 a. m. on auxiliary transmitter. 570 kc.
WCAD	St. Lawrence University Canton, N. Y.	Granted special authority to operate from 4 to 5:15 p. m., EST, March 12. 1220 kc.

### SECOND ZONE

WAZL	Hazleton Broadcasting Service, Inc. Hazleton, Pa.	Granted authority to operate a maximum of 4 hours a day simultaneously with WILM, at Wilmington, Del. 1420 kc.
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### THIRD ZONE

KRMD	Radio Station KRMD, Inc. Shreveport, La.	Granted mod. of lic. to change specified hours of operation to as follows: Daily, except Sunday, 7 a. m. to 1 p. m.; 5 to 8 p. m.; Sunday, 9 a. m. to 6 p. m., CST. 1013 kc.
WRUF	University of Florida Gainesville, Fla.	Granted authority to operate from 2 to 3 a. m., EST, March 17. 830 kc.

### FOURTH ZONE

WFBM	Indianapolis Power & Light Co. Indianapolis, Ind.	Granted authority to operate simultaneously with Station WSBT. March 17 and 18 from 10:15 a. m. to 12 noon, and from 3 to 5:30 p. m., CST, in order to broadcast Basketball Tournament. 1230 kc.
WTAQ	Gillette Rubber Co. Eau Claire, Wis. and KSCJ, the Sioux City Journal Sioux City, Iowa	The Commission reconsidered its action of January 13, 1933, and granted as follows: Changing hours of operation from sharing to simultaneous daytime operation and specified hours at night in accordance with agreement. 580 kc.
WKBF	Indianapolis Broadcasting Inc. Indianapolis, Ind.	Granted special authority to operate from 7 to 8 p. m., CST, March 17, provided Station WBAA remains silent. 1400 kc.
WBAA	Purdue University W. Lafayette, Ind.	Granted special authority to operate from 8:30 to 9:30 p. m., CST, March 16, provided WKBF remains silent. 1400 kc.
KFOR	Howard A. Shuman Lincoln, Nebr.	Granted Mod. of C. P. extending commencement date of C. P. from 9/30/32 to 3/29/33 and extension of completion date from 12/30/32 to 5/29/33. Also granted consent to vol. assign. of lic. to Cornbelt Broadcasting Corporation. 1210 kc.
KGCR	Greater Kampeska Radio Corp. Watertown, S. Dak.	Granted further extension of Rule 145 until March 15, 1933. 1210 kc.

### FIFTH ZONE

	Copper Electric Co. Lowell, Ariz.	Granted request to take depositions in re its application for C. P., a hearing on which is scheduled for March 27.
KGCCX	First State Bank of Vida Vida Point, Mont.	Granted special authority to operate unlimited time March 9, 10, and 11, 1933. 1310 kc.
KMPC	R. S. Macmillan Beverly Hills, Calif.	Granted consent to vol. assign. of lic. to Beverly Hills Broadcasting Corp. 710 kc.
KEAC	Los Angeles Broadcasting Co. Los Angeles, Calif.	Granted consent to vol. assign. of lic. to Los Angeles Broadcasting Co., Inc. 1300 kc.
KFV	Los Angeles Broadcasting Co. Los Angeles, Calif.	Granted consent to vol. assign. of lic. to Los Angeles Broadcasting Co., Inc. 1000 kc.

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NATIONAL PRESS BUILDING \* \* \* \* \* WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

## NAB REPORTS

Vol. 1 - No. 2  
MARCH 18, 1933

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### BEER ADVERTISING PERMITTED

By a margin of two votes, the Senate on March 16 defeated an amendment to the beer bill offered by Senator Dill, (D) Washington, which would have barred radio advertising of beer in dry states. The amendment would not have affected newspaper or magazine advertising.

"When the bill before the last Congress was reported from the Judiciary Committee it carried an amendment prohibiting advertising in dry states, either by newspapers or by any other method," Senator Dill told the Senate in arguing for his amendment.

"Considerable objection was raised because it was said that a newspaper published in a city in a State that permitted the sale of these beverages, located on the border of an adjoining State that prohibited them, would not be able to circulate in the adjoining State. I recognize that there is much basis for that objection; and for that reason I have put in the proviso that nothing in this amendment shall prohibit the circulation of a newspaper, magazine, or periodical into a State by means of the mails or other transportation. It still prohibits the publication and prohibits the use of other methods of advertising.

"I desire to speak particularly of one of the other methods of advertising that it seems to me it is impossible to control in any other way, and that is the use of advertising by radio.

"It is not sufficient to forbid the radio stations within a State from advertising these beverages, because radio reaches so far that it crosses State lines, and there is no way by which it can be shut out. It seems to me that the radio ought to be kept free from the propaganda that it can be used for if some such provision as this is not in this bill.

"Radio programs reach into the homes as no other kind of information or entertainment can. Radio programs are listened to by the children with an interest that they do not have for any other kind of entertainment. It seems to me that we ought to keep this method of disseminating information from being used to propagandize either the sale of these beverages or the minds of the people of those States where these beverages are forbidden.

"I do not care to argue or discuss the question at length, but I do want the Senate to consider the effect of this legislation if some such amendment is not provided.

"I shall not enter upon a discussion of radio and the objectionable features of the programs we now have; but I just want to suggest for a moment to your imaginations the kind of program to which this legislation will lead unless we make some forbidding provision such as this. We will have presented, no doubt, the most appealing kind of entertainment, the most informative kind of program, and have it sponsored and presented in the name of the breweries and the beer distributors of the country. Before, after, and during the rendition of a beautiful opera, radio listeners will be told of the wonders of this beer, how and where to buy it. Such advertising will accompany every kind of entertainment for children, those of middle life, or for the aged. None will be overlooked. None will be able to avoid it.

"It seems to me that if there is anything that will tend to break down what cultural influence the radio has, small as it may be, this is the worst practice that could be indulged in; and I believe that, regardless of what may be the views of Senators as to the use of this beverage or its desirability, if they will stop and consider that the people in the States that want to forbid it are entitled to be protected from having propaganda for it coming into their homes by means of the radio, they will support this amendment."

Senator Harrison, (D) Mississippi, who was in charge of the bill, at the conclusion of Dill's speech, said:

"I hope the amendment will be rejected."

The vote on the Dill amendment was as follows:

For the amendment—Adams, Ashurst, Austin, Bankhead, Black, Bone, Borah, Bratton, Capper, Caraway, Connally, Dale, Dill, Fess, Frazier, Goldsborough, Gore, Hale, Hastings, Hatfield, Hayden, Keyes, McGill, Neely, Norris, Nye, Pope, Robinson (Ind.), Russell, Sheppard, Smith, Stephens, Thomas (Okla.), Townsend, Vandenberg, and White. Total 36.

Against the amendment—Bachman, Barbour, Brown, Bulkley, Bulow, Clark, Copeland, Couzens, Dieterich, Duffy, Fletcher, Harrison, Hebert, Johnson, Kean, LaFollette, Lonergan, Long, McCarran, McKellar, McNary, Metcalf, Murphy, Overton, Patterson, Pittman, Reed, Reynolds, Robinson (Ark.), Steiwer, Thomas (Utah), Trammell, Tydings, Van Nuys, Wagner, Walcott, Walsh, Wheeler. Total 38.

Not voting—Bailey, Barkley, Byrd, Byrnes, Carey, Coolidge, Costigan, Cutting, Davis, Dickinson, George, Glass, Kendrick, King, Lewis, Logan, McAdoo, Schall, Shipstead. Total 20.

### SYKES REAPPOINTED TO COMMISSION

The Senate on March 16 confirmed the reappointment of Judge Eugene O. Sykes, Mississippi, as a member of the Federal Radio Commission. Former President Hoover had reappointed Sykes to the Commission upon the expiration of his term on February 23, but no action was taken on the nomination. President Roosevelt reappointed him on March 13 and his confirmation followed within three days. Under the rules of the Senate two executive sessions must pass before his commission is formally presented to the President for signature.

Judge Sykes is the only remaining member of the original Commission which was created in 1927. He has served as active chairman and will likely become chairman after resuming his post. He headed the United States Delegation at the International Radio Conference held in Madrid last fall and has been named as one of two delegates to represent this country at the forthcoming North American Radio Conference.

President Roosevelt has not yet named a Commissioner to represent the Fourth Zone.

### BROADCASTING AND BANKING CRISIS

President Roosevelt's brief radio speech from the White House on March 12, during which he discussed the steps taken by the Government in righting the banking situation, constitutes an important chapter in the history of broadcasting. Public reaction to the President's radio talk was most gratifying to Government officials who have worked long hours with the Chief Executive in the present crisis. Undoubtedly, the President will use radio frequently to keep the public informed of the progress of the Administration's legislative program.

The cooperation of the organized broadcasters was pledged to the President and other high Government officials by President Alfred J. McCosker of the NAB, who has been in Washington almost constantly since March 4, and who has been working diligently on behalf of all broadcasters in the general interests of the Government and the public.

His message, published in "Broadcasting," is worthy of repetition here. It is as follows:

"Upon the broadcasting industry—and no less upon the sponsors of broadcast programs and their agencies—rests a tremendous responsibility. Gratiated as we may be with the way radio reported the inauguration ceremonies, the Presidential proclama-

tions, the convening of the new Congress and the general news of the banking crisis; we must not stop with those achievements. Each of us in radio, whether we operate stations or use the time of stations, has an intensified responsibility in the weeks to come, during which President Roosevelt and our other new leaders will unquestionably solve our financial ills.

"That responsibility, in addition to cooperation with our local as well as national leaders, is the maintenance of a spirit of calm, confidence and good humor. Such a spirit should prevail in our own business procedure, of course, but more than that it should be the keynote of our broadcast programs. On behalf of the organized broadcasting industry, I have proffered the new Administration radio's full and unqualified cooperation in the tasks before it. This offer was extended not merely with the thought that we will cheerfully clear the air for the President on an instant's notice as he sees the need, but with the idea that our own peculiarly direct and intimate relations with the people can do much to maintain morale during the crisis.

"As we radiated calm, confidence and good humor in our attitude and in our broadcasts, so will the listening public—60,000,000 of our citizens—become infused with the same spirit. Radio's stake is our country's stake. There are no interests paramount to the interests which President Roosevelt, in whom we all have boundless faith, is striving to protect."

### DAVIS AMENDMENT BEFORE COURT

The Supreme Court this week granted a review of the so-called WIBO case in which is involved the withdrawal of quota facilities from an over-quota state in an over-quota zone for use in an under-quota state in the same zone.

The case grew out of an application filed by station WJKS at Gary, Indiana (an under-quota state), for the facilities of stations WIBO and WPCC, both located in Chicago, Illinois (an over-quota state). After a hearing before an examiner the Commission, in accordance with the rules set out in General Order 102 (now Rule 6), granted the application of WJKS and denied the applications for renewal of license of WIBO and WPCC. The case was appealed to the Court of Appeals of the District of Columbia by WIBO and WPCC. The Court by a 3 to 2 decision reversed the decision of the Commission, holding, among other things, that it would not be consistent with the legislative policy to equalize the comparative broadcasting facilities of the various states or zones by unnecessarily injuring stations already established which are rendering valuable services to their natural service areas.

Mr. Justice Groner filed a vigorous dissent, supporting the decision of the Commission, stating, among other things, that interstate radio broadcasting is interstate commerce, and that one who engages in interstate commerce does so subject to the regulatory power of Congress, and therefore obtains no property right to be free from the exercise of that power; that the enforcement of the regulation without compensation is not an unconstitutional taking of property, or without due process of law; that the Davis amendment is a determination of policy by Congress, and since it is based on the equality of privilege among the several states, it is neither unreasonable nor arbitrary.

The petition to the United States Supreme Court requesting a review was recommended by the Commission.

### BLAND INTRODUCES RADIO BILL

Chairman Bland, (D) Virginia, of the House Merchant Marine, Radio and Fisheries Committee, on March 9, introduced in the House a bill identical with the former Davis bill which was passed by both Houses in last session but failed to win presidential approval. The new bill is designated as H. R. 1735.

The bill would authorize examiners to hold hearings in certain restricted cases and "that in all cases heard by an examiner the commission shall grant oral arguments on request of either party."

The bill would make public all opinions or memorandum opinions filed by the Commission.

Section 9 of the existing law would be amended to permit the Commission to "grant applications for additional licenses for stations not exceeding one hundred watts of power, if the Commission finds that such stations will serve the public convenience, interest or necessity, and that their operation will not interfere with the fair and efficient radio service of stations licensed under the provisions of this section."

The Commission would be empowered to impose a fine of \$1,000 for the violations of regulations under an amendment proposed to Section 14 of the present law.

Another section prohibits the broadcasting of any advertisement of or information concerning any lottery, gift enterprise, or similar scheme, offering prizes dependent in whole or in part upon lot or chance.

The bill carries the revision of Section 18 of the present law which would greatly amplify the liability of the station, with respect to political talks and discussion of public questions.

Chairman Bland has not yet decided whether the bill will be reported by his committee. House leaders have indicated that they do not desire committee reports on legislation other than that urged by President Roosevelt at this time.

### SMITH HEADS NEW YORK COMMITTEE

A meeting of New York State broadcasters was held at Albany, N. Y., March 13 and a committee to be known as the New York State Committee was created to cooperate with the National Association of Broadcasters in connection with local radio matters.

Harold E. Smith, WOKO, was named chairman of the newly created committee. Other members are as follows: P. J. Hennessey, WEAF; Sydney M. Kaye, WABC; Crane Kinnaird, WINS; I. R. Lounsbury, WGR; C. D. Masten, WBNF; William Reuman, WWRL; Clarence Wheeler, WHEC; H. C. Wilder, WSYR.

In addition to those who were named on the committee, the following were present: David Macnair, WOKO; W. G. Wandell, WBEN; S. H. Cook, WFBL; Frank Sykes, WFAS; Mr. Laubenstein, WFAS; Mr. Butts, WGR; Miss C. V. Paisley, WIBX; P. J. Kelly, WIBX; William Weisman, WMCA; and Philip G. Loucks, NAB.

The committee adopted a resolution pledging its support to the NAB and urging that similar committees be organized in other states. It was also decided that all stations in the state be urged to cooperate with the committee in state matters and with the NAB in all other matters.

### U. P. READY TO BAN BROADCASTING

Karl A. Bickel, president of the United Press Associations, in a letter to L. B. Palmer, secretary of the American Newspaper Publishers Association, says that his company stands ready to prohibit broadcasting of its news dispatches at any time that the membership of the ANPA votes to support that policy and on condition that the two other major news services take similar action. The U. P. now permits client newspapers to broadcast news on condition that such news broadcasts are not commercially sponsored.

### COURT ENJOINS NEWS BROADCASTS

Federal Judge J. D. Elliott on March 14 granted a temporary injunction restraining Station KSOO, Sioux Falls, S. Dak., from broadcasting news dispatches of the Associated Press. A hearing to determine whether the injunction should be made permanent will be held at the April term of the Federal Court.

### WJJD APPEALS COMMISSION DECISION

Station WJJD, Mooseheart, Ill., this week appealed to the Court of Appeals of the District of Columbia, the decision of the Commission denying the station authority to operate after sunset at Salt Lake City. The station is seeking to establish its right to the use of the hours after sunset as a part of its regular license. WJJD operates on 1130 kilocycles with 20 kw.

### DILL PROPOSES SENATE BROADCASTS

Senator C. C. Dill (D), Washington, on March 15 introduced a resolution (S. Res. 29) in the Senate providing for the installation of necessary apparatus to broadcast proceedings of the upper chamber. The Senate Committee on Rules would be authorized "to make arrangements for the broadcasting of such proceedings of the Senate as the committee may determine through such radio broadcasting stations as it may be possible to arrange for broadcasting without expense to the Senate or the Government."

## HOUSE RADIO COMMITTEE MEMBERS

Following is a list of Democrats who have been assigned to the House Merchant Marine, Radio, and Fisheries Committee:

Schuyler Otis Bland (chairman), Virginia; Clay Stone Briggs, Texas; George W. Lindsay, New York; Oscar L. Auf der Heide, New Jersey; Bolivar E. Kemp, Louisiana; William I. Sirovich, New York; Robert Ramspeck, Georgia; Ambrose J. Kennedy, Maryland; Charles N. Crosby, Pennsylvania; A. C. Willford, Iowa; Monrad C. Wallgren, Washington; Lawrence E. Imhoff, Ohio; John Young Brown, Kentucky; Edward C. Moran, Jr., Maine; William B. Umstead, North Carolina; Lincoln L. McCandless, Hawaii; Anthony J. Dimond, Alaska.

Republican members have not yet been announced.

## NORTH AMERICAN RADIO CONFERENCE

The work preparatory to the North American Radio Conference pushed forward this week with a study of the uses made of the frequencies below 6000 kc. and their adaptability to the various kinds of services. One very important phase of this study has to do with the propagation characteristics of various frequencies. This task is in the hands of a select committee made up of competent and disinterested engineers. The findings by this committee should contribute to the application of sound engineering principles in the consideration of the many problems involved. The General Committee is scheduled to meet again on March 20.

## WOQ CASE GOES BACK TO COMMISSION

The Court of Appeals of the District of Columbia this week handed down a decision in the WOQ case (Docket No. 5582) the effect of which was to remand the case to the Commission to the end that a proper hearing be had before the Commission.

The Commission in its decision reversed the examiner and ordered station WOQ, Kansas City, Mo., off the air and that station KFH, Wichita, Kans., operate full time. The two stations had shared time on the frequency 1300 kc. KFH operated five-sevenths time and WOQ two-sevenths.

The examiner, after hearing, recommended that the application of KFH for full time be denied and that the application of assignment of license asked for by WOQ be granted. KFH obtained an extension of time in which to file exceptions to the examiner's report and request oral argument. According to the decision of the Court the Commission granted KFH the right of oral argument before the Commission en banc without giving WOQ a right to be heard. Concerning the furnishing of other parties with copies of exceptions and the responsibility of the Commission in giving notice to interested parties, the Court said:

"The rules of the Commission require an examiner who has taken testimony to have it transcribed and reported back to the Commission, together with a written report containing recommendations as to the decision to be made and the facts and grounds upon which the recommendations are based. That was done in the present case. The exceptions filed to that report by KFH were accompanied by the affidavit of a clerk in the office of its counsel (as required by the rules of the Commission) that she had mailed a copy of such exceptions 'to each of the parties participating in the hearing' before the examiner. Counsel for WOQ in their brief state that no such copy was received. When counsel for the parties are located in the same city we think it better practice to attempt to serve opposite counsel, and in the event mailing is necessary that notice be sent by registered mail.

The function of an examiner is analogous to that of an auditor or special master, and his report has similar weight. The examiner's report in the present case being favorable to WOQ, there was no occasion for that station to file any exceptions. When KFH filed exceptions and requested an oral hearing "before a quorum of the Commission," it was the duty of the Commission before decision to notify WOQ, whose very existence was involved, and afford that station an opportunity to be heard; otherwise, there would be a denial of due process. *Symons Broadcasting Co. v. Federal Radio Commission*, No. 5757 (present term)—App. D. C. —, — F (2d) —; *Dohany v. Rogers*, 281 U. S. 362, 369. The statute imposed upon the Commission jurisdiction to make findings of fact, and if such findings are supported by substantial evidence they are conclusive (act of July 1, 1930, ch. 788, 46 Stat. 844), but they can only be made after notice and an opportunity

for hearing. The findings in the present case having been made without notice, the decision must be set aside and the case remanded, to the end that a proper hearing be had before the Commission."

## PLANS FOR RADIO PROGRAM FOUNDATION

A series of conferences to perfect the details of the Radio Program Foundation authorized by the St. Louis Convention and by the Board of Directors of the National Association of Broadcasters, have been held by Oswald F. Schuette, director of copyright. Certain legal formalities must still be complied with before the Foundation can be incorporated. In the meantime these conferences have also discussed the machinery which must be set up to make the music of independent composers and publishers speedily available to the cooperating broadcasters. Various catalogues of music, as well as individual compositions, have been offered for this purpose. Further conferences are scheduled to be held in Washington and New York.

## RECOMMENDS DENIAL WEBR APPLICATION

Application of Station WEBR, Buffalo, N. Y., for permission to use its regular transmitter during daytime broadcasts and its auxiliary transmitter at night. Report No. 465 (Hyde, e.) Report recommends that the application be denied.

The report points out that the Commission had determined long before the filing of this application that for administrative purposes broadcast stations should be limited to one transmitter per station except in cases where it might be found that an auxiliary transmitter was needed or that desirable experimental work was to be carried on. "These regulations," says the examiner, "would seem to preclude the granting of this application and accordingly it is recommended that it be denied."

## DILL PROPOSES COPYRIGHT REVISION

A bill (S. 342) amending and consolidating the copyright laws of the United States was introduced in the Senate on March 13 by Senator Dill (D), Washington. The bill is similar to the measure introduced by the Senator in the last Congress but which failed of action.

The most important provision of this bill from the standpoint of the broadcaster is Section 21, which attempts to control monopolistic control of music copyrights.

Section 21 reads as follows:

"If two or more persons owning or controlling copyrights or any rights therein combine either directly or by means of an association, society, or corporation to acquire or pool copyrights or rights therein, and to issue or grant licenses or other authorizations for public performance for profit, or for broadcasting performances of copyright works or for the manufacture, lease, or sale of recordings or mechanical reproductions, and to fix and collect fees, charges, or royalties for such licenses or other authorizations, then—

"(a) Every such combination of copyright owners shall file with the Register of Copyright:

"(1) Names and addresses of copyright owners, and if a corporation or association its name, officers and principal place of business, together with a true copy of its agreement or articles of incorporation and by-laws.

"(2) Lists of all copyrighted works, and rights therein, over which such combination exercises or claims control, including those of foreign origin, together with dates of beginning and end of each copyright work.

"(3) Names of the owners of said copyrighted works and the dates on which the term of their copyright begins and ends.

"(4) Statements of all fees, charges, or royalties which such combination of copyright owners collects as compensation for the grants or other authorization, together with such revisions thereof as from time to time shall be made.

"(b) The lists and statements required to be filed under the preceding subsection (a) shall be kept open for public inspection at the Copyright Office.

"(c) Any such combination of copyright owners upon compliance with the foregoing provisions shall be entitled to make a fair and reasonable charge for the rights conferred. Such charge shall be a fixed amount for a definite period of time.

"Proof of failure to comply with the provisions of this section shall be a complete defense to any suit for infringement of a copyrighted work, and no combination of copyright owners or individual owner shall be entitled to sue for or to collect any license fees or royalties with respect to any copyrighted works not specified in the lists filed by it with the Register of Copyrights as herein provided, nor to sue for or collect any fees or royalties which are unreasonable or discriminatory, nor withdraw the performance of more than 10 per centum of the works covered by a license during the period covered by the license.

"Whenever such combination of copyright owners has granted licenses for the use of copyrighted works which it controls, or changes its fees or its lists of copyrighted works covered by an outstanding license not yet expired, any person within each class of users operating under practically the same economic conditions and desiring to make similar use of such works shall, upon application therefor, be entitled to a license under the same terms and conditions as such licensees and it shall be the duty of said combination of copyright owners to grant such license upon payment of the stipulated fee.

"In any action or proceeding brought by such combination of copyright owners, or by any individual owner, for infringement of the copyright in any work which the said combination controls, the infringing party shall be liable—

"(a) To an injunction only with respect to works proved to have been infringed.

"(b) To pay to the owner of the right infringed in lieu of actual damages and profits, damages in accordance with the provisions of this Act, and, in assessing such damages, the court may, in its discretion, allow the amounts stated as payment in full for all infringements by the infringing party of all works controlled by such combination up to the date of suit.

"*Provided*, That whenever any such combination of copyright owners shall discriminate or propose to discriminate against any person within a class of users operating under practically the same economic condition, or shall demand an unreasonable charge for license of the rights to any work which it permits to be used for public performance, then the Federal Trade Commission on request of the person desiring a license, or demanding equal treatment, shall designate a representative, who, together with the representative of the licensor and the representative of the person asking for a license or for equal treatment, shall constitute a committee of arbitration. Such committee is hereby authorized to revise or otherwise prescribe the fees or royalties which the said combination of copyright owners may collect from the aggrieved person in return for the grant or license, said fees and conditions to be such as to prevent discrimination.

"If such combination of copyright owners shall refuse to appoint a representative for arbitration on the request of any party aggrieved as aforesaid, the aggrieved party may petition the Supreme Court of the District of Columbia for an order directing that such arbitration proceed as hereinbefore provided. Ten days' notice in writing of such application shall be made upon the defaulting party and a certified copy of such notice shall be served upon the Federal Trade Commission, which, for purposes of accepting service thereof, shall be deemed its agent. Any petition to the court hereunder shall be made and heard in the manner provided by law for the making and hearing of motions, except as otherwise herein expressly provided. Each arbitrator shall be paid \$10 per day and expenses, to be paid by the person asking for the arbitration."

It is not likely that action will be had on the bill during the present session of Congress.

### CONGRESS PASSES ECONOMY BILL

The Congress this week passed the so-called economy bill giving President Roosevelt broad powers to reorganize governmental bureaus and commissions. No general reorganization has as yet been announced.

### ASCAP PUBLISHES OWN BULLETIN

The first issue of "Words and Music," new bulletin of the American Society of Composers, Authors and Publishers, made its appearance on March 14. The purpose of the bulletin, it is stated, is "to give news of the Society to its members and others interested and to publish bits of information about songs and song writers."

The leading article in the publication is entitled "Music and Radio," which reviews briefly the formation of the Society and relates in a general way events leading up to the conclusion of the new radio license agreements.

"The Society is not irrevocably committed to this contract and as E. C. Mills, General Manager of the Society, said in a letter to the National Association of Broadcasters, dated January 18, 1933, the Society will welcome conferences with any committee of representative broadcasters looking toward a revision of the formula," the article says in part. "The Society has always been willing to negotiate with any users of its music and it stands ready at any time to meet and discuss mutual problems with any representatives of the broadcasting companies or other licensees."

### FEBRUARY RADIO BULLETIN ISSUED

Federal Radio Commission has just issued its Radio Service Bulletin (February) No. 191. Copies may be secured through the Secretary of the Federal Radio Commission or NAB Headquarters, National Press Building, Washington, D. C.

### CANADA BUYS BROADCASTING STATIONS

The Canadian Radio Commission has acquired three radio transmitting stations in Canada, according to word received by the Department of Commerce, as the first step in the establishment of a chain of broadcasting stations across the Dominion.

The three stations, situated in Ottawa, Moncton, and Vancouver, were purchased from the Canadian National Railways for a reported price of \$50,000. Negotiations are now under way for the leasing of land wires enabling the broadcasting of Dominion-wide chain programs. It is understood, says the report, that after April 1 the regulation restricting advertising to 5 per cent of the time will go into effect. This will govern all Canadian radio broadcasting stations.

### WOULD DENY KVOA LICENSE RENEWAL

Application of Robert M. Riculfi (KVOA, Tucson, Ariz.) for renewal of license and assignment of license to Arizona Broadcasting Company, Inc. Report No. 464. (Pratt, e.)

The examiner points out that the licensee is indebted in various amounts to local business people in Tucson and that a judgment was recently rendered against the applicant in the United States District Court for the District of Arizona in favor of the ASCAP in the sum of \$1,384; that title to all the physical equipment of the station had been acquired by Mrs. Riculfi; and concluded, that there was not a sufficient showing of financial responsibility to warrant a renewal of license; that while the transfer of the station equipment to Mrs. Riculfi did not appear to constitute a violation of Section 12 of the Radio Act of 1927, the affairs of the licensee generally were in such condition as to militate against the efficient operation of the station; that the record contained no evidence whatever which would warrant a finding that the operation of the station by the Arizona Broadcasting Company, Inc., would serve public interest; and that both applications should be denied.

### MANY STATE LEGISLATURES ADJOURN

While many state legislatures have adjourned, it is known that adjournment was decided upon in most cases with an agreement that a special session would be called in the near future. The states seem to be reconciled to the fact that regulation of broadcasting is exclusively a federal function so that there has been practically no regulatory legislation proposed in state legislatures. However, taxation of broadcasters, either on property or income, when proposed at unreasonable rates, is a menace in several states, and must be watched closely. While this is essentially a problem to be solved in each state separately, the NAB Reports try to give a cross section of what is proposed in each state pertaining to radio broadcasting, so that members may have general information on the subject.

### OREGON OWNERSHIP BILL KILLED

What might have been a step toward state broadcasting has no doubt been averted by the indefinite postponement (and subsequent adjournment of the legislature) of H. J. Res. 17, which would have amended the Oregon Constitution to permit the state to acquire radio systems to transmit messages.



## TENNESSEE FAVORS ATHLETIC BROADCASTS

Tennessee has joined the ranks of Southern States that would permit or compel broadcasting of college football games—all of which was started a couple of years ago when the Southern Conference took a stand against it. South Carolina is the only state that has actually put the law on the statute books this year (March 13), and Tennessee is the latest state to fall in line by H. 417, introduced by Mr. DeLozier on March 7th.

## LIABILITY FOR ARTIST'S COAT

When a broadcasting station invites a singer, without compensation, to perform at its studios, and she leaves her coat in a reception room, which she knows is open to the public, and not in the custody of an employee, she assumes the risk of loss and the station is not responsible. This is the decision of the Superior Court of Pennsylvania in *Nolde vs. WDAS Broadcasting Station, Inc.* (Philadelphia), reversing, March 3, 1933, the lower court which found for the plaintiff for \$250.

## EXEMPT RADIOS FROM TAXATION

Iowa followed Oklahoma in consideration of a proposal to add radio receiving sets to the exempt class when Mr. Reese introduced Bill No. 356 in the Iowa Senate; but a day later it was learned that on March 9th the Oklahoma bill (H. 596) was killed.

## LOTTERY CONSPIRACY IS UPHOLD

A conspiracy to use the United States mail to deliver circulars, letters, etc., concerning a lottery was sufficiently charged where it was alleged that the prize checks were drawn on a Texas bank, deposited in the United States Mail, and reached their destinations, even though the information concerning the lottery was broadcast from a Mexican station (XED at Reynosa) and regardless of whether or not the conspiracy was originally entered into in the United States or Mexico. Judgment of conviction affirmed by Circuit Court of Appeals, 5th Circuit (Texas) on February 20, 1933, *Horwitz et al. vs. United States*.

## FULMER ASKS RADIO INVESTIGATION

Representative Fulmer (D) South Carolina, on March 9 introduced a resolution (H. Con. Res. 1) providing for a study of radio broadcasting in the United States and other countries to obtain information to be used as a basis for legislation. The committee proposed in the measure would be composed of two members of the Senate, two members of the House, one each representing labor, education, religion, the press, the home, and the radio industry. The resolution is similar to one which died with the last session of Congress. It has been referred to the Committee on Rules.

## NATIONAL COMMITTEE NAMES CRAVEN

The National Committee on Education by Radio has announced the appointment of Commander T. A. M. Craven, Washington, consulting radio engineer, as its representative to the forthcoming North American Radio Conference. Commander Craven, who has wide experience in international radio conferences, has been named a member of the general committee, headed by Judge Sykes and Senator White, which is preparing for the conference.

## McFADDEN PROPOSES INVESTIGATION

Representative McFadden (R), Pennsylvania, on March 9, re-introduced his resolution (H. Res. 19) providing for the creation of a committee of five members to investigate the earnings and expenditures of the National Broadcasting Company and the Columbia Broadcasting System and to determine whether "these major organizations do tend to dominate or monopolize the radio broadcasting field." The resolution is similar to one introduced by Representative McFadden in the last Congress. It has been referred to the Committee on Rules.

## FEDERAL TRADE VOTES COMPLAINTS

Formal complaints charging corporations, partnerships and persons engaged in commerce with violations of the laws over which the Federal Trade Commission has jurisdiction were made public in five cases during February. These cases are as follows:

2085—Carleton Mills, Inc., New York City, engaged in the sale of men's clothing. Charged with alleged representation of retail dealer as wholesale dealer.

2086—S. W. Pike, Seedsman, Inc., St. Charles, engaged in the sale of seeds. Charged with alleged representation of articles as gratuities when their cost is included in the price charged for the merchandise with which they are alleged to be given free of charge.

2087—Charles H. Bacon Company et al., Lenoir City, Tenn., manufacturer of hosiery. Charged with alleged misbranding.

2088—Nursol Laboratories, Inc., et al., New York, engaged in the sale of an alleged treatment for epilepsy; and 2089—Charles R. Spicer Company, Inc., Memphis, engaged in the sale of proprietary medicines. Both charged with alleged misrepresentation of therapeutic value.

Orders to cease and desist were made public in the case of Armand Company, Inc., Des Moines (1329), manufacturer of toilet articles and cosmetics, ordered to discontinue the policy of requiring purchasers of products for resale to agree to maintain resale prices fixed by respondent and to agree not to sell to price-cutting retail dealers; and in the case of T. H. Banfield, Berkeley, Calif. (2051), engaged in furnishing correspondence courses of instruction in secretarial duties and business administration and in selling rebuilt typewriters, ordered to discontinue the use of the word "University" in trade name or in any way as descriptive of the business conducted by respondent, to discontinue representing that a students' foundation cooperates with respondent's school or assists the pupils, when such is not the fact, and to discontinue representing the regular prices as special, reduced prices.

Orders of dismissal were issued by the Commission in the case of San Martin and Leon Company, Inc., Tampa (1458), engaged in the sale of cigars; and in the case of Pond's Extract Company, New York City (2019), engaged in the manufacture of toilet preparations.

## HEARING CALENDAR

A hearing on a constructive permit application filed by WBEN, Inc., Buffalo, N. Y., for an ultra-high frequency visual broadcasting station will be held Monday, March 20, 1933, at 10 a. m.

On Wednesday, March 22, 1933, at 10 a. m., oral argument will be heard by the Commission sitting en banc on the applications of WKRC, Cincinnati, Ohio, for renewal license (500 watts, and 500 watts additional experimentally); KWEA, Hello World Broadcasting Corp., for renewal and for construction permit to move to Baton Rouge, and W. H. Allen & Co., Alexandria, La., for the facilities of KWEA; WFIW, Hopkinsville, Ky., for renewal and for construction permit to move to Louisville, and WLAP, Louisville, Ky., for the facilities of WFIW.

The application of W1XAL, Shortwave Broadcasting Corp., Boston, Mass., for a relay broadcasting license has been remanded to examiner for further hearing, which will be conducted Friday, March 24, 1933, at 10 a. m.

## APPLICATIONS SET FOR HEARING

New, W. L. Gleason, Sacramento, Calif.—C. P. for new station to operate on 1490 kc., unlimited time.

New, Don Lee Broadcasting System, Redlands, Calif.—C. P. for new station to operate on 780 kc., 500 watts, unlimited time (facilities of KTM and KELW).

New, Visual Broadcasting Laboratories, Kansas City, Mo.—C. P. for visual broadcasting; 2750-2850 kc. and 43000-46000 kc., 500 watts.

WMAS, WMAS, Inc., Springfield, Mass.—C. P. to increase day power from 100 to 250 watts, and make changes in equipment increasing maximum rated power from 100 to 250 watts.

WINS, American Radio News Corp., New York, N. Y.—Modification of License to increase operating power from 500 watts to 1 kw.

WIP, Pennsylvania Broadcasting Co., Philadelphia, Pa.—Special authority to increase power from 500 watts to 1 kw, experimentally.

WRDO, WRDO, Inc., Augusta, Me.—C. P. to move to Portland, Me.

## APPLICATIONS DISMISSED

The following applications were dismissed at request of applicants:

WEHS	WEHS, Inc., Cicero, Ill.	Mod. of Lic. 1310 kc., 100 watts, S. H.
WCLS	WCLS, Inc., Joliet, Ill.	C. P., 1420 kc., 100 watts, S. H.
WHFC	WHFC, Inc., Cicero, Ill.	C. P., 1310 kc., 100 watts, S. H.
WKBI	WKBI, Inc., Cicero, Ill.	Mod. Lic. 1310 kc., 100 watts, S. H.
NEW	Joel E. Wharton Shreveport, La.	C. P., all exp. freqs., 100 watts, unlt. time.

## MISCELLANEOUS COMMISSION ACTION

WJBY	Gadsden Broad- casting Co. Gadsden, Ala.	Denied authority to operate at a different lo- cation than that specified in license.
KTAB	Associated Broad- casters, Inc., San Francisco, Calif.	Reconsidered action of Feb. 24 in granting C. P. to move station to Oakland, Calif., and on re- quest of applicant cancelled application.

## APPLICATION RETURNED

During the current week the Commission returned the following application for the reason it did not comply with Commission regulations:  
New, Philip J. Wiseman, Lewiston, Me.

## RENEWAL APPLICATIONS RECEIVED

WRC, Washington, D. C.; WHA, Madison, Wis.; WCAP, Asbury Park, N. J.; WODX, Mobile, Ala.; KALE, Portland, Ore.; WCKY, Covington, Ky.; WCAM, Camden, N. J.; WSMB, New Orleans, La.; WLAC, Nashville, Tenn.; WRAW, Reading, Pa.; KOH, Reno, Nevada; KFAC, Los Angeles, Calif.; WHEC, Rochester, N. Y.

## RENEWALS GRANTED

The Commission granted renewal of licenses for the regular period, to the following stations:

WAAM, Newark, N. J.; WCAL, Northfield, Minn.; WCSH, Portland, Me.; WDEL, Wilmington, Del.; WDOD, Chattanooga, Tenn.; WDSU, New Orleans; WEBC, Superior, Wis., and auxiliary; WFBM and auxiliary, Indianapolis, Ind.; WFBR, Baltimore, Md.; WHAD, Milwaukee, Wis.; WIBA, Madison, Wis.; WISN, Milwaukee, Wis.; WLBW, Erie, Pa.; WMBX, Springfield, Vt.; WNBZ, Saranac Lake, N. Y.; WODA, Paterson, N. J.; WRHM, Minneapolis, Minn.; WRR, Dallas, Tex.; WTNJ, Trenton, N. J.; WTOG, Savannah, Ga.; KFIO, Spokane, Wash.; KFOX, Long Beach, Cal.; KGBZ, York, Nebr.; KGCA, Decorah, Ia.; KGCU, Mandan, N. Dak.; KMA, Shenandoah, Ia.; KMBC, Kansas City, Mo., and auxiliary; KOIN, Portland, Ore.; KRGV, Harlingen, Texas; KTRH, Houston, Texas; KVOR, Colorado Springs, Colo.; KWLC, Decorah, Iowa.

## APPLICATIONS GRANTED

### First Zone

WHAM	Stromberg-Carl- son Tel. Mfg. Co., Rochester, N. Y.	Granted authority to determine operating power by direct measurement, and granted license to cover installation of new equipment, moving of transmitter, and power increase to 25 kw. 1150 kc.
WGNY	Peter Goelet, Chester Town- ship, N. Y.	Granted license covering erection new station 1210 kc., 50 watts, specified hours, also au- thority determine operating power by direct measurement.
WRNY	Marcus Loew Booking Agency, New York, N. Y.	Granted authority make changes in automatic frequency control.
WGLC	O. T. Griffin & G. F. Bissell, Glens Falls, N. Y.	Granted authority to use new transmitter on program tests pending action on formal appli- cation for C. P., for period of 30 days.
WHN	Marcus Loew Booking Agency, New York, N. Y.	Granted special authority to operate 75-watt transmitter for field intensity survey to locate new site. 1010 kc.

## APPLICATIONS GRANTED

### Second Zone

WGBI	Scranton Broad- casters, Inc., Scranton, Pa.	Granted C. P. to make equipment changes.
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## APPLICATIONS GRANTED

### Third Zone

WFBC	Greenville News Piedmont Co., Greenville, S. C.	Granted modification of C. P. to change trans- mitter and studio location locally.
KRMD	Radio Station KRMD, Inc., Shreveport, La.	Granted authority make changes in automatic frequency control.
WAML	Southland Radio Corp., Shreveport, La.	Granted 30 day extension of program test period.
WHET	Troy Broadcas- ting Co., Troy, Ala.	Granted modification of license to operate from 8 to 9 p. m. Sundays in addition to present hours.

KVOO	Southwestern Sales Corp., Tulsa, Okla.	Granted modification of C. P. extending com- pletion date to 6-17-33.
WGCM	Great Southern Land Co., Gulfport, Miss.	Granted modification of license to change hours from unlimited to specified.
WAML	Southland Radio Corp., Laurel, Miss.	Granted modification of license to change speci- fied hours.
WPTF	Durham Life Insurance Com- pany, Raleigh, N. C.	Granted authority to determine operating power by direct measurement; also consent to volun- tary assignment of license to WPTF Radio Company.
WGST	Georgia School of Technology Atlanta, Ga.	Granted authority to take depositions in the matter of hearing on application of Coleman & Dobbins Co.

## APPLICATIONS GRANTED

### Fourth Zone

KSTP	National Battery Broadcasting Co., St. Paul, Minn.	Granted license covering increase in power from 10 KW to 25 KW on experimental basis. 1460 kc.
WSUI	State University of Iowa, Iowa City, Iowa	Granted special authority to operate from 10 p. m. CST, March 24, to 1 a. m., March 25.
WTRC	The Truth Pub- lishing Co., Elkhart, Ind.	Granted license covering equipment changes and increase in day power from 50 to 100 watts; 1310 kc., 50 watts night, 100 watts LS. Simul- taneous day with WLBC and share night with WLBC. 1310 kc.
KGFK	Red River Broadcasting Company, Moorhead, Minn.	Granted license covering increase in power from 50 to 100 watts and making changes in equipment. 1500 kc., 100 watts unlt. time.

## APPLICATIONS GRANTED

### Fifth Zone

KIEM	H. H. Hanseth, Eureka, Calif.	Granted modification of C. P. to change equip- ment and extend completion date.
KTAB	Associated Broad- casters, Inc., San Francisco, Calif.	Granted modification of license to move main studio locally.
KGCX	First State Bank of Vida, Wolf Point, Mont.	Granted consent to voluntary assignment of li- cense to E. E. Krebsbach.
KPO	National Broad- casting Co., San Francisco, Calif.	Granted 10-day extension of program test pe- riod.

## APPLICATIONS RECEIVED

### First Zone

WGLC	O. T. Griffin & G. F. Bissell, Hudson, Falls, N. Y.	Modification C. P. to change equipment. 1370 kc.
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## APPLICATIONS RECEIVED

### Second Zone

WHBC	Edward P. Graham, Canton, Ohio	License to cover C. P. granted for equipment changes. 1200 kc.
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## APPLICATIONS RECEIVED

### Third Zone

NEW	Church of Christ, Guy N. Woods, Minister, Post, Texas.	C. P. new station to use 950 kc., 5 watts, speci- fied day hours (12 noon to 5 p. m.).
WJEM	Britt A. Rogers, Jr., Tupelo, Miss.	Modification of C. P. for new station to ex- tend commencement and completion dates to 4- 9-33 and 7-9-33. 990 kc.

## APPLICATIONS RECEIVED

### Fourth Zone

WCAL	St. Olaf College, Northfield, Minn.	C. P. for equipment changes. increase power from 1 KW to 1 KW night, 2½ KW to local sunset. 1250 kc.
WRHM	Minnesota Broadcasting Corp., Minneapolis, Minn.	Modification license to increase hours of oper- ation to include hours now assigned to KFMX —facilities of KFMX and WLB-WGMS (as- signed 8 to 9:30 p. m. Saturdays during Jan., Feb., and March). 1250 kc.
WKBF	Indianapolis Broadcasting Co., Indianapolis, Ind.	C. P. erect and use transmitter formerly used by WCMA as auxiliary while main transmitter is being moved.

## APPLICATIONS RECEIVED

### Fifth Zone

NEW	W. L. Gleeson, Monterey, Calif.	C. P. for new station amended to change trans- mitter and studio location to Monterey, Calif. 1210 kc., 100 watts.
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# The National Association of Broadcasters

NATIONAL PRESS BUILDING \* \* \* \* \* WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

## NAB REPORTS

Vol. 1 - - No. 3  
MARCH 25, 1933

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### HANLEY APPOINTED TO COMMISSION

President Roosevelt on March 23 sent to the Senate the nomination of James H. Hanley of Omaha, Nebr., to be a member of the Federal Radio Commission.

Mr. Hanley, a lawyer, will be the representative from the Fourth Zone, succeeding General Charles McK. Saltzman who resigned more than a year ago.

Senator Dill (D), Washington, chairman of the Senate Interstate Commerce Committee, announced on March 24 that hearings on the Hanley nomination will be held next week, the date to be determined later. It is understood that there is little objection to the appointment and confirmation will follow shortly after hearing.

After the Hanley confirmation, the Commission will have its full complement of five members once again. Since the resignation of General Saltzman the Commission has not had full membership.

Mr. Hanley is a Democrat. He is 50 years old and has been prominent in Nebraska politics. He is a graduate of Creighton University, Nebr., and for four years was secretary to Congressman Loubeck. He is married and has four sons.

### JUDGE SYKES ELECTED AS CHAIRMAN

Judge Eugene O. Sykes took the oath of office on March 20 as a member of the Federal Radio Commission for a six-year term dating from February 24, 1933. He succeeds himself as the representative of the Third Zone.

By unanimous vote Judge Sykes was on March 21 elected chairman of the Commission. He is the only member left of the original Commission of five members provided under the Radio Act of 1927, which was organized March 15, 1927. Judge Sykes has served as vice chairman of the Commission since his appointment to the Commission in 1927.

For the time being Judge Sykes will direct his attention largely to preparatory work for the North American Radio Conference to be held in Mexico in the near future.

As chairman of the American Delegation to the International Radio Conference held in Madrid last fall, Judge Sykes acquired a valuable background regarding the problems to be solved at Mexico City.

Judge Sykes is a native of Mississippi and retains his legal residence at Jackson. He received his academic training at St. John's College, Annapolis, and at the United States Naval Academy. He was graduated in law at the University of Mississippi in 1897 and for a time practiced law at Aberdeen, Miss. He served as justice of the Supreme Court of Mississippi from 1916 to 1924, resigning to resume the practice of law.

### REORGANIZATION PLANS INDEFINITE

The administration's plans for reorganization of Government bureaus and commissions are still indefinite although many rumors persist.

The reorganization plan is being studied by Secretary of Commerce Roper, Director of the Budget Douglas and Swagar Sherry, Washington lawyer and former chairman of the House Appropriations Committee, but no official announcement has as yet been made. Whether the Radio Commission will be affected by any reorganization finally worked out, is not known at this time. In the meantime, however, President Roosevelt by appointment has completed the Commissioner-personnel of the Commission.

### NORTH AMERICAN RADIO CONFERENCE

No date has yet been set for the North American Radio Conference to be held in Mexico City. It is possible this date will be

fixed some time in May. Several meetings of the committees engaged in work preparatory to the Conference were held during the week. This work is headed by United States Senator Wallace H. White and the Chairman of the Federal Radio Commission, Eugene O. Sykes, who will represent the United States at the Conference.

### ROOSEVELT SIGNS BEER BILL

President Roosevelt on March 22 signed the beer bill permitting the sale of 3.2 per cent beer. The new law becomes effective on April 7. With the resumption of the manufacture and sale of 3.2 per cent beer many breweries will undoubtedly resort to radio for the advertising of their product. The Federal law imposes no restriction upon the advertising by radio or by newspapers of 3.2 per cent beer, but stations are advised to consult their state statutes and local ordinances before accepting beer advertising accounts.

### SENATE AUTHORIZES HEARINGS

The Senate on March 20 adopted a resolution authorizing the Senate Interstate Commerce Committee to sit during recess and to hold hearings. The resolution, a routine matter, was adopted on the motion of Senator Dill (D), Washington, chairman of the committee.

### WIRED RADIO ALLEGES INFRINGEMENT

Wired Radio, Inc., 60 Broadway, New York, has notified a number of radio broadcasting stations that certain patents owned by this company are being infringed. In letters to stations the company lists the patents which it claims it owns and are being infringed and offers licenses for their future use.

### STATE LEGISLATURES' STATUS

Only five of the forty-eight States in the Union are not scheduled to have sessions this year. Forty-one have already met, and two are due to meet soon. Of the forty-one that have met thirteen have adjourned, and all apparently without passing any legislation adversely affecting broadcasting. There is not much field for favorable state legislation in so far as broadcasters are concerned, and about the only laws that have been passed in any states are those authorizing broadcast equipment and automobile receiving sets for police departments, and those compelling certain colleges to permit athletic broadcasts.

### KANSAS SLANDER BILL HIT

H. 155, which has passed the Kansas House, was reported unfavorably by the Senate Judiciary Committee on March 20th. This is the bill that makes the person broadcasting the slander subject to a fine of \$1,000 or imprisonment for one year, or both.

### COMMISSION FILES COURT BRIEFS

The Radio Commission on March 24 filed briefs in dockets Nos. 5604 and 5598 in the Court of Appeals of the District of Columbia. No. 5604 is the case of Fred H. Goss against the Commission because of the refusal of the Commission to grant him a license for a new broadcasting station in Boston, while No. 5598 is the case of Station WLOE, Boston Broadcasting Company, against the Commission because of its action in denying the station a license renewal.

## WBBM-KFAB SYNCHRONIZATION APPROVED

The Commission this week authorized the installation of automatic frequency controls and modifications of licenses for stations WBBM, Chicago, and KFAB, Lincoln, Nebraska, to permit synchronizing, on an experimental basis, during the night hours between 10 p. m. and midnight, CST. This action sustained the report of Chief Examiner Yost.

Synchronized operation will make it unnecessary for WBBM to share time at night with KFAB. The synchronizing project, based on comprehensive surveys, will be observed with considerable interest.

## RULE 151 SUSPENSION PROVES POPULAR

The suspension by the Federal Radio Commission of Rule 151, as reported in NAB Reports for March 11, 1933, is being utilized by a number of stations to reduce sustaining expense. As shown by this week's record of Commission action, eight stations have elected to reduce hours of operation in the manner made possible by suspension of Rule 151.

## COMMUNICATION BILL INTRODUCED

Representative Sam Rayburn of Texas, Chairman of the House Committee on Interstate and Foreign Commerce, has introduced a bill (H. R. 3760) "to establish the Federal Communications and Power Commission, and for other purposes." The bill, which has been referred to Mr. Rayburn's committee, is similar to that introduced by him during the latter part of the last session of Congress.

The bill provides for the appointment of five commissioners, not more than three of whom shall be of the same political party. The salaries shall be \$10,000 a year.

Section 2 of the bill is as follows:

"The Commission shall administer all laws of the United States (1) relating to the regulation of the transmission or communication, in interstate or foreign commerce, of intelligence by wire or wireless or otherwise by the use of electrical energy, or (2) relating to the regulation of the transmission or sale of power in interstate or foreign commerce, or to the issuance of licenses for the construction, operation, and maintenance of dams, water conduits, reservoirs, power houses, transmission lines, or other project works necessary or convenient for the development and improvement of navigation and for the development, transmission, and utilization of power across, along, from, or in any of the navigable waters of the United States, or upon any part of the public lands and reservations of the United States (including the Territories), or for the purpose of utilizing the surplus water or water power from any Government dam."

## HOUSE RADIO COMMITTEE MEETS

The House Committee on Merchant Marine, Radio and Fisheries held an organization meeting on March 23. The meeting was called by Chairman Bland of the committee. None of the bills pending before the committee were taken up during the meeting. It was not decided whether hearings on any of the pending measures will be held during the present short session of Congress.

## BINDERS FOR NAB REPORTS

In the first issue of the new NAB REPORTS we called attention to the fact that ring binders could be ordered through Association Headquarters at \$2.00 each. These binders are appropriately marked with gold lettering, are durable, and sufficiently large to take care of the issues of NAB REPORTS for two years. A large number of orders have been received, acknowledged and entered. However, the NAB does not have the money to lay in a large supply of these binders to fill future orders, and the benefit of the factory price in lots of one hundred is now being offered. Members are urged to send their orders in promptly to gain the advantage of the 100-lot price. Shipments, direct to the members from the factory, are expected to start before the end of the month, so that it would be advisable to send orders to headquarters immediately.

## RADIO ADVERTISING STATISTICS

The March issue of "Survey of Current Business," published by the Department of Commerce, shows that the expenditures for national radio advertising continued during January the downward

trend. The report shows that the cost of facilities during January, 1933, were \$2,789,000 as compared with \$3,006,000 for the month of December. Cost of facilities for January, 1932, amounted to \$3,984,000. The figure for January of this year compared favorably with the figure for July, 1932, when expenditures for national radio advertising amounted to \$2,997,000.

The downward trend in magazine advertising also continued during January. The total for the month was \$5,569,000 as compared with \$9,053,000 for November, and \$7,827,000 for December. Magazine advertising during January was \$2,000,000 less than for the same month a year ago.

There was also a decline in newspaper lineage during January. January lineage totaled 77,957,000 for 52 cities as compared with 91,509,000 for the same cities in December and 100,032,000 in January, 1932.

## KFPY COURT APPEAL DENIED

The Court of Appeals of the District of Columbia this week denied an appeal of the Radio Commission in the Symons Broadcasting Company (KFPY, Seattle, Wash.) case, No. 5757, for rehearing. The Court a couple of weeks ago remanded this case back to the Commission for hearing.

## OKLAHOMA CITY CASE DISMISSED

On the Commission's motion the Court of Appeals of the District of Columbia this week dismissed the appeal of D. R. Wallace in docket No. 5743. The Commission revoked the license of Station KGMP, Oklahoma City, Okla., and Wallace sought an assignment of the frequency. The Commission refused his application and he appealed to the Court.

## COURT DENIES WJJD INJUNCTION

The petition of Station WJJD, Mooseheart, Ill., in the Court of Appeals of the District of Columbia for a stay order was denied this week by the Court in case No. 5896. The motion to dismiss the case was postponed until the hearing on the merits of the case. The Station appealed to the Court from a decision of the Radio Commission denying it authority to operate after sunset Salt Lake City.

## RECOMMENDS DENIAL WBAX APPLICATION

Application of Station WBAX, Wilkes-Barre, Pa., to change its frequency from 1210 to 930 kilocycles, increase its power from 100 to 250 watts and change its hours from specified to unlimited time. Report No. 466 (Pratt, E.). Report recommends that the application be denied.

The report states that the present programs of the station are not such as would warrant the granting of an increase in facilities to the station.

The Examiner further states that "although the proposed change in frequency and increase in power would enable the applicant to render a more extensive service from a technical standpoint, there would result objectionable interference between WBAX and other stations operating on the same and adjacent frequencies both in the United States and Canada."

## RADIO SPECIALIST ON SOUTHERN TRIP

Dr. C. M. Koon, senior specialist in radio education, U. S. Office of Education, left Washington, March 21, on a trip through West Virginia, North Carolina, South Carolina, Georgia, Florida and Virginia. He will visit broadcasting stations enroute.

## FOURTH RADIO INSTITUTE PROGRAM

The program for the Fourth Annual Institute for Education by Radio to be held at Columbus, Ohio, May 4-6, was announced on March 15.

Among the speakers listed are John J. Karol, director of Market Research, Columbia Broadcasting System; Herman S. Hettinger, University of Pennsylvania; Elizabeth Watson, Ohio State University; Tracy F. Tyler, National Committee on Education by Radio; Frank E. Mullen, National Broadcasting Company; V. R. Sill, Ohio State University; H. B. McCarty, WHA, University of Wisconsin; W. W. Charters, Ohio State University; Levering

Tyson, National Advisory Council on Radio in Education; Thomas H. Reed, National Advisory Council on Radio in Education; K. G. Bartlett, WMAC, Syracuse University; C. M. Koon, senior specialist in radio, U. S. Office of Education; Gwendolyn Jenkins, WEO, Ohio State University; Morse Salisbury, U. S. Department of Agriculture; B. H. Darrow, Ohio School of the Air; Helen Johnson, American School of the Air; Hattie S. Parrott, North Carolina School of the Air; Judith Waller, WMAQ School Broadcasts; Edgar Dale, Ohio State University; Virginia Sanderson, Ohio State University; William H. Vogel, Cincinnati Public Schools; and B. O. Skinner, State Director of Education of Ohio.

### RADIO SHOW SET FOR SEPTEMBER

Short-wave broadcasting will be featured at the Electrical and Radio Exposition which will be held at Madison Square Garden on September 22-30, 1933. The show will be held under the sponsorship of the Electrical Association of New York and will be produced and managed by Madison Square Garden's Exposition Department.

### CENSUS DISTRIBUTION REPORTS READY

The last of the individual state reports from the census of distribution, covering wholesale and retail trade, have just been issued by the Census Bureau.

The retail reports contain more than 100 tables showing for each kind of business the number of employees, payroll, stock on hand, net sales, operating expenses, and related data; analyzing the credit business of retail stores; showing whether goods were sold by chain stores or independents; and indicating the volume of sales of each commodity group.

The individual state reports on wholesale distribution give a wealth of data on wholesale trade, with valuable information on operating expenses, sales of various commodities, and types of establishments operating in this field, in addition to statistics on volume of business, number of establishments, etc.

The combined information for the entire United States as gathered in the wholesale and retail distribution censuses was published last month in two summary reports, entitled "Wholesale Distribution—Summary for the United States" and "Retail Distribution—Summary for the United States," available for 20 cents each.

### "POPULAR MUSIC" MAKES APPEARANCE

An eight-page magazine called "Popular Music" made its appearance in New Orleans, La., on March 10. The two leading articles in the first issue of the new publication deal with the copyright controversy between the National Association of Broadcasters and the American Society of Composers, Authors and Publishers. Most of the space, however, is devoted to a review of activities of various dance bands and one page carries radio programs. Although the magazine is published in New Orleans, stations in that city are not favored with mention of their programs. The magazine's publishing office is 608 Bienville Street, New Orleans; the publisher is the Popular Music Company; and the editor is Orin Blackstone.

### NBC PACIFIC COAST STATIONS DROPPED

Stations KPO, San Francisco; KECA, Los Angeles; KEX, Portland; KJR, Seattle; and KGA, Spokane, were dissociated with the National Broadcasting Company, it was reported this week. Duplication of facilities was given as the reason. Stations which will continue to form a part of the chain are KGO, San Francisco; KFI, Los Angeles; KGW, Portland; KOMO, Seattle; and KHQ, Spokane.

### ADVERTISING ETHICS CODE ADVANCED

A code of advertising ethics and a standing committee to review cases considered as violating those ethics have resulted from the efforts of the American Association of Advertising Agencies and the Association of National Advertisers. The code classifies as discrediting advertising the following:

1. False statements or misleading exaggerations.
2. Indirect misrepresentation of a product or service through distortion of details.
3. Statements or suggestions offensive to public decency.
4. Statements tending to undermine an industry by attributing to its products, generally, faults and weaknesses true only of a few.
5. Price claims that are misleading.
6. Pseudo-scientific advertising, including claims insufficiently supported by accepted authority, or that

distort the true meaning of a statement made by professional or scientific authority. 7. Testimonials which do not reflect the real choice of a competent witness.

### AGENCIES STUDY CIRCULATION DATA

The American Association of Advertising Agencies and the Association of National Advertisers are cooperating to the end that newspapers having sound circulation shall be supported.

In a letter sent to the membership of the American Association of Advertising Agencies, John Benson, president of the Association, said:

"It is natural for circulation to decline under present conditions. Publishers doubtless fear that this may involve lower rates, but they also fear that it may indicate to advertisers and agencies that the paper is slipping. They still believe that buyers are mostly interested in volume and will give the business to a rival with a few thousand more, however obtained.

"That is what drives them into the hands of circulation getters who, for a price, can put on any additional readers wanted, by forced methods.

"It seems to me that we owe it to ourselves and to our clients to encourage publishers to let their circulation find its natural level and to indicate as far as possible that we do not care to have boom-time figures maintained by artificial means. Perhaps in the past we have placed undue emphasis on mere quantity and thus become, in a measure, responsible for much of the inflated circulation."

### LISTENER FAVORS ADVERTISING

Stations throughout the United States receive many thousands of letters expressing their favorable attitude to radio advertising but few find their way into print. Here is a letter received this week by Station WRVA, Richmond, which is typical of others received by all stations:

"My personal opinion is that reasonable people expect to have to listen to a certain amount of advertising, if it is not too long, as you cannot broadcast for nothing and under the American system of broadcasting listeners should expect it if the program is worth listening to at all. While newspapers have criticised this feature, still if it were not for their advertising columns they would have to suspend publication. The worst offenders are really some of our high grade magazines. You begin a story and instead of being able to turn to the next page and continue your reading, you have to wade thru a lot of pages of advertising to find a fragment of the continuation, and repeat the process ad infinitum. There are very few programs on the NBC which I would consider took up too much time in advertising."

### HEARING CALENDAR

Monday, March 27: Copper Electric Co., Inc., Lowell, Ariz.—Application for C. P. for new station to use 1200 kc., 100 watts, daytime.

Tuesday, March 28: Jas. P. Hart, Jas. P. Hart, Jr., & Donald W. Parsons, d/b as Gateway Broadcasting Co., Roanoke, Va.—Application for C. P. for new station to use 1410 kc., 250 watts, sharing with WHIS (facilities of WRBX), and WRBX, Richmond Development Co., Roanoke, Va.—Application for renewal license.

Wednesday, March 29: Oral argument, before the Commission sitting en banc, will be heard on the application for modification of license to use 1380 kc., 1 kw., unlimited time.

Thursday, March 30: W. E. Dobbins & Maurice C. Coleman, d/b as Coleman-Dobbins Co., Atlanta, Ga.—Application for C. P. for new station to use 890 kc., 250 watts, 500 watts L. S., unlimited time (facilities of WGST), and Georgia School of Technology, Atlanta, Ga., WGST—Application for renewal license.

### APPLICATIONS SET FOR HEARING

NEW, W. L. Gleeson, Monterey, Calif.—Application for C. P. for new station to operate on 1210 kc., 100 watts, unlimited time.

WLB-WGMS, University of Minnesota, Minneapolis, Minn.—Modification of license to change specified hours to include those of KFMX.

KFBK, James McClatchy Co., Sacramento, Calif.—C. P. to move transmitter locally and change frequency and power to 1430 kc. and 500 watts (facilities of KTM and KELW).

## APPLICATIONS GRANTED

### First Zone

WNBH New Bedford Broadcasting Co., New Bedford, Mass. Granted special temporary to reduce hours of operation.

## APPLICATIONS GRANTED

### Second Zone

WOBW WOBW, Inc., Charleston, W. Va. Modification of license to change hours from sharing with WSAZ to unlimited.

WSAZ WSAZ, Inc., Huntington, W. Va. Special authorization to change frequency from 580 kc. to 1190 kc.; increase power from 250 watts night, 500 watts day, to 500 watts night, 1 KW day experimentally, and change hours from sharing with WOBW to limited time until sunset at San Antonio, Texas.

WRAK WRAK, Inc., Williamsport, Pa. Granted special temporary authority to reduce hours of operation.

WJMS WJMS, Inc., Ironwood, Mich. Granted special temporary authority to reduce hours of operation.

WEAQ Ohio State University, Columbus, Ohio. Granted increase of day power from 750 watts to 1 KW.

## APPLICATIONS GRANTED

### Third Zone

WGST Southern Broadcasting Stations, Inc., Atlanta, Ga. Granted authority to make tests to determine radiation resistance of antenna system.

WHEF J. Niles Boyd Wholesale Grocery Co., J. O. Ashworth & J. R. Smithson d/b as Attala Milling & Produce Co., Kosciusko, Miss. Granted modification of C. P. extending dates.

WSOC WSOC, Inc., Gastonia, N. C. Granted special temporary authority to reduce hours of operation.

KFLX George Roy Clough, Galveston, Texas. Granted special temporary authority to reduce hours of operation.

KOB New Mexico College of Agriculture & Mechanic Arts, Albuquerque, N. M. Granted special temporary authority to reduce hours of operation.

## APPLICATIONS GRANTED

### Fourth Zone

WLBL State of Wisconsin Dept. of Agriculture & Markets, Stevens Point, Wis. Granted modification of license to increase day power to 2½ KW.

KFNF Henry Field Co., Shenandoah, Iowa. Granted continuation of special authority to use time assigned to but not used by KUSD and WILL.

KFJB Marshall Electric Co., Marshalltown, Iowa. Granted special authority to operate from 9 to 12 p. m., March 27.

KDLR KDLR, Inc., Devil's Lake, N. Dak. Granted special temporary to reduce hours of operation.

WKBF Indianapolis Broadcasting Co., Indianapolis, Ind. Granted extension of authority to use transmitter of WCMA while WKBF is moving transmitter.

## APPLICATIONS GRANTED

### Fifth Zone

KRKD Fireside Broadcasting Co., Los Angeles, Calif. Granted Renewal of license as is, without change in terms.

KFSG Echo Park Evangelistic Assn., Los Angeles, Calif. Granted renewal of license as is—1120 kc., 500 watts, KRKD 2/3 time, KFSG 1/3 time.

KOAC Oregon State Agricultural College, Corvallis, Ore. Granted special temporary authority to reduce hours of operation.

KUJ KUJ, Inc., Walla Walla, Wash. Granted extension of special authority to operate unlimited time.

## RENEWAL APPLICATIONS GRANTED

The following stations were granted renewal licenses on a temporary basis for the term beginning April 1, 1933, and ending according to Rule 27: WFIW, Hopkinsville, Ky.; WHN, New York City; WIBG, Glenside, Pa.; WQAO-WPAP, New York City; WRNY, New York City; KVOA, Tucson, Ariz.

Renewal licenses for the regular periods were granted to WAAT, Jersey City, N. J.; WCAE, Pittsburgh, Pa.; WHA, Madison, Wis.; WCAD, Canton, N. Y.; WCAP, Ashbury Park, N. J.; WNAD, Norman, Okla.; WGCP, Newark, N. J.; KOIL, Council Bluffs, Ia.; WCAM, Camden, N. J.; WIS, Columbia, S. C.; WNAC-WBIS, Boston, Mass.; WSBT, South Bend, Indiana; KFSG, Los Angeles, Calif.

## APPLICATIONS RECEIVED

### First Zone

WOAX WOAX, Inc. Authority to determine operating power by direct measurement.

NEW Philip J. Wiseman, Lewiston, Me. C. P. for new station to use 640 kc., 500 watts. Amended as to transmitter and studio location, and resubmitted.

## APPLICATIONS RECEIVED

### Second Zone

WEHC Emory and Henry College, Emory, Va. Modification of C. P. to move station to Charlottesville—amended as to proposed transmitter location.

WJBU Bucknell University, Lewisburg, Pa. Consent to voluntary assignment of license to Charles S. Blue.

WJBU Charles S. Blue, Sunbury, Pa. C. P. to move WJBU to Sunbury, Pa.

## APPLICATIONS RECEIVED

### Third Zone

WAML Southland Radio Corp., Laurel, Miss. License to cover C. P. for equipment changes.

KGHJ Lloyd Judd Co., Little Rock, Ark. C. P. for equipment changes, change frequency and power from 1200 kc., 100 watts, to 570 kc., 500 watts.

## APPLICATIONS RECEIVED

### Fourth Zone

NEW Twin City Broadcasting Co. (R. N. Woodworth, R. T. Brown, R. C. Shannon and W. R. Shelter) Bloomington, Ill. C. P. for new station to use 600 kc., 250 watts, unlimited time.

## APPLICATIONS RECEIVED

### Fifth Zone

KROW Educational Broadcasting Corp., Oakland, Calif. Modification of license to change hours from sharing with KFWI to unlimited.

KFBK James McClatchy Co., Sacramento, Calif. C. P. for new transmitter, change frequency and power from 1310 kc., 100 watts, to 1430 kc., 1 KW—facilities of KTM and KELW. Amended as to local transmitter site and resubmitted.

NEW Eastern Oregon Broadcasting Co., La Grande, Ore. C. P. for new station to use 1500 kc., 100 watts, unlimited time. Facilities in terms of 0.2 quota units to be withdrawn from KOAC, Corvallis, Ore.

KVOA Robert Marion Riculfi, Tucson, Ariz. C. P. to change transmitter and studio location locally.

KGKX Sandpoint Broadcasting Co., Sandpoint, Idaho. C. P. for changes in equipment and frequency monitor installation.

## RENEWAL APPLICATIONS RECEIVED

KFXR, Oklahoma City, Okla.; KMED, Medford, Ore.; WBAX, Wilkes-Barre, Pa.; WCAX, Burlington, Vt.; WHAT, Philadelphia, Pa.; WEBQ, Harrisburg, Ill.; WSBT, South Bend, Ind.; KGA, Spokane, Wash.; WBAA, W. La Fayette, Ind.; WKBF, Indianapolis, Ind.

## RENEWAL APPLICATIONS RETURNED

The following applications for renewal licenses were returned to applicants as they were not proper form for Commission consideration: WCAH, Columbus, Ohio; WHP, Harrisburg, Pa.; WQBC, Vicksburg, Miss.; KFAC, Los Angeles, Calif.

## MISCELLANEOUS COMMISSION ACTION

WMAL National Broadcasting Co., Washington, D. C. Granted extension of program test period for auxiliary transmitter for 30 days.

WOR Bamberger Broadcasting Co., Newark, N. J. Granted authority to operate portable transmitter for test in connection with new site.

WCLS Joliet, Ill. Denied petition that the Commission reconsider its action of January 20 in designating applications for hearing and grant same without hearing under Rule 44.

WEHS Evanston, Ill. Retired to closed files the grant of C. P. to move transmitter.

WKBI Cicero, Ill.

KXL Broadcasters, Portland, Ore.

WPHR WLBB, Inc., Petersburg, Va. Application to change frequency, increase power and move to Richmond dismissed at request of applicant.