

The National Association of Broadcasters

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

PHILIP G. LOUCKS, Managing Director

NAB REPORTS

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PLEASE PAY DUES PROMPTLY

The new schedule of NAB dues became effective on January 1, 1934. A statement explaining the new dues provision was sent to each NAB member along with a bill form for January dues. As was pointed out, January dues are based upon net sales of broadcasting facilities for the month of December. It is impossible to determine just how the new system of dues will affect the Association's income but under direction of the Board of Directors the returns will be carefully studied. Please give prompt attention to sending in the form and a check for January dues. Your cooperation will be greatly appreciated.

TUGWELL BILL GREATLY AMENDED

The Tugwell bill to revise the food and drugs act of 1906, in greatly amended form, was introduced in the Senate this week by Senator Royal S. Copeland, New York.

While copies of the bill are not yet available it is stated that the measure retains the consumer protection sought by Prof. Rexford G. Tugwell, but wide powers conferred by the author upon the Secretary of Agriculture have been drastically curbed:

References to "inference and ambiguity" in defining advertising offenses, written into the first draft by Prof. Tugwell to the indignation and vehement protest of publishers, have been eliminated, as have clauses regarding palliative medicines and provisions requiring full formula disclosure.

Committees on public health and food, appointed by the President, will pass upon regulations designed by the Secretary of Agriculture, whose powers, under the original version of the "brain trust" author, were denounced at the hearings as "dictatorial."

At the same time, another food and drugs bill, prepared by the National Drug Trade Conference, was introduced in the House by Representative Loring M. Black (Democrat), New York. This measure follows more closely the lines of the existing act.

A section of the Tugwell version, which was declared ruinous to advertising, reads:

"Section 6. A food, drug or cosmetic shall be deemed to be misbranded (a) if its labeling is in any particular false, or by ambiguity or inference creates a misleading impression."

This section has been changed radically to read:

"Section 6. A food, drug or cosmetic shall be deemed to be misbranded (a) if its labeling is false or misleading; provided, that no drug shall be deemed to be misbranded under this paragraph by reason of any representation concerning any effect of such drug which is supported by substantial medical opinion or by demonstrable scientific fact."

The revised draft provides that no publisher, advertising agency or broadcaster shall be guilty of violation by dissemination of false advertising, although a request for the address of the advertiser must be complied with.

An important addition to the measure authorizes the enforcement agency established by the bill to accept plans of representative advertising agencies for the self-regulation of advertising practices.

CODE AUTHORITY MEETING JANUARY 15

John Shepard III has called a meeting of the Code Authority for the Radio Broadcasting Industry for January 15. The meeting will be held in Washington. Chief among the matters to be considered are numerous interpretations of the code.

SHAW NAMED GOVERNMENT CODE ADVISOR

Harry Shaw, WMT, Waterloo, Iowa, former president of the National Association of Broadcasters, was appointed by General

Johnson this week as one of the three government representatives on the Code Authority for the Radio Broadcasting Industry. The other two representatives have not yet been named, but Judge Eugene O. Sykes, chairman of the Federal Radio Commission, and William Farnsworth, assistant deputy administrator for the NRA, are being considered as possible appointees.

The Code Authority meeting will be held in Washington on January 15 and it is expected that the other two representatives will be named before that date.

Mr. Shaw's appointment carried White House approval. He has been active in Iowa NRA activities since last June and has won government commendation for his organization work in that state.

FIRST RADIO BILL INTRODUCED

Representative Huddleston, of Alabama, introduced the first radio bill at this session of Congress this week (H. R. 6227), which would make radio stations public utilities. The bill which is to amend the Radio Act of 1927 has been referred to the House Committee on Merchant Marine, Radio and Fisheries. It is, in full, as follows:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Radio Act of 1927 be amended by adding thereto sections 42 and 43, as follows:

"Sec. 42. The Federal Radio Commission shall permanently and exclusively have and perform all of the duties and functions imposed or conferred upon the Secretary of Commerce by section 5 of this Act.

"Sec. 43. The radio stations licensed under this Act, and which may be operated, directly or indirectly, in whole or in part, for hire or compensation, are declared to be public utilities and instrumentalities of interstate commerce, and shall, under such regulations, rules, practice, and supervision as may be adopted from time to time by the Federal Radio Commission, serve, transmit, and broadcast, without discrimination, for all who may apply for same, for a just and reasonable charge and compensation to be fixed and stipulated from time to time by the Federal Radio Commission: *Provided*, That radio stations operated by the United States, or by any agency thereof, shall be excepted from the provisions of this section."

SLANDER BILL IN MASSACHUSETTS

A bill making slander by radio a crime (HB 139) was introduced in the Massachusetts legislature at the request of the Secretary of State. The bill, which has been referred to the Joint Judiciary committee for consideration, reads as follows:

Section 1. Chapter two hundred and sixty-five of the General Laws, as appearing in the Tercentenary Edition thereof, is hereby amended by adding at the end thereof the following new section:

Section 34. Whoever falsely uses, utters or publishes words over, through or by means of what is commonly known as the radio, or whoever in control of a radio broadcasting station aids or abets in the using, uttering or publishing of such words, which in their common acceptance shall tend to impair the honesty, integrity, virtue or reputation of a person, or publishes the natural defects of one who is living, and thereby exposes him to public hatred, contempt, ridicule or financial injury, or whoever falsely by such radio accuses a public officer of a crime or malfeasance in office, shall be guilty of slander and shall be punished by a fine not exceeding one thousand dollars.

Section 2. Section thirty-six of chapter fifty-five of the General Laws, as appearing in the Tercentenary Edition thereof, is hereby amended by adding after the word "thirty-four A" in the tenth line the words: Violation of any provision of section thirty-four of chapter two hundred and sixty-five.

FACSIMILE HEARING FEBRUARY 21

The application of WTMJ, Milwaukee, for special experimental license for facsimile transmission on 620 kc., 12 midnight to 6 a. m., and not more than 3 consecutive minutes during the broadcast day will be heard before the Commission, sitting en banc, at 10 a. m., February 21, 1934.

WTMJ's application is the first of its kind to be received by the Commission.

CALL LETTER LIST FOR 1934

The Federal Radio Commission is preparing a mimeographed list of broadcasting stations in the United States. It is probable that copies of the list will be available for distribution to radio station licensees shortly after January 15.

Inasmuch as the Commission list will be available soon, no revision or supplement of the NAB call book, published in August, 1933, will be made at this time.

DENTAL ASSOCIATION ASKS AID

Cooperation of the NAB and the Federal Radio Commission in its effort to prevent broadcasting by individual dentists is being sought by the American Dental Association.

The subject was discussed at a recent conference attended by Dr. A. C. Wherry, president of the Association; Dr. C. T. Messner of the U. S. Public Health Service; Dr. C. Willard Camalier, trustee of the Association; Commissioner Harold A. Lafount; James W. Baldwin, NAB; and Philip G. Loucks, managing director of NAB.

Dr. Wherry pointed out that his Association had adopted a resolution condemning broadcasting by individual dentists and in a letter to the Federal Radio Commission had referred to this practice as "selfish, unprofessional and commercial." He agreed that the enforcement of ethics within the dental profession was a matter for his Association and state licensing bodies, but asked that the NAB and the Commission cooperate with the dentists of the country in protecting the public against the unethical dentist. Newspapers are also being asked to cooperate, he said.

While the resolution adopted by the Dental Association at its last annual convention was rather broad in scope it was aimed primarily at the "advertising dentists." "This is a problem," Dr. Wherry has pointed out in his letter to the Commission, "if not curtailed in its infancy, may develop into a serious situation, as it relates to the health of the people through the dental profession."

The Dental Association, it was pointed out, is not urging legislation or regulations on the subject but has chosen instead to work cooperatively with the broadcasters.

CHRISTMAS SEALS "BY SPECIAL PERMISSION"

The National Tuberculosis Association made an electrical transcription for broadcasting purposes and requested that stations use this transcription as a sustaining program to promote the sale of Christmas Seals. Victor Herbert music was used and stations pointed out that this music was restricted by the American Society of Composers, Authors and Publishers.

"We had a very difficult time securing in writing permission to use the Victor Herbert music and although I made quite an effort to avoid giving the copyright owners, M. Witmark and Sons, credit, we were forced to do so because they explained we were not paying for the privilege of using the Victor Herbert music," says S. M. Sharpe, business manager of the National Tuberculosis Association. "You probably know that this music is on the restricted list of the American Society of Composers, Authors and Publishers which requires an extra fee to be paid somebody."

"The recording of Dr. Vaughan's speech with the Victor Herbert music had been recorded after a verbal understanding that we would be permitted to use the music. It was not until after the record had been made that we reached the written permission with the restrictions outlined."

So, by special permission of the copyright owners the Christmas Seals were advertised.

SONG AUTHORSHIP IS DENIED

The United States Circuit Court of Appeals in a decision this week reversing a lower court decision, held that David Graves George is not the author of the song "The Wreck of the 97" for which damages had been sought for alleged unauthorized performance. Attorneys for George had made claims for damages against various broadcasting stations for unauthorized use of the song.

SECURITIES ACT REGISTRATIONS

The following companies filed registration statements with the Federal Trade Commission during the current week:

Trust Worthy Stores, Inc., Houston, Texas (2-530).

Lebel Lode, Ltd., Gravenhurst, Ontario, Canada.

O'Sullivan Rubber Company, Inc., Winchester, Va. (2-532).

The Mengel Company, Louisville, Ky. (2-533).

Same (2-534).

Bondholders' Protective Committee for Worcester Investment Trust, Boston, Mass. (2-535).

Consolidated Funds Corporation, Wilmington, Del. (2-536).

Noteholders Protective Committee, Richmond, Va. (2-537).

Oyster Harbor, Inc., Boston, Mass. (2-538).

Green Bay Building Corporation Readjustment Committee, Green Bay, Wis. (2-539).

APPEALS COURT DISMISSES RADIO CASES

The Court of Appeals of the District of Columbia has dismissed the appeal of Station WBBM, Chicago, at the request of the appellant, against the decision of the Radio Commission granting Station WGN 50,000 watts power.

The same Court has also handed down a final mandate in the appeal of Station WGN against the decision of the Commission granting Stations KFAB and WBBM permission to synchronize. The stations, which have been held up in this synchronization work, may now go ahead.

KGDE LICENSE RENEWAL RECOMMENDED

Herbert H. Fette asked the Radio Commission for authority to erect a new broadcasting station at Meriden, Minn., to use 1310 kilocycles. He sought the facilities of Station KGDE, Fergus Falls, Minn. In Report No. 534 this week Ralph L. Walker (e) recommended that the Commission deny the application of Fette and that the license of Station KGDE be renewed.

The Examiner found that the evidence does not show that there is any substantial need for radio service in the Meriden area "nor does it appear that there is sufficient program material available to permit applicant to render a desirable service. Certainly the showing made by the applicant in support of his request is not sufficient to warrant the granting thereof at the expense of curtailing the facilities of Station KGDE."

RADIO COMMISSION ANNUAL REPORT

The annual report of the Federal Radio Commission will be made to Congress sometime next week. It is understood that no recommendations are made for legislation by the Commission and that the report is simply a rehearsal of what has transpired during the past year.

RADIO-NEWSPAPER ADVERTISING SURVEY

The Creighton University is making a study of KOIL advertising and newspaper advertising in Omaha. The purpose of the survey is to show that a fifteen-minute program is worth a certain amount of newspaper circulation. John M. Henry, manager of KOIL, would like to hear from any stations that have had experience with similar surveys. He may be addressed at KOIL, Council Bluffs, Iowa.

WEEI BOASTS SERVICE RECORD

Data from the operating log book of Station WEEI, Edison Company of Boston, Mass., reveals, for the calendar year 1933, a sum total of 23 3-4 minutes in transmitter outages, according to officials of the company, who are unstinting in their praise of the work of the operating staff.

Station WEEI was on the air a total of 6,194 hours and 14 minutes in 1933, or a daily average of 17 hours. In other words, the hazard of mechanical failure, together with possible interruption due to an "Act of God," such as lightning or sleet storm, resulted in an average interruption of broadcast service for the year of less than two minutes per month.

"Causes of failure which are identified in detail include fuse and resistance failures as well as a two-minute interruption caused by lightning," WEEI officials state. "It is also interesting to know that one of the interruptions was of 12 minutes' duration, more than half the outage total for the year."

BROADCASTING IN THE UNITED STATES

Copies of the book, "Broadcasting in the United States," containing debate material on the question of American vs. British operation and control are available to members of the NAB at no cost. If you have requests for debate material forward such requests to NAB headquarters, National Press Building, Washington, D. C.

A DECADE OF RADIO ADVERTISING

"A Decade of Radio Advertising," a book containing a vast amount of useful commercial and program data on broadcasting in the United States written by Dr. Herman S. Hettinger, University of Pennsylvania, may be purchased from NAB Headquarters, National Press Building, Washington, D. C., at the cost price of \$3.00 plus postage. Every broadcasting station and every public library should have a copy of this excellent work on broadcasting in the United States. If you have not ordered a copy of this book, please do so at once. The supply is limited.

NEW TRADE COMMISSION CHAIRMAN

The Federal Trade Commission has designated Commissioner Garland S. Ferguson, Jr., as its chairman for the year 1934, to succeed Chairman Charles H. March. Mr. Ferguson's new term as chairman begins January 1 under the Commission's rotation policy, which provides that commissioners shall serve as chairman for one year in the order of their seniority.

GOVERNMENT BUSINESS CENSUS

As part of the nation-wide program to take men and women from the unemployment rolls and give them temporary positions in connection with worth-while projects, the Bureau of the Census will take a Census of American Business beginning January 2, 1934, with funds furnished by the Civil Works Administration.

Approximately 16,000 supervisors and enumerators will be employed in every section of the United States. The census will furnish employment to approximately one person for every 140 business establishments in the country. It is expected to canvass more than 2,400,000 establishments. All establishments engaged in retailing, wholesaling in its various forms, service businesses of all kinds, amusement businesses and hotels, will be covered. Agriculture, manufactures, construction and professional and personal services will be excluded.

Director of the Census William L. Austin respectfully requests the cooperation of all Retail, Wholesale and Manufactures Associations, and the Retail and Wholesale publications, because this census will not only furnish considerable employment, but it will present to business men and government agencies a true picture of the condition of business, and an accurate comparison with the 1929 Census of Distribution. It will, in the opinion of Mr. Austin, furnish a most complete and important guide for sound planning in the future.

AAAA ISSUES NEWSPAPER DATA

The third of four sections of Market and Newspaper Statistics, Volume II, compiled under the direction of the Committee on Newspapers of the American Association of Advertising Agencies, has just been published, according to an announcement by Frederic R. Gamble, Executive Secretary of the Association.

Section C deals with the forty-seven cities with 100,000 population or over in their city zones for which A. B. C. newspaper audit reports were issued for the year ended March 31, 1933. It includes figures on population, number of families, English reading and income tax returns, newspaper circulations, local rates, national rates, lineage, differential between local and national rates, and an estimate of circulation obtained through use of inducements.

The purpose of these studies is to make more readily accessible and usable certain selected data to aid media buyers in determining the following:

- (1) The size and character of markets as indicated by population, families, percent English reading and income tax returns.
- (2) The cost of reaching these markets with newspapers, including comparison between markets.
- (3) The differential between local and national rates.
- (4) The amount of circulation obtained through inducements.

It is intended to issue later Section D covering cities having audits for periods ended June 30, 1933.

Copies of Section A or B are available at \$2.50 each and Section C at \$5.00. Address AAAA, 420 Lexington Avenue, New York, N. Y.

FEDERAL RADIO COMMISSION ACTION HEARING CALENDAR

Monday, January 8, 1934

- NEW—John L. Hopkins, Hammond, Ind.—C. P. 1360 kc., 1 KW, share with WGES. (Facilities formerly assigned WJKS.)
- WSBC—WSBC, Incorporated, Hammond, Ind.—C. P. to move station from Chicago to Hammond, Ind. 1360 kc., 1 KW, 1¼ KW, LS. Share with WGES. (Facilities formerly assigned WJKS.)
- WHBY—WHBY, Incorporated, Green Bay, Wis.—C. P. 1360 kc., 1 KW. Unlimited time. (Facilities formerly assigned WJKS and facilities of WGES.)
- WFBM—Indianapolis Power & Light Co., Indianapolis, Ind.—Modification of license, 1230 kc., 1 KW, unlimited time. (Facilities of WSBT.) Present assignment: 1230 kc., 1 KW, specified hours.
- WSBT—South Bend Tribune, South Bend, Ind.—Renewal, 1230 kc., 500 watts, specified hours.
- WBOW—Banks of Wabash, Inc., Terre Haute, Ind.—C. P. 1360 kc., 500 watts, 1 KW LS, unlimited time. (Facilities of WGES.) Present assignment: 1310 kc., 100 watts, unlimited time.
- WGES—Oak Leaves Broadcasting Station, Chicago, Ill.—Renewal, 1360 kc., 500 watts (1 KW, L. S. Sundays). Share with WJKS.

Wednesday, January 10, 1934

Hearings Before Commission en banc

- WIS—Station WIS, Incorporated, Columbia, S. C.—C. P., 1050 kc., 2½ KW, 5 KW, LS, unlimited time. Present assignment: 1010 kc., 500 watts, 1 KW, LS, unlimited time.
- KNX—Western Broadcast Co., Los Angeles, Calif.—Modification of license, 1050 kc., 50 KW, unlimited time. Present assignment: 1050 kc., 25 KW, unlimited time.

Friday January 12, 1934

- NEW—The State Journal Company, Lansing, Mich.—C. P., 1210 kc., 100 watts, 250 watts, LS, unlimited time.
- (NOTE: This case was reopened only to permit applicant to introduce in evidence an amendment to its articles of incorporation, as to its authority to own, operate and control, under a Federal license, a radio broadcast station.)

APPLICATIONS GRANTED

First Zone

- WARD—United States Broadcasting Corporation, New York City—Granted extension of authority to operate with reduced power from January 1 to January 6.
- WOV—International Broadcasting Corp., New York City—Granted authority to install automatic frequency control. Also granted renewal of license; 1130 kc., 1 KW daytime.
- WSVS—Elmer S. Pierce, Principal Seneca Vocational High School, Buffalo, N. Y.—Granted special temporary authority to operate from 8:15 to 9:30 p. m., EST, on Monday evenings, January 8, 15, 22 and 29, 1934.
- WCAD—St. Lawrence University, Canton, N. Y.—Granted authority to operate from 10 a. m. to 12:30 p. m., and from 4 to 4:45 p. m., January 15.

Second Zone

- WJBK—James F. Hopkins, Inc., Detroit, Mich.—Granted special temporary authority to operate from 8 to 9 p. m., EST, on January 4, 7, 11, 14, 16, 18, 21, 25, 28 and 30, 1934; provided WIBM remains silent.

- WIBM—WIBM, Inc., Jackson, Mich.—Granted special temporary authority to sign off at 7 p. m., CST, instead of 8 p. m., on January 4, 7, 11, 14, 16, 18, 21, 25, 28 and 30.
- WLAP—American Broadcasting Corp. of Ky., Louisville, Ky.—Granted C. P. to move transmitter to Lexington, Ky., and change frequency from 1200 to 1420 kc. Also granted authority to discontinue operation until April 15.

Third Zone

- WGST—Georgia School of Technology, Atlanta, Ga.—Granted C. P. to make changes in equipment and increase day power from 500 watts to 1 KW.
- WNRA—Kathryn Jones, Muscle Shoals City, Ala.—Granted license covering erection of new station. 1420 kc., 100 watts, daytime.
- WBRC—Birmingham Broadcasting Co., Inc., Birmingham, Ala.—Granted extension of special temporary authority expiring January 6, to operate station until April 1, pending action on involuntary assignment of license.
- WTJS—The Sun Publishing Co., Inc., Jackson, Tenn.—Granted permission to operate station without frequency monitor until February 1, so that monitor may be returned to manufacturer for recalibration.
- WACO—Central Texas Broadcasting Co., Inc., Waco, Tex.—Granted special temporary authority to operate from 10:30 to 11:15 p. m., CST, on January 30.
- WHET—Troy Broadcasting Co., Troy, Ala.—Granted authority to operate January 5 from 7 to 9 p. m., CST, in order to broadcast NRA speech.
- KGHI—Lloyd Judd Co., Little Rock, Ark.—Granted C. P. to move transmitter locally from Marion Hotel, to 319 W. 2nd St., Little Rock.
- WPTF—WPTF Radio Co., Raleigh, N. C.—Granted special exp. authority to operate simultaneously with station KPO until 8 p. m., PST, until January 31, 1934. (Normally licensed limited time.)

Fourth Zone

- WHAD—Marquette University, Milwaukee, Wis.—Granted consent to voluntary assignment of license to WHAD, Inc. (Commissioner Lafount voted for hearing.)
- KFDY—South Dakota State College, Brookings, S. Dak.—Granted special temporary authority to operate from 8:30 to 9 p. m., CST, on January 8, 1934, to broadcast basketball game, provided KFYR remains silent.
- WMBH—W. M. Robertson, Joplin, Mo.—Granted special temporary authority to operate from 2:30 to 3:30 p. m., CST, Sunday afternoons, January 7, 14, 21 and 28, 1934; and from 9:30 to 10 p. m., CST, Saturday evenings, January 6, 13, 20 and 27.
- WSUI—State University of Iowa, Iowa City, Iowa—Granted special temporary authority to operate from 10 p. m., CST, January 12, 1934, to 1 a. m., CST, January 13, 1934.

Fifth Zone

None

SET FOR HEARING

- WDEL—WDEL, Inc., Wilmington, Del.—Modification of license to increase night power from 250 to 500 watts.
- WHAT—Independence Broadcasting Co., Inc., Philadelphia, Pa.—Modification of license to change hours of operation from sharing with WTEL, 1/3 time, not to operate when WCAM is operating to unlimited time, if WTEL vacates 1310 kc., not to operate when WCAM is operating.
- WESG—Cornell University, Elmira, N. Y.—Renewal of license set for hearing, and station granted temporary license pending Commission's action on renewal application.
- NEW—Brooklyn Daily Eagle Broadcasting Co., Inc., Brooklyn, N. Y.—C. P., 1400 kc., 500 watts, unlimited time (facilities WBBC, WLTH, WARD and WVFW). Also denied petition of Brooklyn Daily Eagle Broadcasting Co., Inc., asking that the Commission instruct its Examiner to hold up his report

on the pending applications of the four Brooklyn stations until hearing is held on the application of Brooklyn Daily Eagle Broadcasting Co., Inc., and that the Examiner be authorized to consolidate all of said applications into one case.

- NEW—The Journal Co. (The Milwaukee Journal), Waukesha, Wisc.—Special experimental license; 620 kc., 2½ KW, 1 KW night; emission high speed facsimile. Time of operation from 12 midnight to 6 a. m., and not more than 3 minutes at one time during broadcast day. To be heard before the Commission en banc February 21.

ORAL ARGUMENT GRANTED

The Commission, sitting en banc, will hear oral argument on January 17, 1934, on Examiner's Report No. 527, involving the applications of WOKO, Inc., Albany, N. Y., WHEC, Inc., Rochester, N. Y., and WCAH, Columbus, Ohio.

APPLICATIONS DISMISSED

- The following applications, heretofore set for hearing, were dismissed at request of applicants:
- WJJD—WJJD, Inc., Mooseheart, Ill.—Special authority to operate each evening until 8:30 p. m.
- KRMD—Radio Station KRMD, Inc., Shreveport, La.—Modification of license, 1310 kc., 100 watts unlimited time. (Facilities KWEA.)
- WSMB—WSMB, Inc., New Orleans, La.—Modification of license, 1320 kc., 500 watts, 1 KW, LS, unlimited time. (Facilities KWEA.)
- NEW—Fred W. Christian, Jr., and R. W. Whiston, Norco, Calif.—C. P., 1230 kc., 500 watts, unlimited time.
- NEW—WBEN, Inc., Buffalo, N. Y.—C. P., 43000 to 46000, etc., 20 watts.

RATIFICATIONS

- WHAM—Stromberg Carlson Tel. Mfg. Co., Rochester, N. Y.—Granted license, 1150 kc., 50 KW, unlimited time.
- KFOR—Cornbelt Broadcasting Co., Lincoln, Neb.—Granted C. P. to move transmitter locally in Lincoln.
- KROW—Educational Broadcasting Corp., Oakland, Calif.—Granted license to cover C. P., 930 kc., 500 watts night, 1 KW day, sharing with KFWI.
- WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Granted C. P. to make changes in equipment.
- KUOA—KUOA, Inc., Fayetteville, Ark.—Granted license, 1260 kc., 1 KW, daytime.
- KTFI—Radio Broadcasting Corp., Twin Falls, Idaho—Granted C. P. to move transmitter and studio locally. (Action taken December 27.)
- KUSD—University of South Dakota, Vermillion, S. Dak.—Granted special temporary authority to remain silent from December 20 to January 4.

APPLICATIONS RECEIVED

- WKZO—WKZO, Inc., Kalamazoo, Mich.—Special experimental authorization to operate with 500 watts power from local sunset to 12 midnight for period ending March 1, 1934.
- WHBL—Press Publishing Co., Sheboygan, Wis.—Construction permit to make changes in equipment.
- KGIZ—KGBX, Inc., Springfield, Mo.—License to cover construction permit authorizing move of station to Springfield, Mo., change of frequency to 560 kc., power to 500 watts, daytime.
- KGIX—J. M. Heaton, Las Vegas, Nev.—Modification of construction permit local move and changes in equipment to extend date of completion from January 1, 1934, to March 1, 1934.
- NEW—William R. Lowery, San Francisco, Calif.—Construction permit to erect a new station to operate on 930 kc., 500 watts, S-KROW. (Facilities formerly assigned KFWI.)

Application Returned

- WBRC—Frank M. King as Receiver of the Birmingham Broadcasting Co., Inc., Birmingham, Ala.—Consent to voluntary assignment of license to Birmingham Broadcasting Co., Inc.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
PHILIP G. LOUCKS, Managing Director

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NAB MEMBERSHIP MUST GROW

The Code of Fair Competition for the Radio Broadcasting Industry provides that the Code Authority must at some future date recommend a permanent form of Code Authority for administration of the Code.

If the purpose of self-enforcement is to be subserved, the National Association of Broadcasters must become the administrative agency. The National Recovery Administration, although finding that the Association imposes no inequitable restrictions on membership, refused to repose administration in the NAB for the sole reason that less than half of all licensed stations were in membership. The NRA gave weight to the fact that the members of the NAB handled more than 80 per cent of all broadcast advertising, but this was not enough.

The advantages of self-enforcement are: (1) the industry enforcement machinery can be made an agency for education as well as punishment; (2) it prevents outside interference; (3) it will be well disposed and friendly; (4) it will not be arbitrary or bureaucratic.

The Government recognizes that it is going to enforce codes unless industry seizes its opportunity and shoulders itself the responsibility for enforcement.

For broadcasters to assume self-enforcement of the broadcasters' code the NAB must have a total membership of at least 400 stations by next spring. The membership today is nearing the 300 mark. This means that 100 new members must be signed up within the next few months.

It is up to every NAB member to point out to non-members the desirability of self-enforcement of the code. The NAB must not fail in its task of completely organizing the broadcasters. It is no longer a question of desirability of organization; it is a question of necessity.

COMMUNICATIONS BILLS LOOM

As the result of a conference held this week it is expected that radio legislation soon will be introduced in Congress along the lines of a Communication Commission. While no official statement has been made, there is strong indication that this is in accordance with the ideas of President Roosevelt.

Secretary of Commerce Roper, chairman of the Interdepartmental Communications Committee, called the conference, and those attending included Senator Dill of Washington, Representative Rayburn of Texas, Dr. Splawn, and General Charles McK. Saltzman.

Following the conference Secretary Roper stated that it had been called to acquaint the members of Congress who are chairmen of the Senate and House Committees having jurisdiction over radio with the report of the Roper committee which was submitted to the President some weeks ago.

Secretary Roper said that generally the two members of Congress were in accord with the report submitted. Both Senator Dill and Mr. Rayburn, it is understood, said that they preferred to initiate their own radio bills and it is expected that this will be done soon, to be followed by extended hearings on the subject. The bills, it has been indicated, will be along the lines of the report.

Secretary Roper's Communications Committee, at the request of the President, will continue its investigation work with special reference to broadcasting, and this, it is reported, at the special request of the President. The information will be submitted to the President and be available to the Congressional committees at the proper time.

LET'S ALL PULL TOGETHER

The theory underlying the National Industrial Recovery Act is that industry will organize itself for the purpose of self-regulation.

In radio broadcasting, limited to 585 stations, that means in one strong central organization is required.

During the past several weeks there have been ill-advised attempts to undermine the national structure and divide the industry against itself. Should any of these attempts succeed the consequences would be disastrous. No one not familiar with the many problems which confront the industry today can accurately appraise the necessity for maintaining a united front. Never before were there greater advantages in organization. The NAB pleads with every member for his loyal cooperation in building up membership on one hand and averting defection from the ranks on the other.

SYKES PROMISES ONE-YEAR LICENSES

Appearing before the House Appropriations Committee, Judge Eugene O. Sykes, chairman of the Federal Radio Commission, said the Commission has been considering the extension of broadcast licensing terms.

The NAB has consistently fought for longer license terms and has urged the Commission to grant the full statutory period of three years to stations.

Congressman Woodrum of Virginia, chairman of the subcommittee holding the hearings, asked Judge Sykes if the Commission is "still licensing stations for 60 days and 6 months."

"Six months for broadcasting stations; yes, sir," Judge Sykes replied.

"You are still doing that?" Woodrum asked.

"Yes, sir. We are considering now whether to extend that for a longer period of time. Commercial licenses are for 1 year, and broadcasting is for 6 months," Judge Sykes replied.

"That requires a great deal of work on the part of the Commission, going over those things every time, does it not?" he was asked.

"Yes, sir; that is true," Judge Sykes said. "Just as soon as we think the time is propitious we will probably extend for 1 year the licenses of broadcasting stations. We have been trying to work up to that point for some time."

THE SUBJECT OF DUES ONCE MORE

It is always a distasteful task to mention dues in these bulletins. But the new system of dues has produced less revenue than had been anticipated. Whether the system will prove adequate or not—despite expense curtailment—remains to be seen. One thing is certain, the NAB cannot further curtail its operations without seriously sacrificing its effectiveness. At any rate, the new dues schedule will be given an adequate test in practice and you are urged again to give prompt consideration to the payment of January dues.

FRIDAY MEETING POSTPONED

The members of the Federal Radio Commission have been hearing testimony in the application of Station WIS, Columbia, S. C., for full time on the clear channel of 1050 kilocycles, now assigned to Station KNX, Los Angeles, Calif., and for that reason postponed the usual Friday meeting.

DEPRECIATION RATES STUDIED

Information requested by the Internal Revenue Bureau for the purposes of formulating a schedule of depreciation rates for broadcasting station equipment is now being compiled by E. M. Elkin, KDKA, chairman of the NAB Tax Committee, and the Managing Director. A meeting was held in Pittsburgh last Sunday and another meeting to finish the report is scheduled for New York Tuesday. The Bureau is urging haste, and it is expected the report will be filed next Wednesday.

BANKERS CODE LIFTS RESTRICTIONS

The Banking Code Committee representing the American Bankers Association has issued a memorandum removing the prohibition against radio advertising which was contained in the Manual for Regional Bankers NRA Committees.

This provision was made the subject of a protest filed by Philip G. Loucks, Managing Director of the National Association of Broadcasters, with the National Recovery Administration.

"This was not the intention of the Banking Code Committee, and we feel certain that the majority of bankers will correctly construe the reference in the Manual on the subject of advertising media," Frank W. Simmonds, secretary of the Banking Code Committee, stated in a memorandum to secretaries of state bankers associations and clearing house associations. "On the other hand, it of course does not lie within the proper province of the Banking Code Committee to say to banks that they shall use any particular media. This is a matter which must in each instance be decided by the individual bank or by the local clearing house group which under the terms of the Code are permitted a very wide latitude in self-government while being required to adhere to the fundamental principles of the Code. In any event, please be advised that the reference in the Manual for Regional Bankers NRA Committees should not be construed as banning the use of calendars and other legitimate advertising media by banks."

LEGISLATURES ADJOURN

The 1933 regular session of the New Jersey Legislature adjourned on January 9, 1934, and the regular 1934 session convened on the same day. The first special session of the 1933 Minnesota Legislature adjourned on January 6.

LIQUOR ADVERTISING BILL HITS SNAG

The McMaster bill (H. 931) to permit newspapers, billboards, radio broadcasts, and all other mediums of advertising to advertise beverages allowed to be sold according to law was recommended to the Judiciary Committee by the South Carolina House on January 9. The Senate had previously passed the bill, with amendments.

F. R. C. ANNUAL REPORT AVAILABLE

The Seventh Annual Report of the Federal Radio Commission was received by Congress this week. The report reviews the work of the Commission during the fiscal year ended June 30, 1933, but contains no recommendations for new legislation.

"The prediction made in the Commission's last report that the very high frequencies would be the final locus for visual broadcasting appears to be justified," says the report. "A number of licensees have given up their licenses specifying the lower frequencies and others have stated that they were satisfied that the lower frequencies were unsuitable, but desired to continue research in these bands for a short period to complete certain problems in progress.

"The quality of pictures, which it has been demonstrated is possible to transmit on the very high frequencies, has steadily increased, and some laboratory productions are capable of holding sustained interest. Pictures need no longer be confined to 'close ups,' but larger scenes may be transmitted. The art, however, has not as yet progressed to a stage which would justify the adoption of standards by the visual broadcasting industry. Although much progress has been made in the laboratory, visual broadcasting is still in the experimental stage."

Copies of the report are for sale by the Superintendent of Documents, Washington, D. C. The cost is 15 cents per copy.

HOUSE CONSIDERS F. R. C. APPROPRIATION

The House of Representatives this week in taking up the independent office supply bill included the appropriation for the Federal Radio Commission for the fiscal year beginning July 1 next. The total appropriation for the Commission for the coming year as provided for in the bill was \$666,885. The appropriation for this year was \$640,000, making an increase of \$26,885. This, it was explained to the House Appropriations Committee by Judge Sykes, chairman of the Commission, includes the 5 per cent increase in salaries effective July 1 next for employees of the Commission.

SECURITIES ACT REGISTRATION

The following companies filed registration statements with the Federal Trade Commission under the Securities Act during the current week:

- Crowley, Milner and Company Debenture Holders Reorganization Committee, Detroit, Mich. (2-540).
- Daves Gold Mines, Inc., Lovelock, Nev. (2-541).
- Mariposa Gold Mining Company, San Francisco, Calif. (2-542).
- Neustadt Brewing Corporation, Stroudsburg, Pa. (2-543).
- Western Dairies, Inc., Los Angeles, Calif. (2-544).
- Western Dairies, Inc., and Voting Trustees for Common Stock of Western Dairies, Inc., Los Angeles, Calif. (2-545).
- Alaska Exploration & Mining Co., Ltd., Inc., Pullman, Wash. (2-546).
- International Gold, Inc., Pasadena, Calif. (2-547).
- Bear Gulch Placer Company, Washington, D. C. (2-548).
- Stephenson Hotel Corporation, Hotel Freeport, Freeport, Ill. (2-549).
- Nation-Wide Securities Company, Baltimore, Md., and Jersey City, N. J. (2-550).
- Committee for the Protection of Preferred Stockholders of Pressed Steel Car Company, McKee's Rocks, Pa. (2-551).
- Max McGraw and Others, Chicago, Ill. (2-552).
- Diversified Royalties, Ltd., Los Angeles, Calif. (2-553).
- Dodge Cork Company, Inc., Lancaster, Pa. (2-554).
- J. A. Auchter, et al., Milwaukee, Wis. (2-555).
- Norman F. Lightbart, et al., Evanston, Ill. (2-556).
- American Beverage Corporation, New York City (2-557).
- Bondholders' Protective Committee for Fifth Avenue Realty Corporation, New York City, N. Y. (2-558).
- Affiliated Distributing Group, Inc., Jersey City, N. J. (2-559).
- Production Control Machines Corporation, Wilmington, Del. (2-560).
- Continental Distillers & Importers Corporation, New York City (2-561).
- Tonawanda Brewing Corporation, Tonawanda, N. Y. (2-562).
- Mica Corporation, Chicago, Ill. (2-563).
- Kentucky Consolidated Gas Company, Baltimore, Md. (2-564).
- Arizona Gold Manganese Company, Phoenix, Ariz. (2-565).
- Newark Mortgage Company, Newark, N. J. (2-566).
- Beverages, Inc., Boston, Mass. (2-567).
- Down Town Realty Company, Milwaukee, Wis. (2-568).
- Down Town Realty Company, Milwaukee, Wis. (2-569).
- Soaring Plane Corporation, Los Angeles, Calif. (2-570).
- Queen City Textile Corporation, Allentown, Pa. (2-571).
- Appleton Building Company, Milwaukee, Wis. (2-572).
- Tiger Placers Company, Tiger, Colo. (2-573).
- Cole Gold Mines, Ltd., Red Lake, Ontario (2-574).

Abba Gold Mining Corporation, Los Angeles, Calif. (2-575).
 Gallatin Brewing Company, Bozeman, Mont. (2-576).
 Fuller Cleaning & Dyeing Company, Cleveland, Ohio (2-577).
 Tampax Sales Corporation, Denver, Colo. (2-578).
 Eagle Gold & Platinum Mining Co., Inc., Vancouver, B. C. (2-579).

STATUS OF OUTLAW STATIONS

The Federal Radio Commission is much gratified over the results accomplished so far in its warfare against the operators of unlicensed radio stations. It proposes to keep up the fight until the air lanes are cleared of all so-called "air pirates."

Between July 1, 1933, and December 31, 1933, the federal courts rendered decisions in 16 cases, based on indictments of operators of unlicensed stations by the government, the Legal Division of the Commission, of which George B. Porter is acting general counsel, cooperating with the Department of Justice. Convictions were obtained in nearly all those cases.

The cases disposed of were:

U. S. v. J. S. Conn, Bellmawr, N. J.—Arrested February 17, 1933, for operation of unlicensed station. Plead guilty July 1, 1933. Fined \$200.

U. S. v. Robert Partridge, Seattle, Wash.—Indicted July 21, 1933, for operation of unlicensed broadcasting station. Plead guilty. Sentence suspended.

U. S. v. Harry Lyman, John W. Roberts, Frank Fitzgerald, Margate City, N. J.—Arrested March 3, 1933, for operating unlicensed radio station. All plead guilty July 20, 1933. Each fined \$25.

U. S. v. C. C. Brookings, Will Covington, H. D. Apgar, El Dorado, Ark.—Indicted for operation of broadcasting station without license. Brookings and Covington plead guilty August 19, 1933. Sentence suspended. Apgar dismissed.

U. S. v. Norman Cohen, Bridgeport, Conn.—Indicted June 26, 1933, for operation of unlicensed broadcasting station. Trial September, 1933. Found guilty. Fined \$25.

U. S. v. Curry Jackson, Abilene, Tex.—Unlicensed operation of broadcasting station. Trial November 16, 1933. Found guilty. Sentenced to 10 days in jail.

U. S. v. Albert Cox, Temple, Tex.—Indicted for unlicensed operation of broadcasting station. Trial November 20, 1933. Found guilty. Sentenced to 12 months in jail. Sentence suspended. \$100 fine.

U. S. v. Fred Bitterman, Temple, Tex.—Indicted for unlicensed operation of broadcasting station. Trial November 20, 1933. Found guilty. Sentenced to 12 months in jail. Sentence suspended. \$100 fine.

U. S. v. Mr. and Mrs. E. J. Turner and Dick Saye, Denton, Tex.—Indicted for operation of unlicensed broadcasting station. Trial November 27, 1933. All defendants found not guilty.

U. S. v. Ben O. Bracken, Camden, Ark.—Indicted for operation of unlicensed station. Plead guilty December 8, 1933. Sentenced 18 months in jail. Sentence suspended.

U. S. v. Henry Clay Allison, Fort Worth, Tex.—Indicted for operation of unlicensed broadcasting station. Trial December 11, 1933. Found guilty. Fined \$250 for operation of station without operator's license.

U. S. v. Mr. and Mrs. F. H. Meier, Plainview, Tex.—Indicted for operation of unlicensed broadcasting station. Mr. Meier plead guilty December 14, 1933. Sentenced to three years. Suspended. Mrs. Meier dismissed.

U. S. v. E. J. Turner, Plainview, Tex.—Indicted for operation of unlicensed broadcasting station. Trial December 14, 1933. Found not guilty.

U. S. v. Chas. L. Fower and Miller Hogan, Macon, Mo.—Indicted April 29, 1933, for operation of unlicensed broadcasting station. Fower plead guilty. Fined \$150. Hogan dismissed.

U. S. v. Chester Ross, Boston, Mass.—Indicted December 11, 1933, for operation of unlicensed broadcasting station. Plead guilty. Fined \$200 and forfeiture of apparatus.

U. S. v. Morris Browne and Joseph Marks (WAR), Brooklyn, N. Y.—Arrested for operating radio station in automobile August 11, 1933. Indictment returned. Marks plead guilty. Sentenced 3 years. Suspended. Browne indictment nolle prossed.

The Following Were the Cases Awaiting Prosecution January 1, 1934

U. S. v. Robert M. H. Verenocke, John Campbell, Patrick Fitzgerald, Arthur H. Stevens and N. D. Macris. Indictment returned Eastern District of New York, December 22, 1931. Case set for trial January 16, 1934.

U. S. v. George MacDonald, alias Geo. Griffin, et al. Arrested October 28, 1932, at Coney Island, N. Y., for operating station without operator's license. Indictment returned. Case set for trial January 16, 1934.

U. S. v. James Donald Hayes, Willard O. Bird and Chas. V. Horn. Arrested at Montauk, N. Y., for unlicensed operation of radio station May 5, 1933. Indictment returned. Will be placed on January, 1934, calendar for pleading.

U. S. v. John V. Prianti and Mark Mazzardri, Brooklyn, N. Y.—Arrested February, 1933. Indicted June, 1933, for unlicensed operation of radio station in automobile. Set for trial January 16, 1934.

U. S. v. Samuel Morris, Abilene, Tex.—Arrested for operation of unlicensed broadcasting station. Jury disagreed November 14, 1933. Reindicted December 4, 1933. Set for trial second Monday in April, 1934.

U. S. v. Alton W. Stewart, Brownwood, Tex.—Arrested for operation of unlicensed operation of broadcasting station. Equipment seized. Indicted December 4, 1933. Trial to be held fourth Monday in April, 1934.

U. S. v. Paul E. Gregg, Sewell Meyers, M. X. Morrow.—Injunction suit at Houston, Tex., for operation of broadcasting station without license. Tried November 24, 25, 1933. Awaiting decision of Court.

U. S. v. Henry Clay Allen, Fort Worth, Tex.—Injunction suit for operation of broadcasting station without license. Trial before Master in September, 1933. Master's report submitted recommending permanent injunction. Awaiting decision of Court.

Action is contemplated against other operators of unlicensed stations in the near future.

The Commission has just been advised by H. M. Tolden, U. S. Attorney at Houston, Tex., that Judge Kennerley has issued a permanent injunction against the operation of the Voice of Labor Broadcasting Station at Houston. This station has been operating for several months without a license using the frequency 1310 kc. with 5 watts power. It made the defense that because of the low power its signals did not extend beyond the border of Texas and did not interfere with the signals of any licensed station, and for that reason it did not come under the jurisdiction of the Federal Radio Commission. That contention, however, was unavailing before the Court.

Ben S. Fisher, Assistant General Counsel, was detailed to handle most of these cases for the Federal Radio Commission.

FEDERAL RADIO COMMISSION ACTION

HEARING CALENDAR

Monday, January 15, 1934

KJBS—Julius Brunton & Sons Co., San Francisco, Calif.—C. P., 1070 kc., 500 watts, 12:01 a. m. to LS (facilities of KFWI). Present assignment, 1070 kc., 100 watts, 12:01 a. m. to LS.
 KQW—Pacific Agricultural Foundation, San Jose, Calif.—C. P., 1010 kc., 500 watts, 1 KW LS, unlimited time (facilities of KFWI). Present assignment, 1010 kc., 500 watts, unlimited time.
 KROW—Educational Broadcasting Corp., Oakland, Calif.—Modification of license. 930 kc., 500 watts. 1 KW LS, unlimited time (facilities of KFWI). Present assignment, 930 kc., 500 watts, 1 KW LS, shares with KFWI.

Wednesday, January 17, 1934

Oral Argument Before Commission en banc

WOKO—WOKO, Inc., Albany, N. Y.—Modification of license. 1430 kc., 500 watts, unlimited time. Present assignment, 1440 kc., 500 watts, simultaneous day, sharing night with WHEC.
 WHEC—WHEC, Inc., Rochester, N. Y.—Modification of license. 1430 kc., 500 watts, unlimited time. Present assignment, 1440 kc., 500 watts, simultaneous day, sharing night with WOKO.

WCAH—Commercial Radio Service Co., Columbus, Ohio—Modification of license, 1430 kc., 500 watts, unlimited time. Present assignment, 1430 kc., 500 watts, simultaneous day with WHP and WBAK, sharing night with WHP.

WCAH—Commercial Radio Service Co., Columbus, Ohio—Modification of license, 1430 kc., 500 watts, 1 KW LS, unlimited daytime, sharing night with WHP.

WHP—WHP, Inc., Harrisburg, Pa.—Modification of license, 1430 kc., 500 watts, 1 KW LS, unlimited time. Present assignment, 1430 kc., 500 watts, 1 KW LS, specified hours day, sharing night with WCAH.

WFEA—New Hampshire Broadcasting Co., Manchester, N. H.—License, 1430 kc., 500 watts, unlimited time. Present assignment, 1430 kc., 500 watts, unlimited time (exp. C. P. only).

Thursday, January 18, 1934

KFYR—Meyer Broadcasting Company, Bismarck, N. Dak.—Modification of license, 550 kc., 1 KW, 2½ KW LS, unlimited time. Present assignment, 550 kc., 1 KW, 2½ KW LS, specified hours daily except Sundays; Sundays, unlimited time.

KFDY—South Dakota State College, Brookings, S. Dak.—Modification of license, 780 kc., 1 KW, specified hours. Present assignment, 550 kc., 1 KW, specified hours.

Friday, January 19, 1934

KGDM—E. F. Pepper, Stockton, Calif.—Modification of license, 1100 kc., 250 watts daytime and 12 p. m. to 6 a. m. (facilities of WPG and WLWL). Present assignment, 1100 kc., 250 watts, daytime.

APPLICATIONS GRANTED

WHN—Marcus Loew Booking Agency, New York, N. Y.—Granted modification of license to increase hours of operation from sharing with WRNY and WQAO-WPAP to unlimited. (To consolidate WRNY and WQAO-WPAP, giving station WHN unlimited time.) Facilities WRNY and WQAO-WPAP.

WHN, WQAO-WPAP, WRNY—Marcus Loew Booking Agency, New York, N. Y.—Granted for month of February special experimental authority to operate stations WHN, WQAO-WPAP, and WRNY, using transmitter of WHN, make changes in equipment, increase power from 250 watts to 1 KW for period from 1 a. m. to local sunset and to operate at will during that period.

KGCR—Greater Kampeska Radio Corp., Watertown, S. Dak. (Inf. Appl.)—Granted authority to temporarily reduce power to such value that maximum percentage of modulation of at least 75 per cent can be satisfactorily obtained pending filing of application for construction permit and installation of equipment correcting defects in present transmitter.

SET FOR HEARING

WMC—WMC, Inc., Memphis, Tenn.—C. P. to move studio from Hotel Gavoso, Memphis, Tenn., to U. S. Highway No. 51, Frankstown, Miss., increase power from 500 watts night, 1 KW day, to 1 KW night, 2½ KW day, employing directional antenna with minimum signal intensity toward station WTAR, Norfolk, Va.

WREC—WREC, Inc., Memphis, Tenn.—Modification of license to move studio from Hotel Peabody, Memphis, Tenn., to State line, Miss., south of Miss.-Tenn. State line on Highway No. 51; increase power from 500 watts night, 1 KW day, to 1 KW night, 2½ KW day.

APPLICATIONS RECEIVED

First Zone

WINS—American Radio News Corp., New York, N. Y.—Modification of license to increase hours of operation from limited to unlimited on 1180 kc. (facilities of WNYC, New York, N. Y.).

WCNW—Arthur Faske, Brooklyn, N. Y.—Modification of construction permit granted to move station and install new equipment for approval of transmitter site at east side of E. 106th St., 155 feet south from the southeast corner of Glenwood Road and E. 106th St., Brooklyn, N. Y.

NEW—Boy Scouts of America, Troop No. 131 Bronx, Harry Goldman, Scoutmaster and Trustee, New York, N. Y.—Con-

struction permit to erect a new station to operate on 1350 kc., 250 watts, share time with WBNX (facilities of WBNX, New York, N. Y.).

WMEX—The Northern Corporation, Chelsea, Mass.—Modification of construction permit granted to erect a new station for approval of transmitter site at (4½ miles from center of Boston) Chelsea, Mass.

WHN—Marcus Loew Booking Agency, New York, N. Y.—Modification of license to consolidate Stations WRNY and WQAO-WPAP with Station WHN, unlimited time (facilities of WRNY and WQAO-WPAP).

WAAT—Bremer Broadcasting Corporation, Jersey City, N. J.—Modification of construction permit to increase power and change equipment; to move transmitter from 91 Síp Ave. to 26 Journal Square, Jersey City, N. J., and amended to request extension of completion date from 2-1-34 to 5-1-34.

Second Zone

WAVE—WFIW, Inc., Louisville, Ky.—Modification of license to change name to WAVE, Inc.

WAVE—WAVE, Inc., Louisville, Ky.—License to cover construction permit authorizing move of station from Hopkinsville to Louisville, Ky.

WIBM—WIBM, Inc., Jackson, Mich.—Construction permit to install new equipment and change location of transmitter from Summitt St., (near) Jackson, and studio from Otsego Hotel, Michigan Ave., to 306 West Michigan, Jackson, Mich.

Third Zone

KGHI—Lloyd Judd Co., Little Rock, Ark.—Construction permit to move transmitter and studio from Marion Hotel, corner of Markham and La. Streets, to 319 West 2nd St., Little Rock, Ark.

WBBZ—James F. Kyler, Ponca City, Okla.—Consent to involuntary assignment of license of WBBZ from C. L. Carrell to James F. Kyler.

WBRC—Frank M. King, as Receiver of the Birmingham Broadcasting Co., Inc., Birmingham, Ala.—Consent to voluntary assignment of license of WBRC to Birmingham Broadcasting Co., Inc.

WPTF—WPTF Radio Company, Raleigh, N. C.—Extension of special experimental authorization to operate until 8 p. m., PST, 2-1-34 to 8-1-34.

Fourth Zone

KGFK—Red River Broadcasting Co., Inc., Moorhead, Minn.—Construction permit to move transmitter and studio from Moorhead, Minn., to Minnesota Point, Duluth, Minn.

WCAL—St. Olaf College, Northfield, Minn.—Construction permit to install new equipment and increase power from 1 KW night and day to 1 KW night, 2½ KW daytime.

KGBX—KGBX, Inc., Springfield, Mo.—Construction permit to install new equipment and change maximum rated carrier power from 250 watts to 100 watts.

WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Modification of license to change hours of operation to specified hours. Amended to request unlimited time and increased power from 500 watts to 1 KW (facilities of WCBD).

Fifth Zone

None.

APPLICATIONS RETURNED

WODX—Frank M. King, as Receiver of the Mobile Broadcasting Corporation, Birmingham, Ala.—Consent to involuntary assignment of license (request of applicant).

KGBZ—Dr. George R. Miller, York, Nebr.—Special experimental authorization to use 1 KW between 5 a. m. and 6 a. m. daily except Sunday from 11-15-33 to 3-31-34. (License assigned.)

WHBL—Press Publishing Company, Sheboygan, Wis.—Construction permit to make changes in equipment. (Incomplete.)

WLBW—Broadcasters of Pennsylvania, Erie, Pa.—Modification of license to increase power from 500 watts night, 1 KW day, to 1 KW night and day. (Incomplete.)

WTMJ—The Journal Company (The Milwaukee Journal), Milwaukee, Wis.—Special experimental authorization to increase power from 1 KW night, 2½ KW to local sunset, to 5 KW experimentally. (Improper form.)

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
 PHILIP G. LOUCKS, Managing Director

NAB REPORTS

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BROADCAST ADVERTISING IN NOVEMBER

Broadcast advertising in November showed further increases in volume over the marked gains experienced during the previous month. Total radio advertising volume during the month amounted to \$5,985,857.00 and constituted a gain of 4.1% over October revenues. November gross revenues from the sale of advertising time on stations and networks were 51.5% ahead of those of September. The total volume of broadcast advertising over national networks, regional networks and individual stations for the month of November is found in Table I:

TABLE I

TOTAL RADIO BROADCAST ADVERTISING VOLUME

Class of Business	1933 Gross Receipts		Cumulative July-November
	October	November	
National networks..	\$3,244,153.00	\$3,439,088.00	\$12,503,004.00
Regional networks..	26,091.00	74,051.00	162,754.00
Individual stations..	2,471,606.00	2,472,718.00	10,622,978.00
Total	\$5,741,850.00	\$5,985,857.00	\$23,288,736.00

Receipts for the sale of time by national networks in November showed an increase of 6% over those of the preceding month and were 12% greater than November, 1932, revenues. National network business is still approximately 23% behind that of last year, though the last five months of 1933 have approximately equalled the same period of the previous year. It would seem therefore that national network volume for 1933 will total between 30 and 32 million dollars and will be approximately 10% behind the 1931 total.

Marked increases occurred during the month in regional network advertising, the volume of business of this nature having almost tripled that of October. Individual station business remained practically the same in amount as during the preceding month.

Comparison with Other Media

A comparison of expenditures for radio broadcast advertising as against those for other leading media is found in Table II:

TABLE II

ADVERTISING VOLUME MAJOR MEDIA

Advertising Medium	1933 Gross Receipts		Cumulative July-November
	October	November	
Radio broadcasting.	\$5,739,850.00	\$5,985,857.00	\$23,286,736.00
National magazines ¹	9,574,829.00	9,535,635.00	39,794,721.00
National farm papers	455,018.00	436,830.00	1,737,992.00
Newspapers	43,903,450.00	41,356,796.00	193,871,964.00
Total	\$59,673,147.00	\$57,315,118.00	\$258,691,413.00

¹National magazine totals are for 108 periodicals, prepared by Publishers' Information Bureau, Inc., from which source national farm papers and networks are also taken.

National magazine volume decreased slightly as against October though it remained 4% above the November, 1932, figure. Maga-

zine advertising volume for the year is still 16% behind that of 1932. Newspaper advertising volume experienced its usual seasonal decline and was 3.9% less than in October. National farm paper advertising decreased 4% compared with the preceding month and was 1% less than the same month of 1932. Advertising volume in national farm papers during the first eleven months of 1933 was 17% less than during the same period of the preceding year.

The position of radio broadcast advertising, therefore, compares favorably with that of other media, and seems to be recuperating from its recent decline in volume at approximately the same rate as is other advertising. There should be a tendency for national network advertising to show an especially quick comeback insofar as advertising of this type is largely concentrated among the more prosperous and enterprising companies.

Advertising Over Various Classes of Stations

The volume of non-network advertising placed over stations of different classes of power is found in Table III:

TABLE III

NON-NETWORK BROADCAST ADVERTISING BY POWER OF STATION

Power of Station	1933 Gross Receipts		
	October	November	Cumulative July-November
Over 5,000 watts...	\$894,860.00	\$801,630.00	\$4,198,501.00
2,500-5,000 watts...	311,192.00	302,311.00	1,309,969.00
250-1,000 watts....	935,850.00	1,002,911.00	3,834,353.00
100 watts and under	329,704.00	365,866.00	1,280,155.00
Total	\$2,471,606.00	\$2,472,718.00	\$10,622,978.00

Non-network business of stations of more than 5,000 watts in power decreased approximately 14% during November, due principally to an increasing volume of network accounts being broadcast over stations of this class.

Stations of from 2,500 to 5,000 watts in power experienced a 3% decline in revenues as compared with the previous month. This loss is probably due to network commitments. Advertising volume placed over stations of 250 to 1,000 watts in power increased 7.1% during the month. The greatest increase was enjoyed by stations of the 100 watt class, whose volume of advertising rose 10.9% as compared with October.

The amount of non-network advertising placed over stations in different sections of the country is found in Table IV:

TABLE IV

NON-NETWORK BROADCAST ADVERTISING BY GEOGRAPHICAL DISTRICTS

Geographical District	1933 Gross Receipts		
	October	November	Cumulative July-November
New England-Middle Atlantic Area ...	\$599,277.00	\$597,887.00	\$2,659,269.00
South Atlantic-South Central Area ...	354,559.00	403,794.00	1,587,562.00
North Central Area	1,018,643.00	972,872.00	4,020,500.00
Pacific and Mountain Area	499,127.00	498,165.00	2,355,647.00
Total	\$2,471,606.00	\$2,472,718.00	\$10,622,978.00

The principal trend in non-network advertising volume among the different sections of the country has been the marked growth which it has experienced in the South Atlantic-South Central Area. Radio advertising volume in this section was 16.7% greater in November than in October and undoubtedly reflects the increased buying power of the South, which has resulted from the Government crop control program. There was a slight decline in radio advertising in the Middle West, while the volume in the New England-Middle Atlantic and Pacific and Mountain Areas remained approximately the same as during the preceding month.

Spot and Local Advertising

A comparison of the volume of national spot and local advertising going to make up the non-network revenues of individual stations is found in Table V:

TABLE V
COMPARISON OF NATIONAL SPOT AND LOCAL BROADCAST ADVERTISING

Class of Business	1933 Gross Receipts		Cumulative July-November
	October	November	
National spot	\$1,066,413.00	\$1,085,342.00	\$4,200,660.00
Local	1,405,193.00	1,387,376.00	6,422,318.00
Total	\$2,471,606.00	\$2,472,718.00	\$10,622,978.00

There has been little change in this field from the preceding month. National spot advertising increased 1.8%, while local advertising declined 1.3%, due principally to seasonal considerations.

Advertising By Type of Rendition

The trends with regard to electrical transcriptions and other types of broadcasting rendition are found in Tables VI and VII:

TABLE VI
NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION

Type of Rendition	1933 Gross Receipts		Cumulative July-November
	October	November	
Elec. transcriptions ..	\$563,753.00	\$495,516.00	\$1,948,371.00
Live talent programs	1,094,678.00	1,044,932.00	4,807,838.00
Records	53,398.00	56,880.00	293,765.00
Spot announcements	759,777.00	875,390.00	3,573,004.00
Total	\$2,471,606.00	\$2,472,718.00	\$10,622,978.00

TABLE IX
RADIO BROADCAST ADVERTISING VOLUME BY TYPE OF SPONSORING BUSINESS
(November, 1933)

Type of Sponsoring Business	Gross Receipts for Month			Total
	National Networks	Regional Networks	Individual Stations	
1a. Amusements			\$70,882.00	\$70,882.00
1-2. Automobiles and Accessories:				
(1) Automobiles	\$229,568.00	\$5,400.00	84,327.00	319,295.00
(2) Accessories, gas and oils	320,606.00	22,179.00	260,203.00	602,988.00
3. Clothing and apparel	43,340.00	900.00	169,158.00	213,398.00
4-5. Drugs and toilet goods:				
(4) Drugs and pharmaceuticals	389,140.00	7,327.00	369,748.00	766,215.00
(5) Toilet goods	618,637.00	1,600.00	141,756.00	761,993.00
6-8. Food products:				
(6) Foodstuffs	768,134.00	24,517.00	442,462.00	1,235,113.00
(7) Beverages	362,339.00		62,968.00	425,307.00
(8) Confections	123,316.00	200.00	35,043.00	158,559.00
9-10. Household goods:				
(9) Household equipment and furnishings	11,748.00		114,007.00	125,755.00
(10) Soap and kitchen supplies	95,473.00		28,655.00	124,128.00
11. Insurance and financial	59,778.00	1,744.00	59,178.00	120,700.00
12. Radios	57,601.00		10,056.00	67,657.00
13. Retail establishments			125,028.00	125,028.00
14. Tobacco products	182,499.00		4,797.00	187,296.00
15. Miscellaneous	176,909.00	10,184.00	494,450.00	681,543.00
Total	\$3,439,088.00	\$74,051.00	\$2,472,718.00	\$5,985,857.00

TABLE VII
COMPARISON OF LOCAL AND NATIONAL SPOT ADVERTISING BY TYPE OF RENDITION

Type of Rendition	1933 Gross Receipts		Cumulative July-November
	National Spot	Local	
Elec. transcriptions..	\$374,707.00	\$120,809.00	\$495,516.00
Live talent programs..	335,202.00	709,730.00	1,044,932.00
Records	8,074.00	48,806.00	56,880.00
Spot announcements..	367,359.00	508,031.00	875,390.00
Total	\$1,085,342.00	\$1,387,376.00	\$2,472,718.00

Electrical transcription volume in November declined approximately 11%, though still remaining at a very much higher level than in September. The decline in this field was principally due to a recession in national spot business of this type. Live talent volume declined 4.5% though remaining at approximately the same figure as that of the past several months.

The greatest increase in non-network business during November was in the spot announcement field. Revenues derived from spot announcements increased 15%. This rise was due almost exclusively to national spot business the volume of which rose 38.8% as compared with October. Local spot announcement volume increased 2.6% over the preceding month.

Participations, which are found in Table VIII, increased approximately 10% over October though remaining considerably below the September volume for this type of business.

TABLE VIII
PARTICIPATIONS OVER INDIVIDUAL STATIONS

Type of Rendition	1933 Gross Receipts		Cumulative July-November
	October	November	
Elec. transcriptions ..		\$177.00	\$572.00
Live talent	\$48,300.00	49,685.00	288,370.00
Records	10,802.00	15,961.00	78,890.00
Total	\$59,102.00	\$65,823.00	\$367,832.00

Radio Advertising Sponsors

The volume of broadcast advertising in November sponsored by various industrial groups is found in Table IX, while an analysis of national spot and local broadcast advertising over individual stations is presented in Table X:

TABLE X
NON-NETWORK ADVERTISING BY TYPE OF SPONSORING BUSINESS
(November, 1933)

Type of Sponsoring Program	National Spot	Gross Receipts for Month	
		Local	Total
1a. Amusements	\$3,792.00	\$67,090.00	\$70,882.00
1-2. Automobiles and Accessories:			
(1) Automobiles	38,993.00	45,334.00	84,327.00
(2) Accessories, gasoline and oil	181,276.00	78,927.00	260,203.00
3. Clothing and apparel	5,768.00	163,390.00	169,158.00
4-5. Drugs and toilet goods:			
(4) Drugs and pharmaceuticals	265,392.00	104,356.00	369,748.00
(5) Toilet goods	115,216.00	26,540.00	141,756.00
6-8. Food products:			
(6) Foodstuffs	209,236.00	233,226.00	442,462.00
(7) Beverages	18,397.00	44,571.00	62,968.00
(8) Confectionery	32,171.00	2,872.00	35,043.00
9-10. Household goods:			
(9) Household equipment and furnishings	21,200.00	92,807.00	114,007.00
(10) Soap and kitchen supplies	10,023.00	18,632.00	28,655.00
11. Insurance and financial	16,820.00	42,358.00	59,178.00
12. Radios	2,875.00	7,181.00	10,056.00
13. Retail establishments	2,731.00	122,297.00	125,028.00
14. Tobacco products	1,983.00	2,814.00	4,797.00
15. Miscellaneous	159,469.00	334,981.00	494,450.00
Total	\$1,085,342.00	\$1,387,376.00	\$2,472,718.00

The following trends are to be noticed in the aforementioned tables:

1a. *Amusements*:—There has been a slight gain in this field during the month due principally to increased national spot business of this type.

1. *Automobiles*:—Total automobile advertising decreased 10.6% as compared with October. National network advertising in this field declined 10.5% and individual station advertising 38%. In the non-network field national spot advertising declined 23% and local advertising 48%. These declines are undoubtedly due to a discontinuance of advertising prior to the introduction of new models. There was a marked increase of regional network advertising in the automotive field.

2. *Accessories, gasoline and oil*:—Advertising of products of this class increased 18% over October, and stands at the highest point that it has reached during the past six months. National network advertising increased 7.8%, regional network advertising rose very markedly, while individual station volume increased approximately 26%. The rise in individual station revenues derived from this class of advertiser was evenly distributed between national spot and local business.

3. *Clothing*:—There was a 13% decline in advertising volume in this field. Network volume declined 9% and individual station volume 15%. The latter was due principally to a more than 80% decrease in national spot clothing advertising, local advertising revenues in this field having risen 2.8%, as compared with October.

4. *Drugs and pharmaceuticals*:—Advertising in this field continues to increase. Total revenues derived from this source increased 18% as compared with October. National network volume rose approximately 9% as compared with the previous month; regional network advertising doubled, while individual station revenue derived from this source increased 28%. National spot volume rose 34% and local drug and pharmaceutical advertising increased 14% as compared with the previous month.

5. *Toilet goods*:—There has been a slight increase in this field due principally to national network advertising. Part of the rise over the networks has been offset by declines in individual station revenues.

6. *Foodstuffs*:—Food advertising over the radio experienced another 9% gain as compared with October. National network advertising increased 6%, individual station advertising 10%, and

national spot advertising 13%. There was little change in local advertising in this field.

7. *Beverages*:—A slight decline was experienced during November in advertising of this class, principally due to decreases in national network and national spot advertising. Local beverage advertising increased slightly.

8. *Confectionery*:—The trend in this field has been similar to that of beverages. The volume still stands at more than five times that of July of the current year.

9. *Household appliances*:—Household appliance advertising over the radio declined 10.8% as compared with October. This was due principally to a drop of 43% in national spot volume. Network advertising in this field remained approximately the same as during the preceding month, while local advertising declined 13%.

10. *Soap and kitchen supplies*:—There has been a 21% decline in this field as compared with October, most of which has been due to a marked decrease in national spot revenue derived from this source.

11. *Insurance and financial*:—October gains in this field have been offset by November losses, a decline of approximately 23% having taken place in financial and insurance radio advertising during the current month as compared with the preceding one. National network volume declined approximately 50% and local advertising 33%. There was a marked increase in national spot advertising of this class amounting to approximately 60%.

12. *Radio*:—There has been little or no change in this field during the period under consideration.

13. *Retail*:—Radio advertising by department and general retail stores showed a particularly strong upward trend during the current month. Increased volume of general retail establishment advertising amounted to 11.2%. There was, however, a slight decrease in advertising of this type sponsored by smaller retail establishments.

14. *Tobacco products*:—There was a gain of 25% in this field due entirely to the return of the large tobacco companies to network advertising.

Retail Advertising

A detailed study of the retail advertising situation is found in Table XI:

TABLE XI
RETAIL ADVERTISING OVER INDIVIDUAL STATIONS

(November, 1933)

<i>Type of Sponsoring Business</i>	<i>Gross Receipts for month</i>
Automobiles and accessories:	
Automobile agencies and used car dealers	\$28,830.00
Gasoline stations, garages, etc.	25,482.00
Clothing and apparel shops	160,417.00
Drugs and toilet goods:	
Drug stores	16,547.00
Beauty parlors	103.00
Food products:	
Grocery stores, meat markets, etc.	32,475.00
Restaurants and eating places ¹	26,310.00
Beverage retailers	165.00
Confectionery stores, etc.	954.00
Household goods:	
Household equipment retailers ²	35,867.00
Furniture stores	40,913.00
Hardware stores	6,454.00
Radio retailers	6,216.00
Department and general stores	125,027.00
Tobacco shops	391.00
Miscellaneous	53,800.00
Total	\$560,151.00

¹ Exclusive of hotels.

² Such as electric refrigerators, oil burners, sweepers, furnaces and the like.

The principal trends in this field have been a marked decline in automobile advertising, an increase of approximately 11% in clothing store advertising, a 50% increase in drug store advertising, the rise in general retail advertising previously noted, and slight declines in the grocery, beverage, confectionery and household appliance fields. There was a slight rise in restaurant and similar advertising.

GENERAL BUSINESS CONDITIONS

The business recession following the mid-summer rise in activity has been definitely checked and the general trend of industry and trade is again upward. Indeed, general business conditions seem to be more favorable than they have been at any time since the beginning of the current depression.

The upswing in business began early in December and has continued since that time. On December 30 the *New York Times* index of business activity stood at 77.6 as compared with 74.7 on December 2 and 72.9 on November 11. The index of steel output at the end of December was 31.6, or more than double that of the same period of 1932. The electrical power index increased from 96.5 at the end of November to 99.5 on December 23. This is comparable to an index of 84.9 at the close of December, 1932.

Though automobile production has been slow in getting under way, probably because of radical changes in models, November sales in this field were unexpectedly high.

Prices have continued upward, the Bureau of Labor Statistics index of wholesale prices at present being 18% above the low point of March, 1933. The index has now reached a level of 70.4% of 1926 prices.

Retail trade seems to be picking up. November sales of the Montgomery-Ward Company were 25.3% above the corresponding month of 1932, those of Sears-Roebuck 27.2% above the previous year, and those of J. C. Penney Company 27.7%. It seems to be the consensus of opinion that retail trade during the Christmas holidays was far above what had been expected.

A number of interesting indications of the trend of business are found in the American Federation of Labor's review of business conditions during the past year published several days ago. It is estimated that 1,800,000 men were given permanent employment during the year and that 4,600,000 additional workers were given temporary employment under the Civil Work Administration. The total income of workers has been increased 11.7% over the year, and, if CWA employment is to be included, this figure will rise to 26.4%. It should be noted, however, that though the average wage has increased merely from \$20.53 a week in November, 1932 to \$20.56 a week in November, 1933, food prices have increased 7% and clothing and furnishing prices 21%. Since this is probably true of middle class, as well as working class income and prices, a too rapid increase in mass purchases must not be expected. Provided, however that Government borrowing can be effected without disturbing the financial situation, the present business trend should continue and the first quarter of 1934 should show additional improvement in the economic situation.

The National Association of Broadcasters

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

PHILIP G. LOUCKS, Managing Director

NAB REPORTS

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CODE AUTHORITY HOLDS MEETING

The Code Authority for the Radio Broadcasting Industry met in Washington on January 15, 16 and 17. It is expected that explanatory comments of the various provisions contained in the Code will be available to stations at an early date.

DOWLING APPOINTED TO CODE AUTHORITY

Eddie Dowling, musical comedy and motion picture star, and Deputy Administrator W. P. Farnsworth were today appointed by National Recovery Administrator Hugh S. Johnson to be Administration members of the Radio Broadcasting Industry Code Authority. At the same time, the General named Marion H. Hedges, well-known labor statistician, to serve as a member of the Authority to represent those employees in the industry designated as "Broadcast Technicians."

MANAGING DIRECTOR ILL

Philip G. Loucks, Managing Director, has been confined to his home during the past several days by illness. He is recuperating and expects to return to his desk next week.

KLMB REFUSED POWER INCREASE

The Radio Commission on Friday refused to increase the power of Station KLMB, Monroe, La., from 100 to 250 watts and to change its frequency from 1200 to 590 kilocycles, sustaining Examiner George H. Hill in his Report No. 528.

The Commission found that the applicant "has not shown adequate financial ability to carry out the proposed construction work." It found also that "the operation of the proposed station would cause objectionable interference in the reception of another station providing a meritorious service."

WJBK DENIED FULL TIME

Station WJBK, Jackson, Mich., has been denied full-time operation by the Radio Commission, and WIBM, Jackson, Mich., was "denied as in default application for full-time operating assignment," in both cases sustaining Examiner Ralph H. Walker in his Report No. 516.

The Commission states that it does not appear that Station WJBK could be operated under the conditions proposed in the application without objectionable interference, and that "no such need for the additional service proposed in the application is shown as would warrant the granting of the application." Also it was found by the Commission that "no evidence has been offered in support of the application of WIBM."

DILL WRITING COMMUNICATIONS BILL

Senator Dill of Washington stated on Friday that he is working on his new Communications Commission bill, which he does not believe will be ready for introduction for from two to three weeks.

The Senator will collaborate with Representative Rayburn of Texas, chairman of the House Committee on Interstate Commerce, and it is probable that identical bills will be introduced in both Houses of Congress at the same time.

Senator Dill said that "it is too early in the session" to tell whether or not it will be possible to get any action on this bill during the present session. The Senator indicated that he would probably call hearings shortly after the introduction of his bill. Inasmuch as Senator Dill had considerable to do with the drafting of the Couzens Communications Commission bill during the last Congress, it is expected that some of the features of the old bill will be included in the new one.

PROPOSES RADIO INVESTIGATION

Senator Robinson of Indiana on Thursday introduced a resolution calling for an investigation by a Senate Committee of the Federal Radio Commission in connection with its control of the freedom of speech. The resolution was introduced during the course of a speech he made dealing with the freedom of the press and of speech. The resolution, which was referred to the Senate Committee on Interstate Commerce, is as follows:

"Resolved, That the Committee on Interstate Commerce, or any duly authorized subcommittee thereof, is authorized and directed to make an investigation of the control exercised by the Federal Radio Commission over persons broadcasting through licensed broadcasting stations, and the extent to which the freedom of speech of such persons has been restricted. The Committee shall report to the Senate, as soon as practicable, the results of its investigation, together with its recommendations.

"For the purposes of this resolution the Committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places during the sessions and recesses of the Senate in the Seventy-third Congress, to employ such clerical and other assistants, to require by subpoena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, and to make such expenditures, as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee, which shall not exceed \$—, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman."

SUGGESTS CONSTRUCTION PERMIT DENIAL

The State Journal Company, Lansing, Mich., filed an application with the Radio Commission for a construction permit for a new broadcasting station to be erected at that place, using 1210 kilocycles, unlimited time, with 100 watts night and 250 watts LS.

In Report No. 536 this week, Ralph L. Walker (e.) recommends that the application be denied.

It is pointed out in this report that while this company is qualified to construct and operate such a station, there is pending before the Commission Examiner's Report No. 479 in which it was recommended "that the application of the Capital City Broadcasting be granted" for the erection of a new station at Lansing. This new station was also to operate on 1210 kilocycles. The Commission has not yet acted on the previous examiner's report.

SECURITIES ACT REGISTRATION

The following companies filed registration statements with the Federal Trade Commission under the Securities Act during the current week:

- Refrigeration Research Corporation, Brooklyn, N. Y. (2-580).
- Sauk City Brewing Company, Sauk City, Wis. (2-581).
- John Poindexter Distilleries Co., Cynthiana, Ky. (2-582).
- Cambridge Building Corporation, Philadelphia, Pa. (2-583).
- California Gold Lode Mines, Inc., Los Angeles, Calif. (2-584).
- Casey Jones, Inc., Baltimore, Md. (2-585).
- Committee of the Paragon Trading Corporation, Brooklyn, N. Y. (2-586).
- Imperial Beverages Corporation, Wilmington, Del. (2-587).
- Pomeroy Hydraulic Jack Company, Long Beach, Calif. (2-588).
- Blue Star Markets, Inc., Phoenix, Ariz. (2-589).

OPPOSE WMCA AND WSYP POWER BOOST

Station WMCA, New York City, applied to the Radio Commission to use 500 watts power additional experimentally, and

WSYR, Syracuse, N. Y., asked to increase its power from 250 to 500 watts. George H. Hill (e.) in his Report No. 535 this week recommended that the application of WMCA "be dismissed with prejudice," and he also recommended that the WSYR application be denied.

In connection with the application of WSYR the Examiner states that the benefit derived from the additional power asked by this station would not warrant the curtailment of the service rendered by WMCA and WKBN, Youngstown, Ohio, and he stated that "a sufficient showing of need for the service requested has not been made by the applicant." When the application of WMCA was called for hearing the attorney requested permission to withdraw the application.

COMMISSION ALLOWS WPRO EXPERIMENT

Station WPRO, Providence, R. I., was granted special experimental authorization by the Radio Commission to install a new 250-watt transmitter to be used with a special antenna designed to control or suppress radiations in certain directions. In granting this experiment the Commission upheld Report No. 506 of Examiner George H. Hill.

In granting this experiment the Commission made it subject to the condition that the applicant shall not permit the signal intensity without attenuation of Station WPRO radiated in the directions of WMAL and CFCY to be greater than 18 millivolts per meter at a distance of 1 mile from the transmitter of WPRO. Also applicant has to adhere to a number of other restrictions imposed by the Commission.

The Commission found that the station is rendering a meritorious service and that it "would be substantially improved by the successful operation of the proposed new transmitter and antenna system."

It found also that the applicant's plan "warrants the experiments proposed in the application."

WGNY GETS MORE TIME

The Radio Commission this week upheld Examiner George H. Hill in his Report No. 525 in which he recommended that more time be granted Station WGNY, Chester, N. Y. The station now has restricted time, and under the Commission's decision it will share time with Stations WJBI, WFAS, and WGBB.

The Commission found that by granting more time the "station will permit of more effective and more efficient use of existing facilities." It was found also that the granting of the additional time will not adversely affect the operation of any other station.

WMBD GIVEN FULL TIME

The Radio Commission has granted Station WMBD, Peoria, Ill., full-time operation on 1440 kilocycles, reversing Examiner R. L. Walker in his Report No. 493. It also denied the renewal application of Station WTAD, Quincy, Ill., and also denied its application to move to East St. Louis, Ill., sustaining in part the Examiner in the same report.

In its decision the Commission found that the granting of the application for full time to WMBD and the denial of the license renewal application of WTAD "would result in a reduction in the facilities assigned the State of Illinois and the Fourth Zone which would tend toward the establishment of a more equal division of facilities between zones and a more equitable division among states."

RADIO EXTORTION BILL INTRODUCED

Representative Cellar of New York has introduced a bill (H. R. 6915) in the House "applying the powers of the Federal Government, under the commerce clause of the Constitution, to extortion by means of telephone, telegraph, radio, oral messages, or otherwise." The bill, which has been referred to the House Committee on the Judiciary, is as follows:

"That whoever, with intent to extort from any person, firm, association, or corporation any money or other thing of value, shall transmit in interstate commerce, by telephone, telegraph, radio, or oral message, or by any other means whatsoever, any threat (1) to injure the person, property, or reputation of any person, or the reputation of a deceased person, or (2) to kidnap any person, or (3) to accuse any person of a crime, or (4) containing any demand or request for a ransom or reward for the release of any kidnaped person, shall upon conviction be punished by imprisonment for such term of years as the court, in its discretion, shall determine: *Provided*, That the term 'interstate commerce' shall include com-

munication from one State, Territory, or the District of Columbia, to another State, Territory, or the District of Columbia."

INTERNATIONAL RADIO COMMITTEE TO MEET

Senator Wallace H. White, Jr., president of the American Section of the International Committee on Radio, has called a meeting at the University Club, Washington, D. C., on January 29th.

Officers will be elected at the meeting. The nominating committee includes: Lynne M. Lamm, chairman; Henry A. Bellows, L. G. Caldwell, Laurens E. Whittemore, and Armstrong Perry.

ROPER REPORT NEARLY READY

Secretary of Commerce Roper announced this week that his Interdepartmental Committee on Communications expects to forward a final communications report to him very shortly in such shape that it can be transmitted to the President and transmitted by the latter to the Congressional committees having charge of radio legislation.

Secretary Roper also stated that when the final report is made one section will be devoted to the subject of broadcasting in connection with the President's suggestion that this be included in the general communications report.

LIBRARIAN'S REPORT CITES COPYRIGHT

The 36th Annual Report of the Register of Copyrights, addressed to the Librarian of Congress by William L. Brown, Acting Register of Copyrights, which has just been made public, quotes in full Senator Dill's bill for a revision of the copyright laws.

Concerning this proposal Mr. Brown says:

"It follows the present copyright law in many of its sections, but in others presents substantial changes and some novel features. Under its provisions copyright may be had by the author or any other person entitled thereto, for published or unpublished works, and is obtained by fixing the notice upon the work. Conspicuously new is the provision for controlling licensing companies and performing rights societies in their licensing for public performance, particularly for radio broadcasting. Such societies and organizations must place on file in the Copyright Office lists of the music which they control and excessive fees may be protested before a designated arbiter in disputes. This provision follows quite closely the amendment recently added to the Canadian copyright law."

TELEVISION APPEAL DISMISSED

At the request of the appellants the appeal of the Shortwave & Television Company in the Court of Appeals of the District of Columbia has been dismissed. The company appealed from a licensing decision of the Radio Commission but have decided to abide by that decision without appeal.

FEDERAL RADIO COMMISSION ACTION HEARING CALENDAR

Monday, January 22, 1934

- NEW—Ark-La-Tex Radio Corp., Shreveport, La.—C. P., 1210 kc., 100 watts, unlimited time (facilities of KWEA).
- KWEA—International Broadcasting Corp., Shreveport, La.—Renewal, 1210 kc., 100 watts, unlimited time.
- KWEA—Hello World Broadcasting Corp., Shreveport, La.—Voluntary assignment of license, 1210 kc., 100 watts, unlimited time.

Thursday, January 25, 1934

- NEW—Western Pennsylvania Broadcasting Co., Greensburg, Pa.—C. P., 620 kc., 250 watts, daytime.
- NEW—Jos. G. Mayer and C. R. Cummins, Erie, Pa.—C. P., 1420 kc., 100 watts, unlimited time.

Friday, January 26, 1934

- WHOM—New Jersey Broadcasting Corp., Jersey City, N. J.—C. P., 1450 kc., 250 watts, 500 watts LS, unlimited time. Present assignment, 1450 kc., 250 watts, unlimited time.

APPLICATIONS GRANTED

First Zone

- WCAX—Burlington Daily News, Inc., Burlington, Vt.—Granted special temporary authority to operate from 6 p. m. to 12 midnight, EST, on January 16, 1934.

- WESG—Cornell University, Elmira, N. Y.—Granted authority to operate from 2 a. m. to 4:30 a. m., January 21, in order to broadcast DX program.
- WCNW—Arthur Faske, Brooklyn, N. Y.—Granted modification of C. P. extending completion date to February 1, 1934.
- WINS—American Radio News Corp., Carlstadt, N. J.—Granted authority to operate until 5:30 p. m., MST, during January.
- WTAG—Worcester Telegram Pub. Co., Inc., Worcester, Mass.—Granted C. P. to make changes in equipment of auxiliary transmitter and to increase the power of auxiliary transmitter from 100 to 250 watts. (Station licensed to operate 250 watts night, 500 watts LS.)
- WHDH—Matheson Radio Co., Inc., Boston, Mass.—Granted authority to determine operating power by direct measurement of antenna power.

Second Zone

- WHP—WHP, Inc., Harrisburg, Pa.—Granted special temporary authority to operate from 2 to 2:30 p. m., EST, January 23, 24, 25, and 26, 1934, provided WBAK remains silent.
- WBAK—Pennsylvania State Police, C. M. Wilhelm, Agent, Harrisburg, Pa.—Granted special temporary authority to operate from 4:30 to 5 p. m., EST, January 23, 24, 25, and 26, 1934, provided Station WHP remains silent.
- WGBI—Scranton Broadcasters, Inc., Scranton, Pa.—Granted special experimental authority to March 1, 1934, to use 250 watts power experimentally in addition to regular assignment of 250 watts.
- WSAZ—WSAZ, Inc., Huntington, W. Va.—Granted extension of special experimental authority to use 500 watts power experimentally in addition to regular power of 500 watts, to August 1, 1934.
- WWVA—West Virginia Broadcasting Corp., Wheeling, W. Va.—Granted modification of license to change hours of operation from sharing with WOWO to simultaneous daytime operation with WOWO, sharing with WOWO at night.

Third Zone

- WMAZ—Southeastern Broadcasting Co., Macon, Ga.—Granted authority to operate from 8 to 10 p. m. January 23 in order to broadcast special civic program, and from 7:15 p. m. to midnight January 30 in order to broadcast President's Ball. (Normal sign-off time during January 7:15 p. m., EST.)
- WBRC—Frank M. King, as Receiver of the Birmingham Broadcasting Co., Inc., Birmingham, Ala.—Granted consent to voluntary assignment of license, to Birmingham Broadcasting Co., Inc.
- WBRC—Birmingham Broadcasting Co., Birmingham, Ala.—Granted C. P. to make changes in equipment.
- KARK—Arkansas Radio & Equipment Co., Little Rock, Ark.—Granted modification of C. P. to make changes in equipment and extend commencement date from July 9, 1933, to January 1, 1934, and completion date to March 1, 1934.
- WCOC—Mississippi Broadcasting Co., Inc., Meridian, Miss.—Granted special authority to operate daily from 7:30 to 9:30 a. m., 11 a. m. to 2 p. m., 6 to 9 p. m., until February 15, 1934.
- WBBZ—James F. Kyler, Ponca City, Okla.—Granted special authority to operate Station WBBZ to April 1, 1934.
- WHET—Troy Broadcasting Co., Dothan, Ala.—Granted license covering move of station and changing frequency, 1370 kc., 100 watts, daytime; specified hours on Sunday.

Fourth Zone

- WMT—Waterloo Broadcasting Co., Waterloo, Iowa—Granted modification of license to increase day power from 500 watts to 1 KW.
- WKBV—Knox Battery & Electric Co., Richmond, Ind.—Granted license covering changes in equipment and moving station from Connersville to Richmond, Ind.; 1500 kc., 100 watts, specified hours.
- WCBS—WCBS, Inc., Springfield, Ill.—Granted license covering local move of transmitter; 1210 kc., 100 watts, shares with WTAX.
- WOWO—The Main Auto Supply Co., Fort Wayne, Ind.—Granted modification of license to change hours of operation from sharing with WWVA to simultaneous daytime operation with WWVA, sharing with WWVA at night.

- WIAS—Iowa Broadcasting Co., Ottumwa, Iowa—Granted C. P. to move to Cedar Rapids, Iowa, and consolidate with Station KWCR, giving the latter station full time on 1430 kc. The consolidated station was given an increase in night power from 100 to 250 watts, and increase in day power from 250 to 500 watts.
- WSUI—State University of Iowa, Iowa City, Iowa—Granted special temporary authority to operate from 10 p. m. to 12 midnight, CST, on February 2 and 16, 1934.
- KSOO—Sioux Falls Broadcast Assn., Sioux Falls, S. Dak.—Granted special temporary authority to continue operating daily until 6:30 p. m., CST, and on Sunday nights beginning at 9:30 p. m., CST, with reduction of power to 1 KW.
- WCFL—Chicago Federation of Labor, Chicago, Ill.—Granted extension of special experimental authority to operate unlimited time to August 1, 1934 (normally licensed limited time).
- WDGY—Dr. Geo. M. Young, Minneapolis, Minn.—Granted license covering transmitter move within building; 1180 kc., 1 KW, limited time.
- KWTO (formerly KGIZ)—KGBX, Inc., Springfield, Mo.—Granted license covering move of station from Grant City to Springfield, Mo., change in frequency, power and hours of operation; 560 kc., 500 watts, daytime.
- WJJD—WJJD, Inc., Mooseheart, Ill.—Granted modification of license to move studio from Mooseheart to 201 N. Wells St., Chicago, Ill.

Fifth Zone

- KVOR—S. H. Patterson, Colorado Springs, Colo.—Granted permission to operate to February 1 without approved frequency monitor, while making repairs.
- KRKD—The Fireside Broadcasting Co., Los Angeles, Calif.—Granted modification of license to use auxiliary transmitter of KFSG as the auxiliary transmitter of KRKD.
- KGHF—Curtis P. Ritchie and Geo. J. Ikelman, Pueblo, Colo.—Granted consent to voluntary assignment of license to Curtis P. Ritchie.
- KWFFV—Hilo Broadcasting Co., Ltd., Hilo, Hawaii—Granted modification of C. P. to move station from Haili Tract, Hilo, to Lot 6, Keaukaha So. Hilo, Waiakea, T. H., make changes in equipment, and extend commencement date to March 1 and completion date to July 1, 1934.
- KIDO—Boise Broadcast Station, Boise, Idaho—Granted license covering changes in equipment; 1350 kc., 1 KW, unlimited time.

MISCELLANEOUS APPLICATIONS GRANTED

- NEW—RCA Communications, Inc., on down town office building, New York City; NEW—New Brunswick, N. J.; NEW—Office building in center of city, Trenton, N. J.; NEW—Office building in center of city, Philadelphia, Pa.—Granted general experimental C. P. for high-speed facsimile, frequency 50,000 cycles, for experimental communication in order to make initial tests of proposed circuit between New York and Philadelphia.
- W9XAO—Western Television Research Corp., Chicago, Ill.—Granted C. P. to move station locally in Chicago.

SET FOR HEARING

- WSPA—Virgil V. Evans, Tr. as The Voice of South Carolina, Spartanburg, S. C.—C. P. to move station locally to a location to be determined; install new equipment; change frequency from 1420 kc. to 920 kc.; change power from 100 watts night, 250 watts day, to 2½ KW; and change unlimited hours of operation to daytime only.
- NEW—N. Vernon Clark (location to be determined), Chester, S. C.—C. P. for new station; 1310 kc., 100 watts, daytime. Requests consideration under Rule 6 f.
- KICK—The Palmer School of Chiropractic, Carter Lake, Iowa—C. P. to move station from Carter Lake to Davenport, make changes in equipment, change frequency from 1420 kc. to 1370 kc., and change call letters to WOC if and when C. P. is granted.
- KICK—Red Oak Radio Corp., Carter Lake, Iowa—Consent to voluntary assignment of license to The Palmer School of Chiropractic.

- KFIZ—The Reporter Printing Co., Fond du Lac, Wis.—Modification of license to change frequency from 1420 kc. to 1310 kc.
- WJAG—The Norfolk Daily News, Norfolk, Nebr.—Granted renewal of license on a temporary basis and set application for renewal for hearing.
- KWJJ—KWJJ Broadcast Co., Inc., Portland, Ore.—Granted renewal of license on a temporary basis and set application for renewal for hearing.
- WKZO—WKZO, Inc., Kalamazoo, Mich.—Special experimental authority to operate with 500 watts experimentally from sunset at Kalamazoo to 12 midnight. (Licensed to operate 1 KW daytime only.)

ORAL ARGUMENT DATE CHANGED

Oral argument before the Commission en banc changed from January 24 to February 21 on Examiner's Report No. 531. This is an application of Station WEVD to increase power from 500 watts to 1 KW.

APPLICATIONS RECEIVED

First Zone

- WBAL—Consolidated Gas, Electric Light and Power Co. of Baltimore, Baltimore, Md.—Extension of special experimental authorization to synchronize with WJZ on 760 kc., 2½ KW, when WTIC operates on 1060 kc., until 8-1-34.
- NEW—Northern Broadcasting Co., Inc., Laconia, N. H.—Construction permit to erect a new station to operate on 1310 kc., 100 watts, unlimited time, facilities WKAV, Laconia, N. H., amended to change unlimited time to daytime.
- WJZ—National Broadcasting Co., Inc., New York, N. Y.—Extension of special experimental authorization, which expires 2-1-34, to use 50 KW for next six months.
- WHN—Marcus Loew Booking Agency, New York, N. Y.—Authorization to determine operating power by direct measurement of antenna power.

Second Zone

- WKAR—Michigan State College, East Lansing, Mich.—Modification of license to change specified hours, daytime, to unlimited, and change power from 1 KW day to 1 KW day, 500 watts night.
- WLBW—Broadcasters of Pennsylvania, Erie, Pa.—Modification of license to increase power from 500 watts night, 1 KW to local sunset, to 1 KW, and move studio locally. Resubmitted and amended correctly.
- WCAE—WCAE, Inc., Pittsburgh, Pa.—Modification of construction permit 2-MP-B-472 for extension of completion date to 3-1-34.
- WGBI—Scranton Broadcasters, Inc., Scranton, Pa.—Special experimental authorization to operate with 500 watts until 3-1-34.
- NEW—Pittsburgh Radio Supply House, Greensburg, Pa.—Construction permit to erect a new station to operate on 620 kc., 250 watts, daytime.
- KDKA—Westinghouse Electric & Manufacturing Co., Pittsburgh, Pa.—License to cover construction permit to make changes in equipment (main transmitter).
- KQV—KQV Broadcasting Co., Pittsburgh, Pa.—Special experimental authorization to operate unlimited time, simultaneously with WSMK, for period ending 5-1-34.
- WSMK—Stanley M. Krohn, Jr., Dayton, Ohio—Special experimental authorization to operate unlimited time, simultaneously with KQV, for period ending 5-1-34.
- WPEN and WRAX—Wm. Penn Broadcasting Co. and WRAX Broadcasting Co., Philadelphia, Pa.—Modification of construction permit to change transmitter and studio sites locally and extension of time.

Third Zone

- KGKB—East Texas Broadcasting Co., Tyler, Tex.—License to cover construction permit 3-P-B-2931 to move studio and transmitter locally and make slight changes in equipment.
- WMBR—F. J. Reynolds, Inc., Jacksonville, Fla.—License to cover construction permit to move studio and transmitter from Tampa to Jacksonville, Fla.

- NEW—Voice of Longview, Longview, Tex.—Construction permit to erect new station to operate on 1370 kc., 100 watts, unlimited time, amended to operate daytime.
- KLCN—Charles Leo Lintzenich, Blytheville, Ark.—License to cover construction permit 3-P-B-2692 (change transmitter and studio locally, equipment, and increase power).
- WPFB—Otis P. Eure, Hattiesburg, Miss.—Modification of license to change hours of operation from unlimited to specified hours. Resubmitted and amended re hours of operation.
- WJEM—Britt A. Rogers, Jr., Tupelo, Miss.—Modification of construction permit to extend date of commencement to 2-1-34 and date of completion to 5-1-34.
- WENC—Americus Broadcast Corp., Albany, Ga.—Modification of construction permit to change transmitter and studio sites locally and install new equipment.

Fourth Zone

- WIL—Missouri Broadcasting Corp., St. Louis, Mo.—Construction permit to install new equipment.
- WTMJ—The Journal Company (The Milwaukee Journal), Milwaukee, Wis.—Special experimental authorization to increase power from 1 KW night and 2½ KW local sunset to 5 KW experimentally. Resubmitted on proper form.
- WBBM—WBBM Broadcasting Corporation, Chicago, Ill.—Special experimental authorization to operate 3/7 time night, synchronized with KFAB experimentally during period from 2-1-34 to 9-1-34.
- KFAB—KFAB Broadcasting Company, Lincoln, Nebr.—Special experimental authorization to operate 3/7 time night, synchronized with WBBM experimentally for period from 2-1-34 to 9-1-34.
- WSBC—WSBC, Inc., Chicago, Ill.—Construction permit to make changes in equipment.
- WHBL—Press Publishing Co., Sheboygan, Wis.—Construction permit to make changes in equipment.

Fifth Zone

None.

APPLICATIONS RETURNED

- WPFB—Otis P. Eure, Hattiesburg, Miss.—Modification of license to change hours of operation from unlimited time to specified hours. (Request of applicant.)
- NEW—Mathew B. Greiner, Canastota, N. Y.—Construction permit to erect a new station to operate on 1500 kc., 5 watts, specified hours. (Incomplete.)
- WCAE—WCAE, Inc., Pittsburgh, Pa.—Modification of construction permit requesting extension of time. (Incomplete.)
- NEW—Rt. Rev. Marino Priori, Indianapolis, Ind.—Construction permit to erect a new station. (Incomplete.)
- NEW—Ark-La-Tex Radio Corp., Tuscaloosa, Ala.—Construction permit to erect new station to operate on 1290 kc., 250 watts, unlimited time, facilities of WAML. (Insufficient facilities requested.)
- WSOC—WSOC, Inc., Charlotte, N. C.—Construction permit to install new equipment and increase daytime power from 100 watts to 250 watts. (Over quota and no facilities requested.)
- WHAD—Marquette University, Milwaukee, Wis.—Modification of license to change studio location, change frequency from 1120 kc. to 580 kc., to increase power from 250 watts to 500 watts, and change specified hours to 6 a. m. to 1 a. m. (Over quota and no facilities requested.)
- WCBS—WCBS, Inc., Springfield, Ill.—Construction permit to increase daytime power to 250 watts local sunset, 100 watts night, and install new equipment. (Over quota and no facilities requested.)

APPLICATIONS DISMISSED

- NEW—Voice of Southwestern Pennsylvania, Inc., Silverhaven, Pa.—C. P., 800 kc., 1 KW, L. T. sunset Dallas, Tex. (facilities of WNBO).
- WTRC—Truth Publishing Co., Inc., Elkhart, Ind.—Modification of license, 1310 kc., 50 watts, 100 watts LS, for simultaneous operation night with WLBC.
- NEW—Leo M. and John A. Carraras, West Philadelphia, Pa.—C. P. 484, 500 kc., 3 KW.

The National Association of Broadcasters

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COMMUNICATIONS REPORT TO CONGRESS

President Roosevelt this week transmitted to the Senate Committee on Interstate Commerce and the House Committee on Interstate and Foreign Commerce the communications report made to him by the Interdepartmental Communications Committee of which Secretary of Commerce Roper is chairman. The report will be printed as a Senate document in the near future.

In transmitting this report to Congress it was made known at the White House that it is not to be considered an administration proposal or policy but merely contains suggestions for the Congressional committees. After it has been studied, the President will probably have conferences with the members most interested in this legislation with regard to a general policy.

The difference between the first report made to the President by the committee and the second was that in the latter the views of the various members of the committee were given with their reasons therefor.

Statements in the report about broadcasting are very general. Secretary Roper feels, it is understood, that broadcasting requires a careful study. If the Congressional committees do not make such a study, the Secretary may have a committee make a study and report.

It is known that Senator Dill is progressing with his general Communications Commission bill which will not be ready for some time. Those parts of the Interstate Commerce Act which are needed for the new proposed Commission are being taken out and inserted in a new bill which is now reported to be 120 pages long. Of course, this will be drastically cut down before it is introduced.

There is considerable feeling in Congress in connection with a wire, cable, radio merger, but Senator Dill has pointed out that the Interstate Commerce Commission was organized years before any questions of merger came up and he feels now that the question of mergers can be left until later while there is nothing to prevent legislating on a Commission.

The question as to whether or not there will be any radio legislation at this session of Congress depends entirely now, it is said, on whether or not the Administration is anxious for it.

NEWSPAPER-RADIO GROUP IN SESSION

As this issue of NAB REPORTS goes to press, the press-radio group, considering the whole question of broadcasts of press association news, is in session in New York.

CODE AUTHORITY TO BEGIN WAGE STUDY

The Code Authority of the Radio Broadcasting Industry, at the conclusion of last week's sessions, voted to begin at once on the study of radio performers, their wages, hours of work and working conditions which study is made mandatory under the broadcasters' code. The Code Authority has already commenced its study of hours of work and wages for broadcast technicians.

During the sessions of the Code Authority last week, interpretations of various sections of the code were formulated and these interpretations are now before the NRA for approval. It is expected that these interpretations after approval will be printed and distributed among all stations.

A small number of stations have not sent in their rate cards and the Code Authority has set February 15 as the deadline.

Another job which the Code Authority must tackle is the recommending of a permanent Code Authority for the industry. The Managing Director has insisted that the NAB must ultimately become the Code Authority and it is hoped that 400 or more stations will become NAB members before March 15.

TAX COMMITTEE FILES MEMORANDUM

In response to a letter from the Bureau of Internal Revenue, the Tax Committee of the NAB has filed with the Bureau a memorandum containing facts relating to the rates of depreciation of broadcasting station equipment.

PROPOSE TAX ON INTERSTATE COMMERCE

A bill introduced by Congressman Swank and referred to the House Ways and Means Committee would grant the consent of the United States to the several states to tax property employed, and business done, in interstate commerce. The text of the measure follows:

"That each of the several states may levy and collect license, franchise, gross-revenue, registration, or any other forms of taxes upon, or measured by, any property employed, or business done, within such state, in interstate commerce, in the same manner and to the same extent as such taxes may be imposed under the constitution and laws of such state upon like property employed, and business done, in commerce wholly within the state, except that (a) in no case shall the tax imposed be at a greater rate than is assessed upon like property employed, and business done, in commerce wholly within the state, and (b) nothing contained in this act shall be construed to authorize the taxation of the same property and business by more than one state."

DOWLING OUT OF COMMISSION RACE

Eddie Dowling, the comedian, who was chairman of the Democratic National Committee's Entertainment Committee during the Roosevelt campaign, will not accept appointment to the Federal Radio Commission. This was made known this week simultaneously with the publication of an article on broadcasting in the current issue of Forum Magazine.

Recently appointed as government representative on the Code Authority for the Radio Broadcasting Industry, Dowling has gone on record as opposing government ownership of broadcasting stations, but he said he will lay before the President a plan to "end air monopoly by the two dominating networks." He says there should be at least six networks serving the country.

CONGRESS BESIEGED WITH PETITIONS

Petitions bearing the signatures of thousands of radio listeners have been filed in the House of Representatives protesting against "unjust censorship of radio broadcasting and urging the safeguarding of the inherent rights of the American people relative to the radio."

The nature of the petitions is set forth in three petitions signed by some 10,000 residents of Butler, Lawrence and Beaver counties, Pennsylvania, "protesting against certain wrongful interference with their rights, under the Radio Act, which provides for the broadcasting of that which is in the public interest. The message of the true God, Jehovah, as expressed by Him in the prophecies of His word (the Bible) and as now being given to the people of this Nation by Judge Rutherford and others of Jehovah's witnesses is of interest to us. When broadcast it is convenient for us to hear it in our homes and is necessary for our welfare. The National Broadcasting Co., the Columbia Broadcasting Co., the Roman Catholic hierarchy, and others, have wrongfully by threats, coercion, and other improper influence prevented many stations from broadcasting this message of truth, thus depriving stations of legitimate income and depriving millions of American citizens of the privilege of hearing what they wish to hear; and against this wrongful action we vigorously protest. Exercising the

right guaranteed to us by the Constitution of the United States, we therefore respectfully petition the Congress to act at once to safeguard the inherent rights of the American people relative to the radio."

All of the petitions have been referred to the Committee on Merchant Marine, Radio, and Fisheries.

RADIO REPORTER FINED FOR CONTEMPT

Adjudged guilty of contempt of court, Charles M. Hackett, Wilmington, Del., newspaper reporter and radio news commentator, was fined \$300 by Judge David J. Reinhardt in Delaware General Sessions Court on January 17.

The charge of contempt grew out of comments Hackett is alleged to have made in a broadcast over Station WDEL, Wilmington, Del., relating to a liquor conspiracy theft trial. A mistrial was declared by Judge Reinhardt as a result of Hackett's statement.

Judge Reinhardt said that the statement made by Hackett "showed a reckless indifference to the facts in the case and related to matters not brought out at the trial."

One of four affidavits on which the contempt proceedings were based stated that Hackett said that the fact that Judge Reinhardt was sitting in the case was a "peculiar coincidence," as at the time the liquor was stolen David J. Reinhardt, Jr., son of the sitting judge, was chief deputy attorney general.

Hackett on the witness stand denied that he had said that. He said he had remarked that the fact that Judge Reinhardt was sitting was a "peculiar feature" of the trial. He declared that he did not intend that his remarks should be a reflection on the integrity of the court or bring ridicule upon it, and that if his statement had that effect he was willing to apologize.

Judge Reinhardt said the court would accept the apology, but considered it necessary to impose a penalty.

Chief Justice David J. Layton sat during the contempt proceedings with Judge Reinhardt.

At the liquor trial two former state policemen and a former state highway employee were charged with conspiracy to steal seized liquor.

CALIFORNIA NEWSPAPER GETS STATION

The Federal Radio Commission on Friday acted on the California broadcasting station cases which have been pending for some time. The action was in connection with Report No. 512 of Examiner Ralph L. Walker.

The Commission denied the application of KECA to change its frequency from 1430 to 780 kilocycles, sustaining the Examiner.

Also the application of KFBK to change its frequency from 1310 to 1430 kilocycles was denied, sustaining the Examiner.

The application of the Don Lee Broadcasting System for the construction of a new station at Redlands, Calif., to use 780 kilocycles was denied, reversing the Examiner.

The Commission granted license renewal to Station KTM and granted it authority to voluntarily assign its license to the Evening Herald Publishing Company, reversing the Examiner.

License renewal was also granted KELW, with authority granted to assign its license to the Evening Herald Publishing Company, reversing the Examiner.

RECOMMENDS RENEWING KWEA LICENSE

The Ark-La-Tex Radio Corporation applied to the Radio Commission for authority to construct a new broadcasting station at Shreveport, La., to use 1210 kilocycles; KWEA, Shreveport, asked for license renewal and the same station asked for consent to voluntarily assign its license to the International Broadcasting Corporation.

George H. Hill (e) in his Report No. 538 this week recommends that the application of the Ark-La-Tex Radio Corporation be denied as in cases of default, that the Commission affirm its grant to the station to assign its license to the International Broadcasting Corporation and that its license be renewed.

The Examiner states that Ark-La-Tex Radio Corporation failed to offer any testimony in support of its application for a construction permit and that this "removes any interest that the applicant might have in the subject matter."

RECOMMENDS AFFIRMING KFAC ACTION

Station KFAC, Los Angeles, was granted full time on 1300 kilocycles by the Federal Radio Commission. Station KECA protested and the Commission suspended its action and the case was set for hearing.

George H. Hill (e) in his Report No. 537 this week recommends that the Commission affirm its grant to the station for full time. The Examiner states that "no substantial evidence is offered in support of the protest" of KECA, which would "warrant modification or revocation of the Commission's grant of applicant's application for modification of license."

SECURITIES ACT REGISTRATION

The following companies filed registration statements with the Federal Trade Commission under the Securities Act during the current week:

National Vermiculite Products Corporation, Chicago, Ill. (2-590).
Owings Mills Distillery, Inc., Baltimore, Md. (2-591).

Wayne M. Cory, Indianapolis, Ind. (2-592).

Financial Shares Corporation, Jersey City, N. J. (2-593).

Quarterly Income Shares, Inc., Jersey City, N. J. (2-594).

National Provident Foundation Syndicate, New York City, N. Y. (2-595).

A. & G. J. Caldwell, Inc., Newburyport, Mass. (2-596).

H. E. Walker Distillers and Brewers, Inc., Detroit, Mich. (2-597).

JAPANESE ENGINEER VISITS NAB

NAB Headquarters was visited this week by Mr. Noboru Marumo, Divisional Chief Engineer of the Broadcasting Corporation of Japan, who is making a tour of the world to inspect broadcasting activities. Mr. Marumo is visiting several United States stations, and expressed considerable interest in the unique features of American broadcasting procedure.

FOREIGN BROADCASTING STATIONS LISTED

The Bureau of Foreign and Domestic Commerce has published a list of foreign broadcasting stations, copies of which are obtainable from the Bureau for 25 cents each.

AUDITORY PERSPECTIVE DEMONSTRATION

Dr. Harvey Fletcher, of Bell Telephone Laboratories, will demonstrate auditory perspective before the Institute of Radio Engineers at the next New York meeting, Wednesday, January 31, at 8 p. m. The demonstration will comprise a repetition of the experiments conducted by the A. T. & T. Co. last year between Philadelphia and Washington. As a large audience is expected, admission will be by ticket only.

RADIO EMPLOYMENT

In December the employment index number in the radio industry was 149.6 compared with 169.3 for November and 70.4 for December, 1932, taking 1926 at 100, according to the Bureau of Labor Statistics. Payroll index number in December was 112.6 compared with 131.9 for November and 50.9 for December, 1932.

FEDERAL RADIO COMMISSION ACTION

HEARING CALENDAR

Tuesday, January 30, 1934

NEW—Walter B. Stiles, Inc., Muskegon, Mich.—C. P., 1310 kc., 100 watts, unlimited time.

Thursday, February 1, 1934

WHBY—WHBY, Inc., Green Bay, Wis.—C. P., 1360 kc., 1 KW, unlimited time (facilities formerly assigned WJKS and facilities of WGES). Present assignment, 1200 kc., 100 watts, unlimited time.

- WBOW—Banks of Wabash, Inc., Terre Haute, Ind.—C. P., 1360 kc., 500 watts, 1 KW LS, unlimited time (facilities of WGES). Present assignment, 1310 kc., 100 watts, unlimited time.
- WGES—Oak Leaves Broadcasting Station, Chicago, Ill.—Renewal, 1360 kc., 500 watts (1 KW LS Sundays); shares with WJKS.
- WSBT—South Bend Tribune, South Bend, Ind.—Modification of license, 1360 kc., 500 watts, specified hours (facilities formerly assigned WJKS). Present assignment, 1230 kc., 500 watts, specified hours.
- WSBT—South Bend Tribune, South Bend, Ind.—Renewal, 1230 kc., 500 watts, specified hours.
- WFBM—Indianapolis Power & Light Co., Indianapolis, Ind.—Modification of license, 1230 kc., 1 KW, unlimited time (facilities of WSBT). Present assignment, 1230 kc., 1 KW, specified hours.

Friday, February 2, 1934

- KFYR—Meyer Broadcasting Company, Bismarck, N. Dak.—Modification of license, 550 kc., 1 KW, 2½ KW LS, unlimited time. Present assignment, 550 kc., 1 KW, 2½ KW LS, specified hours daily except Sundays; Sundays unlimited time.
- KFDY—South Dakota State College, Brookings, S. Dak.—Modification of license, 780 kc., 1 KW, specified hours. Present assignment, 550 kc., 1 KW, specified hours.

APPLICATIONS GRANTED

First Zone

- WSVS—Elmer S. Pierce, Principal, Seneca Vocational High School, Buffalo, N. Y.—Granted special temporary authority to operate from 8:15 to 9 p. m., EST, February 5, 19, and 26, 1934.
- WJZ—National Broadcasting Co., Inc., New York City—Granted extension of special experimental authorization to operate with 50 KW for next 6 months.
- WAAT—Bremer Broadcasting Corp., Jersey City, N. J.—Granted modification of C. P. to move transmitter locally in Jersey City; extent commencement and completion dates from October 30, 1933, to February 1, 1934, and from February 1, 1934, to May 1, 1934, respectively.
- WSYB—Philip Weiss Music Co., Rutland, Vt.—Granted special temporary authority to operate from 11 a. m. to 12 noon, EST, Sundays, February 4, 11, 18 and 25, 1934, in order to broadcast local church services; and from 2 to 5 p. m. and 9 to 11 p. m., EST, February 23 and 24, 1934, in order to broadcast football tournament.
- WQDM—A. J. St. Antoine and E. J. Regan, St. Albans, Vt.—Granted authority to operate from 8:30 to 9:30 p. m., EST, in order to broadcast President's Ball, January 30th.
- WTIC—Travelers Broadcasting Service Corp., Hartford, Conn.—Granted authority to change frequency from 1060 kc. to 1040 kc. and operate simultaneously with KRLD for purpose of securing evidence for hearing on February 14th on applications of WBAL, KTHS, WTIC, and KRLD to make certain changes in the frequency and operate simultaneously.

Second Zone

- KQV—KQV Broadcasting Co., Pittsburgh, Pa.—Granted authority to operate simultaneously with Station WSMK January 30 from 10 p. m. to 1 a. m., EST, in order to broadcast President's birthday program; February 1, 5, 13, 17, 21, 1934, from 10 to 11 p. m., EST, in order to continue broadcast of lacrosse game; February 2 and 22, 1934, from 10 p. m. to 12 midnight, EST, in order to broadcast boxing matches.
- WAVE—WAVE, Inc., Louisville, Ky.—Granted license covering move of station from Hopkinsville to Louisville, Ky.; 940 kc., 1 KW, unlimited time.
- WOSU—Ohio State University, Columbus, Ohio—Granted special temporary authority to operate from 11 to 11:50 a. m., EST, January 31 and February 1, 1934, provided Station WKBN remains silent.

Third Zone

- KGKB—East Texas Broadcasting Co., Tyler, Tex.—Granted special temporary authority to operate from 10 to 11 p. m., CST,

February 1, 1934, and from 9 to 11 p. m., CST, February 5, 8, 12, 15, 19, 22 and 26, 1934.

- WPTF—WPTF Radio Company, Raleigh, N. C.—Granted extension of special experimental authority to operate until 8 p. m., PST, not to exceed term beyond August 1, 1934.
- WFDV—Rome Broadcasting Corp., Rome, Ga.—Granted special temporary authority to operate from 9 p. m. to 12 midnight, CST, January 30, in order to broadcast President's birthday program.
- WJEM—Britt A. Rogers, Jr., Tupelo, Miss.—Granted modification of C. P. to extend commencement date to February 1, 1934, and completion date to May 1, 1934.
- WOAI—Southern Industries, Inc., San Antonio, Tex.—Granted modification of license to change name to Southland Industries, Inc.
- WPTF—WPTF Radio Company, Raleigh, N. C.—Granted authority to operate simultaneously on night of January 30th until end of national broadcast in connection with birthday celebration for President Roosevelt.

Fourth Zone

- KFJB—Marshall Electric Co., Inc., Marshalltown, Iowa—Granted special temporary authority to operate from 3 to 6 p. m. and from 9 p. m. to 12 midnight, CST, February 1, 2, 3, 5, 8, 9, 11, 15, 16, 20, 22, 23 and 27, 1934, and from 9 a. m. to 12 noon, CST, February 1, 2 and 3.
- KFDY—South Dakota State College, Brookings, S. Dak.—Granted special temporary authority to operate from 8:30 to 9 p. m., CST, January 29 and February 5, 1934; from 8 to 8:30 p. m. and 8:45 to 9:15 p. m., CST, February 2, 1934, in order to broadcast basketball games, and from 8 to 9 p. m., CST, February 8, in order to broadcast Master Farmers program, provided KFYR remains silent. Also granted special temporary authority to operate from 6:30 to 8 p. m., CST, February 3, 10, 17 and 24.
- KFYR—Meyer Broadcasting Co., Bismarck, N. Dak.—Granted special temporary authority to operate from 12:30 to 2 p. m., CST, February 3, 10, 17 and 24, 1934, provided KFDY remains silent.
- WSBC—WSBC, Inc., Chicago, Ill.—Granted C. P. to make changes in equipment.
- WMBH—W. M. Robertson, Joplin, Mo.—Granted special temporary authority to operate from 9:30 to 10 p. m., CST, February 3, 10, 17 and 24; and from 2:30 to 3:30 p. m., CST, February 4, 11, 18 and 25. Also granted special temporary authority to operate from 10:15 to 11:15 p. m., CST, on January 30, in order to broadcast President's birthday program.
- KGBX—KGBX, Inc., Springfield, Mo.—Granted C. P. to install new equipment.
- KICK—Red Oak Radio Corp., Carter Lake, Iowa—The Commission reconsidered and granted application for construction permit to move station from Carter Lake to Davenport, make changes in equipment, change frequency from 1420 kc. to 1370 kc., and change call letters to WOC. Also granted voluntary assignment of license to The Palmer School of Chiropractic.
- WLBC—Donald A. Burton, Muncie, Ind.—Granted authority to operate simultaneously with WTRC from 6:30 to 7:30 p. m., CST, on February 2, 9, 10, 16, 23 and 24, 1934.
- KSOO—Sioux Falls Broadcast Association, Inc., Sioux Falls, S. Dak.—Granted C. P. to move transmitter locally and make changes in equipment.
- KGFW—Central Nebraska Broadcasting Corp., Kearney, Nebr.—Granted permission to operate to February 1, 1934, without an approved frequency monitor, in order to make repairs.
- WTRC—The Truth Publishing Co., Inc., Elkhart, Ind.—Granted authority to operate from 7:30 p. m. to 1 a. m., January 30, in order to broadcast President's birthday program.

Fifth Zone

- KGIX—J. M. Heaton, Las Vegas, Nev.—Granted modification of C. P. to extend completion date to March 1, 1934.
- KIEM—Harold H. Hanseth, Eureka, Calif.—Granted authority to operate night of January 30 in order to broadcast President's birthday program.

APPLICATIONS DISMISSED

The following applications, heretofore set for hearing, were dismissed at request of applicants:

- WLEY—Albert S. Moffat, Lexington, Mass.—C. P., 1370 kc., 100 watts, 250 watts LS, unlimited time. Request to move to Lowell, Mass.
- WHAT—Independence Broadcasting Co., Inc., Philadelphia, Pa.—Modification of license, 1310 kc., 100 watts, unlimited time, if WTEL vacates 1310 kc. Not to operate when WCAM is on the air.
- WHOM—New Jersey Broadcasting Co., Jersey City, N. J.—C. P., 1450 kc., 250 watts, 500 watts unlimited time.
- KFEQ—Scroggin & Co. Bank, St. Joseph, Mo.—Special authority to operate daily 5 to 7 p. m. during November and December.

ORAL ARGUMENT GRANTED

The Commission granted oral argument in re Examiner's Report No. 533, stations WMBG, Richmond, Va., and WPHR, Petersburg, Va., to be heard February 7, 1934, at 10 a. m.

The Commission will hear oral argument on February 7 on Examiner's Report No. 524, the application of Wyoming Broadcasting Co., Cheyenne, for C. P. for a new station to operate on 780 kc., 500 watts night, 1 KW LS, unlimited time.

SET FOR HEARING

- NEW—Earl Marvin Nail, Lubbock, Tex.—C. P. for new station to operate on 1310 kc., 100 watts, share with KFYO (facilities of KFYO).
- KOL—Seattle Broadcasting Co., Seattle Wash.—C. P. to move transmitter locally, install new equipment, and increase day power from 1 KW to 2½ KW (facilities of KXA).

APPLICATIONS RECEIVED

First Zone

- NEW—S. George Webb, Newport, R. I.—Construction permit to erect new station to operate on 1390 kc., 250 watts, unlimited time, amended to request 930 kc.
- WMAS—WMAS, Inc., Springfield, Mass.—License to cover construction permit to increase power and make changes in equipment.
- NEW—American Radio Productions Institute, Inc., New York, N. Y.—Request for construction permit to erect new station to operate on 1400 kc., use power of 500 watts, unlimited time (facilities of stations WBBC, WLTH, WARD, and WVFW).
- WTAG—Worcester Telegram Publishing Co., Inc., Worcester, Mass.—Construction permit to move transmitter from 52 Front Street to 20 Franklin Street, Worcester, Mass.
- WGY—General Electric Company, Schenectady, N. Y.—Authority to determine power by direct antenna measurement.
- WOKO—WOKO, Inc., Albany, N. Y.—Extension of special experimental authorization to operate unlimited time and simultaneous operation on 1430 kc. with WHP, WFEA, WCAH, and WHEC for 90 days.
- WHEC—WHEC, Inc., Rochester, N. Y.—Extension of special experimental authorization for simultaneous operation on 1430 kc. with WOKO, WHP, WCAH, and WFEA.
- NEW—John V. L. Hogan, 3104 Northern Blvd., Long Island City, N. Y.—C. P. for new experimental broadcast station, 1550 kc., 1 KW. Time of operation: Variable; such part of the full 24-hour day as is necessary for conduct of the planned research.

Second Zone

- WHAS—The Courier-Journal Co. and The Louisville Times Co., Louisville, Ky.—License to cover construction permit 2-P-B-3008 to make changes in equipment and increase power from 25 KW to 50 KW.
- WKOK—Charles L. Kremer, Receiver for Charles S. Blue, Sunbury, Pa.—Consent to involuntary assignment of license to Charles L. Kremer, receiver for Sunbury Broadcasting Corp., and Chas. S. Blue and Horace C. Blue, as affects their respective interests in WKOK.
- WHP—WHP, Inc., Harrisburg, Pa.—Extension of special experimental authorization for simultaneous operation with WCAH, WFEA, WOKO, WHEC for period ending 5-1-34.

WCAH—Commercial Radio Service Co., Columbus, Ohio—Extension of special experimental authorization for simultaneous operation with WHP, WOKO, WHEC, and WFEA for 90 days.

- NEW—Western Pennsylvania Broadcasting Co., Greensburg, Pa.—Construction permit to erect new station to operate on 620 kc., 250 watts power, daytime, amended to request 800 kc.
- WSAI—Crosley Radio Corporation, Cincinnati, Ohio—Extension of special experimental authorization for 90 days to use 1 KW night, 2½ KW local sunset, unlimited time, using special directional array.

Third Zone

- KTUL—J. T. Griffin, Tulsa, Okla.—License to cover construction permit 3-P-B-2723 and modifications to change studio and transmitter locations and to change equipment.
- WOAI—Southern Industries, Inc., San Antonio, Tex.—Modification of license to change name to Southland Industries, Inc.
- WKBC—R. B. Broyles, tr/as R. B. Broyles Furniture Co., Birmingham, Ala.—Modification of construction permit to change frequency to 590 kc., increase power to 1 KW, and install new equipment.
- WJDX—Lamar Life Insurance Co., Jackson, Miss.—Construction permit to increase power to local sunset from 1 KW to 2½ KW and change equipment.

Fourth Zone

- WISN—American Radio News Corp., Milwaukee, Wis.—Modification of license to increase day power from 250 watts to 500 watts, L. S., 250 watts, night, specified hours. Amended to request unlimited time (facilities of WHAD).
- WIBA—Badger Broadcasting Co., Madison, Wis.—Special experimental authorization to operate with additional power of 500 watts night for period ending April 1, 1934. Amended to be considered under Rule 6 (f and g).
- WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Modification of license to change operation to unlimited time and increase power to 1 kilowatt (facilities of WCBF). Amended to request power of 1 kilowatt, local sunset, 500 watts, night.
- WHAD—WHAD, Inc., Milwaukee, Wis.—Special experimental authority to operate on 580 kc., 1 KW power, unlimited time; change transmitter site (exact location to be determined), and install new equipment, limiting energy in the direction of stations on same frequency, for period ending 4-1-34.
- NEW—L. M. Kennett, Indianapolis, Ind. (exact location to be determined)—C. P. for new experimental broadcast station, 1530 kc., 1 KW. Time of operation: Unlimited time experimentally.

Fifth Zone

- NEW—Fred W. Christian, Jr., and Raleigh W. Whiston, d/b as Christian and Whiston, Norco, Calif.—C. P. for new experimental broadcast station, 1570 kc., 1 KW maximum. Time of operation: Unlimited. Propose to operate minimum of 10 hours daily—2 p. m. until midnight and in early morning hours for experimental transmission.

APPLICATIONS RETURNED

- WBBX—Coliseum Place Baptist Church, New Orleans, La.—Modification of license requesting unlimited time (facilities of WJBW). (Filed by improper applicant.)
- KARK—Arkansas Radio & Equipment Co., Little Rock, Ark.—Request to change transmitter site locally (improper form).
- NEW—Victor Beverly Pitts, Raton, N. Mex.—Request for construction permit to erect new station to operate on 1500 kc., 100 watts, daytime, amended to change transmitter and studio sites locally. (Secs. 9, 14 and 16 incomplete.)
- NEW—Boy Scouts of America, Troop No. 131 Bronx, Harry Goldman, Scoutmaster and Trustee, New York, N. Y.—Construction permit to erect new station to operate on 1350 kc., 250 watts, share time with WBNX (facilities of WBNX, New York, N. Y.). (Applicant's request.)
- NEW—Mayland Broadcasting Co., Spruce Pine, N. C.—Construction permit to erect new station to operate on 900 kc., 100 watts power, unlimited or daytime. (Sections 14, 15, 18 and 20 incomplete.)

The National Association of Broadcasters

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PRESIDENT ORDERS BROADCAST SURVEY

President Roosevelt has requested Secretary of Commerce Roper to appoint a committee to make a survey and report of radio broadcasting in connection with the administration's proposal to determine a definite policy with respect to communications of all kinds. The personnel of the committee, which will differ from the committee which recently completed a survey of the communications field, will be announced within a week or ten days. It is expected that the broadcast survey will take about six weeks to complete and will be undertaken as soon as the committee is named.

The Interdepartmental Committee on Communications filed its report with the President recently and the report was transmitted to Congress. Senator Clarence C. Dill, chairman of the Senate Committee on Interstate Commerce, had the first report printed as a government document for the use of members of his Committee.

After the broadcast report is completed the two documents will be used as a basis for the drafting of legislature upon which hearings will be held in either the Senate or House or both.

Because the report will be used as a basis for legislation, the broadcast survey is looked upon with great importance by the broadcast industry.

DILL FAVORS COMMUNICATIONS COMMISSION

Radio broadcasting should be left in private hands and Congress should follow the rules laid down by the Supreme Court of the United States in formulating new legislation, Senator Clarence C. Dill, chairman of the Senate Committee on Interstate Commerce, told the International Radio Committee at its annual meeting in Washington this week. He went on record as favoring the creation of a Communications Commission and declared that he believed this step should be taken before the propriety of telephone and telegraph mergers should be considered.

Future allocations should make provision for educational broadcasting, he said, expressing the opinion that this service should be placed in the high frequencies. School broadcasting is not popular in the broadcast band, he said.

During the course of his talk Senator Dill several times referred to the future of radio and gave it as his opinion that full development has not yet been reached in any branch of the art. The high standing of radio in the United States, said Senator Dill, is due in large part to the fact that it has been in private hands and not governmental.

Senator Dill spoke of many phases of the radio question with special emphasis on legislation particularly as applied to radio communication.

He referred to Supreme Court rulings on radio questions and expressed the opinion, in regard to legislation, that in future law making the Congress should leave the radio law principles as they are. The United States Supreme Court, he said, has decided that Congress has the power to regulate radio and has laid down the fact that there is no vested right in a radio frequency. In view of court rulings, said Senator Dill, "Congress in its future law making on this subject should not disturb the basic principles of the radio law."

Senator Dill devoted part of his talk to the subject of the recent so-called Roper Interdepartmental Communications Committee report and characterized it as "an excellent review—a fine contribution." The committee did a fine job, he said, but did not keep clearly in view the future development of radio.

The Senator dealt at some length with the general communication situation especially with regard to the international problem and expressed himself strongly as opposed to the organization of any international communications monopoly at this time. He

pointed out very clearly, however, in this connection, that this does not mean that he is against legislation for a general Communications Commission. The Commission should come first, he said, make a study of such a merger and report on it before any legislation is enacted allowing it. The legislature, he said, "should assist and compel radio development."

Others who spoke at the meeting were Dr. C. M. Jolliffe, chief engineer of the Federal Radio Commission, who talked on the recent Mexican Radio Conference; Judge S. C. Bland, chairman of the House Committee on Merchant Marine, Radio and Fisheries; and Judge Eugene O. Sykes, chairman of the Radio Commission.

Senator Wallace H. White, Jr., of Maine, was elected president of the American Section for the coming year. Other officers elected include: John W. Guider, vice president; Howard S. LeRoy, treasurer; Paul M. Segal, secretary. Members of the Executive Council: William R. Vallance, chairman; A. L. Ashby, Thad H. Brown, J. H. Dellinger, F. P. Guthrie, and Henry A. Bellows.

F. R. C. FROWNS ON LIQUOR ADS

The long awaited announcement from the Federal Radio Commission on the subject of liquor advertising was forthcoming on February 2. The announcement follows:

"The Federal Radio Commission calls renewed attention of broadcasters and advertisers to that Section of the Radio Act of 1927 which provides that stations are licensed only when their operation will serve public interest, convenience and necessity, and asks the intelligent cooperation of both groups in so far as liquor advertising is concerned.

"Although the 18th Amendment to the Constitution of the United States has been repealed by the 21st and so far as the Federal Government is concerned there is no liquor prohibition, it is well known that millions of listeners throughout the United States do not use intoxicating liquors and many children of both users and non-users are part of the listening public. The Commission asks the broadcasters and advertisers to bear this in mind.

"The Commission will designate for hearing the renewal applications of all stations unmindful of the foregoing and they will be required to make a showing that their continued operation will serve public interest, convenience and necessity."

The announcement is not to be construed as a regulation. It is simply an expression of the Commission's attitude that liquor advertising, in some cases, might be against the public interest. Apparently the Commission took into consideration the fact that some states have not as yet passed statutes legalizing the sale of hard liquor within their respective borders while other states have enacted liberal statutes. The Commission also undoubtedly considered that the advertising of hard liquors might be so broadcast as to encourage the illegal sale of liquor to minors.

The repeal of the Reed amendment to the federal liquor laws removes any federal limitation upon liquor advertising of any kind and the Commission is without specific authority under the law to promulgate a formal regulation on the subject.

The Commission's statement is construed to relate only to hard liquors rather than beer and table wines.

RATE CARD DEADLINE FEBRUARY 15

The Code Authority for the Radio Broadcasting Industry has fixed February 15 as the deadline for the submission of rate cards in compliance with Article VII, Section 1, paragraph (a) of the code. The Code Authority has ruled that each station must supply three cards. Stations which have failed to send in cards should do so immediately as failure will result in being reported to the NRA.

On December 19 the Code Authority sent to all stations, with the approval of the NRA, questionnaires seeking information with respect to the employment of "broadcast technicians" as required by Article VI, Section 4 of the code. A few stations, it is reported, have not sent in filled-in questionnaires and the Code Authority will report on February 3 to the NRA the call letters of each station having failed to comply with the request.

CODE BLUE EAGLE APPROVED

The Code Authority for the Radio Broadcasting Industry will begin shortly the distribution of "Code Blue Eagles" for stations complying with the broadcasters' code.

The Code Blue Eagle was finally hatched this week and regulations governing its use have been approved by General Johnson. Distribution will be made by Code Authorities and each industry under permanent codes will have its own insignia.

"Each insignia, in addition to identifying the Code under which it is issued, will bear the registration number of the firm, corporation or individual entitled to display it," General Johnson explained. "They will be distributed by Code Authorities to subscribers, under regulations to be made public in a few days."

The letters "NRA" in blue appear between the outstretched wings of the new Code Eagle and under its talons the words "Code—(Trade or Industry Registration Number), 1934." In smaller type are also the words "Property of the United States—not for sale" and the patent design number. Counterfeiting or mutilation of the Blue Eagle is illegal.

The old Blue Eagle will designate only those who are still operating under the President's Reemployment Agreement in the future.

THEATERS FIGHT FREE RADIO SHOWS

The Legitimate Theater Code Authority voted this week to request the Motion Picture Code Authority to join in a protest to the Code Authority for the Radio Broadcasting Industry against the presentation of free radio shows in legitimate theaters.

RADIO PERFORMERS TO BE STUDIED

The Code Authority Committee, consisting of John Shepard, III, chairman; James W. Baldwin, and M. R. Runyon, will meet in New York on February 7 and 8 to begin the study of radio performers provided for in the Code. The meeting was previously scheduled for this week but illness made postponement necessary.

CODE AUTHORITY TO PUBLISH RULES

The Code Authority for the Radio Broadcasting Industry will publish within the next week a pamphlet containing explanatory comments upon the Code by the Code Authority, and rules and regulations or by-laws governing the administration of the Code Authority.

The NAB will send copies of this pamphlet to all members, each copy punched suitably for insertion in the NAB HANDBOOK.

The comments contained in the pamphlet construe provisions of the Code and answer hundreds of questions which have arisen since the Code became effective on December 11.

CODE AUTHORITY ASSESSMENTS

Numerous inquiries have reached NAB headquarters with respect to invoices sent out by the Code Authority for the Radio Broadcasting Industry assessing stations for the cost of code administration.

These invoices were sent out by the Code Authority with the approval of the NRA under the provisions of Article VI, Section 8 of the Code, and in accordance with Article V, Section 2 of the Rules and Regulations of the Code Authority. This latter section provides that each broadcaster "shall pay to the Fiscal Agent of the Code Authority the sum of \$200 per year for each radio broadcasting station classified by the Federal Radio Commission as a Clear Channel or High Power Regional Station; \$50 per year for each radio broadcasting station classified by the Federal Radio Commission as a Clear Channel Part-Time or Low Power Regional Station; \$25 per year for each radio broadcasting station classified by the Federal Radio Commission as a Low Power Part-Time Regional, Local Unlimited or Local Part-Time Station."

The assessments are levied for the purpose of paying the costs of administration of the Code and are levied upon all stations whether or not members of the NAB. All NAB members are urged

to pay this assessment in order to participate in the future activities of the Code and in the selection of a permanent Code Authority when a recommendation for such permanent Code Authority is forthcoming. The Code Authority being an independent body, the assessments imposed by it are in no way related to the NAB or to the dues of the NAB.

BRIEF ON DEPRECIATION RATES

Disagreement over some of the rates of depreciation for broadcasting station equipment suggested by the NAB to the Bureau of Internal Revenue was forecast when the Bureau this week indicated that further conferences may be necessary.

In the brief filed by the Managing Director following numerous conferences with representatives of stations and manufacturers it was sought to prove that:

"1. The radio art is in a constant state of development as evidenced by changes which have transpired since the inception of broadcasting thirteen years ago.

"2. Broadcasting equipment is subject to a physical use 365 days each year during longer hours daily than is exacted from equipment used in most other industries.

"3. A radio transmitting plant is an integral unit and should be depreciated uniformly throughout at a rate of 25 per cent.

"4. Studio technical equipment should be depreciated at a rate of 25 per cent.

"5. A depreciation rate of 33 1/3 per cent should be allowed for portable and mobile equipment, due to the short useful life resulting from wear and tear which this type of equipment receives.

"6. Studio furniture and fixtures, due to the heavy wear and tear and long hours of use, warrant a 16 2/3 per cent depreciation.

"7. The four classifications recommended by the NAB are just and equitable and lend themselves to a proper administration of tax laws."

The brief was filed in response to a series of questions propounded by the Bureau to the NAB. The Bureau plans to issue a formal bulletin on the subject of station depreciation rates at a future date.

AUDITORY PERSPECTIVE DEMONSTRATED

Dr. Harvey Fletcher, director of acoustic research of the Bell Telephone Laboratories, demonstrated high fidelity sound reproduction before the Institute of Radio Engineers in New York City, January 31.

The demonstration, which made a marked impression upon a critical audience, comprised a series of experiments designed to display the advantages gained by employment of the unusual features of the system. The high fidelity was shown to be the result of the use of auditory perspective, obtained by a plurality of independent sound channels, a wide frequency range (40 cycles to 15000 cycles), and a wide volume range (approximately 70 decibels).

The effects of volume compression and of volume expansion were demonstrated. It was noteworthy that compression of the volume range to 30 decibels, such as is common in broadcasting transmission, was undesirable.

The effects of limiting the frequency range aroused considerable interest. By the use of filters, the higher frequency response was limited to 8000 cycles, and then to 5000 cycles. Limitation of high frequency response to 5000 cycles, which is a limitation commonly found in many broadcasting transmitter installations, produced a change in quality generally considered objectionable. Limitation of response to 8000 cycles caused little change except in the reproduction of certain types of high-frequency sounds, such as that of the triangle. Reproduction having limitation of low-frequency response was also demonstrated. Reproduction having both low and high frequency response definitely limited, as is the case with nearly every commercially-built radio broadcast receiver ever sold to the public, produced a markedly unfavorable reaction among the audience. The conclusion was inescapable that program reproduction such as is generally obtainable from average broadcast receivers is, compared with the system demonstrated, of inadequate fidelity.

WALTER A. DEALEY, WFAA, DEAD

The NAB has just learned with much regret of the death of Walter A. Dealey, vice president of the A. H. Belo Corporation, and builder of Station WFAA, Dallas, Texas.

While his life work and his great interest lay in the newspaper publishing field, he was a pioneer among those able to realize the future and the possibilities of broadcasting. Station WFAA, with its 50,000 watts, stands as a monument to Mr. Dealey's thirteen years of radio activity.

Following his sudden death at the age of 43 years last Tuesday, both the Texas House and Senate adopted resolutions expressing regret at the passing of Mr. Dealey.

Broadcasting and publishing has lost an outstanding executive; Texas lost a valuable citizen; the NAB lost a true friend.

DON LEE APPEALS TO COURTS

The Don Lee Broadcasting Company this week filed an appeal in the Court of Appeals of the District of Columbia against a decision of the Federal Radio Commission of January 26 denying construction application to the Lee company for a new station at Redlands, Calif., granting license renewals to stations KTM and KELW and assignments of those licenses to the Evening Herald Publishing Company.

McFADDEN ASKS RADIO INVESTIGATION

Representative McFadden of Pennsylvania this week made a lengthy speech on the floor of the House in connection with freedom of speech. He made reference to the cancellation of a quarter-hour news period which was taken off the air to enable the Postmaster General to reach the country.

Said Mr. McFadden in part:

"There is now before the proper committee of this body a resolution calling for a full investigation into the conduct of the radio business in the United States. I introduced that resolution in the last Congress and it is still alive. No action has been taken upon it. Like many other matters pending before this Congress, no attention will be paid to it unless it has Presidential approval. Will the administration get Presidential approval of this?"

"Will the Rules Committee put that resolution upon its passage, and will the majority pass it and conduct a full and impartial investigation? No Member of this House who reads his mail can say that there is no public demand for such an investigation. You all know that there is, and you all know that the radio situation should be dealt with by Congress and that without further delay."

STATIONS ON 600 KC GET POWER BOOST

The Radio Commission on Friday authorized Station WCAO, Baltimore, to increase its power from 250 to 500 watts, sustaining Examiner Ralph L. Walker in his Report No. 520. The Examiner was also sustained in the same report when the Commission authorized Station WICC, Bridgeport, Conn., to increase its power from 250 to 500 watts. The Commission, in the same decision, granted Station WCAC, Storrs, Conn., permission to increase its power from 250 to 500 watts and substituted the name of the Connecticut State College for the Connecticut Agricultural College.

In its decision in connection with these stations the Commission found that "the applicant concerned in each application is qualified legally, technically and financially," and the broadcast service of each is "meritorious." It was found that the additional power would in each instance "improve the service of the applicant station." It was further found that "the granting of the three applications would tend toward the establishment of a more equal distribution of radio broadcast facilities between zones and a more equitable distribution among stations."

1430 KC ASSIGNMENTS MADE PERMANENT

Station WOKO, Albany, N. Y., was granted permission on Friday to change its frequency from 1440 to 1430 kilocycles, and WHEC, Rochester, N. Y., was granted the same change. Both of these stations were allowed to change their assignment of hours from daytime and part nighttime to unlimited time. In this the Commission upheld Examiner R. L. Walker in his Report No. 527.

In the same decision the Commission granted Station WCAH, Columbus, Ohio, permission to increase its daytime power from 500 to 1,000 watts and change its operating time from part to unlimited time, reversing the Examiner. Station WHP, Harrisburg, Pa., was granted permission to change its hours of operation from specified hours, sharing with WCAH at night, to unlimited time, sustaining the Examiner in part.

WFEA, Manchester, N. H., was denied license renewal on 1430 kilocycles.

The Commission found in its decision that the program service of all of these stations is meritorious and "important to the interest and convenience of the large numbers of residents in the areas of the stations concerned." The Commission also found that the operation of stations WHEC, WCAH, WHP and WOKO simultaneously on the frequency of 1430 kilocycles has been demonstrated to be practicable.

WFEA MOVES TO PORTLAND, MAINE

Charles W. Phelan has been denied his application for a construction permit for a new station at Portland, Maine, by the Radio Commission in sustaining former Chief Examiner Ellis A. Yost in his Report No. 488. The Portland Publishing Company was denied a construction permit to erect a station at Portland, Maine, in the same case. Station WQDM, St. Albans, Vt., was denied its application to increase its power from 100 to 1,000 watts and to change its frequency from 1370 to 1340 kilocycles. Station WRDO was denied permission to move from Augusta to Portland, Maine. Station WFEA, Manchester, N. H., was granted permission to make a change in its frequency from 1430 to 1340 kilocycles experimentally subject to conditions prescribed by the Commission.

The Commission found that the allocation of additional facilities for radio service at Portland "would tend toward the establishment of an inequitable distribution of facilities within that state."

A. F. OF M. FAVORS SPREADING EMPLOYMENT

Local unions affiliated with the American Federation of Musicians have been urged to place in effect at radio stations a plan of "limited staggering" of musicians. President Weber has expressed the expectation that employers will cooperate in spreading employment among musicians, in his communication to locals. Recognizing that radio broadcasting stations require specialized services, President Weber has pointed out that only fully qualified musicians should be permitted to act as substitutes and that substitution should be done in such manner that the employer always receives first-class services.

ADVOCATES SCALE FOR RADIO PERFORMERS

In a lengthy report of a survey of broadcasting, Frank Gillmore, president of Actors' Equity Association, proposes a wage scale for radio performers. The scale is similar to that advocated by this group at the public hearings on the broadcasters' code and which was rejected in favor of a study of the whole subject by the broadcasters' Code Authority. The proposals follow:

LIVE PROGRAMS

For Class "A" Programs—Sustaining: minimum wage, \$20 per performance; commercial, \$40 per performance. Class "A" programs are those broadcast after 6 o'clock in the evening over a chain of not less than five stations for a single performance. Class "A" programs are also those single broadcasts given after 6 p. m. from a single station whose charges are based upon an advertising card-rate of \$400 or over per evening hour. Morning and afternoon programs, minimum wage: sustaining, \$12.50 per performance; commercial, \$35 per performance.

When an artist is engaged to perform as part of the entertainment on a commercial program for three or more periods within a week, the minimum wage will not be less than \$25 per broadcast.

For Class "B" Programs—Sustaining, \$12.50 per performance; commercial, \$25 per performance. Class "B" programs are those taking place in the morning or afternoon over a chain of not less than five stations for a single broadcast. Class "B" programs are also those given after 6 o'clock in the evening over a single station whose charges are based upon an advertising card-rate of \$280 and under \$400 per evening hour. Morning and afternoon programs: sustaining, \$10 per performance; commercial, \$15 per performance.

When an artist is engaged to perform as part of the entertainment on a commercial program for three or more periods within a week, the minimum wage will not be less than \$15 per broadcast.

For Class "C" Programs—Sustaining, \$10 per performance; commercial, \$15 per performance. Class "C" programs are those broadcast after 6 o'clock in the evening from a single station whose charges are based upon an advertising card-rate of over \$100 and under \$250 per evening hour. Morning and afternoon programs: sustaining, \$7.50 per performance; commercial, \$12.50 per performance.

When an artist is engaged to perform as part of the entertainment on a commercial program for three or more periods within a week the minimum wage will be not less than \$7.50 per broadcast.

It is recognized that there are many smaller stations, but as these rarely employ professional talent, *i. e.*, artists who make their living out of radio performances, no regulations are made regarding them.

Including rehearsals, a performance shall constitute 3½ hours. Overtime shall be at the rate of half-pay for each 3 hours or part thereof.

The call of the director establishes the hour at which a rehearsal commences.

One-half of the wage scale shall be paid for "repeat" performances on the air, following within 12 hours of the original performance. An artist "doubling" rôles containing more than 50 words is to be paid at least one-half the minimum wage for each rôle "doubled."

It shall be unfair practice for any employment agent, artists' bureau, or others to charge the artist more than 10 per cent net for securing employment for the artist, and the total of all commissions payable by the artist shall not exceed said 10 per cent.

Artists called to the studio at the scheduled time of the broadcasting, or to the dress rehearsal immediately prior thereto, and who report ready for performance, are to be paid whether or not they go on the air.

Auditions

All "live" auditions given for a prospective program buyer are to be paid for by the prospective buyer, the basis for such compensation being one-half the minimum wage for commercial performances for artists participating in said program, calculated on the basis of the class rate applicable to the station contemplated to be used, or if a group of stations, the highest classification within the group.

Recordings may be made of such "live" auditions by or at the expense of the program producer, the future use of such recordings being restricted as follows: Every prospective advertising sponsor (meaning advertiser as distinct from advertising agent) shall be required to pay to listen to any recorded radio program and the fee therefor shall be on the basis of compensation at one-half the minimum wage for commercial performances for artists participating in said program when broadcast.

INSTITUTE FOR EDUCATION BY RADIO

The fifth meeting of the Institute for Education by Radio will be held at Ohio State University, Columbus, Ohio, on Monday, Tuesday and Wednesday, April 30 to May 2. This fifth meeting marks a milestone in radio broadcasting and the papers and discussions at the meeting will be an appraisal of what has happened in the last five years. Interesting and informed speakers have already been secured and the complete program will be announced shortly.

QUOTA UNITS REVISED BY F. R. C.

The Federal Radio Commission announced on February 3, 1934, the following tabulation of quota assignments to the various states and zones, as of January 20, 1934:

ZONE 1

State	Quota Units		Quota Units under or over	Per cent under or over
	Due	Assigned		
N. Y.	35.07	37.97	+ 2.90	+ 8
Mass.	11.84	11.11	- 0.73	- 6
N. J.	11.26	11.85	+ 0.59	+ 5
Md.	4.55	4.20	- 0.35	- 8
Conn.	4.48	4.00	- 0.48	- 11
P. R.	4.30	1.10	- 3.20	- 74
Me.	2.22	2.21	- 0.01	- 0
R. I.	1.91	1.40	- 0.51	- 27
D. C.	1.35	1.30	- 0.05	- 4
N. H.	1.20	0.83	- 0.46	- 36
Vt.	1.00	0.62	- 0.38	- 38
Del.	0.67	0.53	- 0.14	- 21
V. I.	0.06	...	- 0.06	-100
Total	80.00	77.12	- 2.88	- 4

ZONE 2

Pa.	27.63	24.98	- 2.65	- 10
Ohio	19.07	19.74	+ 0.67	+ 4
Mich.	13.89	10.61	- 3.28	- 23
Ky.	7.50	8.50	+ 1.00	+ 13
Va.	6.95	9.50	+ 2.55	+ 37
W. Va.	4.96	5.53	+ 0.57	+ 11
Total	80.00	78.86	- 1.14	- 1

ZONE 3

State	Quota Units		Quota Units under or over	Per cent under or over
	Due	Assigned		
Texas	16.22	23.12	+ 6.90	+ 43
N. Car.	8.82	9.75	+ 0.93	+ 11
Ga.	8.10	8.35	+ 0.25	+ 3
Ala.	7.37	6.52	- 0.85	- 12
Tenn.	7.29	12.80	+ 5.51	+ 76
Okla.	6.67	8.44	+ 1.77	+ 27
La.	5.85	8.39	+ 2.54	+ 43
Miss.	5.60	3.28	- 2.32	- 41
Ark.	5.16	5.40	+ 0.24	+ 5
S. Car.	4.83	2.00	- 2.83	- 59
Fla.	4.09	8.45	+ 4.36	+107
Total	80.00	96.50	+16.50	+ 21

ZONE 4

Ill.	22.52	27.73	+ 5.21	+ 23
Mo.	10.71	12.00	+ 1.29	+ 12
Ind.	9.56	7.87	- 1.69	- 18
Wisc.	8.67	7.99	- 0.68	- 8
Minn.	7.57	9.08	+ 1.51	+ 20
Iowa	7.30	11.80	+ 4.50	+ 62
Kans.	5.55	6.05	+ 0.50	+ 9
Nebr.	4.06	7.36	+ 3.30	+ 81
S. Dak.	2.05	2.97	+ 0.92	+ 45
N. Dak.	2.01	2.99	+ 0.98	+ 49
Total	80.00	95.84	+15.84	+ 20

ZONE 5

Calif.	36.86	38.14	+ 1.28	+ 3
Wash.	10.15	15.59	+ 5.44	+ 54
Colo.	6.72	9.24	+ 2.52	+ 38
Ore.	6.19	9.22	+ 3.03	+ 49
Mont.	3.49	3.85	+ 0.36	+ 10
Utah	3.30	6.60	+ 3.30	+100
Idaho	2.89	3.00	+ 0.11	+ 4
Ariz.	2.83	2.66	- 0.17	- 6
N. Mex.	2.75	4.03	+ 1.28	+ 47
Hawaii	2.39	1.90	- 0.45	- 19
Wyo.	1.46	0.60	- 0.86	- 59
Nev.	0.59	0.70	+ 0.11	+ 19
Alaska	0.38	0.48	+ 0.10	+ 26
Total	80.00	96.05	+16.05	+ 20

WEEKLY RADIO ADVERTISING TALKS

Scripts for the first four weekly radio talks in the new series of "Short Talks on Advertising" are being mailed this week to more than 200 radio stations which are cooperating in all parts of the country in the presentation of this educational program conducted by the Bureau of Research and Education of the Advertising Federation of America. The first talk is being released for broadcasting the week of February 11-17. Affiliated Advertising Clubs are cooperating by providing speakers to present these addresses and arousing local interest in the program.

U. S. CHAMBER OPPOSES CENSORSHIP

A set of principles, recommended for consideration in any enactment of new food and drug legislation, formulated by the Domestic Distribution Committee of the Chamber of Commerce of the United States, was sent to the Senate Committee on Commerce today by Henry I. Harriman, president of the Chamber.

The proposals of the Committee cover various features of pending legislation. The recommendations are:

"There should be legislation requiring the same truthfulness in advertising, with respect to foods, drugs and cosmetics, as in the labeling of articles to which federal labeling laws apply.

"The value of proper advertising as an economical and efficient means of distribution should be maintained as in the public interest, and all attempts to restrict it as a means of reaching and developing markets should be resisted.

"Government imposition of censorship in any form upon advertising is an attempt at inexcusable intrusion into private business affairs and should be opposed.

"Discretionary powers to impose conditions upon manufacture and distribution should be granted to administrative agencies only

where and to the extent clearly necessary for the effective enforcement of proper federal laws.

"Legislative and administrative provisions in the Food and Drug Laws, as well as penalties for their violation, should bear a definite relationship to the protection needed in the public interest.

"Industry itself should continue its progress in arriving at standards of quality for articles to which such standards can properly be applied."

NAB REPORTS ARE INDISPENSABLE

The new Constitution and By-Laws classifies all stations as active members and requires educational and religious stations to pay the minimum dues of \$30 a year. A large percentage of former associate members have willingly accepted this change in status, but Station KFSG, Los Angeles, Calif., which sells no time, is enthusiastic about the arrangement. A letter says:

"Station KFSG has been an associate member of your splendid organization since its inception and I have found your publications and bulletins as much a necessity to the well-being and success of a radio station as the towers that support the antenna."

NO COMPETITION IN LITTLE AMERICA

Station KFZ, the Columbia Broadcasting System's newest station and the first broadcasting station on the Antarctic continent, was formally opened on February 3, Admiral Richard E. Byrd notified Herbert L. Pettey, Secretary of the Federal Radio Commission, in a radiogram.

"One thing to be said for it is that it won't suffer from competition," Admiral Byrd said in his message to Pettey.

For the present the transmitter will be housed in a tent, although a shack will be constructed as soon as weather conditions permit.

The Federal Radio Commission on January 23 granted a license for one year to Admiral Byrd for the operation of Station KFZ for a fixed private point-to-point telegraph and point-to-point telephone service. The frequencies to be used are the ship frequencies above 3000 kilocycles and 6650, 6660, 6670, 8820, 8840, 13185, 132000, 13230, 13245, 13260, 17600, 17620, 21575, 21600, 21625 kilocycles.

Admiral Byrd will test the characteristics of the different frequencies assigned to him and will use in his broadcasts to the United States those most suitable for transmission from Little America.

FEDERAL RADIO COMMISSION ACTION HEARING CALENDAR

Monday, February 5, 1934

WDBJ—Times-World Corporation, Roanoke, Va.—Modification of license, 930 kc., 500 watts, unlimited time. Present assignment, 930 kc., 250 watts, 500 watts LS, unlimited time.

Tuesday, February 6, 1934

WGAL—WGAL, Inc., Lancaster, Pa.—Modification of license, 1500 kc., 100 watts, unlimited time (facilities vacated by WPEN). Present assignment, 1310 kc., 100 watts, shares with WRAW.

WTEL—Foulkrod Radio Engineering Co., Philadelphia, Pa.—Modification of license, 1500 kc., 100 watts, unlimited time (facilities vacated by WPEN). Present assignment, 1310 kc., 100 watts, shares with WHAT.

WRAW—Reading Broadcasting Co., Reading, Pa.—Modification of license, 1310 kc., 100 watts, unlimited time. Present assignment, 1310 kc., 100 watts, shares with WGAL.

Wednesday, February 7, 1934

Oral Argument Before Commission en banc

NEW—Wyoming Broadcasting Co., Cheyenne, Wyo.—C. P., 780 kc., 500 watts, 1 KW LS, unlimited time.

WMBG—Havens & Martin, Inc., Richmond, Va.—C. P., 1210 kc., 100 watts, 250 watts LS, unlimited time, except Sundays. Present assignment, 1210 kc., 100 watts, unlimited time, except Sundays.

WPHR—WLBG, Inc., Petersburg, Va.—Renewal, 1200 kc., 100 watts, 250 watts LS, unlimited time.

APPLICATIONS GRANTED

First Zone

WTIC—Travelers Broadcasting Service Corp., Hartford, Conn.—Granted special temporary authority to begin operating simultaneously with Station KRLD January 27 instead of February 1, on frequency of 1040 kc., 50 KW power, during experimental period, for 15 days.

WHN—Marcus Loew Booking Agency, New York City—Granted authority to determine operating power by direct measurement of antenna power.

WGY—General Electric Co., Schenectady, N. Y.—Granted authority to determine operating power by direct measurement of antenna power.

WBAL—Consolidated Gas, Electric Light and Power Co. of Baltimore—Granted extension of special experimental authority to synchronize with WJZ on 760 kc., 2½ KW, when WTIC operates on 1060 kc., until 8-1-34.

WOKO—WOKO Inc., Albany, N. Y.—Granted same as above, except operation with stations WHP, WCAH, WFEA, and WHEC.

WHEC—WHEC, Inc., Rochester, N. Y.—Granted same as above, except operation with stations WOKO, WHP, WCAP, and WFEA.

WAGM—Aroostook Broadcasting Corp., Presque Isle, Maine—Granted special temporary authority to operate from 9 p. m. to 12 midnight, January 30, in order to broadcast President's Ball.

Second Zone

WRAX—WRAX Broadcasting Co., Philadelphia, Pa.—Granted renewal of license on a temporary basis subject to the condition that it may be cancelled by the Commission at any time without advance notice or hearing when a regular license is granted for the operation of this station at new location on frequency of 920 kc., and subject to such action as the Commission may take on pending applications for the frequency herein authorized to be used.

WCAE—WCAE, Inc., Pittsburgh, Pa.—Granted modification of C. P. extending completion date from 2-1-34 to 3-1-34.

WPEN—Wm. Penn Broadcasting Co.; WRAX—WRAX Broadcasting Co., Philadelphia, Pa.—Granted modification of C. P. to change transmitter and studio locations locally in Philadelphia, extend commencement date to 30 days from this date, and completion date to June 1, 1934.

KDKA—Westinghouse Electric and Manufacturing Co., Pittsburgh, Pa.—Granted license covering changes in equipment; 980 kc., 50 KW, unlimited time.

WHAS—The Courier-Journal Co. and the Louisville Times Co., Louisville, Ky.—Granted license covering changes in equipment and increase in power; 820 kc., 50 KW, unlimited time.

WHP—WHP, Inc., Harrisburg, Pa.—Granted extension of special experimental authority, expiring February 1, 1934, to operate unlimited time night, specified hours day, with WCAH, WFEA, WOKO, and WHEC on 1430 kc., pending action on formal application, for period ending May 1, 1934.

WCAH—Commercial Radio Service Co., Columbus, Ohio—Granted same as above except operate with stations WHP, WOKO, WHEC, and WFEA.

WJBK—James F. Hopkins, Inc., Detroit, Mich.—Granted special temporary authority to operate from 8 to 9 p. m., EST, February 1, 4, 6, 8, 11, 15, 18, 22, 25 and 27, 1934, in order to broadcast hockey games, provided WIBM remains silent.

Third Zone

WRAM—Wilmington Radio Assn., Inc., Wilmington, N. C.—Granted C. P. to move station from Wilmington to Durham, N. C., make changes in equipment, and change frequency from 1370 kc. to 1500 kc.

KLCN—Charles Leo Lintzenich, Blytheville, Ark.—Granted license covering local move of station, installation of new equipment, and changing power from 50 to 100 watts; 1290 kc., day-time.

WPFB—Otis Perry Eure, Hattiesburg, Miss.—Granted modification of license to reduce hours of operation from unlimited to specified.

KWKH—International Broadcasting Corp., Sbreveport, La.—Granted renewal of license on a temporary basis, pending action by the Court of Appeals in the case of Loyola University (WWL) and Ark-La-Tex Radio Corp., requesting facilities of KWKH.

WENC—Americus Broadcast Corp., Americus, Ga.—Granted authority to remain silent for 30 days pending construction.

KGKB—East Texas Broadcasting Co., Tyler, Tex.—Granted license covering local move of station and changes in equipment; 1500 kc., 100 watts, specified hours.

WMBR—F. J. Reynolds, Inc., Jacksonville, Fla.—Granted license covering move of station from Tampa to Jacksonville, Fla.; 1370 kc., 100 watts, unlimited time.

Fourth Zone

- KUSD—University of South Dakota, Vermillion, S. Dak.—Granted authority to operate from 10:30 a. m. to 12 noon February 6 in order to broadcast intercollegiate debate. (Involves simultaneous operation with WILL 10:30 to 11 a. m.)
- WBBM—WBBM, Broadcasting Corp., Chicago, Ill.—Granted special experimental authority to extend authority to operate synchronously with KFAB 3/7 nighttime as follows: February 1 to April 29 from 10 p. m. to 12 midnight, and April 29 to August 1 from 9 p. m. to 12 midnight. Also to operate auxiliary transmitter in the same manner.
- KFAB—KFAB Broadcasting Corp., Lincoln, Nebr.—Granted same with WBBM, except not for auxiliary.
- WHBU—Anderson Broadcasting Corp., Anderson, Ind.—Granted authority to remain silent during adjustment and reconstruction of station destroyed by fire, pending filing and action on formal application for C. P.
- KGFK—Red River Broadcasting Co., Inc., Moorhead, Minn.—Granted C. P. to move transmitter and studio from Moorhead to Minnesota Point, Duluth, Minn.
- WHBL—Press Publishing Co., Sheboygan, Wis.—Granted C. P. to make changes in equipment from high to low level modulation.
- WMBH—W. M. Robertson, Joplin, Mo.—Granted same as above, except hours of operation from 9:30 to 11:15 p. m., CST.

Fifth Zone

- KXA—American Radio Telephone Co., Seattle, Wash.—Granted extension of special experimental authority to operate simultaneously with WJZ from local sunset to 10 p. m., PST, using 250 watts experimentally, for period February 1, 1934, to August 1, 1934.

APPLICATIONS DISMISSED

The following applications, heretofore set for hearing, were dismissed at request of applicants:

- KGAR—Tucson Motor Service Co., Tucson, Ariz.—Modification of license; facilities of KVOA.
- KVOA—Arizona Broadcasting Co., Inc., Tucson, Ariz.—Modification of license; facilities of KGAR.
- NEW—N. Vernon Clark, Chester, S. C.—C. P. for new station; 1310 kc., 100 watts, daytime.
- NEW—The Journal Co., Milwaukee, Wis.—License for special experimental facsimile transmission.

MISCELLANEOUS

The Commission today reconsidered its decision rendered January 16, 1934, in the case of Peoria Broadcasting Company, Station WMBD (Ex. Rept. No. 493), and Illinois Broadcasting Corp., Station WTAD (Ex. Rept. No. 493). By the terms of this decision the Peoria Broadcasting Company was granted full time, and the Illinois Broadcasting Corporation's station was ordered deleted, to take effect 20 days from date of decision.

The action of the Commission today in reconsidering this case, remanded it to the Examiner to take additional testimony and make recommendations based upon any additional testimony that may be presented.

KIEM—Harold H. Hanseth, Eureka, Calif.—Application for modification of license to increase hours of operation from daytime to unlimited, 1210 kc., 100 watts (facilities of KFWI), which was denied as in cases of default on December 8, 1933, was restored to the Hearing Docket.

Northern Broadcasting Co., Inc., Laconia, N. H.—Application for new station to operate on 1310 kc., 100 watts, daytime only (facilities of former WKAV), taken from Hearing Docket and granted.

Geo. Webb, Newport, R. I.—Application for new station re-designated for hearing, to be heard on bill of particulars dated December 5, 1933.

SET FOR HEARING

- WINS—American Radio News Corp., New York City—Modification of license to change hours of operation from limited to unlimited (facilities of WNYC).
- KRSC—Radio Sales Corp., Seattle, Wash.—Modification of license to change hours of operation from daytime only to daytime and 12 midnight to 4 a. m. daily.
- NEW—Unity School of Christianity, Kansas City, Mo.—C. P. (experimental broadcast), 1530 kc., 1 KW.

WKBZ—Karl L. Ashbacker, Ludington, Mich.—C. P. to move transmitter and studio to Muskegon, Mich.

NEW—C. G. Phillips and Frank Hill, d/b as Boise Broadcast Station, Weiser, Idaho—C. P., 1200 kc., 100 watts, unlimited time (facilities of KFXD).

WLBW—Broadcasters of Pennsylvania, Erie, Pa.—Modification of license to increase night power from 500 watts to 1 KW.

APPLICATIONS RECEIVED

First Zone

WAGM—Aroostook Broadcasting Corp., Presque Isle, Maine—License to cover construction permit granted 12-8-33 to move transmitter locally and make changes in equipment.

WORC—Alfred F. Kleindienst, Worcester, Mass.—Extension of special experimental authorization to use directional antenna, 1280 kc., and 500 watts power.

Second Zone

WIBM—WIBM, Inc., Jackson, Mich.—Construction permit to install new equipment and to move transmitter and studio to 306-8 West Michigan, Jackson, Mich., amended re equipment changes.

WCAE (Auxiliary)—WCAE, Inc., Pittsburgh, Pa.—Construction permit to change auxiliary transmitter site from 21st and Wharton Sts., Pittsburgh, Pa., to Baldwin Township, Pa.

WHDF—Upper Michigan Broadcasting Co., Calumet, Mich.—Modification of license to change specified hours of operation and to change time from Central Standard to Eastern Standard, amended to request change in specified hours and change time to Central Standard.

Third Zone

KARK—Arkansas Radio and Equipment Co., Little Rock, Ark.—Modification of construction permit authorizing installation of new equipment to move transmitter locally.

Fourth Zone

WFAM—The South Bend Tribune, South Bend, Ind.—License to cover construction permit granted 9-29-33 to make changes in equipment.

NEW—August G. Bendix, Posen, 3 miles south and 2 miles east of Wood Lake, Minn.—Construction permit to erect new station to operate on 1310 kc., 100 watts, specified hours.

WTMJ—The Journal Company (The Milwaukee Journal), Milwaukee, Wis.—Special experimental authorization to increase power to 5 KW, amended to request 5 KW LS and 1 KW night.

KWTO—KGBX, Inc., Springfield, Mo.—Modification of license to increase power from 500 watts to 1 KW, daytime.

Fifth Zone

NEW—E. L. Landsberg and K. V. Martin, Las Vegas, Nev.—Request for construction permit to erect new station to operate on 1420 kc., 100 watts, unlimited time (facilities of KGIX).

KVI—Puget Sound Broadcasting Co., Inc., Tacoma, Wash.—Authority to determine power by direct antenna measurement.

APPLICATIONS RETURNED

NEW—J. R. Vancurren, Logan, Ohio—Construction permit to erect a new station to operate on 1310 kc., 100 watts day, — power night, unlimited time. (Incomplete, Rule 6, equipment and location unsatisfactory.)

KCRC—Enid Radiophone Co., Enid, Okla.—Modification of license to change frequency from 1370 kc. to 1230 kc., increase power to 250 watts, and time to unlimited (facilities vacated by KGGF). (Rule 6.)

NEW—Hoosier Broadcasting, Inc., Indianapolis, Ind.—Construction permit to erect a new station to operate on 1360 kc., 1 KW, unlimited time. (Rule 6, incomplete, equipment and location unsatisfactory, jurat incomplete.)

WIL—Missouri Broadcasting Corp., St. Louis, Mo.—Construction permit to install new equipment. (Unnecessary.)

NEW—Community Church of God (Rev. Harry Jones), Canton, Ohio—Request for construction permit to erect new station to operate on 1310 kc., 50 watts, and specified hours, amended to increase power from 10 watts to 50 watts. (Rule 6, Sec. 6, and equipment unsatisfactory.)

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
 PHILIP G. LOUCKS, Managing Director

NAB REPORTS

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Vol. 2 - - No. 7
 FEB. 8, 1934

BROADCAST ADVERTISING IN DECEMBER

Broadcast advertising in December amounted to \$6,152,615.00 and marked a gain of 2.8% over the volume of the previous month. National network volume increased 7.5% over the previous month, while the revenue from the sale of time over regional networks rose 9.2%. Individual station advertising volume alone decreased, revenues in this field having declined 3.9% as against November.

The drop in individual station business is probably due to two factors: (1) The absorption of an increasing proportion of the profitable broadcasting hours by network programs on the larger stations, this trend having been in progress for several months; (2) What seems to be a slight seasonal decline on the part of radio advertising over the smaller stations. In the latter case, the trend in advertising volume seems to parallel that of the newspaper field. However, it is impossible to say whether the entire decline in small station revenue has been due to this factor or whether part of it has been caused by unsettled retail business in some sections of the country.

The total volume of broadcast advertising over national and regional networks and individual stations during December is found in Table I:

TABLE I
TOTAL RADIO BROADCAST ADVERTISING VOLUME

Class of Business	1933 Gross Receipts		Cumulative July-December
	November	December	
National networks...	\$3,439,088.00	\$3,697,283.00	\$16,200,287.00
Regional networks...	74,051.00	80,878.00	243,632.00
Individual stations...	2,472,718.00	2,374,454.00	12,997,432.00
Total	\$5,985,857.00	\$6,152,615.00	\$29,441,351.00

National network advertising in December was especially encouraging, the volume of this type of business having been the greatest that it has been in twenty months, and being exceeded only by four months in the entire history of the industry. December network advertising was 23% higher than during the same month of the previous year and was 2.5% above December 1931. Monthly revenues for national network advertising during 1932-1933 are found in Table IA:

TABLE IA
NATIONAL NETWORK ADVERTISING BY MONTHS (1932-1933)

Month	Gross Receipts	
	1933	1932
January	\$2,796,143	\$3,984,289
February	2,627,761	3,891,023
March	3,013,574	4,300,833
April	2,465,664	4,004,484
May	2,287,163	3,632,442
June	2,065,195	2,997,296
July	1,826,407	2,416,616
August	1,907,481	2,285,680
September	2,102,809	2,492,951
October	3,255,839	3,035,631
November	3,465,801	3,059,848
December	3,697,283	3,005,683
Total	\$31,516,298	\$39,106,776

A comparison of the monthly volume of advertising over national networks, regional networks and individual stations during the latter half of 1933 is found in Table IB:

TABLE IB
BROADCAST ADVERTISING VOLUME

Month	National Networks	Regional Networks	1933 Gross Receipts		Total
			Individual Stations		
July	\$1,826,407.00	\$16,069.00	\$2,092,899.00		\$3,918,441.00
August	1,907,481.00	32,262.00	1,753,504.00		3,693,247.00
September ...	2,102,809.00	14,281.00	1,832,251.00		3,949,341.00
October	3,255,839.00	26,091.00	2,471,606.00		5,741,850.00
November ...	3,465,801.00	74,051.00	2,472,718.00		5,985,857.00
December ...	3,697,283.00	80,878.00	2,374,454.00		6,152,615.00
Total ...	\$16,200,287.00	\$243,632.00	\$12,997,432.00		\$29,441,351.00

On the basis of the available figures for the latter half of last year it would seem that the probable total receipts for the sale of broadcast advertising time during 1933 amounted to approximately \$57,000,000.00.

Comparison with Other Media

A comparison of the expenditures for radio advertising as against those of other leading media is found in Table II:

TABLE II
ADVERTISING VOLUME BY MAJOR MEDIA

Advertising Medium	1933 Gross Receipts		
	November	December	Cumulative July-Dec.
Radio broadcasting	\$5,985,857.00	\$6,152,615.00	\$29,441,351.00
National magazines ¹	9,535,635.00	8,254,556.00	48,049,277.00
National farm papers	436,830.00	265,645.00	2,003,637.00
Newspapers	41,356,796.00	40,069,311.00	233,941,275.00
Total	\$57,315,118.00	\$54,742,127.00	\$313,435,540.00

¹ National magazine totals are for 108 periodicals, prepared by Publishers' Information Bureau, Inc., from which source national farm papers and networks are also taken.

There was a slight seasonal decline in newspaper advertising volume during December, a situation which was paralleled in the national magazine field. National farm papers experienced a rather heavy drop in advertising revenue and were in a slightly poorer position than in December 1932.

As far as can be estimated, newspaper advertising volume during 1933 was approximately \$441,000,000.00 and was 11% below that of the previous year. National magazine volume during the year totalled \$97,637,665.00 and was 16% below the 1932 level. Advertising in national farm papers showed a decline of 17% over the previous year, advertising of this type totalling \$4,131,861.00. The national network decline of 18% in 1933 as compared with the previous year therefore constitutes a favorable showing. It must be remembered that contrary to the situation with regard to other media this decline constitutes the maximum recession in business which has been experienced from the peak years of the industry. As far as can be determined, total radio broadcast advertising volume has decreased approximately 20% since 1931, the only other year for which any figures are available with regard to all parts of the broadcasting structure.

Advertising Over Various Classes of Stations

The volume of non-network advertising placed over stations of different classes of power is found in Table III:

TABLE III
NON-NETWORK BROADCAST ADVERTISING BY POWER OF STATION

Power of Station	1933 Gross Receipts		Cumulative July-Dec.
	November	December	
Over 5,000 watts . . .	\$801,630.00	\$778,767.00	\$4,977,268.00
2,500-5,000 watts . . .	302,311.00	252,030.00	1,561,999.00
250-1,000 watts . . .	1,002,911.00	1,037,911.00	4,872,182.00
100 watts and under	365,866.00	305,828.00	1,585,983.00
Total	\$2,472,718.00	\$2,374,454.00	\$12,997,432.00

There was a further decline in non-network business of stations of more than 5,000 watts in power. The volume of non-network business for this class of station however is still above the September level. It is quite probable that the decline which has taken place during the past several months has been due to the necessity of making way for an increasing volume of network business. The same general trend is to be noticed in the case of stations from 2,500 to 5,000 watts in power.

Non-network advertising volume of stations of from 250 to 1,000 watts in power increased 3.5% over the previous month. There was a decline of approximately 16% in the volume of business enjoyed by stations of 100 watts in power. Although this trend may be partly seasonal in nature, it may also be that unsettled conditions in retail trade are partly to blame for the December decrease in volume.

During the past six months stations of over 5,000 watts in power have accounted for 38.3% of the total non-network advertising volume, while stations of from 2,500 to 5,000 watts have accounted for 12% of non-network business. Non-network revenues of stations in the 250 to 1,000 watt class comprised 37.5% of the total volume of this type of business, while the revenues of 100-watt stations comprised 12.2% of the non-network total. Although these figures undoubtedly are of interest, they should be interpreted with considerable conservatism in so far as they do not represent the situation with regard to the entire year. It may be possible that when additional data is available these proportions may be somewhat altered. At the present time they constitute the best information available.

Advertising by Geographical Districts

The amount of non-network advertising placed over stations in various sections of the country is found in Table IV:

TABLE IV
NON-NETWORK BROADCAST ADVERTISING BY GEOGRAPHICAL DISTRICTS

Geographical District	1933 Gross Receipts		Cumulative July-Dec.
	November	December	
New England			
Middle Atlantic Area	\$597,887.00	\$507,810.00	\$3,167,079.00
South Atlantic			
South Central Area	403,794.00	424,911.00	2,012,473.00
North Central Area	972,872.00	991,873.00	5,012,373.00
Pacific and Mountain Area . . .	498,165.00	449,860.00	2,805,507.00
Total	\$2,472,718.00	\$2,374,454.00	\$12,997,432.00

Non-network broadcast advertising in the New England-Middle Atlantic Area declined 14% as compared with November, while that of the Pacific-Mountain Area declined approximately 10%. Since network activities are largely concentrated in these two districts, this may be partly the cause of the declines. Non-network advertising in the Southern Area increased approximately 5%, while slight gains were noted in the case of the North Central Area. Increased buying power due to the Government's agricultural program, CWA projects, and similar factors undoubtedly constitute at least a partial explanation of this trend.

Spot and Local Advertising

A comparison of the volume of national spot and local advertising comprising the non-network revenues of individual stations is found in Table V:

TABLE V
COMPARISON OF NATIONAL SPOT AND LOCAL BROADCAST ADVERTISING

Class of Business	1933 Gross Receipts		Cumulative July-Dec.
	November	December	
National spot	\$1,085,342.00	\$944,520.00	\$5,145,180.00
Local	1,387,376.00	1,429,934.00	7,852,252.00
Total	\$2,472,718.00	\$2,374,454.00	\$12,997,432.00

Local broadcast advertising increased 3.1% as against November and stood at the highest point to have been reached during the past six months. National spot broadcasting, on the other hand, declined approximately 13%, although still remaining considerably above the September level. During the past six months national spot broadcasting comprised 39.6% of the total individual station non-network business, while local advertising accounted for 60.4% of the volume in that field.

A comparison of the proportion of total broadcast advertising accounted for by national networks, regional networks, national spot business and local advertising business is as follows:

National networks	55.1%
Regional networks8%
National spot broadcasting	17.5%
Local broadcast advertising	26.6%
Total	100.0%

In this respect there is remarkably little change from 1931 when the combined network advertising revenue comprised approximately 54% of the total advertising revenue of that year. However, there seems to have been a somewhat marked increase in national spot business which in 1932, those expert in the field agreed, probably totaled between one-quarter and one-third of total non-network business.

Advertising by Type of Rendition

The trends with regard to electrical transcriptions and other types of broadcasting rendition are found in Tables VI and VII:

TABLE VI
NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION

Type of Rendition	1933 Gross Receipts		Cumulative July-Dec.
	November	December	
Elec. transcriptions	\$495,516.00	\$462,942.00	\$2,411,313.00
Live talent programs	1,044,932.00	935,673.00	5,743,511.00
Records	56,880.00	66,473.00	360,238.00
Spot announcements	875,390.00	909,366.00	4,482,370.00
Total	\$2,472,718.00	\$2,374,454.00	\$12,997,432.00

TABLE VII
COMPARISON OF LOCAL AND NATIONAL SPOT ADVERTISING BY TYPE OF RENDITION (December, 1933)

Type of Rendition	Gross Receipts for Month		
	National Spot	Local	Total
Elec. transcriptions	\$344,281.00	\$118,661.00	\$462,942.00
Live talent programs	321,304.00	614,369.00	935,673.00
Records	6,456.00	60,017.00	66,473.00
Spot announcements	272,479.00	636,887.00	909,366.00
Total	\$944,520.00	\$1,429,934.00	\$2,374,454.00

Electrical transcription business declined 6.6% as compared with November, due principally to a rather heavy decrease in national spot volume. There was a slight decline in live talent business which was mostly local in nature. Record programs increased to

a rather marked degree, while there was a considerable increase in spot announcement volume. The latter was due principally to local advertising and may be indicative of the fact that the small advertisers are again coming back to radio. This in turn may have been partly due to the Christmas holidays.

During the past six months electrical transcriptions have comprised 18.5% of total non-network business, live talent 44.2%, records 2.7% and spot announcements 34.6%. There has been considerable variation between the makeup of national spot broadcast advertising and local advertising with regard to type of rendition. Whereas national spot advertising comprised 75.7% of the total electrical transcription volume and 51% of the total spot announcement volume, it amounted to no more than 29.6% of the live talent volume and comprised a negligible proportion of the programs involving the use of phonograph records.

Participations

The volume of participation business showed a marked increase in December as compared with the previous month and is found in Table VIII:

TABLE VIII
PARTICIPATIONS OVER INDIVIDUAL STATIONS

Type of Rendition	1933 Gross Receipts		Cumulative July-Dec.
	November	December	
Elec. transcriptions	\$177.00	\$1,000.00	\$1,572.00
Live talent programs	49,685.00	91,192.00	379,562.00
Records	15,961.00	15,542.00	94,432.00
Total	\$65,823.00	\$107,734.00	\$475,566.00

Radio Advertising Sponsors

The volume of radio broadcast advertising in December sponsored by various types of industries is found in Table IX, while an analysis of national spot and local advertising over individual stations is presented in Table X:

TABLE IX
RADIO BROADCAST ADVERTISING VOLUME BY TYPE OF SPONSORING BUSINESS
(December, 1933)

Type of Sponsoring Business	National Networks	Gross Receipts for Month		Total
		Regional Networks	Individual Stations	
1a. Amusements	—	—	\$54,781.00*	\$54,781.00
1-2. Automobiles and Accessories:				
(1) Automobiles	\$228,247.00	\$5,460.00	136,472.00	370,179.00
(2) Accessories, gas and oils	289,381.00	22,798.00	174,069.00	486,248.00
3. Clothing and apparel	43,372.00	1,125.00	177,378.00	221,875.00
4-5. Drugs and toilet goods:				
(4) Drugs and pharmaceuticals	389,521.00	2,648.00	340,813.00	732,982.00
(5) Toilet goods	684,622.00	—	79,272.00	763,894.00
6-8. Food products:				
(6) Foodstuffs	769,288.00	32,611.00	335,076.00	1,136,975.00
(7) Beverages	336,816.00	—	76,828.00	413,644.00
(8) Confections	122,729.00	—	38,096.00	160,825.00
9-10. Household goods:				
(9) Household equipment and furnishings	53,654.00	43.00	115,987.00	169,684.00
(10) Soap and kitchen supplies	115,335.00	—	18,750.00	134,085.00
11. Insurance and financial	60,998.00	2,180.00	57,178.00	120,356.00
12. Radios	54,451.00	—	20,179.00	74,630.00
13. Retail establishments	—	—	178,680.00	178,680.00
14. Tobacco products	381,103.00	—	5,403.00	386,506.00
15. Miscellaneous	167,766.00	14,013.00	565,492.00	747,271.00
Total	\$3,697,283.00	\$80,878.00	\$2,374,454.00	\$6,152,615.00

TABLE X
NON-NETWORK ADVERTISING BY TYPE OF SPONSORING BUSINESS
(December, 1933)

Type of Sponsoring Program	National Spot	Gross Receipts for Month	
		Local	Total
1a. Amusements	\$9,036.00	\$45,745.00	\$54,781.00
1-2. Automobiles and Accessories:			
(1) Automobiles	87,970.00	48,502.00	136,472.00
(2) Accessories, gasoline and oil	101,003.00	73,066.00	174,069.00
3. Clothing and apparel	4,485.00	172,893.00	177,378.00
4-5. Drugs and toilet goods:			
(4) Drugs and pharmaceuticals	228,835.00	111,978.00	340,813.00
(5) Toilet goods	63,460.00	15,812.00	79,272.00
6-8. Food products:			
(6) Foodstuffs	142,429.00	192,647.00	335,076.00
(7) Beverages	15,292.00	61,536.00	76,828.00
(8) Confectionery	33,276.00	4,820.00	38,096.00
9-10. Household goods:			
(9) Household equipment and furnishings	23,652.00	92,335.00	115,987.00
(10) Soap and kitchen supplies	9,922.00	8,828.00	18,750.00
11. Insurance and financial	10,057.00	47,121.00	57,178.00
12. Radios	3,755.00	16,424.00	20,179.00
13. Retail establishments	7,116.00	171,564.00	178,680.00
14. Tobacco products	2,650.00	2,753.00	5,403.00
15. Miscellaneous	201,582.00	363,910.00	565,492.00
Total	\$944,520.00	\$1,429,934.00	\$2,374,454.00

The following trends are to be noticed in the aforementioned tables:

1a. *Amusements*:—There has been a rather marked decline in this field due principally to a decrease in local business of this type.

1. *Automobiles*:—Broadcast advertising volume in this field increased slightly more than 16% as compared with November. National network volume was approximately the same as the previous month. National spot business more than doubled, while local automotive advertising retrieved the losses experienced in November and again approximated its October level.

2. *Accessories, gasoline and oil*:—Accessories, gasoline and oil advertising over the radio decreased 19% as compared with November. Network volume decreased 12.5%, while station volume declined 33%, due mostly to a shrinkage in national spot advertising.

3. *Clothing*:—There was a slight increase in this field during the past month due principally to local advertising.

4. *Drugs and pharmaceuticals*:—Radio advertising in the drug and pharmaceutical field decreased 4% as compared with November, due mostly to a decline of approximately 14% in national spot volume.

5. *Toilet goods*:—There was little or no change in cosmetic advertising over the air, increased national business offsetting the slight declines which occurred in national spot and local business of this type.

6. *Foodstuffs*:—Food advertising over national networks decreased 11% during December as compared with the previous month, while national spot and local advertising declined 30% and 15%, respectively.

7. *Beverages*:—Other than a marked increase in local beverage advertising, there has been little change in this field as compared with the preceding month.

8. *Confectionery*:—A slight increase occurred in December in

confectionery advertising over the radio, due principally to a doubling of local business of this type.

9. *Household appliances*:—A marked increase occurred in household equipment and furnishings advertising, network volume having quadrupled as compared with November and individual station volume having shown marked increases.

10. *Soap and kitchen supplies*:—Radio advertising in this field increased approximately 8% as compared with the preceding month due principally to a 21% increase in national network volume which more than offset the declines in spot and local business.

11. *Insurance and financial*:—Although the total in this field has remained comparatively unchanged, spot broadcasting volume declined approximately 60%, while local financial advertising increased in the neighborhood of 10%.

12. *Radio*:—Radio set advertising increased 12% as compared with November. Station volume rose 20%, local advertising of this type more than doubling the preceding month's figure. There were declines in the national spot and network fields.

13. *Retail*:—Advertising by general retail establishments increased approximately 40% during the month. This was undoubtedly due to Christmas advertising.

14. *Tobacco products*:—Tobacco advertising more than doubled as compared with November due entirely to the return of cigarette advertising to the national networks on a scale commensurate with their efforts in the early part of 1932.

15. *Miscellaneous*:—There has been an interesting increase in miscellaneous advertising, especially in the national spot and local fields. This seems to be indicative of a revival of a more varied type of sponsorship of radio programs than was the case during the 1932-1933 season.

Trends in Sponsorship During 1933

The trend in national network advertising sponsorship during the past year is indicated in Table A, wherein the 1932 and 1933 advertising volume of various industrial groups is compared:

TABLE A
NATIONAL NETWORK ADVERTISING BY TYPE OF SPONSORING BUSINESS
(1932-1933)

Type of Sponsoring Program	Gross Receipts	
	1933	1932
1-2. Automobiles and Accessories:		
(1) Automobiles	\$1,863,436.00	\$1,072,899.00
(2) Accessories, gasoline and oil	3,899,493.00	3,111,739.00
3. Clothing and apparel	413,797.00	738,552.00
4-5. Drugs and toilet goods:		
(4) Drugs and pharmaceuticals	2,910,564.00	2,897,836.00
(5) Toilet goods	5,308,741.00	5,827,743.00
6-8. Food products:		
(6) Foodstuffs	6,240,108.00	8,412,298.00
(7) Beverages	3,366,138.00	3,329,653.00
(8) Confectionery	844,032.00	1,052,082.00
9-10. Household goods:		
(9) Household equipment and furnishings	400,796.00	949,825.00
(10) Soap and kitchen supplies	1,009,333.00	1,145,340.00
11. Insurance and financial	669,495.00	1,253,462.00
12. Radios	593,455.00	115,854.00
13. Retail establishments	—	—
14. Tobacco products	2,909,632.00	6,245,223.00
15. Miscellaneous	1,087,278.00	2,954,270.00
Total	\$31,516,298.00	\$39,106,776.00

It will be noted that the important declines in absolute volume of national network advertising have been restricted to a comparatively few fields. Three groups, the food and tobacco industries, and the miscellaneous group of sponsors,—which embraces a large portion of the "floating population" of radio advertising,—alone account for approximately 97% of the net loss experienced in network volume. In recent months the tobacco advertising volume has increased materially. Reviving business should favorably affect food sales and therefore probably food advertising in the near future. National network food advertising has been continually on the increase since June of the past year. In December, 1933, the volume of food advertising over national networks was 27.4% greater than in any previous month during that year. Food advertising declined 26% and tobacco advertising 53% in 1933 as compared with the previous year.

Other fields which experienced declines in broadcast advertising expenditures during 1933 included clothing, shoes and other articles

of apparel, with a decrease of 42%, cosmetics with a 9% decline, household equipment and appliances with a 57% shrinkage in expenditures, soaps and kitchen supplies with a 3% drop in radio advertising volume, financial advertising with a 47% decline, and the miscellaneous group with a 62% drop.

Most of these industries, it will be noted, are ones which have been materially affected by the depression. Household appliances, insurance, cosmetics and apparel all are in this class. So are articles such as ginger ale and other food beverages. It is interesting to note that even chewing gum, the principal component of the confectionery group, has been materially affected by the depression. It would seem that the losses experienced by radio have been due principally to the decline in business rather than to a shift to competitive media. Though detailed information is not available, this is also probably the case with regard to local and national spot advertising.

Marked increases also occurred during 1933 in some fields. Na-

tional network advertising on the part of the automotive industry increased 73% over 1932, while accessory advertising increased 25%. Radio set advertising increased 411% over the previous year, beverage advertising 1%, and drug and pharmaceutical advertising .4%.

The most important group of sponsors in 1933 was food, and the allied industries of beverages and confections. These constituted 33% of the total national network volume for the year. Second in importance was the cosmetic industry, whose advertising comprised 16.8% of national network volume. Lubricants ranked third with 12.3% of total network volume, drugs fourth with 9.3%, and tobacco fifth with 9.2%. These groups, combined, comprised approximately 81% of total national network revenue. Convenience goods, that is, small articles of low unit cost and high turnover, still comprise the bulk of national network volume, accounting for slightly more than 70% of total network advertising. This is compared to 30% in 1927.

Less information is available with regard to the types of industries sponsoring programs over individual stations. However, the data collected during the past six months make possible for the first time the determination of a broad general trend in this field.

In the case of non-network advertising as a whole, foodstuffs and allied products constituted the largest single sponsoring group and accounted for 20.5% of the non-network volume. Drugs and pharmaceuticals ranked second with 11.3%, accessories third with 8.3%, clothing fourth with 7.2%, general retail establishments fifth with 6.4%, toilet goods sixth with 5.8%, household equipment seventh with 5.2%, and the automotive group eighth with 4.9%. The wider distribution of non-network advertising is not only indicated by the fact that these eight groups comprise but 69.6% of the total non-network volume, but also by the fact that 21.8% of the total individual station revenue from other than network sources came from miscellaneous sources, comprising a wide variety of industries.

The composition of national spot volume during the latter half of 1933 did not show quite the same wide variety of general non-network business. Neither did it exhibit the same degree of concentration noted in the case of national networks. Food and allied industries accounted for 22.2% of the national spot business, drugs and pharmaceuticals for 18.1%, gasoline and automotive accessories for 12.6%, and toilet goods for 12.3%. Miscellaneous advertisers, not readily classifiable under any other general industrial grouping, accounted for 15.1% of national spot business during the latter half of 1933.

Local broadcast advertising likewise showed interesting trends. The miscellaneous group loomed especially large, and comprised 26.4% of total local volume during the period in question. Clothing ranked second with 12.2%. General retail establishments, such as department stores, came third with 10.0%, drugs and pharmaceuticals fourth with 7.0%, and furniture fifth with 6.8%. These comprised 62.4% of total local volume.

Retail Advertising

A detailed study of the retail advertising situation is found in Table XI:

TABLE XI
RETAIL ADVERTISING OVER INDIVIDUAL STATIONS
(December, 1933)

<i>Type of Sponsoring Business</i>	<i>Gross Receipts for month</i>
Automobiles and accessories:	
Automobile agencies and used car dealers.....	\$34,173.00
Gasoline stations, garages, etc.....	24,962.00
Clothing and apparel shops.....	170,164.00
Drugs and toilet goods:	
Drug stores	16,156.00
Beauty parlors	942.00
Food products:	
Grocery stores, meat markets, etc.....	44,089.00
Restaurants and eating places ¹	24,513.00
Beverage retailers	1,360.00
Confectionery stores, etc.....	3,805.00
Household goods:	
Household equipment retailers ²	30,466.00
Furniture stores	48,200.00
Hardware stores	9,359.00
Radio retailers	15,196.00
Department and general stores.....	177,378.00
Tobacco shops.....	815.00
Miscellaneous	55,571.00
Total	\$657,149.00

¹ Exclusive of hotels.

² Such as electric refrigerators, oil burners, sweepers, furnaces and the like.

General Business Conditions

There has been little change in the general business situation during the past month. Industrial production declined slightly at the opening of the new year, following which it returned to the mid-December level of 77.0 according to the New York Times Index. Commodity prices showed slight increases, the combined index of the Department of Labor rising from 70.8 on December 30 to 72.3 on January 20. Detroit factory employment showed a sharp rise when automobile production was begun on new models. Steel ingot production exhibited slight gains as compared with December. Electric power consumption, on the other hand, decreased slightly, the index declining from 99.5 on December 23 to 97.5 on January 20. It will be particularly interesting to note the degree to which the new monetary policies of the government will affect production and consumption, and the direction which this effect will take.

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF CHEMISTRY
RESEARCH REPORT
NO. 1234

The following data were obtained from the study of the reaction of the monomer with the catalyst under various conditions. The reaction rate was measured by the change in the concentration of the monomer over time. The results are shown in the table below.

Time (min)	Monomer Concentration (M)
0	0.100
5	0.085
10	0.070
15	0.055
20	0.040
25	0.025
30	0.010

The reaction rate was found to be first order with respect to the monomer concentration. The rate constant, k , was determined to be 0.02 min^{-1} . The activation energy of the reaction was found to be 15 kcal/mole .

The reaction of the monomer with the catalyst is a complex process involving several steps. The first step is the formation of a complex between the monomer and the catalyst. This complex then undergoes a series of steps leading to the formation of the polymer. The rate of the reaction is dependent on the concentration of the monomer and the catalyst. The reaction is first order with respect to the monomer concentration and zero order with respect to the catalyst concentration. The activation energy of the reaction is 15 kcal/mole .

The following data were obtained from the study of the reaction of the monomer with the catalyst under various conditions. The reaction rate was measured by the change in the concentration of the monomer over time. The results are shown in the table below.

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The National Association of Broadcasters

NATIONAL PRESS BUILDING

WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

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Vol. 2 - - No. 8

FEB. 10, 1934

DILL WILL PUSH COMMUNICATIONS BILL

Following a conference with President Roosevelt at the White House on Friday, Senator C. C. Dill, Washington, chairman of the Senate Interstate Commerce Committee, announced that he will shortly introduce a bill to create a Communications Commission with a view to secure its final enactment during the present session of Congress.

Representative Sam Rayburn, Texas, chairman of the House Committee on Interstate and Foreign Commerce, also was present at the White House Conference.

Senator Dill has been at work on the bill for several weeks and will have it ready for introduction within the next two weeks. It will undoubtedly carry the approval of President Roosevelt which virtually assures passage of the measure.

The President and Senator Dill have agreed, it is understood, upon the procedure to be followed in dealing with the general communications problem and no time will be lost in securing Congressional action.

The Dill Communications bill will abolish the Federal Radio Commission and create in its stead a Communications Commission which will have all the powers of the present Radio Commission and also the powers which the Interstate Commerce Commission now has over wireless and wire communications.

Senator Dill explained that the measure he will introduce will not contain any controversial features but will rather be a consolidation of existing laws on the subject of broadcasting and communications with the administrative power lodged in a new commission. This Commission would begin immediately to study the many perplexing problems tied up in the communications field and work with a view to developing a permanent communications policy for the United States.

At the present time there is no disposition to change the existing laws as they relate to broadcasting. Such changes as might be necessary would be suggested by way of amendment to the general law after the new Commission has given mature thought to the subject. It is possible, however, that the new bill would include the provisions of the old Dill bill which passed both Houses of Congress last Congress and received a veto by President Hoover. This bill was designed to correct certain procedural defects in the existing radio law. There is some likelihood, also, that the bill to prohibit remote control broadcasts in the United States for broadcasting by foreign stations will be absorbed by the new Dill bill.

By simply bringing about a consolidation of existing statutes relating to communications and avoiding controversial aspects of the legislation, Senator Dill hopes that hearings will be unnecessary. However, if requests for hearings are received, he will undoubtedly grant them although he would not permit them to become lengthy or interfere in any way with the progress of the legislation.

The Washington Senator made clear his views on the subject of radio legislation at a recent meeting of the International Committee on Radio in Washington. He said it was his belief that the American idea of private ownership and operation of communication companies had been responsible for the leadership of this nation in radio development and that this development should not be throttled by eliminating competition. He pointed out that trans-oceanic radio circuits had brought about reductions in cable rates and used figures to prove his point.

The Supreme Court of the United States, he explained, had upheld the policy underlying our present broadcasting system and it was his view that future legislation should follow this policy.

For more than ten years a leader in radio legislation, Senator

Dill, as chairman of the powerful Senate Interstate Commerce Committee, wields tremendous influence in radio legislative matters.

The announcement that a Communications Commission bill will be introduced and pressed at the present session of Congress was the most important development in broadcasting since the Roosevelt administration came into power and was taken as an indication that the administration intends to proceed carefully step by step toward a permanent communications policy.

COPELAND BILL SLATED FOR ACTION

President Roosevelt on Thursday night gave his approval to the revised Copeland bill to revise the pure food and drug bill and announcement was made that the measure will be pushed to final Congressional action at an early date.

The announcement of presidential approval of the measure followed a conference between President Roosevelt, Dr. Rexford G. Tugwell, assistant secretary of the Department of Agriculture, and Senator Royal S. Copeland, New York, chairman of the Senate Commerce Committee.

Senator Copeland was completing work on his revised bill as this issue of NAB REPORTS went to press and copies were to become available within a day or two.

Much of the opposition to the measure was met by revisions and Senator Copeland believed the bill in its revised form would meet with the approval of newspaper publishers, magazine publishers and broadcast stations. It is understood that many of the amendments proposed by the NAB were incorporated in the altered measure.

Senator Copeland stated that he planned to call his Committee together at an early date, probably next week, and report the bill to the Senate for action.

Truthful advertising provisions of the bill place the burden of proof on the manufacturer and not the advertising media.

HEARINGS ON RADIO BILL NEXT WEEK

Senator Dill of Washington has introduced a bill (S. 2660) in the Senate amending the radio law to prevent the setting up of studios in the United States which are connected with radio stations in foreign countries that broadcast back to this country.

An identical bill (H. R. 7800) has been introduced in the House by Representative Bland of Virginia, which has been referred to the House Committee on Merchant Marine, Radio and Fisheries. Announcement has been made that hearings will be held on this bill beginning February 15th.

The Dill bill, which has been referred to the Senate Committee on Interstate Commerce, is as follows:

That the Radio Act of 1927, approved February 23, 1927, as amended (44 Stat. 1162), is amended by the addition of a new section to follow section 28 of said Act (44 Stat. 1172), said new section to read as follows:

"No person, firm, company, or corporation shall be permitted to locate, use, or maintain a radio broadcast studio or other place or apparatus from which or whereby sound waves are converted into electrical energy, or mechanical or physical reproduction of sound waves produced, and caused to be transmitted or delivered to a radio station in a foreign country for the purpose of being broadcast from any radio station there having a power output of sufficient intensity and/or being so located geographically that its emissions may be received consistently in the United States,

without first obtaining a permit from the Federal Radio Commission upon proper application therefor.

"Such application shall contain such information as the Commission may by regulation prescribe, and the granting or refusal thereof shall be subject to the requirements of section 11 of the Radio Act of 1927 with respect to applications for station licenses or renewal or modification thereof, and the license or permission so granted shall be revocable for false statements in the application so required or when the Commission, after hearings, shall find its continuation no longer in the public interest."

ROPER COMMITTEE PLANS INDEFINITE

Plans of the Roper Committee, which will shortly undertake a study of broadcasting with a view to making a report to the President, were indefinite as this issue of NAB REPORTS went to press.

Secretary of Commerce Roper announced this week that he would appoint a committee of perhaps three or four persons to study broadcasting and formulate a report to supplement the recent report on point-to-point communications. He stated that Herbert Pettey, secretary of the Federal Radio Commission; Dr. Irving Stewart, radio expert of the State Department; and perhaps some one from the U. S. Office of Education as an advisor will constitute the committee.

This committee, it is believed, will study all phases of the broadcasting problem and invite all interested parties to submit their views. While this committee is expected to get into action within the next two weeks it has not yet made known its plans nor indicated whether it will hold open hearings or simply ask interested parties to submit their views in memoranda.

The study is regarded as important in view of the reported interest of both the President and the Secretary of Commerce in the undertaking. What relationship, if any, it will have with the recently announced legislative program is not yet known.

REDUCTION OF WORKING HOURS PROPOSED

Concrete proposals for further reduction of working hours in all industries will be laid down by General Hugh S. Johnson on March 5 at which time he will call to Washington code authorities and trade association executives. The announcement of the NRA chief was made late Thursday.

LABOR SEEKS CODE AUTHORITY PLACES

President William Green of the American Federation of Labor, in a statement published in the official labor publication, made a new demand for labor representation on code authorities.

Green argued that the customary view of industry that the code authorities deal with management questions and therefore should not include labor representatives, was not sound because principal responsibilities of the code ruling committees were administrative.

"Since the code authority exercises public control," he said, "labor maintains that in addition to representation of the industry, it shall provide representation for workers and consumers, either in an advisory capacity or as members."

CODE COMMITTEE COMMENCES STUDY

The subcommittee of the Code Authority for the Radio Broadcasting Industry held a conference in New York this week preliminary to commencing a study of radio performers which is provided for in the code.

PLEASE, PLEASE, PLEASE, PLEASE

Every member of the NAB who reads this issue of NAB REPORTS must get some idea of the demands which are being made upon the Association these days. These demands will increase rather than decrease. As predicted by your Managing Director, the income to the Association under the new system of dues has been far less than the expenses of operation despite curtailments

in headquarters office expenses. If every member paid his January dues the income would still be inadequate. But combine with this the fact that twenty-five per cent of all members have not paid January dues and you can get some idea of our financial situation. Further reduction in expenses cannot be put into effect without materially curtailing the activities of the Association. While such curtailment would be unfortunate at this particular time, no alternative is left if revenue does not pick up promptly.

If you have not paid your dues, won't you please attend to this at once? This will help some.

If there are stations in your locality who are not members of the Association, won't you please call on them personally, phone them or write to them and sign them up as members?

Won't you please put your shoulder to the wheel and help us? We need members and we need money.

FEDERAL RADIO COMMISSION ACTION

HEARING CALENDAR

Monday, February 12, 1934

KWWG—Port Arthur College, Port Arthur, Texas—C. P. to move station from Brownsville to Port Arthur; 1260 kc., 500 watts, share with KRGV.

KWWG—Frank P. Jackson, Brownsville, Texas—Renewal; 1260 kc., 500 watts, shares with KRGV.

KWWG—Frank P. Jackson, Brownsville, Texas—Voluntary assignment of license to Port Arthur College; 1260 kc., 500 watts, shares with KRGV.

KRGV—KRGV, Inc., Harlingen, Texas—Modification of license; 1260 kc., 500 watts, unlimited time (facilities of KWWG). Present assignment, 1260 kc., 500 watts, shares with KWWG.

Wednesday, February 14, 1934

Hearing Before Commission en banc

KTHS—Hot Springs Chamber of Commerce, Hot Springs National Park, Ark.—Special experimental authorization; 1060 kc., 10 KW, simultaneous operation with WBAL 6 a. m. to LS, suspending LS to 8 p. m., CST; unlimited time 8 p. m. to 12 p. m. Present assignment, 1040 kc., 10 KW, shares with KRLD.

WTIC—Travelers Broadcasting Service Corp., Hartford, Conn.—Special experimental authorization; 1040 kc., 50 KW, simultaneous operation with KRLD (unlimited). Present assignment, 1060 kc., 50 KW, shares with WBAL.

KRLD—KRLD Radio Corporation, Dallas, Texas—Special experimental authorization; 1040 kc., 10 KW, simultaneous operation with WTIC (unlimited). Present assignment, 1040 kc., 10 KW, sharing with KTHS.

WBAL—Consolidated Gas, Electric Light and Power Co. of Baltimore, Baltimore, Md.—Special experimental authorization; 1060 kc., 10 KW, 6 a. m. to LS at Hot Springs simultaneous with KTHS, unlimited time LS to 9 p. m.; synchronizing with WJZ on 760 kc., with 2½ KW, from 9 p. m.; 1060 kc., 10 KW, shares with WTIC.

KWJJ—KWJJ Broadcast Co., Inc., Portland, Ore.—Renewal; 1060 kc., 500 watts, limited time.

WESG—Cornell University, Elmira, N. Y.—Renewal; 1040 kc., 1 KW, daytime.

WJAG—The Norfolk Daily News, Norfolk, Nebr.—Renewal; 1060 kc., 1 KW, limited time.

Friday, February 16, 1934

WBHS—Radio Station WBHS, Inc., Huntsville, Ala.—Voluntary assignment of license to Virgil V. Evans; 1200 kc., 100 watts, shares with WFBC.

WBHS—Radio Station WBHS, Inc., Huntsville, Ala.—Renewal; 1200 kc., 100 watts, shares with WFBC.

NEW—Virgil V. Evans, Rock Hill, S. C.—C. P.; 1370 kc., 100 watts, daytime (facilities of WBHS).

APPLICATIONS GRANTED

First Zone

- WMEX—The Northern Corp., Chelsea, Mass.—Granted modification of C. P. for approval of transmitter site authorized to be determined by construction permit, $4\frac{1}{2}$ miles from center of Boston, Chelsea, Mass.
- WICC—The Bridgeport Broadcasting Station, Inc., Bridgeport, Conn.—Granted modification of license for direct measurement of antenna input to determine power.
- WBSO—Broadcasting Service Organization, Inc., Needham, Mass.—Granted authority to operate from 2 to 4 a. m., EST, February 18, 1934, in order to broadcast DX program. Stations WRAX-WPEN and WWJ, with less than recommended mileage separation, have consented to the requested operation.
- WTAG—Worcester Telegram Publishing Co., Worcester, Mass.—Granted C. P. to move transmitter locally from 52 Front St. to 20 Franklin St., Worcester, Mass.
- WHEB—Granite State Broadcasting Corp., Portsmouth, N. H.—Granted authority to operate from 3 to 4 a. m., EST, February 15, in order to broadcast DX program.
- WORC—Alfred Frank Kleindienst, Worcester, Mass.—Granted extension of special experimental authority to operate unlimited time on 1280 kc., with 500 watts, until June 1, 1934. (Normally licensed 1200 kc., 100 watts, unlimited.)
- WMAS—WMAS, Inc., Springfield, Mass.—Granted license covering increase in day power and changes in equipment; 1420 kc., 100 watts night, 250 watts day; unlimited time.

Second Zone

- WBNS—The Commercial Radio Service Co., Columbus, Ohio—Granted modification of license to change name to WBNS, Inc.
- WBNS—The Commercial Radio Service Co., Columbus, Ohio—Granted C. P. to move transmitter to $\frac{1}{2}$ mile south of Route 40 and $\frac{1}{4}$ mile east of James Road, Truro Township, Ohio.
- WSAI—The Crosley Radio Corp., Cincinnati, Ohio—Granted extension of special experimental authority to May 1, 1934, to operate with 1 KW power nighttime, $2\frac{1}{2}$ KW daytime, using special directional antenna array. (Normally licensed 1330 kc., 500 watts night, 1 KW day, unlimited.)
- WIBM—WIBM, Inc., Jackson, Mich.—Granted C. P. to move station locally and make changes in equipment.
- WCAE—WCAE, Inc., Pittsburgh, Pa.—Granted C. P. to move auxiliary transmitter from Pittsburgh to Baldwin Township, Pa.
- WAVE—WFIW, Inc., Louisville, Ky.—Granted modification of license to change name to WAVE, Inc.

Third Zone

- WGST—Georgia School of Technology, Atlanta, Ga.—Granted authority to operate with power of 250 watts, daytime, for a period of approximately 10 days on account of construction work authorized by construction permit 3-P-B-3038.
- WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—Modification of C. P. to move transmitter locally from Lafayette and Convention Sts. to Magnolia and 5th St., Baton Rouge, La., and extend commencement date from 2-2-33 to 30 days after the granting of this application and extend completion date from 5-31-33 to 120 days after granting of this application.
- WENC—Americus Broadcast Corp., Albany, Ga.—Modification of C. P. granted for approval of transmitter site to be determined at 107 N. Jackson St., Albany, Ga., and extension of commencement date from 1-5-34 to 30 days after granting of this application (March 6) and extension of completion date from 4-5-34 to 60 days after granting of this application (May 6, 1934).
- KARK—Arkansas Radio & Equipment Co., Little Rock, Ark.—Granted modification of C. P. to move transmitter locally;

extend commencement date immediately after this date, and completion date to March 11, 1934.

Fourth Zone

- WFAM—The South Bend Tribune, South Bend, Ind.—Granted license covering changes in equipment; 1200 kc., 100 watts, shares with WWAE.
- WLBC—Donald A. Burton, Muncie, Ind.—Granted modification of C. P. to extend completion date of C. P. from February 10 to March 10, 1934.

Fifth Zone

- KGCX—H. E. Krebsbach, Wolf Point, Mont.—Granted special temporary authorization to operate from 9 p. m. to 10 p. m., MST, February 12, 1934, in order to broadcast the complete proceedings of the Wolf Point Commercial Club banquet.

ACTION ON EXAMINER'S REPORTS

- NEW—Ex. Rept. No. 492: Philip J. Wiseman, Lewiston, Maine—Denied application for a new station to operate on frequency of 640 kc., 500 watts, limited time, sustaining Examiner Geo. H. Hill.
- NEW—Ex. Rept. No. 529: Harold Thomas, Waterbury, Conn.—Granted C. P. for a new station to operate on 1190 kc., 100 watts, daytime hours, sustaining Examiner Ralph L. Walker.
- NEW—Ex. Rept. No. 530: Willard G. Demuth, Uhrichsville, Ohio—Denied C. P. for new station to operate on 1370 kc., 100 watts power, daytime hours, sustaining Examiner Geo. H. Hill.
- NEW—Ex. Rept. No. 532: Thomas R. McTammany and William H. Bates, Jr., Modesto, Calif.—Granted C. P. for new station to operate on 740 kc., 250 watts power, daytime hours, reversing Examiner R. L. Walker.
- WMBG—Ex. Rept. No. 533: Havens & Martin, Inc., Richmond, Va.—Denied C. P. to increase power from 100 watts to 100 watts night, 250 watts LS, sustaining Examiner Geo. H. Hill.
- WPHR—WLBG, Inc., Petersburg, Va.—Granted renewal of license to operate on 1200 kc., 100 watts night, 250 watts LS, unlimited time, sustaining Examiner Hill.

ACTION ON CASE HEARD BEFORE COMMISSION EN BANC

- WLWL—Missionary Society of St. Paul the Apostle, New York City—Denied application for unlimited time on 1100 kc. (Commissioners Starbuck and Hanley dissented.)
- WPG—WPG Broadcasting Corp., Atlantic City, N. J.—Granted renewal of license, 1100 kc., 5 KW power, specified hours, sharing with WLWL. (Commissioners Starbuck and Hanley dissented.)

ORAL ARGUMENT GRANTED

Oral argument in re Examiner's Report No. 534, involving Station KGDE, Fergus Falls, Minn., and the application of Herbert H. Fettee for the facilities of Station KGDE, was granted to be heard March 7, at 10 a. m.

APPLICATIONS DENIED

The following cases, heretofore designated for hearing, were denied because applicants failed to enter their appearances within time allowed:

- NEW—John E. McGoff, Julius Schaeffer, and Francis Thurston, Newport, R. I.—C. P., 1500 kc., 100 watts, 9 hours per day.
- NEW—Henry Clay Allison, Fort Worth, Texas—C. P., 1370 kc., 100 watts, share with KFJZ (facilities of KFJZ).
- WDEL—WDEL, Inc., Wilmington, Del.—Modification of license; 1120 kc., 500 watts, unlimited time.

NEW—M. L. Myers, d/b as Richland Sound Systems, Mansfield, Ohio—1310 kc., 50 watts, specified hours (facilities of WHBD).

KUOA—KUOA, Inc., Fayetteville, Ark.—Modification of license 1260 kc., 1 KW, specified hours.

SET FOR HEARING

NEW—Pittsburgh Radio Supply House (exact location to be determined), Greensburg, Pa.—C. P. for 620 kc., 250 watts, daytime.

WSMK—Stanley M. Krohn, Jr., Dayton, Ohio—Special experimental authorization to increase hours of operation from simultaneous day, specified at night, sharing with KQV, to unlimited, simultaneous day and night with KQV, for the period ending 5-1-34.

KQV—KQV Broadcasting Co., Pittsburgh, Pa.—Special experimental authorization to increase hours of operation from simultaneous day, specified at night, sharing with WSMK, to unlimited, simultaneous day and night with WSMK, for the period ending 5-1-34.

WJBK—James F. Hopkins, Inc., Detroit, Mich.—Special experimental authorization to operate unlimited time experimentally until July 1, 1934, expiration date of license. (Normally licensed 1370 kc., 50 watts, unlimited day, specified hours night.)

WHAD—WHAD, Inc., Milwaukee, Wis.—Special experimental authorization to move transmitter locally, install new equipment, change frequency from 1120 kc. to 580 kc., increase power from 250 watts to 1 KW, and increase hours of operation from specified to unlimited experimentally.

NEW—E. L. Landsbert and K. V. Martin, Las Vegas, Nev.—C. P. for new station, 1420 kc., 100 watts, unlimited time (facilities of KGIX).

APPLICATIONS RECEIVED

First Zone

WEAN—Shepard Broadcasting Service, Inc., Providence, R. I.—Extension of special experimental authorization to use additional power of 250 watts, night, until 9-1-34.

WJAR—The Outlet Co., Providence, R. I.—Extension of special experimental authorization to use additional power of 250 watts, night, until 9-1-34.

Second Zone

WBNS—The Commercial Radio Service Co., Columbus, Ohio—Modification of license to change corporate name to WBNS, Inc., and change studio location to 33 N. High St., Columbus, Ohio.

WBNS—WBNS, Inc., Columbus, Ohio—Construction permit to move transmitter to ½ mile south of route 40 and ¼ mile east of James Road, Truro Township, Ohio.

WLAP—American Broadcasting Corp. of Ky., Lexington, Ky.—Modification of construction permit for approval of transmitter and studio sites. Studio, 106 Esplanade St.; transmitter, corner Main and Esplanade Sts., Lexington, Ky.

WJR—WJR, The Goodwill Station, Inc., Detroit, Mich.—Modification of construction permit granted 12-15-33 to make changes in equipment.

WCAE—WCAE, Inc., Pittsburgh, Pa.—License to cover construction permit (as modified) granted 6-30-33 to make changes in equipment and move transmitter to Baldwin Township, Pa.

WWVA (Auxiliary)—West Virginia Broadcasting Corp., Wheeling, W. Va.—License to cover construction permit granted 10-27-33 to move transmitter.

WWVA—West Virginia Broadcasting Corp., Wheeling, W. Va.—Construction permit to increase power from 5 KW to 10 KW and make changes in equipment.

WCAE—WCAE, Inc., Pittsburgh, Pa.—Authority to determine operating power by direct antenna measurement.

WSAZ—WSAZ, Inc., Huntington, W. Va.—Modification of license to increase power from 500 watts to 1 KW.

Third Zone

WSOC—WSOC, Inc., Charlotte, N. C.—Construction permit to install new equipment and increase daytime power from 100 watts to 250 watts, amended to be considered under Rule 6g.

NEW—Charles Henry Gunthorpe, Jr., Nacogdoches, Texas—Construction permit to erect new station to operate on 1420 kc., power of 100 watts, daytime.

Fourth Zone

WLBC—Donald A. Burton, Muncie, Ind.—Extension of time under construction permit granted 10-10-33 until 3-10-34.

KWCR—Cedar Rapids Broadcast Co., Cedar Rapids, Iowa—Modification of construction permit granted 1-16-34 for approval of transmitter site at 3d Ave. and 3d St., Cedar Rapids, Iowa.

WHBU—Anderson Broadcasting Corp., Anderson, Ind.—Construction permit to rebuild station destroyed by fire.

KGCR—Greater Kampeska Radio Corp., Watertown, S. Dak.—Construction permit to move transmitter locally.

WRJN—Racine Broadcasting Corp., Racine, Wis.—Construction permit to make changes in equipment.

WTAX—WTAX, Inc., Springfield, Ill.—Construction permit to move transmitter locally.

NEW—Hoosier Broadcasting, Inc., Indianapolis, Ind.—Construction permit to erect new station to operate on 1360 kc., power of 1 KW, unlimited time, amended to change transmitter site (locally) and request facilities of WGES and those formerly used by WJKS (WIND).

Fifth Zone

KIEM—Harold H. Hanseth, Eureka, Calif.—Modification of license to change hours of operation from daytime to unlimited, facilities of KFWI, amended to omit request for facilities of KFWI and to be considered under Rule 6g.

KGMB—Honolulu Broadcasting Co., Ltd., Honolulu, T. H.—Construction permit to make changes in equipment and change transmitter location, amended to omit request to change transmitter site.

KGW—Oregonian Publishing Co., Portland, Ore.—Construction permit to increase power from 1 KW to 1 KW, 2½ KW LS, and make changes in equipment.

APPLICATIONS RETURNED

WCAL—St. Olaf College, Northfield, Minn.—Construction permit to increase power from 1 KW to 1 KW night and 2½ KW local sunset; also to make changes in equipment. (Rule 6.)

WTMJ—The Journal Co. (The Milwaukee Journal), Milwaukee, Wis.—Authority to determine operating power by direct measurement of antenna power. (Request of applicant.)

WKAR—Michigan State College, East Lansing, Mich.—Modification of license to change hours of operation from S. H., daytime, to unlimited, and change power from 1 KW day to 500 watts night and 1 KW LS. (Violation Rules 116 and 117.)

NEW—John E. Reagan, Monongahela, Pa.—Construction permit to erect new station. (Returned Sections 14, 15, 16, and Rule 5.)

NEW—Samuel Nathaniel Morris, Stamford, Texas—Construction permit to erect new station to operate on 1420 kc., power of 100 watts, S. H. (facilities of KFYO and KFPL). (Violation of Rules 5 and 6; transmitter site.)

WDAF—The Kansas City Star Co., Kansas City, Mo.—Construction permit to install rectifier. (Unnecessary.)

The National Association of Broadcasters

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

PHILIP G. LOUCKS, Managing Director

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RADIO-NEWS PROGRAM EFFECTIVE MARCH 1

The Associated Press, United Press and the International News Service have notified all member and client newspapers that effective March 1, 1934, the broadcasting of news from their telegraphic reports is prohibited, except in accordance with a recently promulgated program.

The text of this program, which has been carried on the wires of all newspapers receiving press association service along with an announcement by E. H. Harris, of Richmond, Indiana, Chairman of the Publishers' National Radio Committee, is as follows:

January 31, 1934,
New York, N. Y.

Note to Editors:

For Information of Publishers
and for Publication, if Desired.

After a series of conferences, the newspaper, press association and radio groups met at the Hotel Biltmore and arranged that the program for news broadcasting should become effective March 1, 1934.

Mr. Edwin S. Friendly, of the Executive Committee of the Publishers' National Radio Committee, was elected Chairman of the Administration Committee to organize the bureau in cooperation with the Publishers' National Radio Committee and in accordance with the program outlined.

Represented at the meeting were: Associated Press, United Press, International News Service, National Broadcasting Company, Columbia Broadcasting System, and the Publishers' National Radio Committee. The Managing Director of the National Association of Broadcasters was present at the meeting as an observer.

The Columbia Broadcasting System and the National Broadcasting Company have announced that in accordance with their previously expressed intention they have decided to withdraw from the news-gathering field.

The program is as follows:

That a committee consisting of one representative of the American Newspaper Publishers Association, one representative each from the United Press, the Associated Press and the International News Service, one representative from the National Association of Broadcasters, and one representative each from the National Broadcasting Company and the Columbia Broadcasting System, totalling seven members, with one vote each, should constitute a committee to set up with proper editorial control and supervision a bureau designed to furnish to the radio broadcasters brief daily news bulletins for broadcasting purposes. The chairman of the above committee will be the representative of the American Newspaper Publishers Association and a member of the Publishers National Radio Committee. All actions of this committee will be in conjunction with the Publishers National Radio Committee.

The newspaper and press association members of this committee are authorized and empowered to select such editor, or editors, and establish such a bureau as may be necessary to carry out the purposes of this program to wit:

To receive from each of the three principal press associations copies of their respective day and night press reports, from which shall be selected bulletins of not more than thirty words each, sufficient to fill two broadcast periods daily of not more than five minutes each.

It is proposed that a broadcast, to be based upon bulletins taken from the morning newspaper report, will be put on the air by the broadcasters not earlier than 9:30 a. m., local station time, and the broadcast based upon the day newspaper report will not be put on the air by the broadcasters prior to 9 p. m., local station time.

It is agreed that these news broadcasts will not be sold for commercial purposes.

All expense incident to the functioning of this bureau will be borne by the broadcasters. Any station may have access to these broadcast reports upon the basis of this program, upon its request and agreement to pay its proportionate share of the expense involved.

Occasional news bulletins of transcendent importance, as a matter of public service, will be furnished to broadcasters, as the occasion may arise at times other than the stated periods above. These bulletins will be written and broadcast in such a manner as to stimulate public interest in the reading of newspapers.

The broadcasters agree to arrange the broadcasts by their commentators in such a manner that these periods will be devoted to a generalization and background of general news situations and eliminate the present practice of the recital of spot news.

A part of this program is to secure the broadcasting of news by newspaper-owned stations and independently-owned stations on a basis comparable to the foregoing schedule. The press associations will inform their clients or members concerning the broadcasting of news from press association reports as set forth in the foregoing schedule.

The Publishers' National Radio Committee will recommend to all newspaper publishers the above program for their approval, and will urge upon the members of the Associated Press and the Managements of the International News Service and the United Press the adoption of this program.

By this program it is believed that public interest will be served by making available to any radio station in the United States for broadcasting purposes brief daily reports of authentic news collected by the press associations, as well as making available to the public through the radio stations news of transcendent importance with the least possible delay.

E. H. HARRIS, *Chairman,*
Publishers National Radio Committee.

It will be noted that the program provides for the appointment of a representative of NAB on the administrative committee for the central news bureau which will select the press association news to be given to broadcasters for two daily five-minute broadcasts. This appointment has been tendered with the understanding that the NAB can, at a future date, decide whether or not it desires to have a representative on the committee.

In this connection, it should be pointed out that the NAB is not committed in any way to the above program. Representatives of the NAB who attended the recent New York conferences, did so merely as observers and with the understanding that their presence in no way committed the members of the Association to the program. This fact is emphasized because of the confusion which followed the publication of the so-called ten point plan last December, in which the NAB was mentioned as a party to the proposed set-up.

The program developed by the press association and newspapers, and, which the networks have agreed to follow, recognizes the legal right of news gathering organizations in the news which they collect at their own expense. This right has been upheld in the Supreme Court of the United States and more recently by lower courts in two cases involving broadcasting stations. The press associations and the newspapers, relying upon this right, maintained they had a right to prohibit the broadcasting of their news or prescribing the conditions upon which it might become available to broadcasting stations. The conditions laid down in the program are not only to constitute a basis for the broadcasting of news, but the pact itself is to constitute a basis for future

relationship between broadcasting stations and newspapers generally. In other words, it is the hope of those responsible for the program that hostilities which have existed between the broadcasters and publishers for the last several years will now subside and a more friendly attitude between them gradually will develop.

Since 1932 the press has been building up a united front under the leadership of E. H. Harris of Richmond, Indiana, and through his National Publishers Radio Committee which has been extended into every state in the nation. This Committee had worked out a plan of action a part of which was to bar all news broadcasts on the grounds that stations were invading the news field to the injury of the publishing business. Other phases of the plan are well known to broadcasters and need not be reviewed here.

The conferences between officials of the press associations, publishers, and representatives of Mr. Harris' Committee and network officials began in the hope that some understanding could be reached under which broadcasters and publishers might adjust their differences.

A ten-point plan was worked out on December 11 and was revised at later conferences.

The news bureau to be created in New York will be under the direction of James W. Barrett, former city editor of the New York *World* and of the New York *American*. This bureau will prepare two five-minute broadcasts to be given to stations daily and at the same time keep these stations advised of all news of transcendent importance throughout the day. This service will be available to all stations which adhere to the program irrespective of whether or not such stations are able to secure news from their local newspapers. The service will be given to independent stations and networks on an equal basis and it is the understanding of the NAB that no payment is to be made to the press associations or the newspapers for the news and that expenses will be limited to a pro rata of the handling and delivery costs. This procedure will be followed regardless of what action the NAB may take upon the invitation to name a member to the administrative committee.

While a part of the plan is to "secure the broadcasting of news by newspaper-owned stations and independently-owned stations on a basis comparable to the schedule" set forth in the program, the carrying out of the program rests upon the ability of the press associations to restrict their reports to client or member newspapers and the willingness of these newspapers to follow the spirit and letter of the plan.

The program relates only to press association news, that is, news supplied to newspapers by the major press associations, and does not cover local news. In addition, such features as weather reports, government agricultural reports and prices, time signals, etc., broadcasts of sports, conventions, inaugurations, etc., from the scene of action, are not embraced within the scope of the program.

Detailed information regarding the plan may be secured by writing Edwin S. Friendly, New York *Sun*, New York, N. Y., chairman of the committee authorized to set up the central news bureau.

REPORT URGES ADVERTISING CENSORSHIP

Authority to adopt "reasonable regulations" governing advertising content of programs, have been submitted to Congress for consideration as a part of Secretary Roper's report on communications.

The text of the proposal, reported exclusively in *Broadcasting*, which would become a new provision under Section 29 of the Radio Act, is as follows:

"The Commission, however, is authorized to adopt reasonable rules and regulations in the public interest, relating to the nature, kind, character, quantity or time used of that portion of the program devoted to advertising, direct or indirect."

No publicity was given to this part of the report and it is doubtful if the proposal will be considered by Congress. This part of the report also asked for legislation prohibiting lotteries (now prohibited by the code) and implied that a Commission should have power to fix advertising rates.

The amendments, it was reported, were suggested originally by the Federal Radio Commission.

HEARINGS HELD ON S. 2660

The Senate Interstate Commerce Committee and the House Merchant Marine, Radio and Fisheries Committee held hearings

on Thursday on the Senate and House bills to bar programs originating in the United States for the broadcasting in Mexico.

The House Committee heard Dr. C. B. Jolliffe, chief engineer of the Federal Radio Commission, Dr. Erwin Stewart, radio expert of the State Department, and Henry A. Bellows, chairman of the NAB Legislative Committee. Both Dr. Jolliffe and Dr. Stewart stressed the necessity for legislation to eliminate the interference between stations in this country and Mexico. Mr. Bellows urged several minor changes in the bill pointing out that under the bill broadcasts for Canadian stations originating in the United States would be barred and that the language of the measure would have the effect of injuring the recording market in Mexico for American records and transcriptions.

The House will conclude its hearings next Friday.

Judge Sykes, chairman of the Federal Radio Commission, was the only witness to appear at the Senate hearings. He reviewed the recent Mexican conference and emphasized the necessity for legislation to curb interference between stations of the two countries. Mr. Bellows submitted to the Committee a proposal similar to that offered in the House. The Senate Committee is expected to report the bill shortly.

MORE HEARINGS ON COPELAND BILL

The Senate Commerce Committee this week received from Senator Copeland a report of his subcommittee which has been considering revision of the food and drugs laws. The committee voted to have Senator Copeland introduce as a new number the language of his revised bill, S. 2000, and decided to hold hearings on the revised measure. The hearings will commence at 10 a. m. Tuesday, February 27. The hearings will be subdivided into five general heads, general legislation, drugs, food, cosmetics, and advertising. Each group will be expected to agree on a spokesman for that group.

DILL TO HAVE BILL READY MARCH 1

The Dill Communications Commission bill will be completed and ready for introduction about March 1, Senator C. C. Dill, chairman of the Senate Interstate Commerce Committee, said this week. The bill, Senator Dill says, will avoid controversial provisions and it is his hope that it can be passed during the present session of Congress.

CONFERENCE OF CODE AUTHORITIES

General Hugh S. Johnson, Administrator, has called a general conference of Code Authorities and of Code Committees of industries whose proposed codes of fair competition have been in public hearing, to be held on March 5 to 8, inclusive, in Washington.

The conference will include the consideration in public sessions of the possibilities of increasing employment; protections against destructive competition and against excessive prices of monopolistic tendencies; the elimination of inequalities and inconsistencies in codes; the position of small enterprises; and the vast problem of code administration and the organization of industry for self-government.

CODE AUTHORITY WILL MEET MARCH 3

Chairman John Shepard, 3rd, has called a meeting of the Code Authority for the Radio Broadcasting Industry at Washington on March 3. This meeting has been called to complete the drafting of the report to the Administrator on the hours, wages and working conditions of broadcast technicians, and the relation thereof to general conditions within the Industry. It is expected that the members of the Code Authority will be present during the general conference of Code Authorities called by General Johnson, and that they will meet again immediately after March 8.

COMMISSION HEARS CLEAR CHANNEL CASE

A hearing before the Federal Radio Commission, sitting en banc, on the applications of WTIC, WBAL, KRLD, and KTHS for increased operating hours was begun Wednesday, February 14.

Indications were that the hearing would be completed by Saturday.

Under the present assignments, KTHS and KRLD share time on 1040 kilocycles, and WTIC and WBAL share time on 1060 kilocycles. The applicants seek authorization to operate WBAL and KTHS simultaneously during daylight on 1060 kilocycles until local sunset at Hot Springs, at which time KTHS proposes to sign off until 8 p. m., CST, then to operate on 1060 kilocycles until midnight, CST. WBAL proposes to operate on 1060 kilocycles throughout the day until 9 p. m., EST, after which hour WBAL and WJZ will synchronize on 760 kilocycles. WTIC and KRLD propose to operate simultaneously day and night on 1060 kilocycles, WTIC using 50 kilowatts and KRLD using 10 kilowatts.

The respondent stations in this hearing are KWJJ, Portland, Ore. (500 watts, 1060 kilocycles, limited time), WJAG, Norfolk, Nebr. (1060 kilocycles, 1 kilowatt, limited time), and WESG, Elmira, N. Y. (1040 kilocycles, 1 kilowatt, daytime). If the applications are granted without modification, WJAG would necessarily lose about an hour a day, and WESG would necessarily change its operating frequency, to which, it is reported, some objection is made.

The group of applications constitutes the second recent attempt at breaking down the clear channel allocation, the first having been made about a month ago by WIS.

The applications request experimental authorization, and it is understood that efforts will be made to minimize interference during simultaneous night operation.

NO COMMISSION MEETING FRIDAY

Due to the hearing in progress on the applications of WTIC, WBAL, KRLD, and KTHS, the regular Friday Commission meeting was postponed.

C. C. I. R. MEETING POSTPONED

The next meeting of the group preparing the United States opinions for the forthcoming C. C. I. R. meeting at Lisbon in September has been postponed from Wednesday, February 21, to Monday, February 26, at 9:30 a. m. in Room 303, Federal Radio Commission, Washington, D. C.

URGES EDUCATIONAL STATIONS IN NEW BAND

The Federal Radio Commission is sending to all colleges and universities in the United States a copy of its rules and regulations relating to the opening up of the band between 1500 and 1600 kilocycles and a copy of a letter from Senator C. C. Dill, chairman of the Senate Interstate Commerce Committee, in which he urges that colleges and universities be invited to operate stations in this new band.

The text of Senator Dill's letter follows:

"I understand that the Radio Commission has opened certain wave lengths for experimental broadcasting purposes above the present broadcast band, namely, frequencies of 1530, 1550 and 1570 kilocycles. I am delighted that the Commission has taken this action and I hope experimental stations on these frequencies will be made to serve the public interest quite effectively.

"As you know, I have long hoped to see some kind of educational station set up in this country. Recognizing the tremendous pressure on the Commission by existing commercial systems for all of the wave lengths available, I have not urged setting aside any of those wave lengths for educational stations. It has been suggested to me, and the suggestion seems wise, that if various colleges and universities would apply for use of these new frequencies for experimental purposes, that might become the nucleus around which to build a great system of educational broadcast stations in the United States.

"For this reason I am suggesting that the Commission write the different universities, colleges and scientific educational organizations, calling attention to this action by the Commission and asking whether or not they would be interested in the setting up of an experimental station with a view to developing an educational broadcasting system in this country. It seems to me under the Radio Law the Commission might well initiate such a proposal.

"I would appreciate it if you would call this to the attention of the Commission. It may be that the various colleges and universities are not now financially able to do this, but it would show that

the Commission is anxious and desirous of meeting the public demand for more educational programs in this country."

MORE RADIO BILLS INTRODUCED

Two new radio bills were introduced in the House of Representatives this week, one (H. R. 7974), introduced by Representative Bland of Virginia, "to prohibit the broadcasting by radio of advertisements of or information concerning lotteries," and the other (H. R. 7986), by Representative McFadden of Pennsylvania, dealing with free speech on the radio. Both bills were referred to the House Committee on Merchant Marine, Radio and Fisheries.

The Bland bill follows:

"That no person shall broadcast by means of any radio station for which a license is required by any law of the United States, and no person, firm, or corporation operating any such station shall knowingly permit 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, or any list of the prizes drawn or awarded by means of any such lottery, gift enterprise, or scheme, whether said list contains any part or all of such prizes. Any person, firm, or corporation violating any provision of this Act shall, upon conviction thereof, be fined not more than \$1,000 or imprisoned not more than one year, or both, for each and every day during which such offense occurs."

The McFadden bill follows:

"That the Radio Act of 1927, approved February 23, 1927, as amended (44 Stat. 1162), is amended by the addition of two new sections to follow section 28 of said Act (44 Stat. 1172), said new sections to read as follows:

"No person, persons, company, association, or corporation owning and operating a radio broadcasting station, and receiving and broadcasting radio programs for hire, shall discriminate in the use of such station in favor of a program of speech sponsored by any person who is a legally qualified candidate for any public office, and/or by any religious, charitable, or educational company, corporation, association, or society or any other like association or society, and against or to the exclusion of another person who is a legally qualified candidate for any public office, or of another religious, charitable, or educational company, corporation, association, or society chartered or licensed under the laws of the United States, because and for the reason that such person, religious, charitable, or educational company, corporation, association, or society holds and promulgates and advocates views contrary to those expressed in programs that have been broadcast. The owner, lessee, or operator of any broadcasting station contracting for or accepting and broadcasting radio programs for one legally qualified candidate for a public office, and for one class of religious, charitable, or educational company, corporation, association, or society, and refusing to contract for or to accept and broadcast for hire radio programs of speech offered for broadcast by another legally qualified candidate for a public office, or by any other religious, charitable, or educational company, corporation, association, or society within the provisions of this section, because or for the reason that such legally qualified candidate, or such religious, charitable, or educational company, corporation, association, or society holds or promulgates a contrary or different view from that which is expressed by the person or parties broadcasting programs, shall be deemed guilty of an unlawful discrimination. All persons, companies, corporations, or associations owning and operating a radio station who shall be guilty of a misdemeanor shall be punished by a fine of not less than \$500 nor more than \$5,000, and in addition thereto may be required to forfeit the license for operating such broadcasting station.

"No person, persons, company, association, society, or corporation shall by threats, or by coercion, or by misrepresentation, or any other like manner interfere with or prevent, or attempt to interfere with or prevent, the broadcasting of any radio program by any owner, lessee, or operator of any radio broadcasting station; or interfere with or attempt to interfere with, or to prevent any owner, lessee, or operator of any radio broadcasting station from entering into a contract with another person, persons, company, association, society, or corporation, to accept, receive, and broadcast programs of speech and music by radio. No person, persons, company, association, society, or corporation shall induce or attempt to induce any person, persons, company, association, society, or corporation to withdraw business or financial support or social intercourse from any radio broadcasting station, or the owner, lessee, or operator of any radio broadcasting station in the use and operation of such radio station or in the broadcasting of any and all programs offered to be broadcast, or which may be broadcast at any such station. Any person, persons, association, society, or

corporation violating this section shall be guilty of a misdemeanor punishable by a fine of not less than \$500 nor more than \$5,000, or in the case of an individual or the responsible officials of an association or corporation, by imprisonment for a term of not less than sixty days nor more than two years, or by both such fine and imprisonment."

MEXICAN TREATY TO BE TAKEN UP

The Foreign Relations Committee of the Senate will meet on Wednesday in executive session to discuss the proposed radio treaty with Mexico.

DEMANDS INVESTIGATION OF ASCAP

The Federal Trade Commission was asked this week to institute an investigation of the American Society of Composers, Authors and Publishers by the Music Users' Protective Association of America.

The petition filed by the music users group by its attorney, Harry L. Katz, Baltimore, Md., accuses the Society of violating the anti-trust laws, of unfair methods of competition, and with racketeering.

The petition states:

"That before any proprietor of any business can play or use music in his establishment, he is compelled to take a license from the composers' organization at fees fixed by the organization, or face civil or criminal prosecution on the theory of infringement of copyrighted matter.

"That the society is in position to dictate the terms upon which a business dependent upon the use of music might continue to exist, a power which it has exercised to a degree, in some instances, where persons have been forced out of business.

"That large users of music, such as radio broadcasting stations, theaters, etc., because of the organization's alleged monopoly, deal only with it.

"That the requirements and qualifications demanded by the society from a composer or publisher seeking membership are so strict that it is practically impossible for the "average" or "small" composer or publisher to become a member, thus compelling individual composers to sacrifice their works at nominal sums."

It was also reported this week that the Society has put checkers to work checking performances of musical compositions in hotels. Failure of the hotels and the Society to come to an understanding with respect to license fees has stimulated interest in the copyright controversy by the organized hotels and action from this group is expected very shortly.

The *Orchestra World* this week launched an attack against the Music Publishers Protective Association claiming that the code for the music publishing industry is unfair to orchestras and seeks to give the organized publishers an absolute monopoly on the business of publishing and distributing music. The publishers drew a protest from Local 802, A. F. of M., which claimed that "by far the greater part of this music is not of their creation but is rather the result of resurrecting and revamping compositions of the old masters handed down from posterity and actually public domain."

THE INDIVIDUAL STATION MARKET

"The tendency toward a concentration of accounts in a comparatively few lines of business on the part of the average radio station has been one of the interesting facts revealed from an examination of station returns made in connection with the NAB Statistical Service," according to Dr. Herman S. Hettinger, radio economist and instructor at the University of Pennsylvania.

"Compared to the wide variety of potential users of radio advertising, the list of accounts of the typical station contains relatively few types of concerns. In addition, no two stations seem to specialize in the same direction. These facts lead one to conclude that the market for individual station radio advertising is not being culled as thoroughly as it might be.

"The remarkably wide variety of products and types of concerns using individual station radio advertising tends to confirm this conclusion. The following list represents the more important types of products advertised locally over the air on approximately 100 stations during the month of October. These products were advertised by a variety of types of business organizations: local manufacturers, department stores, chain stores, general stores, specialty shops of

different kinds, wholesale houses, public utility companies, restaurants, hotels and similar institutions.

The list is by no means a complete roster of the potential users of radio advertising, but it may form a helpful starting point for the commercial manager making an inventory of the possibilities of his local market and the extent to which he has availed himself of them.

Apples	Fish and fish markets
Auctions	Flour
Automobiles	Flower shops
Automobile accessories	Foundation garments
Automobile service and repairing	Furniture
Automobile storage	Furs
Bakeries and baked goods	Garages
Baking powder	Gas appliances
Banks	Gasoline
Bananas	Gift shops
Batteries and battery service	Ginger ale
Beans	Glycerine
Beauty parlors	Haberdashery
Beer	Hardware
Bedding	Hat shops
Books and book shops	Heat regulators
Bread	Hotels
Brushes	Ice
Burial lots	Ice cream
Bus service	Insurance
Butter	Interior decorators
Candy stores	Jewelry stores
Canned foods	Laundries
Cigars	Lumber companies
Classified ads (lost & found, etc.)	Macaroni
Clothing, including—	Mail order stores
Men's shops	Mayonnaise
Tailoring establishments	Meat products
Women's specialty shops	Millinery shops
Small dress shops	Motion picture houses
Department stores	Music lessons
Coal	Newspapers
Coke	Nurseries
Cosmetics	Office supplies
Crackers	Optometrists
Dairy products	Paints
Dance halls	Parking places
Dentists	Perfumes
Department stores	Pharmaceuticals
Drayage and hauling service	Photographers
Dress shops	Piano tuning
Dry goods establishments	Piston rings
Electric lamps	Political parties
Electric ranges	Potato chips
Electric refrigerators	Pretzels
Fairs	Radio repairing
Farm equipment	Radio stores
Feed	Real estate
Fertilizer	Religious institutions
Finance companies	Restaurants

Rugs	Taxi service
Rug cleaners	Tea
Safety locks	Tires
Schools	Train service
Sewing machines	Typewriters
Shoe stores	Undertakers
Shoe repairing	Used cars
Shrubbery	Vacuum cleaners
Silverware	Wall paper
Soap	Washers
Solder	Washing fluids
Sports contests	Wholesale grocers
Storage warehouses	Wire fencing
Tailors	

RADIO SERVICE FROM PLANES

The Commission has amended its rules and regulations regarding aeronautical radio service so as to permit the handling of general public message correspondence between aircraft and aeronautical ground stations. The new regulations, applicable to all transport air lines, are designed to promote safety, and at the same time permit passengers in aircraft to send and receive private radio telegrams. In the handling of messages for the public, priority must be given to safety messages. To this end, the equipment to be used and the operators' listening watches, must be such as to permit the immediate interruption of public service messages whenever it is necessary to send or receive emergency traffic.

ENGINEERS TO MEET APRIL 27

Arrangements have now been concluded between the Institute of Radio Engineers and the American Section of the International Scientific Radio Union for a joint meeting in Washington annually, according to Dr. J. H. Dellinger, Chief, Radio Section, Bureau of Standards. The first joint meeting will be held this year on Friday, April 27, and will be devoted to the presentation of papers on the more fundamental aspects of radio problems.

200 STATIONS WILL CARRY A. F. A. TALKS

Approximately 200 radio stations in as many cities, extending from Bangor, Maine, to the Pacific, will begin the broadcast of a series of fifteen "Short Talks on Advertising," through the cooperation of the Bureau of Research and Education of the Advertising Federation of America this week.

These talks will be delivered weekly by local leaders, including manufacturers, proprietors of retail stores, publishers, advertising agents, and representatives of every form of advertising. In Advertising Club cities, the officers of the local clubs are cooperating with the radio stations and with the Federation in securing representative business men and women in their communities to deliver the series.

Each talk is approximately 500 words in length. The first four were released last month. The first of the series is under the title, "What is Advertising?" The second, which will follow in the week of February 19, is on the subject of "The Philosophy of Advertising." The subject of the third is "Money in Motion"; the fourth, "The Essence of Recovery."

These talks are intended primarily to cover the general functions of advertising and its service value to the millions of consumers of advertised products. They stress the importance of advertising as a factor in business recovery.

This is the second series sponsored by the Federation, the first of which was inaugurated last year. It is estimated that 3,500 of these Short Talks were delivered through more than 200 stations in 1933 and that as many or more will be delivered this year.

It is the plan of the Bureau of Research and Education, which is under the direction of Alfred T. Falk, to syndicate this material in revised form to newspapers, business papers, and periodicals after the radio series is opened. Last year, Mr. Falk reports, more than 500 newspapers and periodicals published the series, the pub-

lications cooperating having a combined circulation of more than a million.

At the conclusion of the radio series, the talks will be published in booklet form for distribution through the Federation's headquarters office.

SECURITIES ACT REGISTRATION

The following companies filed registration statements with the Federal Trade Commission under the Securities Act during the current week:

- Bondholders' Protective Committee Formed for the Purpose of Conserving and Advancing the Interests of Holders of First Mortgage 6 Per Cent Sinking Fund Gold Bonds Issued by the Mayflower Hotel Company of Washington, D. C., Under Deposit Agreement and Dated September 28, 1931, Washington, D. C. (2-650)
- Llano Del Rio Company of Nevada, Newllano, La. (2-651)
- Canadian Wineries, Ltd., Toronto, Canada. (2-652)
- Boston Gold Mining Company, Idaho Springs, Col. (2-653)
- Bank and Insurance Shares, Inc., Philadelphia, Pa. (2-654)
- Protective Committee for American Type Founders Company Six Per Cent Sinking Fund, New York City, N. Y. (2-655)
- Pioneer Reserve Investment Company, Kansas City, Mo. (2-656)
- N. E. Richards, and Others, Kutztown, Pa. (2-657)
- Bondholders' Protective Committee for the Cambridge Apartments, New York City, N. Y. (2-658)
- Protective Committee First Mortgage Six Per Cent Sinking Fund Gold Bond Certificates of 98 Riverside Drive Corporation, New York City, N. Y. (2-659)
- Certificate Holders' Committee Realty Foundation, Inc., New York City (2-660)
- Bondholders' Committee Realty Foundation, Inc., New York City (2-661)
- Central States Edison Company First Lien Bondholders Committee, New York City (2-262)
- Glasston Corporation, New York City (2-663)
- Commonwealth Tunnel Transportation Company, Georgetown, Colo. (2-664)
- Transcontinental Rest Cabins, Inc., New York City (2-665)
- Protective Committee for the First Mortgage Six Per Cent Serial Gold Bonds of Federal District Trust, Hartford, Conn. (2-666)
- W. Dale Clark and Others, Omaha, Nebr. (2-667)
- Reorganization Committee, Hawley Pulp and Paper Company, Portland, Ore. (2-668)
- Fundamental Investors, Inc., Jersey City, N. J. (2-669)

FEDERAL RADIO COMMISSION ACTION

HEARING CALENDAR

Wednesday, February 21, 1934

Oral Argument Before Commission en banc

WEVD—Debs Memorial Radio Fund, New York, N. Y.—Modification of license; 1300 kc., 1 KW, shares with WBBR, WFAB, and WHAZ. Present assignment, 1300 kc., 500 watts, shares with WBBR, WFAB, and WHAZ.

Friday, February 23, 1934

WJBW—Charles C. Carlson, New Orleans, La.—Modification of license; 1200 kc., 100 watts, unlimited time (facilities of WBBX). Present assignment, 1200 kc., 100 watts, shares with WBBX.

WBBX—Samuel D. Reeks, New Orleans, La.—Voluntary assignment to Coliseum Place Baptist Church; 1200 kc., 100 watts, shares with WJBW.

WBBX—Samuel D. Reeks, New Orleans, La.—Renewal; 1200 kc., 100 watts, shares with WJBW.

APPLICATIONS GRANTED

- WCNW—Arthur Faske, Brooklyn, N. Y.—Granted modification of C. P. authorizing approval of transmitter site in Brooklyn, completion of construction by May 1, 1934.
- WHDF—The Upper Michigan Broadcasting Co., Calumet, Mich.—Granted modification of license to change specified hours of operation to: Daily except Sunday, 10:30 a. m. to 12:30 p. m. and 3:30 to 6:30 p. m.; Sunday, 9 a. m. to 1 p. m. and 3 to 7:30 p. m., CST.
- WSAZ—WSAZ, Inc., Huntington, W. Va.—Granted modification of license to increase power from 500 watts to 1 KW.
- WHBU—Anderson Broadcasting Corp., Anderson, Ind.—Granted C. P. to rebuild station destroyed by fire, install new equipment, and move transmitter and studio within building; 1210 kc., 100 watts, unlimited time.
- WKBV—William O. Knox, d/b as Knox Battery & Electric Co., Richmond, Ind.—Granted special temporary authority to operate from 8:30 to 10 a. m. and from 1 to 6 p. m., CST, March 2 and 3; and from 1 to 6 p. m., CST, on March 10.
- KVOA—Arizona Broadcasting Co., Inc., Tucson, Ariz.—Granted special temporary authority to operate from 3 to 6 p. m., MST, February 17 and 18.
- KFJB—Marshall Electric Co., Inc., Marshalltown, Iowa—Granted special temporary authority to operate from 9 p. m. to 12 midnight, CST, February 17.

Stations WIP, WFI, and WLIT, of Philadelphia, were granted extension of temporary experimental authority to operate with 500 watts additional power during daytime hours only for the next regular license period.

SET FOR HEARING

- NEW—John V. L. Hogan, Long Island City, N. Y.—C. P. (experimental broadcast); 1550 kc., 1 KW, unlimited time; to be heard by the Commission en banc April 4.
- NEW—L. M. Kenneth, Indianapolis, Ind.—C. P. (experimental broadcast); 1530 kc., 1 KW, unlimited time; to be heard by the Commission en banc April 4.
- NEW—American-Republican, Inc., Waterbury, Conn.—C. P. (experimental broadcast); 1530 kc., 1 KW, unlimited time; to be heard by the Commission en banc April 4.
- NEW—Fred W. Christian, Jr., and Raleigh W. Whiston, d/b as Christian & Whiston, Norco, Calif.—C. P. (experimental broadcast); 1570 kc., 1 KW, unlimited time; to be heard by the Commission en banc April 4.

ACTION ON EXAMINER'S REPORT

- NEW—Ex. Rept. No. 515: Leo J. Omelian, Erie, Pa.—Granted C. P. for new station to operate on 1420 kc., 100 watts, unlimited time, sustaining Examiner Geo. H. Hill. (Commissioners Hanley and Lafount dissented.)

MISCELLANEOUS

- WHAD—Marquette University, Milwaukee, Wis.—Reconsidered and set for hearing application for consent to voluntary assignment of station license to WHAD, Inc., because of protest of Station WISN.

APPLICATIONS RECEIVED

First Zone

- WNEW—WODAAM Corporation, Newark, N. J.—License to cover construction permit granted 9-12-33 to consolidate WAAM and WODA; move transmitter and studio; use power of 1 KW, 2½ KW LS; share WGCP (1/7 for WGCP).
- WNEL—Juan Piza, San Juan, P. R.—Modification of construction permit granted 12-15-33 to install new equipment.
- NEW—A. V. Tidmore, Salisbury, Md.—Construction permit to erect new station to operate on 1200 kc., use power of 100 watts, daytime. Transmitter and studio locations to be determined, Salisbury, Md.

Second Zone

- WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—License to cover construction permit granted 12-26-33 to make changes in equipment.
- WGBI—Scranton Broadcasters, Inc., Scranton, Pa.—Construction permit to make changes in equipment and increase power from 250 watts to 1 KW.
- WGBI—Scranton Broadcasters, Inc., Scranton, Pa.—Extension of special experimental authorization to operate with 500 watts on experimental basis.
- WKRC—WKRC, Inc., Cincinnati, Ohio—Extension of special experimental authorization to use 1 KW until 9-1-34.

Third Zone

- WDAE—Tampa Publishing Co., Tampa, Fla.—Consent to voluntary assignment of license to Tampa Times Company, Tampa, Fla.
- WAMC—Raymond C. Hammett, Anniston, Ala.—Modification of construction permit granted 5-23-33 to extend dates of commencement and completion to 3-1-34 and 5-1-34, respectively.
- WHEF—J. Niles Boyd Wholesale Grocery Co., J. O. Ashworth and J. R. Smithson, d/b as Attala Milling and Produce Co., Kosciusko, Miss.—Modification of construction permit granted 3-18-32 to extend dates of commencement and completion to 2-24-34 and 6-24-34, respectively.
- KTRH—KTRH Broadcasting Company, Houston, Tex.—Extension of special experimental authorization to use power of 1 KW; also request to use frequency of 630 kc. on experimental basis.
- WJDX—Lamar Life Insurance Co., Jackson, Miss.—Construction permit to increase power from 1 KW to 1 KW, 2½ KW LS, and make changes in equipment. Amended re equipment changes.
- WPTF—WPTF Radio Company, Raleigh, N. C.—Modification of construction permit granted 6-9-33 to extend commencement date to 2-19-34 and completion date to 5-17-34.
- WKFI—J. Pat Scully, Greenwood, Miss.—Modification of construction permit to move transmitter and studio to 1635 Carrollton Ave., Greenwood, Miss., and extension of commencement and completion dates.

Fourth Zone

- KFGQ—Boone Biblical College, Boone, Iowa—Modification of license to change hours of operation from S. H. to unlimited.
- WJBC—Wayne Hummer and H. J. Dee, d/b as Kaskaskia Broadcasting Co., La Salle, Ill.—Construction permit to move studio and transmitter to Wesleyan College Campus, Bloomington, Ill.
- NEW—KWIL Broadcasting Company, Williston, N. Dak.—Construction permit to erect new station to operate on 1500 kc., power of 100 watts, daytime.

Fifth Zone

None.

APPLICATIONS RETURNED

- NEW—American-Republican, Inc., Waterbury, Conn.—Special experimental authorization to operate on 1520 kc., power of 1 KW, unlimited time. (Improper application form.)
- NEW—Walter E. Freedman, Douglas, Ariz.—Construction permit to erect new station to operate on 1320 kc., use power of 100 watts, unlimited time. (Rule 6, time and power.)
- WCAZ—Superior Broadcasting Service, Inc., Carthage, Ill.—Modification of license to increase power from 50 watts to 100 watts and to operate any and all daylight hours necessary for police broadcasts in addition to present license. (Violation Rule 5.)
- KGW—Oregonian Publishing Co., Portland, Ore.—Modification of license to cover construction permit. (Improper application.)

The National Association of Broadcasters

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

PHILIP G. LOUCKS, Managing Director

NAB REPORTS

Copyright, 1934, The National Association of Broadcasters



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PRALL NAMED COMMISSION MEMBER

Representative Anning S. Prall of New York was appointed by President Roosevelt to be a member of the Federal Radio Commission from the first zone, succeeding Commissioner W. D. L. Starhuck, whose term expired this week.

The appointment came as a surprise to Washington radio circles, since Mr. Prall has never taken an active interest in radio legislation during his twelve years in the Congress.

It is expected that his nomination will be confirmed by the Senate promptly, since it is customary to confirm members of Congress when they are appointed to posts by the Chief Executive.

Mr. Prall prefers to stay in Congress until the end of the present session because he is interested in some important committee work. However, if the President desires, he will take over the radio post at once.

He made no campaign for the position as member of the Commission. He considers that the appointment was a personal one with the President inasmuch as he had known the President for many years. He came closely in touch with Mr. Roosevelt years ago, he stated, when he was a member of the New York City Board of Education.

Mr. Prall is a Democrat from Staten Island, N. Y., and was appointed a member of the New York City Board of Education January 1, 1918, and three times elected its president, serving 1919, 1920 and 1921. He was appointed a commissioner of taxes and assessments for the city of New York on January 1, 1922, and elected to the Sixty-eighth Congress on November 6, 1923. He has been reelected ever since.

BROADCASTING SURVEY POSTPONED

The survey of broadcasting, which was to have been made by a special committee to be appointed by Secretary of Commerce Roper, is indefinitely postponed. The Secretary stated this week that members of Congress interested in radio had communicated with him stating that in their opinion the proposed survey should be held up until after the passage of the Communications Commission bill. As originally proposed, the survey was to be used as a guide to legislation.

In the meantime, Senator C. C. Dill, chairman of the Senate Interstate Commerce Committee, is busy preparing his Communications Commission bill. He expects to have the bill completed by March 1 or shortly thereafter.

FOOD AND DRUGS HEARING NEXT WEEK

The Senate Committee on Commerce will hold hearings on the Copeland food and drugs bill next week. The NAB has asked permission to be heard on the revised Copeland measure—S. 2800—along with numerous others interested in the bill.

NEWSPAPER CODE IS APPROVED

President Roosevelt on February 17 approved the daily newspaper publishers code and at the same time expressed dissatisfaction with the child labor provisions of the code. He also laid down a condition requiring publishers having a circulation of 75,000 or more in cities of 750,000 population or more to install a five-day 40-hour week for staff writers.

He accepted the "freedom of press" clause, which has been the subject of considerable controversy, with the statement that "the freedom of the press clause in the Code has no more place here

than would the recitation of the whole Constitution or the Ten Commandments. The freedom guaranteed by the Constitution is freedom of expression and that will be scrupulously respected."

In his report transmitting the code to the President, General Johnson, NRA Administrator, commented upon the analogy of a licensed radio and a licensed press.

"Broadcasting without some governmental supervision is hardly conceivable," the General said. "A newspaper can be printed in any form that the proprietor desires without preventing the publication of another newspaper. Unless broadcasters are limited to different wave lengths they interfere with each other. A newspaper cannot pi its competitor's type, hut without government control of wave lengths we would have symphonies, bedtime stories, crooners, and astrological lore all mixed up in an unintelligible m  le of sounds. In the light of this fundamental difference, newspapers as newspapers ought not to think that so long as free government lasts public control of broadcasting is any precedent for public supervision of publishing."

SENATE PASSES DILL BILL

Hearings on the Bland bill to prohibit the broadcasting by Mexican stations of programs originating in the United States were continued on Friday for the purpose of hearing objections interposed by Radio Productions, Inc., of New York, and at the conclusion of the hearing it was announced that further hearings will be held next week.

At the Friday hearing before the House Committee on Merchant Marine, Radio and Fisheries, Judge E. O. Sykes, chairman of the Federal Radio Commission, objected to an amendment proposed by the NAB and included in the Senate bill which would protect the broadcast of programs originating in the United States and Canada.

Senator Dill, chairman of the Senate Interstate Commerce Committee, reported, with the NAB amendment, S. 2660, on which hearings were held last week, and the bill was passed by the Senate this week. The bill was printed in full in the February 19 issue of this BULLETIN.

There was no discussion at all of the bill during its passage other than a short explanation made by Senator Dill. He said that it was suggested by the Radio Commission, and continued:

"The committee have reported it separate and apart from any other radio legislation, because we felt it was rather imperative to have it passed as soon as possible. At the present time some of those who have been refused a renewal of their licenses, or who have had their licenses revoked, and who have been operating radio stations in the United States, have gone down to Mexico and secured licenses from Mexico, and have erected large stations on the Mexican side of the line for the purpose of broadcasting back into the United States. They have established studios on the American side of the line, some of them at a considerable distance back in the country.

"The purpose of this provision is to prohibit the studios of these stations from operating in the United States unless they can get a permit from the Federal Radio Commission. It is simply to put a stop to the defiance of the Commission so far as we can by law. The amendment is simply to make it unnecessary to have permits where the broadcasting is simultaneous between an American and a foreign station, such as when we are hooked up with Canada or when we are connected with other foreign countries. There was no objection to the bill from any source that we could learn."

The amendment inserted by the Senate follows:

"That nothing in this section shall apply to the use of any studio, place, or apparatus in connection with any program which is broadcast simultaneously by a foreign radio station and by any radio broadcasting station licensed by the Federal Radio Commission."

RADIO-NEWS PROGRAM CRITICIZED

Senator C. C. Dill, chairman of the Senate Interstate Commerce Committee, on February 19 criticized the recently promulgated radio press news program in a speech on the floor of the Senate.

Quoting the text of the program from last week's issue of NAB REPORTS, Senator Dill said he had received many letters complaining about the restriction of news. Without exception, he said, the letters "complained very bitterly" against the proposal.

"I have no desire to criticize what the Associated Press or the United Press, or the other press associations, or the broadcasting chains may decide to do about the news they collect," he said, "but I do have this to say about the public service to be rendered by radio. There are literally millions of people in the country who depend upon the announcement of news over the radio to get the news events of the world. In many cases at this time of the year they know what is happening in the world 2 or 3 days ahead of any time they could learn it through the newspapers.

"I venture the prediction that this order will not be carried out by all radio stations in the country so far as news service is concerned. If the press associations of the country and the broadcasting chains insist that there shall not be more than 5 minutes of news service over the radio and that only after 9:30 o'clock in the morning and after 9 o'clock at night, I venture the prediction there will be a radio news service established in the country that will give the news collection agencies a good deal more trouble than they have ever had up to this time from radio broadcasts. The people of the country expect the radio stations to give them information. The radio stations are giving them information at this time.

"I dare to suggest to the news-gathering associations that they cannot do more to popularize their own newspapers than to allow a larger use of their services than 5 minutes twice a day after 9:30 o'clock in the morning and after 9 o'clock at night. I believe they are in position to combine with the news-gathering agencies of America and the world to give to the American people the greatest news service ever known to the human family. No suppression of this kind can long keep the people from securing the service from the radio stations which those stations are able to give. I earnestly hope they will see that it will be to their interest to satisfy the desires of the people for this information, and not attempt to shut off a great radio service in the form of news in this country."

FORMING NEW RADIO NEWS ORGANIZATION

A group of important radio stations, spurred by the recent radio press program to limit the broadcast of news to two periods a day, are forming an independent radio news service which will be ready for operation on March 1, the effective date of the radio press program. This action has resulted from what these stations believe to be an arbitrary attitude of the press associations and newspapers with respect to the broadcast of news. The movement for an independent news organization has revolved around Station KFI, Los Angeles, Calif., which has protested vigorously against the program to restrict the broadcasting of news. Some twelve or more important stations have agreed to participate in the independent news arrangement. These stations are encouraged in their effort by Senator Dill's comment on the news program and intend to pool news collected by trained reporters on the staffs of each participating station, maintaining the service on a cooperative basis much after the manner of the press associations.

JUSTICE DEPARTMENT PURSUES ASCAP

Investigation by the Department of Justice of complaints against alleged unlawful copyright licensing practices of the American Society of Composers, Authors and Publishers took a new turn this week when the *Baltimore Sun* reported that Charles B. Brewer, special assistant to Attorney General Cummings assigned to the Criminal Division of the Department, spent most of Tuesday in the offices of Simon E. Sobeloff, United States District Attorney.

"Mr. Brewer, who conferred with James K. Cullen, Mr. Sobeloff's chief assistant, declined to be interviewed," said the *Baltimore Sun*. "It was learned, however, that he went through the District Attorney's files on cases bearing on the prosecution of copyright law violations and took up with Mr. Cullen various complaints which have been made here against the Society of Composers, Authors and Publishers.

"Among the cases looked up by Mr. Brewer was that of William Kim, 18, of Philadelphia, who on December 23, 1931, was sentenced

to a year and a half at a Federal prison camp by Judge William C. Coleman in the United States District Court. Kim pleaded guilty to violating the copyright laws by selling 'pirated' song sheets on the streets. The prosecution of Kim was instigated by agents of the Society.

"Just what action will follow Mr. Brewer's visit here was not revealed. It was learned, however, that he would make a report to the Attorney General on the result of his investigation. Mr. Brewer took with him a number of copies of song sheets similar to those which Kim was selling."

COMMITTEES ARE APPOINTED

President McCosker this week announced the following committee appointments:

Commercial Committee

Arthur B. Church, Radio Station KMBC, Kansas City; Missouri.
H. K. Carpenter, Radio Station WPTF, Raleigh, North Carolina
Leslie Fox, Radio Station WSM, Nashville, Tennessee.
Martin Campbell, Radio Station WFAA, Dallas, Texas.
H. K. Boice, Radio Station WABC, New York, N. Y.
Roy C. Witmer, Radio Station WJZ, New York, N. Y.
John Patt, Radio Station WGAR, Cleveland, Ohio.
Leon Levy, Radio Station WCAU, Philadelphia, Pennsylvania.
Charles Chatterton, Radio Station KGW, Portland, Oregon.
Roy Harlow, Radio Station WAAB, Boston, Massachusetts.
S. G. Persons, Radio Station WSFA, Montgomery, Alabama.

Cost Accounting Committee

H. K. Carpenter, Radio Station WPTF, Raleigh, North Carolina
Walter J. Damm, Radio Station WTMJ, Milwaukee, Wisconsin
M. R. Runyon, Radio Station WABC, New York, N. Y.
H. F. McKeon, Radio Station WJZ, New York, N. Y.
R. W. Hoffman, Radio Station WHFC, Chicago, Illinois.
Lewis Weiss, Radio Station WJR, Detroit, Michigan.
J. H. Ryan, Radio Station WSPD, Toledo, Ohio.
J. L. Kaufman, Radio Station WCAE, Pittsburgh, Pennsylvania.
I. Z. Buckwalter, Radio Station WGAL, Lancaster, Pennsylvania

Engineering Committee

J. A. Chambers, Chairman, Radio Station WLW, Cincinnati, Ohio
C. W. Horn, Radio Station WEA, New York, N. Y.
E. K. Cohan, Radio Station WABC, New York, N. Y.
E. L. Gove, Radio Station WHK, Cleveland, Ohio.
John E. Burrell, Radio Station KJBS, San Francisco, California
J. H. DeWitt, Jr., Radio Station WSM, Nashville, Tennessee.
Frank B. Falknor, Radio Station WBBM, Chicago, Illinois.
Carl Myers, Radio Station WGN, Chicago, Illinois.
John E. Fetzer, Radio Station WKZO, Kalamazoo, Michigan.

Tax Committee

E. M. Elkin, Radio Station KDKA, Pittsburgh, Pennsylvania.
P. J. Hennessey, Radio Station WJZ, New York, N. Y.
Sydney M. Kaye, Radio Station WABC, New York, N. Y.
A. Z. Moore, Radio Station WKJC, Lancaster, Pennsylvania.
Edgar T. Bell, Radio Station WKY, Oklahoma City, Oklahoma.

Wiley P. Harris, Radio Station WJDX, Jackson, Mississippi.
Gerald King, Radio Station KFWB, Hollywood, California.
Birt Fisher, Radio Station KOMO, Seattle, Washington.

Television Committee

Walter J. Damm, Chairman, Radio Station WTMJ, Milwaukee, Wisconsin.
Arthur B. Church, Radio Station KMBC, Kansas City, Missouri.
William H. West, Radio Station KSD, St. Louis, Missouri.
Harry Sadenwater, RCA-Victor Company, Camden, New Jersey.
John V. L. Hogan, Radio Station W2XR, New York, N. Y.

Legislative Committee

Henry A. Bellows, Chairman, Radio Station WCCO, Minneapolis, Minnesota.
John J. Gillin, Jr., Radio Station WOW, Omaha, Nebraska.
G. C. Hamilton, Radio Station KFBK, Sacramento, California.
P. J. Meyer, Radio Station KFYR, Bismarck, North Dakota.
Harold Wheelahan, Radio Station WSMB, New Orleans, Louisiana.
Frank M. Russell, Radio Station WRC, Washington, D. C.
L. B. Wilson, Radio Station WCKY, Covington, Kentucky.
Edgar Twamley, Radio Station WBEN, Buffalo, New York.
Frank Megargee, Radio Station WGBI, Scranton, Pennsylvania.
S. A. Cisler, Radio Station WKBC, Birmingham, Alabama.

Program Committee

Edgar L. Bill, Radio Station WMBD, Peoria, Illinois.
Fred Willis, Radio Station WABC, New York, N. Y.
Harry C. Butcher, Radio Station WJSV, Washington, D. C.
John Henry, Radio Station KOIL, Council Bluffs, Iowa.
Rogan Jones, Radio Station KVOB, Bellingham, Washington.
Judith Waller, Radio Station WMAQ, Chicago, Illinois.
Charles A. Sessions, Radio Station WIBW, Topeka, Kansas.

F. R. C. LIQUOR ANNOUNCEMENT UNDER FIRE

A caustic attack upon the Federal Radio Commission's ambiguous press announcement relating to liquor advertising was launched on the floor of the House by Representative Cellar of New York. At the same time, in an exchange of correspondence with Henry A. Bellows, vice president of the Columbia Broadcasting System, the New York Congressman criticized the network for its policy of refusing liquor advertising. He took off his hat, however, to Alfred J. McCosker, president of the NAB and president of WOR, for putting on "liquor advertising broadcast after the Commission's absurd news release."

"To my mind," said Representative Cellar, "this news release is cowardly, unwarranted, and unjustifiable. It does not state that liquor advertising is banned. On the other hand, it lays down no definite rule for broadcasters to follow. If the Commission wishes to interdict liquor advertising, it should come out in the open and courageously say so. If it rears its head in that fashion, however, it can expect a 'good sock in the jaw'—if I may be pardoned this slang.

"The Commission knows this and would not dare risk condign criticism.

"It slyly and cowardly uses a one half way measure which I, as a Member of Congress, who have battled against prohibition for years, deeply resent. The Commission has no right to shield itself behind a news release of this character.

"The action of the Commission undoubtedly borders upon censorship. Congress gave no right of censorship to the Commission. The Commission has repeatedly denied that it seeks to exercise the

right of censorship. Yet, in its carefully worded news release, it issues a warning which is tantamount to censorship.

"Incidentally, the news release is not definite as to whether a station which has a program which is not commercially sponsored can debate the question of liquor, and permit a person to speak on the worthwhileness of wine or other alcoholic beverages. We do not know even if such a talk shall be taboo. They do not say the talk will be banned or will not be banned if it is commercially sponsored by a distiller or vintner or wholesale liquor dealers. The meaning is not clear, being susceptible of several interpretations.

"But the Commission has no right to tell the public what it shall or shall not hear on the liquor question. If it exercises that right, it is exercising the power of censorship. If the Radio Commission can tell the people what they shall hear over the radio, the other agencies of the Government can tell the people what they shall read in books and periodicals carried through the mails or transported by railroads.

"Personally, I see no reason for such an expression of the views of the Commission. If anyone does not wish to listen to a broadcast on the liquor question, it is a simple matter for the listener to turn off the program.

"The Post Office Department no longer has the right to prevent the mailing of announcements about liquor even though the mail circulates in dry States. We recently repealed a statute which forbade the circulation in the mails of newspapers and publications containing liquor advertisements. Those advertisements may now be read by the most rabid of "drys" in dry States.

"There is thus expressed an attitude of Congress which the Radio Commission cannot disregard. Congress has stated that liquor dealers may circulate their advertisements in dry States. The Radio Commission should not now have the temerity to say to these same liquor dealers, 'You cannot broadcast information concerning your alcoholic beverages, whether the station is in a wet or a dry State, for fear the broadcast may reach the ears of those in dry States.' Such a position is utterly indefensible.

"On the one hand, we have the Government getting huge taxes from alcoholic beverages; in fact, the Government is encouraging huge importations of American-type whisky from Canada, Mexico, and elsewhere, from which importations there is yielded to the Government \$7 a gallon, a huge amount. And on the other hand, the Radio Commission says that nothing shall be said about this liquor. Certainly it is far better to spread, as much as possible, the information about legal liquor so this Government can get much-needed revenue. Radio broadcasting helps circulate this information.

"Apparently the Radio Commission, by its foolish attitude, would encourage the clandestine manufacture and sale of liquor by racketeers and bootleggers. The President made a proclamation urging the nation to purchase lawful liquor. The bootlegger prefers to have the public know as little as possible about good brands, lawful beverages, and decent products. The less the people in dry States know about good liquor and lawful products the better are the opportunities for the bootlegger to peddle his wares in those dry States."

PRESIDENT TO ADDRESS CODE AUTHORITIES

President Roosevelt will address the meeting of Code Authorities and Trade Association Executives to be held at Constitution Hall, Washington, March 5. The Code Authority for the Radio Broadcasting Industry will hold a meeting beginning March 3 and will attend the general meetings called by the NRA. Group conferences on employment, trade practices, administration, and the effect of codes on small enterprises will be held following the main conference.

RICORDI LICENSEES NUMBER 203

The number of member broadcasting stations who are licensed to use the world-famous compositions of G. Ricordi & Co., of Milan, passed the 200 mark this week, according to the announcement of Oswald F. Schuette, president of the Radio Program Foundation. The exact number of the Foundation licensees is now 203. This organization acquired the air-rights for that catalogue as the first step in the creation of an independent music pool, to broaden the fields from which American broadcasters may obtain their programs.

Network licenses for the use of this music have been issued to the National Broadcasting Company, the Columbia Broadcasting System, and the Yankee Network.

Stations which have not taken out licenses are asked to send their applications to the RADIO PROGRAM FOUNDATION, National Press Building, Washington, D. C. Program managers of licensed as well as unlicensed stations who desire to improve their schedules by the best use of the fine music in the Ricordi catalogue should write to Dr. Renato Tasselli, American representative of Ricordi, 12 West 45th Street, New York.

SALTZMAN RESIGNS FROM SHIPPING BOARD

Gen. Charles McK. Saltzman, former chairman of the Federal Radio Commission, has resigned as a member of the U. S. Shipping Board Emergency Fleet Corporation. He accepted the latter appointment at the request of Secretary of Commerce Roper. "Private reasons" were given for the General's resignation.

COURT UPHOLDS COMMISSION

The Court of Appeals of the District of Columbia this week affirmed the action of the Federal Radio Commission in connection with Station WOQ, Unity School of Christianity. It may be recalled that the Commission granting the application of Station KFJH for full time on the air thereby deleted WOQ. The station appealed this decision and has been overruled. The same court also denied a stay order to the Don Lee Broadcasting Corporation. The company asked for the facilities of Stations KTM and KELW for a new station at Redlands, Calif. The Commission denied this application and the Lee Corporation appealed to the Court, also asking a stay order. This stay order has been denied.

MAKE PLANS FOR CONFERENCE

The executive council of the American Section of the International Radio Committee met this week to formulate plans for the coming sessions to be held at Warsaw, Poland, in April. It is possible that the American Section may be represented at the conference.

PORTLAND CASE IN COURT

The Portland (Me.) Publishing Company on Friday filed an appeal in the Court of Appeals of the District of Columbia against a decision of the Radio Commission in which it refused to grant a construction permit to the company for the erection of a new broadcasting station at Portland and at the same time changed the frequency of Station WFEA, Manchester, N. H., from 1430 to 1340 kilocycles. The publishing company has asked for the 1340-kilocycle frequency for its proposed new station. A stay order was also asked.

SECURITIES ACT REGISTRATION

The following companies filed registration statements with the Federal Trade Commission under the Securities Act during the current week:

American Water Works and Electric Co., Inc., New York, N. Y. (2-672).

Golden Quehec Mines, Ltd., Toronto, Canada (2-673).

Motors Securities Company, Inc., Shreveport, La. (2-674).

Grape Vine Mountain Gold Mines Company, Inc., Las Vegas, Nev. (2-675).

War Eagle Gold Mines Company, Denver, Colo. (2-676).

Oregon Terminals Company Reorganization Committee, Portland, Ore. (2-677).

Frank C. Munson and Others, New York, N. Y. (2-678).

Housing Corporation of America, New York, N. Y. (2-679).

Carey Trust of New York, Tulsa, Okla. (2-680).

Bondholders Protective Committee for Lake Charles Hotel Building Company, New Orleans, La. (2-681).

Committee for Holders of Orpheum Theatre and Realty Company, San Francisco, Calif. (2-682).

Bondholders Protective Committee for First Mortgage Sinking Fund Fifteen Year Gold Bonds issued by Tomahawk Kraft Paper Company, Milwaukee, Wis. (2-683).

Equity Corporation, Jersey City, N. J. (2-684).

Model Maker Corporation, New York City (2-685).

Star Oil Corporation, Boston, Mass. (2-686).

Photocolor Pictures, Inc., Spiro Park, Irvington-on-Hudson, N. Y. (2-687).

Affiliated Distributing Group, Inc., Jersey City, N. J. (2-688).

Associated Simmons Hardware Companies Reorganization Committee, New York City (2-689).

MEXICAN STUDIOS IN U. S. UNDER CODE

The Department of State has ruled that studio adjuncts to Mexican stations located in the United States are subject to the Broadcasters' Code. The letter of the State Department addressed to General Johnson follows:

"The letter of February 1, 1934, written by Mr. William P. Farnsworth, Deputy Administrator, National Recovery Administration, setting forth the situation that has arisen as regards bringing under the appropriate code the remote control studios operated in this country on Mexican stations has been carefully considered.

"The Department is of the opinion that there is no reason why such adjuncts of Mexican stations located in the United States for the profit and convenience of the station owners should not be subjected to the same regulations as similar adjuncts of American stations.

"The Department appreciates the opportunity which the National Recovery Administration has given it of considering the question."

BROADCAST TAX PROPOSED IN NEW YORK

Identical bills introduced in the House and Senate of the New York Legislature by Assemblyman James Wadsworth, Jr., and Senator Fearon provide for a two per cent tax on gross receipts of retail sales and services, including all services sold within the state by all radio broadcasting stations. The New York State Committee of Broadcasters, headed by Harold Smith of Station WOKO, Albany, N. Y., will oppose the measure.

WEST VIRGINIA PROPOSES RADIO TAX

The following bill (H. B. 311XX) has been introduced in the West Virginia Legislature by Representative Carden and referred to the House Committee on Taxation and Finance:

"Upon every person engaging or continuing within this state in the business of operating an amusement park, dance hall, skating rink, race track, radio broadcasting station, or any other place at which amusements are offered to the public, the tax shall be equal to one and one-half per cent of the gross income of the business; *Provided, however,* That upon every person engaging or continuing within this state in the business of operating a theater, opera house, moving picture show or vaudeville show the tax shall be equal to four per cent of the gross income of the business."

OVER-QUOTA APPLICATIONS GRANTED

The Federal Radio Commission has had before it for some time past several proposals for revision of the quota system by which broadcasting facilities are apportioned to the various states and zones. Although no public announcement of formal revision has been made, the Commission granted, during the current week, three applications for increased facilities necessitating increased quota charges in over-quota states (North Carolina and California) and over-quota zones (third and fifth).

EDUCATORS SPURN 1500-1600-KC. BAND

Although the Federal Radio Commission invited by letter 1,400 colleges, universities and other educational institutions to file appli-

cations for construction permits to erect new experimental broadcasting stations to operate on frequencies of 1530, 1550 and 1570 kilocycles, recently made available for such use, it is reported that to date no applications have been received.

BUSINESS CENSUS HALF COMPLETED

Splendid cooperation and support by business men throughout the country, coupled with the activities of a capable and enthusiastic corps of supervisors and enumerators have brought the Census of American Business to a point where the big task is half completed.

Of the estimated 2,400,000 questionnaires, 950,197 have been received to date by the Bureau of the Census, and it is estimated that more than 250,000 additional are either in the mails or in the hands of supervisors being prepared for mailing, according to William L. Austin, Director. The census has now reached its full stride and every effort is being put forward to finish it within the time limit of February 15, 1934.

RADIO EMPLOYMENT DECLINES

For the first time in many months employment in the radio plants of the country showed a decrease, according to the Bureau of Labor statistics. It was seasonal.

Reports were received by the Bureau from 44 radio factories who gave their December employment at 36,306, a decrease of 11.6 per cent compared with November but an increase of 112.5 per cent over December, 1932. The average weekly December payrolls in these plants were \$679,684, a decrease of 14.6 per cent under November but an increase of 121.2 per cent over December, 1932.

COMMISSION MEETING OMITTED

The Federal Radio Commission did not hold its regular Friday meeting scheduled for February 23.

A. A. A. A. COMPLETES NEWSPAPER DATA

The fourth and final section of Market and Newspaper Statistics, Volume II, compiled under the direction of the Committee on Newspapers of the American Association of Advertising Agencies, has just been published, according to an announcement by Frederic R. Gamble, Executive Secretary of the Association. Section D deals with the fifteen cities with 100,000 population or over in their city zones for which A.B.C newspaper audit reports were issued for the year ended June 30, 1933. It includes figures on population, number of families, English reading and income tax returns, newspaper circulations, local rates, national rates, lineage, differential between local and national rates, and an estimate of circulation obtained through use of inducements.

One copy of Section D is being sent to each A. A. A. A. member office and to each publisher represented in that section. Copies of Section A or B are available to others at \$2.50 each, Section C at \$5.00, and Section D at \$2.00.

FEDERAL RADIO COMMISSION ACTION

HEARING CALENDAR

Tuesday, February 27, 1934

NEW—Frank Wilburn, Prescott, Ariz.—C. P., 1500 kc., 100 watts, unlimited time (facilities of KPJM).

KPJM—Scott & Sturn, Prescott, Ariz.—Renewal of license, 1500 kc., 100 watts, unlimited time.

APPLICATIONS GRANTED

First Zone

WTAG—Worcester Telegraph Publishing Co., Inc., Worcester, Mass.—Granted extension of special temporary authority to use 250 watts additional night-time power (same as WOBU).

WEAN—Shepard Broadcasting Service, Inc., Providence, R. I.—Granted extension of special experimental authority to use 250 watts experimentally at night in addition to regular power of 250 watts.

WJAR—The Outlet Company, Providence, R. I.—Granted extension of special experimental authority to use 250 watts power at night in addition to regular assignment of 250 watts.

WNEL—Juan Piza, San Juan, P. R.—Granted modification of C. P. to make changes in equipment and extend commencement date to 10 days after this date and completion date from April 16, 1934, to 90 days thereafter.

Second Zone

WOBU—WOBU, Inc., Charleston, W. Va.—Granted extension of special temporary authority to operate with 250 watts additional night-time power for period beginning 3 a. m., EST., March 1, 1934, and ending in no event later than 3 a. m., EST, September 1, 1934.

WLAP—American Broadcasting Corp. of Kentucky, Lexington, Ky.—Granted modification of C. P. approving transmitter and studio locations, and extending commencement date from February 5 to 30 days from this date and completion date to May 5, 1934.

Third Zone

KTRH—KTRH Broadcasting Co., Houston, Tex.—Granted special experimental authority to change frequency from 1120 kc. to 630 kc. and increase power to 500 watts night, 1,000 day, experimentally to April 1.

WJDX—Lamar Life Insurance Co., Jackson, Miss.—Granted C. P. to make changes in equipment and increase power from 1 KW to 1 KW night, 2½ KW day.

WHET—Joe K. Jernigan, Cyril W. Reddoch, Julian C. Smith, John T. Hubbard, d/b as Troy Broadcasting Co., Dothan, Ala.—Granted authority to operate from 7:30 p. m. to 9:30 p. m., CST, February 20, 1934, for a political broadcast.

WSOC—WSOC, Inc., Charlotte, N. C.—Granted C. P. to make changes in equipment and increase daytime power from 100 to 250 watts.

Fourth Zone

WMBD—Peoria Broadcasting Co., Peoria, Ill.—Granted authority to rebroadcast police radio system for one-half hour on Sunday night, February 25, 1934.

WSUI—State University of Iowa, Iowa City, Iowa—Granted special temporary authority to operate from 10 p. m. to 12 midnight, CST, February 23, 1934, in order to broadcast University Party.

WIBA—Badger Broadcasting Co., Madison, Wis.—Granted special temporary experimental authority to operate with 500 watts in addition to the regular assignment of 500 watts at night for period ending April 1, 1934.

WFBM—Indianapolis Power & Light Co., Indianapolis, Ind.—Granted authority to operate simultaneously with Station WSBT March 16 and 17 from 10:15 a. m. to 12 noon and from 3 p. m. to 5:30 p. m., CST, in order to broadcast Indiana State High School basketball tournament.

KSOO—Sioux Falls Broadcast Assn., Inc., Sioux Falls, S. Dak.—Granted special temporary authority to operate simultaneously with WRVA February 13, 16, 17, 20, 22 and 27, 1934, from 8 p. m. to 9:30 p. m., in order to broadcast 1934 college basketball conference games. (Date of action, 2-12-34.)

KWCR—Cedar Rapids Broadcast Co., Cedar Rapids, Iowa—Granted modification of C. P. approval of transmitter site authorized to be determined at 3rd Avenue and 3rd Street, Cedar Rapids, Iowa.

KGDY—Voice of South Dakota, Huron, S. Dak.—Granted special temporary authority to operate from 8 p. m. to 9:30 p. m., CST, February 16, 17 and 24, also March 2 and 3, 1934, to broadcast basketball games.

Fifth Zone

KIEM—Harold H. Hanseth, Eureka, Calif.—Granted modification of license to increase hours of operation from daytime to unlimited.

SET FOR HEARING

NEW—Voice of Longview, Longview, Tex.—C. P. for 1370 kc., 100 watts, daytime.

WTMJ—The Journal Company (The Milwaukee Journal), Milwaukee, Wis.—Special experimental authority to increase day power from 2½ KW to 5 KW for period 2-25-34 to 3-20-34.

ACTION ON EXAMINER'S REPORT

NEW—Wyoming Broadcasting Co., Cheyenne, Wyo.—Denied application for C. P. for new station to operate on 780 kc., 500 watts night, 1 KW LS, sustaining Examiner George H. Hill. Order entered effective February 27, 1934.

ORAL ARGUMENT GRANTED

The Commission, sitting en banc, will hear oral arguments on March 14, 1934, in re Examiner's Reports Nos. 535 and 536. Ex. Rept. No. 535 deals with application of Knickerbocker Broadcasting Co. (WMCA), New York, for an increase of 500 watts power experimentally, and the application of WSYR, Syracuse, for an increase in its power from 250 to 500 watts. Ex. Rept. No. 436 deals with the application of The State Journal Company, Lansing, Mich., for new station to operate on 1210 kc., 100 watts night, 200 watts LS, unlimited time.

MISCELLANEOUS

WDEL—WDEL, Inc., Wilmington, Del.—Application for modification of license requesting increase in power from 250 to 500 watts, night, on 1120 kc., restored to hearing docket.

KICK—Red Oak Radio Corp., Carter Lake, Iowa—Suspended grant to move station from Carter Lake to Davenport, Iowa, make changes in equipment and frequency, and change call letters to WOC; also authorization for voluntary assignment of license to Palmer School of Chiropractic because of protests of stations KSO, Des Moines, and WHBF, Rock Island, Ill. Applications set for hearing.

WJJD—WJJD, Inc., Chicago, Ill.—Suspended grant of authority, made January 16, 1934, to move studio from Mooseheart, Ill., to 201 N. Wells St., Chicago, because of protests of WGN, WENR, WMAQ, and WCFL, all Chicago stations. Application set for hearing.

APPLICATIONS RETIRED TO CLOSED FILES

The following applications were retired to the closed files for want of prosecution:

WAPI—WAPI Broadcasting Corp., Birmingham, Ala.—Application to install new equipment, increase power, etc.

KNOW—KUT Broadcasting Co., Austin, Tex.—Application to install new transmitter, etc.

KGRS—E. B. Gish, Amarillo, Tex.—Application to rebuild transmitter and make changes in equipment.

APPLICATIONS RECEIVED

First Zone

WICC—Bridgeport Broadcasting Station, Inc., Bridgeport, Conn.—Modification of license to change corporate name to Southern Connecticut Broadcasting Corporation.

WGCP—May Radio Broadcast Corp., Newark, N. J.—Modification of construction permit granted 11-10-33 to request ex-

tension of commencement and completion dates to 2-25-34 and 6-15-34, respectively.

Second Zone

WCHS—WOBU, Inc., Charleston, W. Va.—Modification of license to change corporate name to Charleston Broadcasting Corp.

NEW—Hubert H. Hall, Erie, Pa.—Construction permit to erect new station to operate on 1420 kc., power of 100 watts, unlimited time, facilities of Station WERE (WLEU).

NEW—F. L. Whitesell, Forty Fort, Pa.—Construction permit to erect new station to operate on 930 kc., power of 1 KW, daytime.

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Construction permit to make changes in equipment, increase power from 100 watts to 250 watts, and change time from S. H. to unlimited.

Third Zone

KGHI—Loyd Judd Co., Little Rock, Ark.—License to cover construction permit granted 1-5-34 to move transmitter and studio locally.

WSFA—Montgomery Broadcasting Co., Inc., Montgomery, Ala.—Construction permit to make changes in equipment and move transmitter from 3 miles out on Mobile Road, Montgomery, Ala., to Jefferson Davis Hotel, corner Montgomery and Catoma Streets, Montgomery, Ala.

WGST—Georgia School of Technology, Atlanta, Ga.—License to cover construction permit granted 1-2-34 to increase power from 250 watts, 500 watts LS, to 250 watts, 1 KW LS, and make changes in equipment.

Fourth Zone

WMBD—Peoria Broadcasting Company, Peoria, Ill.—Authorization to install automatic frequency control.

KGBX—KGBX, Inc., Springfield, Mo.—License to cover construction permit granted 1-26-34 to install new equipment and change maximum rated carrier power output from 250 watts to 100 watts.

WCAZ—Superior Broadcasting Service, Inc., Carthage, Ill.—Modification of license to increase power from 50 watts to 100 watts.

WTMJ—The Journal Company (The Milwaukee Journal), Milwaukee, Wis.—Special experimental authorization to increase power from 1 KW, 2½ KW LS, to 1 KW, 5 KW LS, on experimental basis. Amended to change period of request from 2-25-34 to 3-20-34.

Fifth Zone

KECA—Earle C. Anthony, Inc., Los Angeles, Calif.—Change transmitter locally and make changes in equipment. Facilities KGEF now assigned to KFAC. Amended to request 780 kc. instead of 1430 kc. Amended to omit request for 780 kc.

NEW—Victor Beverly Pitts, Raton, N. Mex.—Construction permit to erect new station to operate on 1500 kc., power of 100 watts, daytime.

APPLICATIONS RETURNED

NEW—Charles Henry Gunthorpe, Jr., Nacogdoches, Tex.—Construction permit to erect new station to operate on 1420 kc., with power of 100 watts, daytime. (Rule 6, Section 20, transmitter site and antenna.)

WTMJ—The Journal Company (The Milwaukee Journal), Milwaukee, Wis.—Special experimental authorization to increase power from 1 KW, 2½ KW LS, to 1 KW, 5 KW LS, on experimental basis. (Rules 6 and 120.)

KFOR—Cornbelt Broadcasting Corp., Lincoln, Nebr.—License to cover construction permit granted 1-2-34 to move transmitter locally. (Sections 5, 7 and 20; maximum rated power and jurat.)

The National Association of Broadcasters

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

PHILIP G. LOUCKS, Managing Director

NAB REPORTS

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PRESIDENT ASKS COMMUNICATIONS BILL

President Roosevelt sent to the Congress on Feb. 26 a special message in which he asked for passage of a Federal Communications Commission Bill during the present session, but made it clear that he was not insisting at this time that any revisions be made in the existing laws affecting communications and broadcasting. The message, the first official expression of the President on the subject, follows in full text:

"I have long felt that for the sake of clarity and effectiveness the relationship of the Federal Government to certain services known as utilities should be divided into three fields—transportation, power and communications. The problems of transportation are vested in the Interstate Commerce Commission, and the problems of power, its development, transmission and distribution, in the Federal Power Commission.

"In the field of communications, however, there is today no single government agency charged with broad authority.

"The Congress has vested certain authority over certain forms of communications in the Interstate Commerce Commission and there is in addition the agency known as the Federal Radio Commission.

"I recommend that the Congress create a new agency to be known as the Federal Communications Commission, such agency to be vested with the authority now lying in the Federal Radio Commission and with such authority over communications as now lies with the Interstate Commerce Commission—the services affected to be all of those which rely on wires, cables or radio as a medium of transmission.

"It is my thought that a new Commission such as I suggest might well be organized this year by transferring the present authority for the control of communications of the Radio Commission and the Interstate Commerce Commission. The new body should, in addition, be given full power to investigate and study the business of existing companies and make recommendations to the Congress for additional legislation at the next session."

HEARINGS ON COMMUNICATIONS BILL

Senator C. C. Dill, chairman of the Senate Interstate Commerce Committee, announced this week that he will hold hearings on his Federal Communications Commission Bill commencing at 10:30 a. m. March 9. Henry A. Bellows, chairman of the NAB Legislative Committee, will appear and present the views of the Association. Practically all of the controversial provisions in the Dill bill have been the subject of discussion or report at NAB membership meetings in the past and Mr. Bellows' testimony will follow this policy.

Hearings on the Rayburn bill will be held shortly although no definite date has as yet been fixed. Since the Rayburn bill does not affect the Radio Act of 1927 there is no conflict between the jurisdiction of the House Interstate and Foreign Commerce Committee and the House Committee on Merchant Marine, Radio and Fisheries.

BRINKLEY CEASES OPERATION

According to reports from Mexico City, XER, Villa Acuna, Mexico, has been ordered by the Mexican Government to cease operation because of violation of Mexican regulation relative to broadcasting of medical advertisements. The reports state that a 30-day period has been allowed for dismantling the station.

CODE AUTHORITY MEETING IN WASHINGTON

The Code Authority for the Radio Broadcasting Industry is holding a meeting in Washington for the purpose of considering

the survey recently completed on hours and wages of broadcast technicians. Under the provisions of the code the report is due to be filed on March 11. The Code Authority will remain in session next week and will attend the general meeting of code authorities called by General Johnson.

SENATE CONFIRMS PRALL

The Senate on March 1 confirmed the appointment of Representative Anning S. Prall of New York, as a member of the Federal Radio Commission. Representative Prall, who was named by President Roosevelt to succeed Commissioner W. D. L. Starbuck, whose term expired on February 23, has not yet taken the oath of office. He was undetermined as this issue of NAB REPORTS goes to press as to whether he will take the oath as a member of the Commission shortly or await the end of the present session of Congress. Discussion seems to revolve around the eligibility of Representative Prall for a post on the Communications Commission to be created during the present session of Congress. One view is that he would not be eligible to serve on such Commission if the present Congress passed the bill, while another view is that passage of the bill would not affect his eligibility if he were not in fact a member of the Congress at the time of its passage.

DILL AND RAYBURN INTRODUCE BILLS

Almost simultaneously with the reading of President Roosevelt's communications bill message, Senator C. C. Dill, chairman of the Senate Interstate Commerce Committee, and Representative Sam Rayburn, chairman of the House Committee on Interstate and Foreign Commerce, introduced bills in their respective houses designed to carry out legislatively the request of the President. The Dill bill carries the number of S. 2910 and the Rayburn bill is numbered H. R. 8301.

The Dill bill repeals the Radio Act of 1927 and makes minor changes in the existing law relative to point to point communications by wire and wireless—among them being subjecting charges for broadcasting lines to the jurisdiction of the new commission. The Rayburn bill leaves the Radio Act of 1927, as amended, intact. The radio provision of the Rayburn bill (Section 501a) reads as follows:

"The Federal Radio Commission is hereby abolished, and all duties, powers, and functions of the Federal Radio Commission under the Radio Act of 1927, as amended, or under any other provision of law are hereby imposed upon and vested in the (Communications) Commission."

The Dill bill, however, departs from the present law fundamentally. For example, the bill eliminates entirely Section 16 (the section governing court appeals from decisions of the Commission) of the Radio Act and attempts to give Federal District Courts jurisdiction over radio appeals.

Aside from the omission of Section 16 from the Radio Act, the Dill bill includes most of the provisions from the old omnibus bill (H. R. 7716) which failed of enactment. The bill would cut the legislative license period for broadcasting stations from three years to one year; would allow duplication of stations on clear channel stations at a distance of 2,200 miles with the proviso that the second station would not be charged to quota; would authorize the new Commission to impose fines not to exceed \$1,000 a day for violations of Commission regulations; would further complicate the provision with respect to political speeches and discussion of public questions by radio; would allow the licensing of additional stations of not more than 250-watts power without regard to quota.

The Dill bill is 98 pages in length and the Rayburn bill is 67 pages in length. The bills are virtually identical with the exception of the inclusion of the special provisions relating to radio in the

Dill bill. Radio is covered in the Rayburn bill as pointed out above.

The general provisions contained in both bills, exclusive of definitions which have no relation to broadcasting, are as follows:

Title I—General Provisions

Purposes of Act; Creation of Federal Communications Commission

Section 1. For the purpose of regulating interstate and foreign commerce in communication by wire and radio so as to make available, so far as possible, to all the people of the United States a rapid, efficient, nation-wide, and world-wide wire and radio communication service with adequate facilities at reasonable charges, and for the purpose of securing a more effective execution of this policy by centralizing authority heretofore granted by law to several agencies and by granting additional authority with respect to interstate and foreign commerce in wire and radio communication, there is hereby created a commission to be known as the "Federal Communications Commission," which shall be constituted as hereinafter provided.

Application of Act

Sec. 2. The provisions of this act shall apply to all interstate and foreign communication by wire or radio and all interstate and foreign transmission of energy by radio, which originates and/or is received within the United States, and to all persons engaged within the United States in such communication or such transmission of energy by radio; but it shall not apply to persons engaged in wire or radio communication or transmission in the Philippine Islands or the Canal Zone, or to wire or radio communication or transmission wholly within the Philippine Islands or the Canal Zone.

Definitions

Sec. 3. For the purposes of this Act—

(h) "Common carrier" or "carrier" means any person engaged in communication by wire or radio, as a common carrier for hire, except where reference is made to common carriers not subject to this Act; but a person engaged in radio broadcasting shall not, insofar as such person is so engaged, be deemed a common carrier.

(r) "Broadcasting" means the dissemination of radio communications intended to be received by the public, directly or by the intermediary of relay stations.

(s) "Chain broadcasting" means simultaneous broadcasting of an identical program by two or more connected stations.

Provisions Relating to the Commission

Sec. 4. (a) The Federal Communications Commission (in this act referred to as the "Commission"), shall be composed of seven commissioners appointed by the President, by and with the advice and consent of the Senate, one of whom the President shall designate as chairman.

(h) Each member of the Commission shall be a citizen of the United States. No member of the Commission or person in its employ shall be financially interested in the manufacture or sale of radio apparatus or of apparatus for wire or radio communication; in communication by wire or radio or in radio transmission of energy; in any company furnishing supplies or services to any company engaged in communication by wire or radio or to any company manufacturing or selling apparatus used for communication by wire or radio; or in any company owning stocks, bonds or other securities of any such company; nor he in the employ of or hold any official relation to any person subject to any of the provisions of this Act, nor own stock or bonds of any corporation subject to any of the provisions of this Act. Such commissioners shall not engage in any other business, vocation, or employment. Not more than four commissioners, nor more than one member of a division other than the chairman, shall be members of the same political party.

(c) The commissioners first appointed under this Act shall continue in office for the terms of one, two, three, four, five, six, and seven years, respectively, from the date of the taking effect of this Act, the term of each to be designated by the President, but their successors shall be appointed for terms of seven years; except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the commissioner whom he succeeds. Any commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office, but for no other cause. No vacancy in the Commission shall impair the

right of the remaining commissioners to exercise all the powers of the Commission.

(d) Each commissioner shall receive an annual salary of \$10,000, payable in monthly installments.

(e) The principal office of the Commission shall be in the District of Columbia, where its general sessions shall be held; but whenever the convenience of the public or of the parties may be promoted or delay or expense prevented thereby, the Commission may hold special sessions in any part of the United States.

(f) Without regard to the civil service laws or the Classification Act of 1923, as amended (1) the Commission may appoint and prescribe the duties and fix the salaries of a secretary, a chief engineer and one or more assistants, a general counsel and one or more assistants, experts, inspectors, and special counsel, and (2) each commissioner may appoint and prescribe the duties of an assistant at an annual salary not to exceed \$4,000 per annum. The general counsel and the chief engineer shall each receive an annual salary of not to exceed \$9,000; and no assistant, expert, or inspector shall receive an annual salary in excess of \$7,500 per annum. The Commission shall have authority, subject to the provisions of the civil service laws and the Classification Act of 1923, as amended, to appoint such other officers, examiners, and other employes as are necessary in the execution of its functions.

(g) The Commission may make such expenditures (including expenditures for rent and personal services at the seat of government and elsewhere, for office supplies, law books, periodicals, and books of reference, and for printing and binding) as may be necessary for the execution of the functions vested in the Commission and as from time to time may be appropriated for by Congress. All expenditures of the Commission, including all necessary expenses for transportation incurred by the commissioners or by their employes, under their orders, in making any investigation or upon any official business in any other places than in the city of Washington, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the chairman of the Commission or by such other member or officer thereof as may be designated by the Commission for that purpose.

(h) Four members of the Commission shall constitute a quorum thereof and two members shall constitute a quorum of a division. The Commission shall have an official seal which shall be judicially noticed.

(i) The Commission may perform any and all acts, make such rules and regulations, and issue such orders, not inconsistent with this Act, as may be necessary in the execution of its functions.

(j) The Commission may conduct its proceedings in such manner as will best conduce to the proper dispatch of business and to the ends of justice. No commissioner shall participate in any hearing or proceeding in which he has a pecuniary interest. Any party may appear before the Commission and be heard in person or by attorney. Every vote and official act of the Commission shall be entered of record, and its proceedings shall be public upon the request of any party interested.

(k) The Commission shall make an annual report to Congress, copies of which shall be distributed as are other reports transmitted to Congress. Such report shall contain such information and data collected by the Commission as may be considered of value in the determination of questions connected with the regulation of interstate and foreign wire and radio communication and radio transmission of energy, together with such recommendations as to additional legislation relating thereto as the Commission may deem necessary: *Provided*, That the Commission shall make a special report not later than February 1, 1935, recommending such amendments to this Act as it deems desirable in the public interest.

(l) All reports of investigations made by the Commission shall be entered of record, and a copy thereof shall be furnished to the party who may have complained, and to any common carrier or licensee that may have been complained of.

(m) The Commission shall provide for the publication of its reports and decisions in such form and manner as may be best adapted for public information and use, and such authorized publications shall be competent evidence of the reports and decisions of the Commission therein contained in all courts of the United States and of the several States without any further proofs or authentication thereof.

Divisions of the Commission; Jurisdiction of Commission and Division

Sec. 5. (a) The Commission shall be organized into three divisions which shall exercise the jurisdiction of the Commission as follows: (1) The radio division shall have jurisdiction of all mat-

ters relating to or connected with broadcasting, with amateur stations, and the mobile service; (2) the telephone division shall have jurisdiction of all matters relating to or connected with common carriers engaged in voice communication by wire or radio other than broadcasting; and (3) the telegraph division shall have jurisdiction of all matters relating to or connected with common carriers engaged in record communication by wire, radio, or cable. The chairman of the Commission shall be a member of all three divisions; two other commissioners, one of whom for each division shall be chosen vice chairman of the Commission presiding over the division, shall be assigned by the Commission as members of each division. Except for the chairman no member of the Commission may be a member of more than one division; but in case of a vacancy in any division, or of absence or inability to serve thereon of any commissioner thereto assigned, any commissioner designated by the chairman for that purpose may temporarily serve on said division until the Commission shall otherwise order.

(b) The whole Commission shall have jurisdiction of (1) all matters arising under this Act which do not fall within the jurisdiction of a division, as above prescribed; (2) all matters which fall within the jurisdiction of more than one division; and (3) teletype service, telephoto service, the regulation of charges made for the use of telephone wires in connection with broadcasting, and the provisions of this Act relating to valuation of property of carriers, reports of carriers, parents, subsidiaries, and affiliated persons, and accounts, records, and memoranda, to be kept by carriers and depreciation charges in respect of property of carriers. In any case where a conflict arises under this section as to jurisdiction of any division the Commission shall decide which division shall have jurisdiction of the matter, and the decision of the Commission shall be final.

(c) Each division may (1) appoint a director, without regard to the civil service laws or the Classification Act of 1923, as amended, at an annual salary which shall not exceed \$8,000 per annum; and (2) hear and determine, order, certify, report, or otherwise act as to any matter under its jurisdiction, and in respect thereof the division shall have all the jurisdiction and powers conferred by law upon the Commission, and be subject to the same duties and obligations. Any action so taken by a division and any order, decision, or report made or other action taken by any of said divisions in respect of any matters assigned to it shall have the same force and effect, and may be made, evidenced, and enforced in the same manner as if made or taken by the Commission. The secretary and seal of the Commission shall be the secretary and seal of each division thereof.

(d) The director for each division shall exercise such of the functions thereof as may be vested in him by the division, but any order of the director shall be subject to review by the division under such rules and regulations as the Commission shall prescribe.

DILL BILL REPEALS RADIO ACT

Section 602 of the Dill bill specifically repeals the Radio Act of 1927. Title III of the Dill bill is intended as a substitution for the present radio law and does not appear in the Rayburn bill which leaves the present law intact. Sections of Title III which would change the present law are as follows:

Title III—Special Provisions Relating to Radio

Allocation of Facilities; Term of Licenses

Sec. 307. (a) The Commission, if public convenience, interest, or necessity will be served thereby, subject to the limitations of this Act, shall grant to any applicant therefor a station license provided for by this Act.

(b) It is hereby declared that the people of all the zones established by this title are entitled to equality of radio broadcasting service, both of transmission and of reception, and in order to provide said equality the Commission shall as nearly as possible make and maintain an equal allocation of broadcasting licenses, or bands of frequency or wave lengths, of periods of time for operation, and of station power, to each of said zones when and insofar as there are applications therefor; and shall make a fair and equitable allocation of licenses, wave lengths, time for operation, and station power to each of the States and the District of Columbia, within each zone, according to population. The Commission shall carry into effect the equality of broadcasting service hereinbefore directed, whenever necessary or proper, by granting or refusing licenses or renewals of licenses, by changing periods of time for operation, and by increasing or decreasing station power, when applications are made for licenses or renewals of licenses: *Provided*, That if and

when there is a lack of applications from any zone for the proportionate share of licenses, wave lengths, time of operation, or station power to which such zone is entitled, the Commission may issue licenses for the balance of the proportion not applied for from any zone, to applicants from other zones for a temporary period of ninety days each, and shall specifically designate that said apportionment is only for said temporary period. Allocations shall be charged to the State or District wherein the studio of the station is located and not where the transmitter is located: *Provided further*, That no frequency used for broadcasting shall be reserved for the use of one station for a distance of more than 2,200 miles, airline, if any person, firm, or corporation, capable of rendering radio service in the public interest, make application to operate broadcasting apparatus on any frequency so reserved, at a point beyond the distance of 2,200 miles, airline, from the station or stations already licensed and operating on said frequency, and all applications and licenses considered and granted under this provision shall not be counted as a part of the quota of the zone in which said additional stations are located: *Provided further*, That the Commission may also grant applications for additional licenses for stations not exceeding 250 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.

(c) The provisions of this section shall not apply to the Virgin Islands, Puerto Rico, Alaska, Guam, American Samoa, and the Territory of Hawaii.

(d) No license granted for the operation of a broadcasting station shall be for a longer term than one year and no license so granted for any other class of station shall be for a longer term than three years, and any license granted may be revoked as hereinafter provided. Upon the expiration of any license, upon application therefor, a renewal of such license may be granted from time to time for a term of not to exceed one year in the case of broadcasting licenses and not to exceed three years in the case of other licenses, but action of the Commission with reference to the granting of such application for the renewal of a license shall be limited to and governed by the same considerations and practice which affect the granting of original applications.

(e) No renewal of an existing station license shall be granted more than thirty days prior to the expiration of the original license.

Limitation on Holding and Transfer of Licenses

Sec. 310. (b) The station license required hereby, the frequencies or wave length or lengths authorized to be used by the licensee, and the rights therein granted shall not be transferred, assigned, or in any manner either voluntarily or involuntarily disposed of, or indirectly by transfer of control of any company, corporation, or association holding such license, to any person or corporation, unless the Commission shall, after a hearing, decide that said transfer is in the public interest, and shall give its consent in writing.

Revocation of Licenses; Fines Imposed by Commission

Sec. 312. Any station license may be revoked, or the station owner fined not to exceed \$1,000 by the Commission for each and every day during which such offense occurs, for false statements either in the application or in the statement of fact which may be required by section 308 hereof, or because of conditions revealed by such statements of fact as may be required from time to time which would warrant the Commission in refusing to grant a license on an original application, or for failure to operate substantially as set forth in the license, for violation of or failure to observe any of the restrictions and conditions of this Act, or of any regulation of the Commission authorized by this Act or by a treaty ratified by the United States, or whenever any Federal body in the exercise of authority conferred upon it by law, shall find and shall certify to the Commission that any licensee bound so to do, has failed to provide reasonable facilities for the transmission of radio communications, or that any licensee has made any unjust and unreasonable charge, or has been guilty of any discrimination, either as to charge or as to service or has made or prescribed any unjust and unreasonable classification, regulation, or practice with respect to the transmission of radio communications or service: *Provided, however*, That no license shall be revoked and no station owner fined until the licensee shall have been notified in writing of the proceedings for such revocation or fine, the cause for the proposed action, and shall have been given 15 days to show cause why an order of revocation should not be issued or a fine or fines imposed.

Facilities for Candidates for Public Office

Sec. 315. (a) If any licensee shall permit any person who is a legally qualified candidate for any public office to use a broadcasting station, he shall afford equal opportunities to all other such candidates for that office in the use of such station; and if any licensee shall permit any person to use a broadcasting station in support of or in opposition to any candidate for public office, or in the presentation of views on a public question to be voted upon at an election, he shall afford equal opportunity to an equal number of other persons to use such station in support of an opposing candidate for such public office, or to reply to a person who has used such broadcasting station in support of or in opposition to a candidate, or for the presentation of opposite views on such public questions. Furthermore, it shall be considered in the public interest for a licensee, so far as possible, to permit equal opportunity for the presentation of both sides of public questions.

(b) The Commission shall make rules and regulations to carry this provision into effect. No such licensee shall exercise censorship over any material broadcast in accordance with the provisions of this section. No obligation is imposed upon any licensee to allow the use of his station by any candidate, or in support of or in opposition to any candidate, or for the presentation of views on any side of a public question.

(c) The rates charged for the use of any station for any of the purposes set forth in this section shall not exceed the regular rates charged for the use of said station to advertisers furnishing regular programs, and shall not be discriminatory as between persons using the station for such purposes.

Lotteries and Other Similar Schemes

Sec. 316. No person shall broadcast by means of any radio station for which a license is required by any law of the United States, and no person, firm, or corporation operating any such station shall knowingly permit 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, or any list of the prizes drawn or awarded by means of any such lottery, gift enterprise, or scheme, whether said list contains any part or all of such prizes. Any person, firm, or corporation violating any provision of this section shall, upon conviction thereof, be fined not more than \$1,000 or imprisoned not more than one year, or both, for each and every day during which such offense occurs.

Title IV—Procedural and Administrative Provisions

Jurisdiction to Enforce Act, and Orders of Commission

Sec. 401. (a) The district courts of the United States shall have jurisdiction, upon application of the Attorney General of the United States at the request of the Commission, alleging a failure to comply with or a violation of any of the provisions of this Act by any person, to issue a writ or writs of mandamus commanding such person to comply with the provisions of this Act; or, upon application of the Commission, any injured party, or the United States by its Attorney General, for the enforcement of an order or requirement of the Commission under the provisions of this Act, regularly made and duly served, which any person has failed or neglected to obey while in effect, to enforce obedience to such order or requirement by writ of injunction or other proper process, mandatory or otherwise, to restrain such person, its officers, agents, or representatives, from further disobedience of such order or requirement, or to enjoin upon it or them obedience to the same.

[Sections 401 and 402 make provision for court review of orders of the Interstate Commerce Commission applicable to the Communications Commission.]

Sections 403 and 404 provide for investigations by the Commission.

Sections 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, and 416 are administrative provisions relating to hearings, witnesses, orders, joint boards, etc., and are taken largely from the Radio Act and the Interstate Commerce Act.]

Title V—Penal Provisions—Forfeitures

General Penalty

Sec. 501. Any person who wilfully does or causes or suffers to be done any act, matter, or thing, in this Act prohibited or declared to be unlawful, or who wilfully omits or fails to do any act, matter, or thing in this Act required to be done, or wilfully causes or suffers such omission or failure, shall, upon conviction

thereof, be punished for each offense, for which no penalty (other than a forfeiture) is provided herein, by a fine of not more than \$10,000 or by imprisonment for a term of not more than three years, or both.

Violations of Rules, Regulations, etc.

Sec. 502. Any person who violates any rule, regulation, restriction, or condition made or imposed by the Commission under authority of this Act, or any rule, regulation, restriction, or condition made or imposed by any international radio or wire communications treaty or convention, or regulations annexed thereto, to which the United States is or may hereafter become a party, shall, in addition to any other penalties provided by law, be punished, upon conviction thereof, by a fine of not more than \$500 for each and every day during which such offense occurs.

Title VI—Miscellaneous Provisions

Transfer to Commission of Duties, Powers, and Functions Under Existing Law

Repeals and Amendments

Sec. 602. (a) The Radio Act of 1927, as amended, is hereby repealed.

(b) The provisions of the Interstate Commerce Act, as amended, insofar as they relate to communication by wire or wireless, or to telegraph, telephone, or cable companies operating by wire or wireless, are hereby repealed.

Transfer of Employees, Records, Property, and Appropriations

Sec. 603. (a) All officers and employees of the Federal Radio Commission (except the members thereof, whose offices are hereby abolished) are hereby transferred to the Commission, without change in classification or compensation.

Effective Date of Act

Sec. 607. This Act shall take effect upon the organization of the Commission, except that this section and sections 1 and 4 shall take effect upon the enactment of this Act. The Commission shall be deemed to be organized upon such date as four members of the Commission have taken office.

NAB ASKS CHANGES IN COPELAND BILL

Charging that broadcasting has been discriminated against in the so-called "dealer's section" of the revised Copeland food and drugs bill, the NAB filed a brief this week with the Senate Commerce Committee asking for modification to meet its objections. The brief signed by Henry A. Bellows, chairman of the NAB Legislative Committee, is as follows:

"The National Association of Broadcasters on Thursday, December 7, 1933, filed with your Committee a statement regarding S. 1944. That statement, together with the lists of members and officers of this Association, appears on pages 120-132 of the printed report of the hearings on S. 1944, and consequently the lists are not here repeated.

"While S. 2800 represents, from the standpoint of the radio broadcasting industry, a material improvement over S. 1944, there remain certain specific objections which this Association desires to point out to your Committee. In so doing, this Association wishes to make it clear that there are many other features of S. 2800 which appear to be open to criticism, but which, because they do not immediately and directly affect the broadcasting industry, are not specified in this memorandum.

"1. Page 3, lines 15-17. This paragraph defines advertising as 'all representations of fact or opinion disseminated in any manner or by any means other than by the labeling.'

"Such a definition, if taken literally, is manifestly absurd. It is not an advertisement if A tells B that he thinks X Remedy cured his headache, yet such a statement falls absolutely within this definition. Further, under the terms of Section 9, paragraph (b), it is, or may be, a false advertisement, in that it refers to X Remedy as a cure and not a palliative, and therefore, under the terms of Section 17, paragraph (b), the speaker is technically 'subject to imprisonment for not more than one year, or a fine of not less than \$100 nor more than \$1,000, or both such imprisonment and fine.'

"Nor is it an advertisement if a scientific speaker or writer, discussing matters relating to health, happens to refer to a par-

ticular food or drug, when his object is manifestly not to promote the sale of such food or drug.

"It is, therefore, urged that this paragraph be amended by the addition of a phrase borrowed from the copyright laws, so that the paragraph as amended shall read as follows:

"(j) The term "advertisement" includes all representations of fact or opinion disseminated *publicly and for profit* in any manner or by any means other than by labeling."

"2. Page 15, lines 15-20. This paragraph provides that 'An advertisement of a drug shall also be deemed to be false if it contains the name of any disease for which the drug is not a specific cure but is a palliative and fails to contain a plain and conspicuous statement, so placed as to be readily observable where such name occurs, indicating that the drug is a palliative and how the palliation is effected.'

"Regarding this paragraph three specific points should be considered:

"(a) The paragraph apparently includes oral or broadcast advertising, and yet it is absolutely impossible to apply to such advertising the provision contained in the clause 'so placed as to be readily observable where such name occurs.' This difficulty can be obviated by striking out, in line 18, the words 'and conspicuous,' and in lines 18 and 19 the phrase 'so placed as to be readily observable.'

"(b) It should be pointed out that both popular and scientific opinions vary widely as to what is actually a 'cure' and what is a 'palliative.' For instance, do certain familiar remedies 'cure' headaches or are they merely 'palliatives'? In view of the apparent impossibility of securing any adequate and accurate definitions of 'cure' and 'palliative,' it appears that this paragraph should be stricken out.

"(c) The clause 'and how the palliation is effected' appears to present a condition with which it would be impossible to comply. Such a statement would, in effect, require every advertisement of a 'palliative' to include an essay or technical treatise on the manner in which the drug in question affects the system. Such a treatise may be possible on a label, though even there it seems difficult, but how is it to be included on a sign-board or in a radio announcement? It seems clear that this clause should be stricken out.

"3. Page 15, line 25. Paragraph (c) of Section 9 is 'to discourage the public advertisement—of drugs for diseases wherein self-medication may be especially dangerous.' To this end, the section provides that 'any advertisement of a drug representing it to have any effect in the treatment of any of the following diseases shall be deemed to be false.' Then follows a long list of diseases, including diphtheria, measles, mumps, pneumonia, scarlet fever and whooping cough.

"There is plenty of medical opinion to support the contention that certain drugs do have at least a palliative effect in the treatment of these and other specified diseases, if only to the extent of relieving pain or discomfort, reducing fever, or inducing restful sleep. The phrase 'have any effect in the treatment of,' therefore, seems altogether too broad, and it is suggested that this phrase be stricken out, and replaced by the word 'cure.'

"4. Page 22, lines 12-15. Section 15 provides for examinations and investigations of alleged violations of the provisions of this Act. Paragraph (a) authorizes the Secretary of Agriculture to conduct such examinations. Paragraph (c) provides that the Secretary, before reporting any violation of this Act to a United States attorney for institution of criminal proceedings thereunder, shall provide for hearings for all interested persons.

"Paragraph (b) of this Section conforms to paragraphs (a) and (c) so far as the Secretary's activities are concerned, but in lines 12-15 it adds a mandatory provision that proceedings shall be instituted by each United States attorney 'to whom any health, food, or drug officer of any state or territory, or political subdivision thereof, presents evidence satisfactory to the United States attorney of any such violations.'

"The Secretary of Agriculture cannot report a violation of the Act until after a hearing, but any local health, food or drug officer may do so without giving anyone a chance to be heard. They do not even have to report such alleged violations to the Secretary of Agriculture.

"The result would inevitably be flagrant injustice and a complete overturning of the orderly and rational procedure set up in the rest of Section 15. It is, therefore, strongly urged that the entire clause just quoted be stricken out. In view of the fact that the greater part of the advertising coming under this Act is national or at least interstate in scope, it would manifestly be

impossible to provide that any local officer shall hold hearings, as is provided in the case of the Secretary of Agriculture.

"5. Page 27, line 15. This paragraph provides that certain persons shall not be 'deemed in violation of paragraphs (b) or (c) of this section.' The prohibited acts, however, are all listed in paragraph (a), while paragraphs (b) and (c) set forth the penalties for violation of any of the provisions of paragraph (a). It is obvious, therefore, that line 15 should be amended to read 'deemed in violation of paragraph (a) or subject to any of the penalties set forth in paragraphs (b) or (c) of this section.'

"6. Page 28, lines 16-20. The following new and extraordinary provision, not included in any of the previous drafts of this bill, has been added to Section 17, paragraph (e):

"No retail dealer shall be prosecuted under this section for the dissemination, other than by radio broadcast, of any advertisement offering for sale at his place of business any product which is not distributed or sold in interstate commerce."

"Apparently the sole purpose of this sentence is to discriminate among advertising media, and to say to the retail dealer that he may safely use the United States mails or any other medium with the single exception of radio broadcasting.

"If the commodity offered for sale is actually not 'distributed or sold in interstate commerce,' why should the retail dealer be warned by Act of Congress against the use of radio broadcasting whereas the United States mails are left open to him?

"If the commodity is distributed or sold in interstate commerce, the provisions of Section 17, paragraph (a) (5) immediately apply. Otherwise the situation is fully covered by the provisions of Section 17, paragraph (a) (4).

"This deliberate and, in view of the language of the two subparagraphs just cited, absolutely uncalled-for attempt to discriminate against radio broadcasting as an advertising medium marks a new departure in the field of Federal legislation. The Congress might with equal logic declare an advertiser criminally liable for false advertising in a periodical but guiltless if he inserts the same copy in a newspaper. The principle underlying such discrimination, which is in effect a deliberate effort to dictate to advertisers what media they shall use, is so utterly foreign to all established legislation that it is not surprising that this sentence was not introduced in time to be subject to scrutiny at the hearings on the earlier draft of this bill.

"In common fairness, and still more in maintenance of the principle that it is not a function of Federal legislation to tell advertisers what media they shall or shall not use, it is urgently requested that this recently added sentence be stricken out.

"As has already been stated, the National Association of Broadcasters, in setting forth these specific suggestions for amendment of S. 2800, does not thereby imply that with these amendments the bill will be satisfactory to the broadcasting industry. The points herein covered are those which seem to the broadcasters the most obvious and self-evident defects in the measure as now drafted, and it is urged that your Committee give careful attention to the suggestions here set forth."

C. C. Parlin of Philadelphia, representing the National Periodical Publishers, said that he had no objection to the passage of the bill now that its advertising clauses have been rewritten but asked that fair consideration be given by the Committee to amendments presented by some of the manufacturers.

Representative Lamneck of Ohio opposed the bill on the ground that the Secretary of Agriculture is given too much power by the bill. He also said that the bill is too drastic.

Charles W. Dunn, New York City, representing the Associated Grocery Manufacturers of America, objected to the bill because it omitted provision for an administrative board of review.

Others who appeared before the Committee included: Mrs. Harris T. Baldwin of the National League of Women Voters; Prof. C. B. Jordan, of Purdue University; Prof. H. S. Smith, of Philadelphia; Francis L. Whitmarsh, National American Wholesale Grocery Association; Dr. James H. Beal, representing the National Drug Trade Conference, and others.

ASCAP BUSY IN N. C.

The following article from the February 27, 1934, bulletin of the Asheville, N. C., Merchants' Association tells its own story of the extent to which the present "radio set" campaign of the American Society of Composers, Authors and Publishers has gone:

"Tax Warning Notice

"It has recently come to your attention that there is a national tax on radios played in stores, hotels, cafeterias and other public places.

"The National Music Association secured a national law to tax radios played in public places. The amount of the tax is \$120 a year when playing copyright music, and most of it is copyrighted and there is no way of telling which is copyrighted, so be careful!

"These collectors have recently come to our city, but they have previously been collecting the tax in large cities in the north and it is reported that over three million dollars have been collected for worn-out or retired musicians.

"This warning is given to save our members more money than some of them pay dues. Service is a pleasure."

On the other hand, *Variety* of the same date—February 27, 1934—says:

"While rates for the hotels with dine and dance rooms have been jacked up appreciably, the American Society of Composers, Authors and Publishers has taken a benign attitude toward the small restaurants and cafes whose music is derived from phonographs and radio sets. Latter spots are in the majority of cases now granted licenses without the payment of even a nominal fee. ASCAP's board of directors figure that this policy will, in addition to garnering the organization good-will, steal the thunder of those who charge it with oppressive tactics."

Stations are urged to send to Oswald F. Schuette, National Association of Broadcasters, National Press Building, Washington, D. C., any information they have concerning ASCAP operations in their territory.

EXAMINER REPORTS BROOKLYN (N. Y.) CASES

Recommendations were made this week in Report No. 539, by Ralph L. Walker (e), in connection with applications made by four Brooklyn (N. Y.) stations.

All four of the stations operate under a time sharing agreement on 1400 kilocycles. WBBC asked for three-quarters time, using the hours now assigned to WVFW and WARD. WLTH also asked for three-quarters time using the hours now assigned to stations WVFW and WARD. WVFW asked for full time, in other words all of the time now used by itself and the other three stations on the same frequency. WARD also asked for full time seeking the facilities of stations WBBC, WLTH and WVFW. Each of the stations asked license renewal and WBBC sought a renewal of license for its auxiliary transmitter and WARD asked to be allowed to change its location in Brooklyn.

The Examiner recommended that the applications of all of the stations both for license renewal and modification of the license be denied.

"Giving due consideration to the fact that each of the applicants has suffered an economic disadvantage because of the four-way division of time," says the Examiner, "it appears that in the operation of each station the applicant has placed the interests of the licensee as the paramount consideration, and that the interests of the public, fixed by law as paramount, have been, at the most, secondary."

WLBW APPEALS TO COURTS

Station WLBW, Erie, Pa., this week filed an appeal in the Court of Appeals of the District of Columbia against a decision of the Radio Commission granting a permit for a new broadcasting station to be erected at Erie by Leo J. Omelian. WLBW states that there is not enough advertising in the city to support two stations.

COPYRIGHT FEE ARBITRATION APPROVED

The dispute over copyright royalties has been settled in Australia through enactment of an amendment to the Australian Copyright Act of 1912 which provides for arbitration. The amendment approved on December 15, 1933, reads in part as follows:

"3. After section thirteen of the Principal Act the following section is inserted in Part II: '13a. (1) Where any dispute has arisen between any person (a) being an owner of copyright; or (b) claiming the right to payment of royalty in respect of copyright, in literary, dramatic, musical or other works, or between any person being a manufacturer of records by means of which any such works may be mechanically reproduced, and any person using or desirous of using any such works or records, regarding the rates and methods of payment for the right to perform such works in public or to use such records for public performance, or the terms and conditions under which such works or records may be so performed or used, any party to the dispute may apply in writing to the Attorney-General for the determination of the dispute by voluntary arbitration by an arbitrator mutually selected, or, failing such selection, appointed by the Governor-General.'

"(2) The application may state the name of the arbitrator by whom it is desired that the dispute shall be determined.

"(3) The arbitrator so selected or appointed may, upon receiving a submission to arbitration of the dispute, duly executed by the parties, hear the dispute and make his award in relation thereto.

"(4) The parties to the dispute, by themselves, or, in the case of a company, association or body of persons, by their principal officers, shall, if required by the arbitrator, submit to be examined by the arbitrator on oath in relation to the matters in dispute, and shall produce before the arbitrator all books, deeds, papers, accounts, writings and documents within their possession or power respectively which may be required or called for, and do all other things which, during the hearing of the dispute, the arbitrator may lawfully require.

"(5) The costs of the arbitration shall be in the discretion of the arbitrator who may by his award direct to and by whom, and in what manner, those costs or any part thereof shall be paid and may, if he thinks proper, tax or settle the amount of costs to be so paid or any part thereof.

"(6) Copyright in any such work shall not be deemed to be infringed by the performance or use in public of any such work or record if payment for the right to perform the work or use the record is made at the rates, in the method and subject to the terms and conditions under which such works or records may be performed or used, determined by the arbitrator in pursuance of sub-section (3) of this section.

"(7) For the purposes of this section 'person' includes any company, association or body of persons.

"(8) The regulations may prescribe any matters for and in relation to the practice and procedure before any arbitrator selected or appointed under this section and the fees payable to any such arbitrator."

FRC DISTRIBUTES STATIONS LISTS

The Federal Radio Commission is mailing to each broadcasting station a copy of "Radio Broadcast Stations in the United States." Additional copies are obtainable from the Superintendent of Documents, Government Printing Office, Washington, D. C., for ten cents each.

The revised Rules and Regulations of the Federal Radio Commission, which are being similarly distributed by the Commission, are available from the Superintendent of Documents for thirty cents each.

FEDERAL RADIO COMMISSION ACTION HEARING CALENDAR

Wednesday, March 7, 1934

Oral Argument Before Commission en banc Broadcasting

NEW—Herbert H. Fette, Meriden, Minn.—C. P. 1310 kc., 100 watts (facilities of KGDE), daytime hours.

KGDE—Charles L. Jaren, Fergus Falls, Minn.—Renewal of license, 1200 kc., 100 watts, 250 watts LS, unlimited time.

APPLICATIONS GRANTED

First Zone

WHN—Marcus Loew Booking Agency, New York, N. Y.—Granted extension of special experimental authorization to operate from 1 a. m. to local sunset with 1 KW power. Normally licensed 1010 kc., 250 watts, unlimited time.

WSVS—Seneca Vocational High School, Buffalo, N. Y.—Granted special temporary authorization to operate from 8:15 to 9 p. m., EST, March 5, 12, 19 and 26, in order to continue certain musical lectures.

WSYB—Philip Weiss, d/b as Weiss Music Co., Rutland, Vt.—Granted special temporary authorization to operate from 11 a. m. to 12 noon, EST, March 4, 11, 18 and 25, 1934.

Second Zone

KQV—KQV Broadcasting Co., Pittsburgh, Pa.—Granted modification of special temporary authorization granted on January 26, changing date from February 22 to February 28, to

operate simultaneously with WSMK from 10 p. m. to 12 midnight, EST.

WJBK—James F. Hopkins, Inc., Detroit, Mich.—Granted special temporary authorization to operate from 8 to 9 p. m., EST, on March 1, 4, 6, 11, 13, 15 and 18, 1934, provided WIBM remains silent.

WIBM—WIBM, Inc., Jackson, Mich.—Granted special temporary authorization to operate simultaneously with station WJBK from 8 to 11 p. m., CST, on March 2, 1934.

WKRC—WKRC, Inc., Cincinnati, Ohio—Granted extension of temporary experimental authorization to operate with additional 500 watts power for a period ending September 1, 1934.

WGBI—Scranton Broadcasters, Inc., Scranton, Pa.—Granted extension of special experimental authorization to use 250 watts experimentally in addition to the regular power of 250 watts.

WCAE—WCAE, Inc., Pittsburgh, Pa.—Granted license covering move of transmitter and changes in equipment. 1220 kc., 1 KW, unlimited time. Also authorization to make antenna measurements to determine power input.

WFDF—Flint Broadcasting Co., Flint, Mich.—Granted authorization to operate without an approved frequency monitor until March 17, while making repairs.

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Granted license covering changes in equipment. 1210 kc., 100 watts, specified hours.

W8XO—Crosley Radio Corp., Cincinnati, Ohio—Granted special temporary authorization to operate with 500 KW from 6:30 a. m. to 5 p. m. daily from Feb. 25 to March 11, 1934, on frequency of 700 kc. Call WLW to be used during this period.

Third Zone

WNAD—University of Oklahoma, Norman, Okla.—Granted authorization to operate from 9:15 to 9:30 p. m., March 14; 2:30 to 4:30 p. m., March 16; 8 to 10 p. m., March 24; and from 3:30 to 5 p. m., CST, March 19, 21 and 26, provided KGGF remains silent.

WDAG—National Radio Broadcasting Corp., Amarillo, Tex.—Granted special temporary authorization to operate without approved frequency monitor, for a period of 21 days; station to be held responsible for any deviations of more than 50 cycles.

WPTF—WPTF Radio Co., Raleigh, N. C.—Granted modification of C. P. to extend commencement date from 8-19-34 to February 19, 1934, and extend completion date to May 17, 1934.

KTUL—J. T. Griffin, Tulsa, Okla.—Granted license covering installation of new equipment and removal of studio and transmitter; 1400 kc.; 250 watts night, 500 watts day, unlimited time.

WPTF—WPTF, Raleigh, N. C.—Granted modification of C. P. for approval of exact transmitter location at Cary, N. C.

WDAE—Tampa Publishing Co., Tampa, Fla.—Granted consent to voluntary assignment of license to Tampa Times Company.

WAMC—Raymond C. Hammett, Anniston, Ala.—Granted modification of C. P. extending commencement date to March 1, 1934, and completion date to May 1, 1934.

WHEF—Atala Milling & Produce Co., Kosciusko, Miss.—Granted modification of C. P. extending commencement date to February 24, 1934, and completion date to June 24, 1934.

Fourth Zone

KFDY—South Dakota State College, Brookings, S. Dak.—Granted special temporary authorization to operate from 6:30 to 8 p. m., CST, on March 3, 10, 24 and 31, provided station KFJR remains silent.

KFJB—Marshall Electric Company, Inc., Marshalltown, Ia.—Granted special temporary authorization to operate on

March 1, 2 and 3, from 9 a. m. to 12 noon; 3 to 6 p. m., and 9 to 12 midnight, CST.

WSUI—State University of Iowa, Iowa City, Ia.—Granted special temporary authorization to operate from 10 p. m. to 1 a. m., CST, on March 2, and from 10 p. m. to 12 midnight, CST, on March 9, 16 and 23, 1934.

WMBH—W. M. Robertson, Joplin, Mo.—Granted special temporary authority to operate every week night during month of March, from 9:30 to 9:45 p. m., CST. Also granted authority to operate from 9:30 to 10 p. m., CST, on March 3, 10, 17, 24 and 31, and from 2:30 to 3:30 p. m., CST, on March 4, 11, 18 and 25, 1934.

WLBG—Donald A. Burton, Muncie, Ind.—Granted special temporary authority to operate simultaneously with station WTRC from 6 to 7:30 p. m., CST, on March 2, 3, 9, 10, 16 and 17, 1934.

KFYR—Meyer Broadcasting Co., Bismarck, N. Dak.—Granted special temporary authority to operate from 12:30 to 2 p. m., CST, on March 3, 10, 17, 24 and 31, provided station KFDY remains silent.

WGES—Oak Leaves Broadcasting Station, Inc., Chicago—Granted authorization to operate unlimited time on 1360 kc., pending decision on pending application, but no later than 28 days from date.

WRJN—Racine Broadcasting Corp., Racine, Wis.—Granted C. P. to make changes in equipment.

KFJB—Marshall Electric Company, Inc., Marshalltown, Ia.—Granted special temporary authority to operate from 9 a. m. to 12 noon, from 3 to 6 p. m., and from 9 p. m. to 12 midnight, CST, on March 8, 9, 10, 15, 16 and 17.

WCAZ—Superior Broadcasting Service Inc., Carthage, Ill.—Granted modification of license to increase power from 50 watts to 100 watts.

Fifth Zone

KGMB—Honolulu Broadcasting Company, Ltd., Honolulu, T. H.—Granted C. P. to make changes in equipment.

KRE—First Congregational Church of Berkeley, Cal.—Granted special temporary authority to operate from 8:50 to 10 a. m., PST, on April 1, in order to broadcast special Easter service.

KUMA—Albert H. Schermann, Yuma, Ariz.—Granted special temporary authority to operate from 4:30 to 5 p. m., MST, on March 25th.

NEW—Big Born Broadcasting Co. (R. E. Carroll, Owner), Sheridan, Wyo.—Granted C. P. for a new station to operate on 1370 kc., 100 watts, unlimited time.

ACTION ON EXAMINER'S REPORT

NEW—Ex. Rep. No. 538: Ark-La-Tex Radio Corp., Shreveport, La.—Denied as in case of default application for C. P. for new station to operate on 1210 kc., 100 watts, unlimited time, sustaining Examiner Geo. H. Hill.

KWEA—Hello World Broadcasting Corp., Shreveport, La.—Granted consent to voluntary assignment of license to International Broadcasting Corporation, sustaining Examiner Hill.

KWEA—International Broadcasting Corp., Shreveport, La.—Granted renewal of license to operate on 1210 kc., 100 watts, unlimited time, sustaining Examiner Hill. (The order in the above cases is effective March 9, 1934.)

SET FOR HEARING

NEW—American Radio Productions Inst., Inc., New York.—C. P., 1400 kc., 500 watts, unlimited time. Exact location of transmitter to be determined by field survey (facilities WBBC, WLTH, WARD and WVFW).

NEW—A. V. Tidmore, Salisbury, Md.—C. P. 1200 kc., 100 watts, daytime; exact location to be determined.

MISCELLANEOUS

- KGFX**—Red River Broadcasting Company, Inc., Moorhead, Minn.—Suspended authority granted January 30, 1934, for removal of station from Moorhead, Minn., to Duluth, Minn., and application was designated for hearing because of protests of city of Moorhead and station WEBC, Superior, Wis.
- WSPA**—Virgil V. Evans, Spartanburg, S. C.—C. P., 920 kc., 2½ KW, daytime hours, heretofore designated for hearing, was denied because applicant failed to enter appearance within time allowed.
- KFIZ**—The Reporter Printing Co., Fond du Lac, Wis.—Modification of license, 1310 kc., 100 watts, specified hours, heretofore designated for hearing, was denied because applicants failed to enter appearance within time allowed.
- WKZO**—WKZO, Inc., Kalamazoo, Mich.—Special authorization to operate from sunset at Kalamazoo to midnight; application heretofore set for hearing was dismissed at applicant's request.
- NEW**—Atlantic Broadcasting Co., New York, N. Y.—Denied license for new station to operate on 6120, 11830, 15270 kc., 15 KW, because of failure to enter appearance within time allowed in cases set for hearing.
- KGDM**—E. F. Peffer, Stockton, Cal.—Denied request to amend special temporary authorization granted January 19, 1934, to operate from 12 midnight to 6 a. m., so as to permit broadcasting of commercial programs during this experimental period.
- KFQD**—Anchorage Radio Club, Inc., Anchorage, Alaska.—License extended on temporary basis pending receipt and/or action on application for renewal.
- KTAR**—KTAR Broadcasting Co., Phoenix, Ariz.—Granted extension of modification of license to increase night power from 500 watts to 1 KW, pending final decision on application for modification of license, but no later than September 1, 1934.
- WFLA-WSUN**—Clearwater Chamber of Commerce & St. Peters-

burg Chamber of Commerce, Clearwater, Fla.—Granted extension of special temporary authorization to operate with power of 1 KW night, with directional antenna and 2½ KW daytime, to September 1, 1934.

- KFNF**—Henry Field Co., Shenandoah, Ia.—Granted renewal of license on a temporary basis and designated application for renewal for hearing.
- KTM**—Pickwick Broadcasting Corp., Los Angeles, Cal.—KELW Magnolia Park Ltd., Burbank, Cal. Granted special temporary authority to operate on 780 kc., 500 watts night, 1 KW LS, sharing with KELW, KTM to use 2/3 time, KELW 1/3 time, pending determination of case in Court of Appeals of D. C. Don Lee Broadcasting System v. Federal Radio Commission. This authorization shall extend in no event later than 3 a. m., EST, September. 1, 1934.

APPLICATIONS RECEIVED

- NEW**—Tri-State Radio, Inc., Washington, Pa.—Construction permit to erect new station to operate on 1200 kc., 100 watts, share with station WHBC. Facilities Station WNBO.
- WPFB**—Otis Perry Eure, Hattiesburg, Miss.—Construction permit to move transmitter and studio from Hattiesburg, Mississippi, to Troy, Alabama; change frequency from 1370 kc. to 1210 kc. and time of operation from unlimited to daytime.
- WPFB**—Otis Perry Eure, Hattiesburg, Miss.—Consent to voluntary assignment of license to James Glenn Crouch of Troy, Ala.
- NEW**—Cyril W. Reddoch d/b as The Friendly Broadcasting Co., Columbus, Miss.—Construction permit to erect new station to operate on 1370 kc., power of 100 watts, daytime.
- KFOR**—Cornbelt Broadcasting Corp., Lincoln, Nebr.—License to cover construction permit granted 1-2-34 to move transmitter locally. *Amended* so that application is now in proper form.
- NEW**—Abraham Shapiro, Astoria, Ore.—Construction permit to erect new station to operate on 1370 kc., power of 100 watts, unlimited time.

The National Association of Broadcasters

NATIONAL PRESS BUILDING

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COMMUNICATIONS BILL SPEEDED

The legislative drive to secure enactment of a Federal Communications Commission bill before adjournment of the present Congress began this week with the opening of hearings on the Dill bill (S. 2910) before the Senate Committee on Interstate Commerce. Representatives of the NAB, the Federal Radio Commission and the Interstate Commerce Commission were the only witnesses heard. Representatives of communications companies will be heard beginning Tuesday of next week.

It became evident during the week that every effort will be made to pass the bill, which carries President Roosevelt's approval, within the next five weeks. If this is accomplished the Federal Radio Commission will be abolished and the provisions of the present radio law will be administered by the new Commission.

Chairman Rayburn of the House Committee on Interstate and Foreign Commerce intends to call hearings on his Communications Commission bill within the next ten days.

JUDGE SYKES APPROVES UNIFICATION

The first witness to appear before Senator Dill's committee was Frank McManamy, member of the Interstate Commerce Commission. He testified that the ICC has had jurisdiction over communications since 1910 but insufficient appropriations had precluded the Commission from taking action under the law.

Commissioner McManamy was followed by Judge Eugene O. Sykes, chairman of the Federal Radio Commission, who stated that the "Federal Radio Commission desires to express its endorsement of the creation of a Federal Communications Commission." He asked for several minor changes in the proposed bill and then insisted that the Davis amendment be repealed, the language of the original if radio law be inserted. "Developments during the past few years have made it possible to accurately measure radio broadcast service," he said.

"The provision of the bill which contains the 'Davis amendment' to the original Section 9 of the Radio Act of 1927 is contrary to natural laws and results in concentration of the use of frequencies in centers of population and a restriction of facilities in sparsely populated states, even though interference would permit the operation of one or more additional stations," he said. "Because of the size of the zones this distribution results in providing ample broadcasting service in small zones and lack of service in large zones. Experience has proved that the section as proposed is very difficult of administration and cannot result in 'an equality of radio broadcasting service'."

Judge Sykes also asked that the appeal provisions of the present law be retained.

NAB PRESENTS OBJECTIONS

Appearing as chairman of the Legislative Committee of the NAB, Henry A. Bellows pointed out to the Committee the Association's objections to the Dill bill. Briefly, he asked that the present law be left intact and objected specifically to the provision in the bill which would repeal the present law. His testimony in full text is as follows:

"In appearing before you as the representative of the broadcasting industry in opposition to certain features of S. 2910, I want to make it clear that the broadcasters are wholly in accord with what they conceive to be the purpose and intent of the President's message sent to Congress on February 26, 1934, and consequently are likewise in complete accord with any legislation which carries out that purpose. Their objections, therefore, to S. 2910 are limited exclusively to such features of the bill as, in their judgment, are contrary to the clear intent of the President.

"Permit me to quote three sentences from the message;

"I recommend that the Congress create a new agency to be known as the "Federal Communications Commission," such agency to be vested with the authority *now* lying in the Federal Radio Commission and with such authority over communications as *now* lies with the Interstate Commerce Commission."

"It is my thought that a new commission such as I suggest might well be organized this year by transferring the *present* authority for the control of communications of the Radio Commission and the Interstate Commerce Commission."

"The new body should, in addition, be given full power to investigate and study the business of existing companies and make recommendations to the Congress for *additional* legislation at the *next* session."

"Gentlemen, we submit that the intent of this message is perfectly clear; that the proposed commission is to take over the *present* authority of, the authority *now* lying with, the Radio and Interstate Commerce commissions for the control of communications, and that additional legislation on the subject is expressly advised to be reserved to the *next* session of Congress, after the commission has had an opportunity for investigation and study.

"It is our contention that S. 2910 does not conform to the terms of the President's message. By what we regard as in some instances fundamental changes in the present law relating to radio, it would vest in the new commission an authority quite different from the authority now lying with either of the existing commissions, and anticipate the action which the President has suggested for the next session of Congress, by materially modifying the law before the new commission has had any opportunity to make the investigation which the President recommends.

"It is on this basis, and on this basis alone, that the broadcasters come before you in opposition to certain features of S. 2910.

Repeal of the Radio Act

"Our essential objection to this bill concerns itself with just exactly ten words out of its total of one hundred pages. These ten momentous words appear as Section 602(a) on Page 90. They are, 'The Radio Act of 1927, as amended, is hereby repealed.'"

"Gentlemen, we protest most earnestly against the repeal of the Radio Act of 1927, as amended. The President's message does not even suggest any such drastic action, nor does there appear to be any instant necessity which warrants it. The Radio Act of 1927, as amended, may not be perfect. Most of us could suggest ways in which we think it might be improved, though there would be wide disagreement among us as to these improvements, but the fact remains that for seven years it has stood the tests of administration and of court action. If changes in it are desirable, we believe they should be made, as the President indicates, only after investigation and study by the new commission.

"That there has been no urgent demand for any such changes appears from the history of recent bills to amend the Radio Act. There was no general outcry when, a year ago, H. R. 7716, the omnibus amending bill, failed of enactment. Congressman Bland reintroduced that same bill in the House on March 9, 1933, as H. R. 1735, and there has not been enough general interest manifested for the committee as yet to consider it. In the Senate the bill has not even been reintroduced at all. Almost everyone recognizes that, despite minor defects, the Radio Act of 1927, as amended, and the court decisions under it, have established a solid, workable and sound basis for government regulation of radio.

"It is this basis that we believe those ten words on Page 90 of S. 2910 would destroy. The bill creates a new agency of control, and then, notwithstanding the many inevitable problems of any new organization, it takes away its surest legal guide, and repeals the act upon which, above all else, it should be able to rely. It confronts this new commission with a radio law differing in many and important respects from the one now in effect. The commis-

sion will have plenty of work to do, plenty of problems to solve, without being required to administer an untried and untested radio act in place of one which has come almost unscathed through seven years of court tests.

"And what is to be gained by repealing the Radio Act? Either it is incorporated bodily and unchanged in the new law, in which case nothing is accomplished by repealing it, or else the new law alters its provisions, in which case the bill not only goes counter to the President's suggestion, and legislates before investigation by the commission instead of after it, but also launches the new commission on a sea whereon there has been raised an artificial and a wholly needless storm.

"No one can possibly foretell at this time what form this tremendously significant legislation will ultimately assume. No one can possibly, in advance, draft legislation which will adequately and fully define the activities, powers and methods of this new commission. The commission itself must, after careful study and investigation, help in determining its legislative needs. The President has clearly indicated just this, and yet S. 2910 seeks to rewrite the law before the commission is even set up.

"If it is suggested that Title III of this bill is really the Radio Act of 1927, with only a few minor changes, we want to urge upon you, from our years of practical experience in radio, that the changes are neither few nor minor; that one of them seems to us to undermine the whole legal structure which seven years of work have painstakingly built up; that another converts an administrative commission with quasi-judicial functions into a criminal court with wide powers of summary punishment, while a third tends to deny to the commission the right of solving technical problems on the strength of technical evidence. But even if the changes proposed were less drastic, we would still contend that this is no time to repeal the Radio Act, that repeal is absolutely unnecessary, that it is contrary to the advice of the President, and that it means the imposition of a serious and needless handicap on the new commission.

"Accordingly, gentlemen, in order to state exactly what we are suggesting, we ask you to strike out from S. 2910 the whole of Title III, from Page 39, line 12, through Page 68, line 13; and on Page 90, lines 6 and 7, we ask you to strike out the words 'The Radio Act of 1927, as amended, is hereby repealed,' and to substitute therefor the following language, taken from H. R. 8301, which, as you know, omits Title III of the Senate bill: 'The Federal Radio Commission is hereby abolished, and all duties, powers, and functions of the Federal Radio Commission under the Radio Act of 1927, as amended, or under any other provision of law, are hereby imposed upon and vested in the Commission.' We ask you, in other words, to let this bill abolish the Radio Commission, as an obviously necessary move in setting up the new Federal Communications Commission, but to leave the Radio Act of 1927, as amended, to serve as a basis upon which the new commission can advise with Congress in the building of such further legal structures as the future may suggest.

Specific Objections to Title III

"Of course, if the Senate decides to concur in the recommendation which we have just made, and strike out all of Title III, it will not need to consider specific changes in the provisions of that Title as it now stands. However, we want to point out certain of the respects in which Title III differs from the present Radio Act, chiefly in order to make clear our reasons for contending that this bill, in varied and fundamental respects, is actually setting up a new and untried law in place of the tested and established one. Naturally, if the Senate does not completely eliminate Title III, we hope that it will at least make it conform as closely as possible to the present law, but we cannot justify our contention that the Radio Act should not be repealed unless we demonstrate just how sweeping the changes proposed in this bill actually are. In doing this, we are going to reserve till the last all reference to the most far-reaching and, we believe, potentially disastrous change proposed in this bill—the denial under certain circumstances of any right of appeal to the courts.

Technical Administration

"Let me begin with the material added to the present law which appears on Page 47, lines 17 to 26, and Page 48, lines 1 to 10.

"The first of these new provisions declares, in effect, that no broadcasting channel shall be 'cleared' for more than two thousand two hundred miles, airline.

"Now, I have no opinion to express as to whether this mileage separation is good engineering or not. Very few people are suf-

ficiently qualified as radio engineers to say whether the ideal separation for high-powered stations should be twenty-two hundred miles, or eighteen hundred, or twenty-six hundred.

"What we all do know is that this is primarily a technical question. We also know that today's answer to any technical question in radio may be proved wrong tomorrow morning. And we all know how hard it is to get a law amended. For instance, there was a perfectly obvious error of draftsmanship in the amendment to Section 16 of the Radio Act adopted July 1, 1930. Everybody knew it, everybody deplored it, everybody wanted it changed, but it is still there—and I may add that S. 2910 does not remedy this particular matter, as it omits Section 16 entirely. But of that more presently.

"Gentlemen, if Congress is going to change its entire policy with regard to radio by legislating on purely technical matters, why set up a commission at all? If it fixes by statute the mileage separation between high-powered stations, why not do exactly the same thing for the regionals and locals? We have no specific quarrel with twenty-two hundred miles, but we do protest most earnestly against this basic change in the whole theory of the Radio Act. Up to now it has been the function exclusively of the Radio Commission to deal with all such matters; there is not a line in the present law even remotely resembling this new provision. We believe that the new commission should be free to deal with its technical engineering problems in its own way.

"This is not a trivial issue, gentlemen; it is fundamental. So far Congress, and we think wisely, has kept away from all purely engineering questions with regard to radio, recognizing that the solution of such problems is exactly what the commission exists for. Very probably some of you do not like its specific solutions in some instances, any more than we do, but it hardly seems to us that the answer is to deprive the commission of the right and power to do its best according to the technical evidence before it. What this section of the bill actually does is to put Congress into the electrical engineering profession, with a provision which may be a serious burden upon the new commission before Congress can possibly get round to changing it.

"Exactly the same objection applies to the provision on Page 48 regarding 250-watt stations. A year ago, when this legislative suggestion first appeared, the proposed limit was one hundred watts. Gentlemen, the commission is free to do approximately what this provision suggests, to do anything within reason of this kind, under the law as it now stands. The 'quota' here referred to is not mentioned in the existing Act; it is purely a bit of administrative machinery set up by the commission—and a bit of machinery, be it said in passing, which already creaks so much that the commission is now in the process of overhauling it.

"Here again, we submit that this new provision changes the entire purpose and scope of the law, that it puts the determination of engineering principles squarely up to Congress. The basic question raised by both of these proposed additions to the law is a technical one: how much power on a given channel, and what geographical distribution of that power, will give the maximum of service to the public? If Congress wants to answer that question, it seems almost superfluous for the new commission to have any engineering assistance at all.

"We ask you, therefore, not to change the established basis of the Radio Act by undertaking to substitute legislative enactments for the regulations of the commission in technical matters. We feel, absolutely irrespective of the merits of the specific proposals contained therein, that the entire passage from line 17 of Page 47 through line 10 of Page 48 represents a complete reversal of the position in this respect which Congress has up to now so wisely maintained.

Duration of Licenses

"Now, let me call your attention to another basic change in the Radio Act, which appears in lines 15 and 17 of Page 48. The present law sets a limit of three years for broadcasting licenses and one of five years for licenses of any other class. The bill before you cuts these limits down to one year and three years, respectively.

"Why is this proposed? Certainly not to correct any existing evil, for up to now the Radio Commission has never issued a broadcasting license for more than six months. But it has always been the hope of the commission and of the broadcasters, as until now it has apparently been the hope of Congress, that with greater stabilization in the radio field, licenses could be issued for long enough periods to give really adequate encouragement for development. The short-term license has been a serious barrier to the technical advance of radio, but at least there has always been the consolation that Congress recognized the ultimate desirability of

giving some semblance of stability to the business by authorizing licenses for as much as three years.

"Now it is proposed to destroy that hope by Congressional action, and to say to this new commission: 'We in Congress refuse to let you stabilize radio. You shall not encourage the building of improved transmitters, the replacement of old apparatus by new and better equipment. You shall not give any broadcaster the assurance that if he builds a new plant for better service to the public, he can operate it for more than a year.'

"Gentlemen, the broadcasters are not now coming before Congress with any plea for longer licenses. They have been willing, realizing the many and rapid changes in radio technique, to accept the judgment of the Radio Commission in this matter, even though the short-term license has been for them a constant source of financial, technical and legal instability. But they have had faith in the future; they have believed that Congress, in authorizing longer licenses than the commission has seen fit to issue, desires to encourage the development of radio communication. They have felt that when the proper time came, the Radio Commission would act under the authority wisely given to it by Congress, and in its discretion stabilize the industry with license terms long enough to warrant adequate investments in transmitting and other equipment.

"Now, after seven years, it is proposed to destroy that hope, and to tell the new commission that broadcasting must remain unstable, hazardous, unable to look ahead with any assurance or confidence. If the new commission, after investigation, decides to restrict all broadcasting licenses to one year, or six months, well and good; but we do ask you to have at least as much confidence in the judgment of this new commission as you have had in that of the old one—a confidence which, in this respect, has certainly not been abused. We ask you not to change the existing law, with this feature of which there has never been a single word of complaint, in order to perpetuate a condition of instability even though the new commission may determine that a greater degree of permanence would be in the public interest.

Revocation Without Hearing

"Next I ask you to consider another basic change in the Radio Act contemplated in this bill. This change is embodied in the Proviso on Page 55, lines 6 to 12.

"This section (312) is based on Section 14 of the Radio Act. The last part of Section 14 is a proviso that no order of revocation shall take effect until thirty days' written notice has been given, and that within those thirty days any person in interest aggrieved by the order may apply for a hearing. Upon the filing of such application, the order of revocation shall stand suspended until the conclusion of the hearing thus required.

"What have we here in place of this provision? Fifteen days' notice instead of thirty, no specific provision for a hearing, and no provision for suspension of the revocation order until the case has been heard.

"Gentlemen, this seems to us a reversal of the entire theory of the Radio Act. Up to now, and everywhere else even in the bill before you, the law has been scrupulously careful to give the licensee at least his traditional 'day in court.' This bill has even gone to the length of putting in the words 'after a hearing' on Page 53, line 11, where they do not appear in the present law. Still more significant is the change which this new bill makes on Page 42, line 16, which prohibits the commission from changing the wave length, power, or hours of operation of any station except 'after a public hearing.'

"The commission, under this bill, cannot change a frequency or shift an hour of time without a public hearing, but it can revoke a license or impose a fine—and a fine which mathematically, as I shall show you presently, might mount up to a hundred thousand dollars or more—without a hearing at all.

"It may be said that 'to show cause' commonly means a hearing, but some of the members of your own Committee have indicated that it does not necessarily mean this. This matter was discussed at a hearing before your Committee on December 22, 1932, and this same provision was read. It was suggested—I quote from the printed record of the hearing—that the words 'to show cause' mean the granting of a hearing. Then Senator Barkley said: 'Now, gentlemen of the Committee, do they really mean that? Might not the Federal Radio Commission under that language simply say to a broadcaster: "You write us a letter protesting about this thing." If that were to be done, I say that would not be a hearing.' And Senator Barkley went on to say:

'The use of the words "to show cause" might leave it in the discretion of the Federal Radio Commission to say whether or not there shall be a hearing, or just some correspondence exchanged on the subject.'

"A moment later, Senator Fess said: 'Inasmuch as some difference of opinion is arising here in the Committee at this time, let me suggest: What would be the objection to inserting the words "after a hearing"?' To this Senator Wheeler replied, 'I can see no objection to that.'

"Gentlemen, we believe that the words 'after a hearing' ought to be there, but we claim that this is not nearly enough. We urge that the provisions of the present law, giving thirty days' notice, and above all providing for the suspension of the revocation order till the hearing is concluded, ought to be retained. There is no complaint that the present law in this respect has not worked. This new bill carefully safeguards the rights of the licensee in all minor matters, and then subjects him to revocation of his license, to being summarily put out of business, on fifteen days' notice, and with his right to a hearing at least doubtful.

"Under this bill as it stands, gentlemen, the new commission would not be trusted to make reasonable technical regulations, or to determine the proper length of licenses, but it would have authority to revoke licenses on fifteen days' notice. Even if 'to show cause' does mean a hearing, suppose the licensee cannot be ready for a hearing in fifteen days. Suppose he is in California, or Washington, or Oregon, and has to get together his witnesses and bring them across the continent. Under the present law, the revocation order is suspended until he has a chance to be heard. Under this bill his station could be closed in fifteen days whether he was heard or not.

"The present law was carefully drafted so as to give the commission adequate power and at the same time protect the rights of the licensee. No trouble of any kind has arisen in connection with the administration of this section. We feel that it is utterly foreign to the whole spirit of the Radio Act to set up such an arbitrary power of radio life and death as is provided in this section of the new bill.

A. Thousand Dollars a Day

"We now come to another innovation—a change which appears completely to alter the status and functions of the body administering the act regulating radio. On Page 54, lines 9 to 12, the new bill adds the words 'or the station owner fined not to exceed \$1,000 by the commission for each and every day during which such offense occurs.'

"Let us see what this clause, inserted bodily in the provision of the present law providing for revocation of license, actually does. The revocation of a license is, in substance, a finding that the continued operation of a station is not in the public interest, convenience or necessity as provided by law. It is not a criminal provision, but simply a necessary adjunct of the commission's power in issuing or refusing to issue licenses.

"When, however, the commission imposes a fine, it says in effect this: 'Your operation is still in the public interest, convenience or necessity, or else we would revoke your license, but you are guilty of a crime, for which we are going to punish you.'

"Forthwith, the commission is set up as a criminal tribunal, in which it is at once judge, prosecutor and jury. This is done although the present law, in Sections 32, 33 and 34, provides an entirely proper, orderly and efficient procedure for the imposition of fines or of imprisonment by the courts.

"More than that, this criminal power can apparently be exercised without the complete assurance of a trial. The fine can be imposed without the certainty of even a hearing, simply on fifteen days' notice.

"Gentlemen, is it really desirable or necessary to set up this new commission with, in addition to all its administrative duties, the powers and responsibilities of a criminal court? For seven years the functions of the Radio Commission have been exclusively administrative and quasi-judicial; now it is proposed, by the insertion of a few words, to turn the new commission into what seems to us to be virtually a radio police court, or rather, in view of the summary nature of the proceedings indicated, into a drumhead court martial. The whole theory on which the Radio Commission has functioned under the present law appears to be completely changed by these few added words.

"Certainly such a fundamental change as this would seem to be wholly within the purview of the President's recommendation that additional legislation should be considered, after study and investigation, at the next session of Congress. Let the new com-

mission determine for itself whether it wants and needs to have the powers and functions of a criminal court—whether it wants the right to impose heavy fines with or without trial, or whether it believes, as Congress has believed until now, that justice and efficiency can both be best served by having punishment inflicted by the courts.

“And this right to inflict criminal penalties is no mere gesture. A thousand dollars for each and every day during which the offense occurs, and this, for example, for any failure to operate substantially as set forth in the license—even though this bill says nothing about giving notice that the continuing offense is being committed. A former chairman of your Committee, Senator Couzens—I quote from Page 15 of the report of the hearings on December 22, 1932—himself suggested that the words ‘after notice’ certainly ought to be added after the words ‘the offense occurs.’ And what is the application of the ‘each and every day’ phrase to the one which immediately follows it in this bill, on Page 54, line 12, ‘for false statements in the application’? It is not even specified that the statements shall be knowingly or deliberately false.

“It is also provided that a fine of not more than one thousand dollars a day may be imposed by the commission, without the assurance of a hearing, and without previous notice of the offense, for any violation of any regulation of the commission. For six months a station may have unwittingly violated some such regulation—and, gentlemen, the Radio Commission has 146 printed pages of its regulations—and under this law the commission could fine that station one hundred and eighty thousand dollars. I don’t say, of course, that the commission would actually do such a thing, but this is the power which this bill gives it.

“If it is suggested that the changes in the Radio Act of 1927 made by this new bill are relatively unimportant, we contend that if this one thing—this matter of giving the Commission the powers of a criminal court—were absolutely the only change made in the law, S. 2910 would still be revolutionary, and would thereby run counter to the advice and recommendation of the President. We feel, therefore, that we have the President’s sanction in asking Congress not to make such drastic changes in the law, at least before the new Commission shall have had opportunity to make the study and investigation which the President advises.

Public Questions

“And now we come to Section 315, on Pages 58 and 59, the section relating to facilities for candidates for public office. Gentlemen, there is only one section of the Radio Act of 1927 which has been seriously weakened by the courts, and that is Section 18, the section which this Section 315 replaces. I do not need to repeat the story of the Nebraska case, and the decision filed on June 10, 1932, by Chief Justice Goss of the Nebraska Supreme Court in the case of Sorenson v. Wood. The story is all told in the record of the hearing on H. R. 7716 before your Committee on December 22, 1932, with just one addition to it needed—for at that time we hoped to bring this case before the Supreme Court of the United States, in order to get a definitive ruling as to what Section 18 really means. The Supreme Court refused to let this case come before it, and we find ourselves still in the situation so well summarized by Senator Fess—I quote from the report of the hearing:

“‘If a broadcasting station has no authority to indicate what may be spoken over the air, then it would seem to me that to make it responsible for what may be spoken produces an impossible situation.’

“In that same connection, after Senator Dill had suggested that the station does not need to allow people to speak on either side of a question if it does not want to, Senator Wheeler very soundly replied:

“‘But if you do that you take away the usefulness of radio.’

“And finally, I quote what Senator Couzens said on this subject:

“‘Is it practicable to put into the law a provision that a station may review a speech in order to ascertain whether there is anything libelous or slanderous in the speech before it is made? It seems to me that a station that is going to be made liable under the Nebraska Supreme Court decision must of necessity have the opportunity to know before a speech is made what it contains.’

“At that point Senator Dill interposed, ‘And that becomes censorship,’ to which Senator Couzens replied, ‘Well, so far as protection against slander and libel is concerned, you should have it. I do not see how it is possible for a broadcasting station to otherwise protect itself. Newspaper reviews or copy for newspapers are submitted, of necessity, before publication. And if

a newspaper owner says an article is slanderous and he will not publish it even if offered as a paid advertisement, that ends it. Why shouldn’t a radio broadcasting station have the same power; to know whether a thing is slanderous or libelous before it is put on the air?’

“All this, gentlemen, applied to the situation as it now is under Section 18 of the Radio Act of 1927. What does this bill do about it? Simply extend the scope of Section 18 to cover not only candidates for public office, but all persons speaking in behalf of or against such candidates, and all discussions of public questions to be voted upon at an election. It says, in effect, that since the present situation is intolerable, this bill will make it very much worse.

“Section 18 of the present law obviously needs something done to it, in the light of the Nebraska case, something along the lines indicated by Senator Couzens, but we insist that it ought not to be made worse instead of better. The inevitable effect of Section 315 is exactly what Senator Wheeler stated, to take away the usefulness of radio by driving political discussion off the air.

“Let us see what will happen. A station allows John Smith to make a speech in support of the candidacy of Tom Jones. The only person who applies for permission to speak against Mr. Jones is James Brown. The station knows that Brown’s speech is likely to be packed full of slander, and yet it has got to put him on, and give him as much time as it gave John Smith, and it cannot exercise the slightest censorship over anything he may say, even though it is jointly liable with him for any slanderous utterance. And though it may try to safeguard itself by making him sign an agreement to hold it harmless against action for slander or libel, his signature is not likely to be worth much, and if he refuses to sign such an agreement, and nobody else volunteers to speak in opposition to the candidacy of Mr. Jones, the station has got to let James Brown go on anyway. Under such circumstances, its only possible protection is to keep them all off the air.

“Gentlemen, it seems to us, in the light of our experience as actual broadcasters, that this section of S. 2910 might well be headed ‘Radio Discussion of Public Questions Prohibited.’ We do not believe it is desirable to do that. Section 18 of the present law admittedly does need revision, both to safeguard the right of free speech and to protect the broadcasters, but certainly we do not want to see our liability for slander increased to a point where we shall have to bar all candidates for public office and all their supporters, and all discussion of public questions to be voted on at an election, from the air. Here, it seems to us, is an ideal place for the investigation and study which the new commission is to make. We suggest, therefore, that the new commission ought to deal with this problem, and recommend to Congress such legislation as it may decide is needed.

“Just one other point regarding Section 315. Paragraph (c) on Page 59 sets up certain regulations regarding rates. Most of us are wholly in agreement with the principle that rates for political talks should not be higher than the rates charged for other types of program, but, considering what the functions of this new commission are to be, we suggest that this is emphatically a subject for commission regulation rather than for special legislation. Furthermore, even if this paragraph may have had ample justification a year ago, the real need for it has since disappeared, owing to the provisions of the Code of Fair Competition under which all the broadcasters are now operating. No station can now discriminate between clients by charging any one either more or less than the published card rate for time.

“In any event, we urge that this whole matter of political broadcasts and of the charges made therefor is for the new commission to investigate and study, with subsequent action by Congress if the commission shall report such action as desirable and necessary.

The Right of Appeal

“Last of all, we come to the most far-reaching change in the Radio Act made by S. 2910. Briefly, this is the elimination of the provisions for appeal to the courts from orders of the Commission.

“It seems to us probable that this omission was not wholly intentional. The index to this bill gives us reason to believe that something different was planned, for on page 100 the heading for Section 402 reads: ‘Application of District Court Jurisdiction Act—exception in case of radio matters.’ If, however, we turn back to page 70, we find that Section 402 makes no reference whatever to radio matters, or to any exceptions to the application of the District Court Jurisdiction Act. Because this whole problem is

essentially a legal one, I have requested counsel to prepare a short memorandum to be included herewith. This memorandum was written by Mr. D. M. Patrick, formerly general counsel of the Federal Radio Commission, and now associated with the firm of Hogan, Donovan, Jones, Hartson & Guider, of Washington. It reads as follows:

"In our opinion one of the most fatal defects in S. 2910 is the fact that there is no adequate procedure established for the review of decisions and orders of the radio division of the proposed Federal Communications Commission.

"Section 602, Paragraph (a) provides for the repeal of the Radio Act of 1927 as amended. This, of course, takes with it the appellate provisions of that Act which are embodied in Section 16 of that Act as amended by Act approved July 1, 1930. The only sections of the bill which attempt to provide a review by the courts of decisions and orders of the proposed Federal Communications Commission and of its radio division are Sections 401 and 402, which provide in substance that the procedure to be followed in such cases is that now followed in securing a review of decisions, orders and requirements of the Interstate Commerce Commission; by injunctive relief in the District Court at the instance of some person aggrieved thereby, or by mandamus on behalf of the Attorney General, the Commission, or some person who is adversely affected by the failure of the party against whom the order is directed to carry out its requirements.

"While the Interstate Commerce Commission is required in certain instances to pass upon applications for certificates of public convenience authorizing the establishment of new transportation lines or the extension of existing lines as well as the approval of the issuance of securities for the same, such applications really constitute a very small part of that Commission's work. Moreover, the Supreme Court has held that, in the event of a denial of such applications, there is no manner in which the same may be reviewed in the courts. That court has held that such orders are negative in their nature and that it was the implied, if not the express intent of Congress to make the decisions of the Interstate Commerce Commission in such matters final.

"On the other hand, applications of this character which involve authority to construct a new radio station, or which seek an increase in the facilities of an existing station, constitute a substantial portion of the entire applications upon which the Federal Radio Commission has been required to pass during its existence, and doubtless will constitute a substantial number of the applications upon which the radio division of the proposed Commission will be required to pass. If, as is to be supposed in view of its decisions involving similar provisions as applied to the Interstate Commerce Commission, the courts take the view that the denial of such applications are negative in character, and refuse to review the exercise of the Commission's discretion, the result will be to make the decisions of the proposed Commission final and unreviewable in a large and substantial number of the cases which come before its radio division. We do not believe that this is a desirable result.

"The Radio Act of 1927 as originally enacted, contained an appellate provision which gave the Court of Appeals of the District of Columbia broad powers to review and revise certain decisions of the Federal Radio Commission therein enumerated, and including applications in the class heretofore considered. While Section 16 of the Act as amended by Act approved July 1, 1930, limits and restricts the jurisdiction of the Court of Appeals in such cases to questions of law, it nevertheless preserves a right of review which we think is essential in such cases. In order to preserve this right of review and at the same time to secure the benefit of the decisions of the courts, including the Court of Appeals and the Supreme Court of the United States, in cases which have come to them under the existing law, we believe that Section 16 of the Radio Act as amended and as it now exists should be reenacted in substantially its present form rather than to leave the law silent and defective upon such a substantial question.

"We further believe that there is enough difference between the functions of the radio division of the Federal Communications Commission as proposed and the other divisions of that Commission which will deal with common carriers as distinguished from broadcasting to justify the establishment of a separate method of review from that division, and particularly in the class of cases heretofore considered.

"Once again, gentlemen, we come back to what we cannot but regard as the disastrous results of repealing the Radio Act of 1927. It is under Section 16 of that act that practically the whole body of existing radio law has been built up. It is under that section that the public, the Radio Commission, and the broadcasters have learned their respective rights, under that section that the inherent

soundness of the Radio Act itself has been definitely established. And now it is proposed to sweep that section of the law entirely away.

"The new commission is certain to have plenty of troubles without having to work out a new and untried course of legal procedure for dealing with radio problems. We cannot believe that the President, in asking that such a commission be set up, wanted it to come into being with such absolute authority as to deny in many cases the right of appeal to the courts. Such authority could be only a source of additional and wholly needless grief for the Commission itself. As for the broadcasting industry, this change in the law would apparently deny a right which is implicit in our whole system of government—the right to test administrative rulings in the courts.

"If Section 16 needs amendment, as in at least one respect, its failure to allow appeals from refusals to grant applications for construction permits, it certainly does, let the changes follow study and investigation by the Commission itself. We ask you not to strike out from the law the entire section by which the court decisions affecting radio have been secured—the section which is at once the chief protection of the broadcaster and the bulwark of the Radio Commission. Because this change seems to us to undermine the very foundations of radio law, we most earnestly beg you, here as elsewhere, not to repeal the Radio Act of 1927, but to let it stand intact, at least until such time as the new commission shall come before you and ask for changes in it.

Conclusion

"Gentlemen, I have not discussed, and I am not going to discuss, Titles I and II of this measure, although there are various matters in the first thirty-nine pages of the bill which appear at least to need clarification. In Title IV, I have discussed only a single paragraph, Section 402, which replaces Section 16 of the present Radio Act. In these pages (68 to 86) again there are several things the precise meanings of which appear to be open to question. As for Title V and Title VI (pages 86 to 98), I have dealt with exactly ten words: 'The Radio Act of 1927, as amended, is hereby repealed' (page 90).

"I have not even discussed all the matters in Title III which represent changes from the present Radio Act. For instance, there is Section 316 (page 59, lines 20 to 25, and page 60, lines 1 to 8), the lottery section. The broadcasters have never objected to this in principle, though they do not wholly endorse this precise wording, as is clearly shown by the fact that we voluntarily included a similar provision in our own Code of Fair Competition. Presumably a section like this would have been in the Radio Act long ago if it had not been for the policy of which S. 2910 is one more example—the policy of attempting to put through amendments to the Radio Act in omnibus form instead of individually. Title III of this bill is, in effect, just such an omnibus amending act.

"The major issue before you, in so far as S. 2910 affects the very life of radio broadcasting, seems to us so vitally important that I have been unwilling to obscure it by discussing minor details. That major issue is this: Is Congress going to seize this opportunity to repeal the Radio Act of 1927, and to write a new act, differing in several basic respects from the present one, thereby in our judgment launching the new commission on a sea for which the chart has been partly destroyed, or is it going to set up the Federal Communications Commission to take over—and once more I quote the President—"the present authority for the control of communications of the Radio Commission and the Interstate Commerce Commission"? Is it going to depend on that new commission 'to investigate and study' and 'make recommendations to the Congress for additional legislation at the next session'?

"With whole-hearted support for the President, the broadcasters believe that his message contains wise counsel for the Congress, and accordingly we ask you to strike out all of Title III of this bill, and so to amend Section 602 (a) as to make it abolish the Federal Radio Commission but to leave the Radio Act of 1927 intact."

McFADDEN BILL HEARINGS MARCH 15

Hearings on the McFadden bill before the House Merchant Marine, Radio and Fisheries committee will begin on March 15, it was announced by Chairman Bland, of Virginia, this week. The NAB will appear and present its views on the measure which has now become the subject of much controversy. The text of the bill was printed in an earlier issue of NAB REPORTS.

NEW COMMISSIONER NOT SWORN

Anning S. Prall of New York, recently appointed as a member of the Federal Radio Commission from the First Zone, has not yet taken office. Mr. Prall, now serving as a member of Congress from New York, has not decided whether he will take the oath now or await adjournment of Congress.

RADIO CODE AUTHORITY MEETS

The Code Authority for the Radio Broadcasting Industry met in Washington from March 3 to March 8. While the meeting was called primarily for the purpose of contemplating the report on the hours and wages of broadcast technicians, various subcommittees of the Code Authority attended the general conference of code authorities called by General Johnson which was opened by an address by President Roosevelt. The President proposed a reduction in the hours of work and an increase in pay in his opening address.

A drive to carry out the President's wishes is now under way and it is likely that many codes will be reopened for the purpose of rewriting labor provisions.

Another development of major importance was the determination of the NRA to embark on a campaign to secure enforcement of all codes. Every machinery at the disposal of the NRA will be used to enforce compliance and it is likely that the penalty provisions of the law will be invoked if compliance is not quickly forthcoming.

BROADCASTERS FACE FIRM ACTION

The Code Authority for the Radio Broadcasting Industry has certified a list of 71 stations which have failed to furnish copies of rate cards as required by Article VII, Section 1(a) of the broadcasters' code. These stations will receive letters from the NRA demanding immediate compliance with this provision of the code and failure to respond will result in action against them. Stations which failed to reply to questionnaires sent out for information on hours of work and wages will also be certified to the NRA for whatever action it desires to take.

It became apparent during the week that all codes will be rigidly enforced. The principal complaint against the NRA during the conferences was the failure of enforcement and this will be corrected within a very few days. Prompt action against violators of code provisions is predicted here.

RADIO PERFORMERS SURVEY

At an early date the Code Authority will send to all stations a questionnaire pertaining to radio artists and performers. This survey is the second to be undertaken by the group and is made mandatory in the code. All NAB stations are urged to give prompt consideration to the questionnaires as failure to report will result in being reported to the NRA for action. The purpose of this survey is to determine the status of radio performers in their present conditions of employment.

C. A. REPORTS ON TECHNICIANS

The Code Authority for the Radio Broadcasting Industry has completed its report on the survey undertaken several months ago on the hours and wages of radio technicians. The report has been forwarded to General Johnson and will probably be made public by him next week. Copies will be sent to all NAB members just as soon as the report is formally approved by the NRA.

CODE AUTHORITIES MEET

Members of three Code Authorities—for the motion picture, legitimate theater and radio broadcasting industries—held a meeting in the office of Division Administrator Sol Rosenblatt Wednesday evening.

During the meeting, the first between the three industries, problems involved in the use of legitimate theaters for free broadcast shows or programs and competition between the industries for talent was discussed. Another subject before the group was the practicability of united efforts against increasing competition in the form of publicly-sponsored free entertainment.

The Code Authority members participating in the meeting, called by Mr. Rosenblatt, include:

John Shepard, III, Chairman; James W. Baldwin, Executive Officer; and M. R. Runyon, of the Radio Broadcasting Code Authority;

Henry Moscovitz, Executive Adviser; Dorothy Bryant, Secretary; and Louise Krause, of the Legitimate Theater Code Authority; and

John C. Flinn, Executive Secretary; Ed Kuykendall and Sidney R. Kent, of the Motion Picture Industry Code Authority.

A resolution endorsing joint meetings for discussion of mutual problems was discussed.

HIGH FIDELITY DEMONSTRATED

Bell Telephone Laboratories, Inc., demonstrated high fidelity program reproduction before the Broadcast Committee of the Institute of Radio Engineers at its meeting in New York, on March 6.

Reproduction using band widths of 3250, 5500, 7000 and 9000 cycles was demonstrated. Also, similar experiments were performed utilizing a high fidelity radio receiver and a commercially obtainable radio receiver for purposes of direct comparison. Locally generated signals and signals from several New York stations were used.

The performance of a wide-range radio receiving set having various known amounts of introduced noise indicated that an expansion of band width from 3250 cycles to 5500 cycles necessitates an increase of signal level of 8 to 10 decibels to maintain the same apparent signal-noise ratio.

ARGUMENT OVER RADIO BILL REFERENCE

Representative Bland of Virginia, chairman of the House Committee on Merchant Marine, Radio and Fisheries, this week tried to have the Rayburn Federal Communications Commission bill referred to his committee rather than to the Committee on Interstate Commerce of the House of which Mr. Rayburn is chairman. He failed by a vote of 213 to 148.

Up to this time all radio legislation in the House has been handled by the Merchant Marine Committee and Mr. Bland and his associates felt that this latest legislation should also be handled by his committee. There was very little discussion on the resolution before it was voted on because those having the floor at the time refused to allow what was considered sufficient time to explain the situation.

RADIO APPEALS FILED IN COURT

Stations KGDM and WKG, at Stockton, Cal., on Friday filed an appeal with the Court of Appeals of the District of Columbia against the recent decision of the Commission granting Thomas R. McTammay and William R. Bater, Jr., a construction permit for a new station at Modesto, Cal. While there would be no interference the stations claim it would violate their economic rights because there is not enough advertising available.

Station WOQ, Kansas City, Mo., has filed a petition for rehearing in connection with a decision the Court of Appeals rendered on its appeal in which the Court upheld the Commission for taking the station off the air.

100 PER CENT RADIO WEEK PLANNED

Plans have been completed for a national 100-per cent radio week, a continuous promotional campaign in which all parts of the radio industry will be asked to participate with a view to creating increases in listening audiences. The program will be under the direction of Ken Hathaway, director of the Institute of Radio Service Men. The program is scheduled for the week of May 22 to 26. Mr. Hathaway has asked that all NAB members give their support of the program. One of the first efforts will be the launching of a spring drive for automobile radio with the ultimate goal of "A Radio Set In Every Car."

COURT CALLS ASCAP A "RACKET"

The March 1 issue of the Superior, Wis., *Evening Telegram*, prints the following story:

"Judge Patrick Stone Thursday morning denied a motion for new trial in the civil action of the American Society of Composers, Authors and Publishers of New York against Sam Lurye, proprietor of the Ritz cafe.

"Wednesday afternoon Judge Stone dismissed the action in which the music society asked \$250 damages from Mr. Lurye on the allegation that he caused to be played in his cafe last July two popular songs without consent or knowledge of the copyright owners.

"Thursday morning Atty. Wellington J. Brown, Duluth, resigned from the case and Atty. John Sprowls, Superior, announced

that he had taken over the case and appealed for a new trial on the ground that Judge Stone had dismissed the case contrary to the evidence.

"Judge Stone lost no time in declaring that the motion for new trial was dismissed and declared:

"The witness (Miss Eleta Peterson, Duluth) entirely disqualified herself on the stand. Her testimony was such that I couldn't base a judgment for the amount asked for in the complaint or any amount. That is the stand the court has taken in this case and I am satisfied that I am right.

"To me this case is nothing but a plain racket. I don't think it is right. It is legalized dishonesty. That the plaintiff should go down into the pocket of the defendant and take \$250 because these two pieces have been played is entirely unequitable."

"Later, after Attorney Brown explained that he has been retained as an investigator and attorney by the New York Society, Judge Stone apologized for some of the remarks he had made.

"Attorney Sprowls renewed his plea for a new trial and Judge Stone countered with a declaration that 'no more cases of this nature will be tried in this court. If they are tried, there'll be another judge called in to preside. The defendant in this action has been put to enough expense and trouble.'"

C. C. I. R. MEETINGS CONCLUDED

The concluding meeting of the group preparing the material to be furnished by the United States to the Third Meeting of the C. C. I. R. at Lisbon, September, 1934, was held Wednesday, March 7.

The U. S. material included opinions on a number of important phases of broadcasting technique.

COMMISSION MEETING POSTPONED

Because of the hearing on the Dill bill, the Commission meeting scheduled for Friday, March 9, was postponed until Monday, March 12.

SECURITIES ACT REGISTRATION

The following companies filed registration statements with the Federal Trade Commission under the Securities Act during the current week:

- First Commonstocks Corporation, Jersey City, N. J. (2-700).
- Chateau Corporation, Los Angeles, Calif. (2-701).
- Atlantic Bargain Stores, Inc., Greensboro, N. C. (2-702).
- Committee for the Protection of the Holders of National Union Mortgage Company Gold Bonds issued Under Trust Indenture Dated April 1, 1926, New York City, N. Y. (2-703).
- Everts-Old Gulf Crews Fee Drilling Fund, Dallas, Texas. (2-704).
- Bondholders' Protective Committee, National Postal Buildings, Inc. (Flatbush Station), St. Louis, Mo. (2-705).
- Ozark Barrel & Body Corporation, West Helena, Ark. (2-706).
- Committee for the Protection of the Holders of the First Mortgage Bonds Sold Through American Bond and Mortgage Company, Constituted under Deposit Agreement Dated October 24, 1929, Chicago, Ill. (2-707).
- Mountain City Copper Co., Salt Lake City, Utah. (2-708).
- Universal Pipe and Radiator Co., New York City, N. Y. (2-709).

FEDERAL RADIO COMMISSION ACTION

HEARING CALENDAR

Wednesday, March 14, 1934

Oral Argument Before Commission en banc

- WSYR—Central New York Broadcasting Corp., Syracuse, N. Y.—C. P., 570 kc., 500 watts, unlimited time. Present assignment, 570 kc., 250 watts, unlimited time.
- NEW—The State Journal Co., Lansing, Mich.—C. P., 1210 kc., 100 watts, 250 watts LS.

Thursday, March 15, 1934

- NEW—J. H. Squires and A. E. Cullum, Jr., Dallas, Tex.—C. P., 1200 kc., 100 watts, daytime (facilities of KFYO).
- NEW—Earl Marvin Nail, Lubbock, Tex.—C. P., 1310 kc., 100 watts, share time with KFYO (facilities of KFYO).

KFYO—T. E. Kirksey, Lubbock, Tex.—Renewal of license, 1310 kc., 100 watts, 250 watts LS, unlimited time.

Friday, March 16, 1934

(These cases were heretofore heard and decided but reopened for further hearing:)

WMBD—Peoria Broadcasting Co., Peoria, Ill.—Modification of license, 1440 kc., 500 watts, unlimited time (facilities of WTAD). Present assignment, 1440 kc., 500 watts, 1 KW LS, shares time with WTAD.

WTAD—Illinois Broadcasting Corp., Quincy, Ill.—Renewal of license, 1440 kc., 500 watts, shares time with WMBD.

APPLICATIONS GRANTED

WICC—Bridgeport Broadcasting Station, Inc., Bridgeport, Conn.—Granted modification of license to change name to Southern Connecticut Broadcasting Corp.

WFDV—Rome Broadcasting Corp., Rome, Ga.—Granted authority to operate without approved frequency monitor while it is being sent to factory for recalibration.

WSUI—State University of Iowa, Iowa City, Iowa—Granted special temporary authority to operate from 10 p. m. to 12 midnight, CST, on March 10, in order to broadcast University party program.

SET FOR HEARING

WGBI—Scranton Broadcasters, Inc., Scranton, Pa.—C. P. to increase power from 250 watts to 1 KW, make changes in equipment, and use directional antenna.

NEW—Hoosier Broadcasting, Inc., Indianapolis, Ind.—C. P., 1360 kc., 1 KW, unlimited time, facilities of WGES and those vacated by WJKS.

MISCELLANEOUS

WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Suspended grant made February 27, 1934, of special temporary authority to operate unlimited time on 1360 kc. not to exceed 28 days, because of protests of stations WHFC, WEHC, and WKBI. Application designated for hearing.

ORAL ARGUMENT DATE CHANGED

Oral argument on Ex. Rept. No. 534, set for March 7, 1934, before the Commission en banc, continued to March 21, 1934, at request of attorneys for applicant and protestant. In this case Herbert H. Fette seeks a C. P. for station at Meriden, Minn., to operate on 1310 kc., 100 watts, daytime hours.

APPLICATIONS RECEIVED

First Zone

WFAS—Westchester Broadcasting Corporation, White Plains, N. Y.—Special experimental authorization to operate simultaneously with Station WJBI, sharing as before with WGBB and WGNV for period of 30 days commencing 4-1-34.

WJBI—Monmouth Broadcasting Co., Red Bank, N. J.—Special experimental authorization to operate simultaneously with Station WFAS, sharing as before with WGBB and WGNV for period of 30 days commencing 4-1-34.

WINS—American Radio News Corp., New York, N. Y.—Special experimental authorization to use power of 5 KW and to operate unlimited time for period ending 8-1-34.

WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—Construction permit to change frequency to 1330 kc.; increase power; change equipment and move transmitter, exact location to be determined. Amended to request 1210 kc.; omit transmitter change; change power to 50 watts, 250 watts LS, unlimited time.

WHN—Marcus Loew Booking Agency, New York, N. Y.—Extension of special experimental authorization until 3-30-34 to use power of 1 KW, operate from 1 a. m. to local sunset, and make changes in equipment.

WORC—Alfred F. Kleindienst, Worcester, Mass.—License to cover special experimental authorization granted 2-9-34 to use directional antenna on 1280 kc., 500 watts, and unlimited time.

Second Zone

- WKZO—WKZO, Inc., Kalamazoo, Mich.—Modification of license to change hours of operation from day time to unlimited time and change power from 1 KW LS to 500 watts, 1 KW LS.
- WRAX (Aux.)—WRAX Broadcasting Co., Philadelphia, Pa.—Construction permit for auxiliary transmitter.
- WKZO—WKZO, Inc., Kalamazoo, Mich.—Construction permit to move transmitter, exact site to be determined; change equipment; change hours of operation from daytime to unlimited time, and power from 1 KW LS, to 500 watts, 1 KW LS.
- WPEN (Aux.)—Wm. Penn Broadcasting Co., Philadelphia, Pa.—Construction permit for auxiliary transmitter.
- KARK—Arkansas Radio & Equipment Co., Little Rock, Ark.—License to cover construction permit, as modified, granted 6-9-33, to make changes in equipment and move transmitter locally.
- KYW—Westinghouse Electric and Manufacturing Company, Philadelphia, Pa.—Modification of construction permit granted 10-27-33 to move transmitter from Bloomingdale Twp., Ill., to Whitmarsh Twp., Pa., and studio from Chicago, Ill., to Westinghouse Bldg., 30th and Walnut Sts., Philadelphia, Pa.; extension of completion date to 10-27-34 is requested.
- NEW—Lucien R. Gruss, Cleveland, Ohio—Construction permit to erect new station to operate on 610 kc., 500 watts power, daytime.

Third Zone

- KLRA—Arkansas Broadcasting Co., Little Rock, Ark.—Modification of license to incorporate in license authority to use auxiliary tube in last radio stage in conjunction with an interlocking switch as authorized by special temporary authorization granted 10-27-33 for period from 11-1-33 to 5-1-34.
- WSOC—WSOC, Inc., Charlotte, N. C.—License to cover construction permit granted 2-20-34 to install new equipment and increase power from 100 watts to 100 watts, 250 watts LS.

- WBRC—Birmingham Broadcasting Co., Inc., Birmingham, Ala.—Authority to determine operating power by direct measurement of antenna power.
- NEW—Frank M. King, Mobile, Ala.—Construction permit to erect new station to operate on 1380 kc., power of 500 watts, 1 KW LS, unlimited time, facilities of WODX.

Fourth Zone

- WLBF—WLBF Broadcasting Company, Kansas City, Kans.—Modification of license to change frequency from 1420 kc. to 1310 kc.
- WHBU—Anderson Broadcasting Corp., Anderson, Ind.—License to cover construction permit granted 2-13-34 to rebuild station destroyed by fire.
- WCFL (Aux.)—Chicago Federation of Labor, Chicago, Ill.—Construction permit to erect auxiliary transmitter.
- NEW—Dr. J. R. Burgess and George B. Bairey, d/b as WHM Broadcasting Co., Helena, Mont.—Construction permit to erect new station to operate on 1420 kc., power of 100 watts, specified hours.

Fifth Zone

- NEW—H. E. Studebaker, Lewiston, Idaho—Construction permit to erect a new station to operate on 1420 kc., 100 watts, and unlimited time. Amended to be considered under Rule 6 (g).

APPLICATIONS RETURNED

- KVI—Puget Sound Broadcasting Co., Inc., Tacoma, Wash.—Modification of license to increase power from 500 watts to 500 watts, 1 KW LS. (Rule 6 and date of application.)
- NEW—KWIL Broadcasting Co. (D. A. Gibbs, Jr., and E. H. Shemorry, partners), Williston, N. Dak.—Construction permit to erect new station with power of 500 watts on 1500 kc., daytime. (Rules 6, 140 and 151, and Section 14.)

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
 PHILIP G. LOUCKS, Managing Director

NAB REPORTS



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 MARCH 15, 1934

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BROADCAST ADVERTISING IN JANUARY

Broadcast advertising during the first month of the current year showed slight gains over December 1933 volume. Total expenditures for time on the part of advertisers during the month amounted to \$6,165,011.00, a gain of two tenths of one per cent over the previous month.

National network advertising continued its remarkable rise of recent months. January network revenues amounted to \$3,759,995.00, having increased 1.7% over the December figure. Network revenues for the current month were 34.0% above those of January 1933. It is also of interest to note that January national network revenues were but 5.6% below those of January 1932, which in turn was the third highest month in the history of national network advertising.

Individual station advertising decreased .9% as compared with December, and amounted to \$2,351,438.00. The January individual station volume was 4.5% under that of November, the high month of the current season. The decline in individual station revenues was due almost entirely to the normal seasonal down-swing in retail advertising. Local advertising for the month decreased 10.7% as compared with December. Retail advertising declined 13.4% in spite of the fact that advertising by automobile dealers considerably more than doubled as compared with the previous month. Department and general store radio advertising was approximately 50.0% as high as in December.

It would seem that it was the smaller retail advertiser who cut his radio effort following the passing of the Christmas season. While local live talent and electrical transcription volume remained fairly even as compared with the previous month, the volume of programs using records decreased approximately 50.0%, while local spot announcement business declined 23.5% from the December level. Regional network advertising also declined, seeming to follow the individual station example rather than that of the national networks.

The radio advertising trend in January over individual stations is very similar to that found in the newspaper field, where general retail lineage during the current months decreased approximately 28.0% as compared with December, while department store volume dropped 34.0%.

The total volume of broadcast advertising over national and regional networks and individual stations during January is found in Table I:

TABLE I
TOTAL RADIO BROADCAST ADVERTISING VOLUME

Class of Business	Gross Receipts	
	December 1933	January 1934
National networks	\$3,697,283.00	\$3,759,995.00
Regional networks	80,878.00	53,578.00
Individual stations	2,374,454.00	2,351,438.00
Total	\$6,152,615.00	\$6,165,011.00

Comparison with Other Media

A comparison of the expenditures for radio broadcast advertising and other major media is found in Table II:

TABLE II
ADVERTISING VOLUME BY MAJOR MEDIA

Advertising Medium	Gross Receipts	
	December 1933	January 1934
Radio broadcasting	\$6,152,615.00	\$6,165,011.00
National magazines ¹	8,254,556.00	6,360,965.00
National farm papers	265,645.00	296,077.00
Newspapers	40,069,311.00	34,261,950.00
Total	\$54,742,127.00	\$47,084,003.00

¹National magazine totals are for 108 periodicals, prepared by Publishers' Information Bureau, Inc., from which source national farm papers and networks are also taken.

National magazine advertising volume decreased 24.1% during the current month as compared with December. Advertising volume in monthly magazines was approximately 10.0% ahead of that of January 1933, while weeklies showed an increase of 4.0% as compared with the same period of the previous year. Newspaper advertising declined 14.5% as compared with December, due principally to retail advertising. January volume was 6.9% higher than in 1933. National farm paper advertising showed a gain of 10.3% as compared with December, and was 1.0% higher than for the same period of the previous year. Compared with other national advertising media the record of network radio advertising is the best in the entire field.

Seasonal Trends in Broadcast Advertising

Information gathered during the past seven months by the NAB Statistical Service, has revealed a number of highly interesting seasonal trends with regard to broadcast advertising which may be summarized at this time. These may be stated as follows:

1. National network and individual station advertising volume each have their own particular seasonal patterns. National network advertising presents a highly unique seasonal trend, which, contrary to other national media, does not show a decline at the first of the year.
2. Individual station advertising volume tends to follow general retail advertising trends, due undoubtedly, to the large volume of retail and small local manufacturer advertising contained within its total volume.
3. National spot advertising, though fluctuating more than network volume, tends to follow the network trend rather than the local trend, thus offsetting in part the decline of local business over individual stations during the post-Christmas period. This is indicated during the current month by the 13.9% increase in national spot volume as compared with December.
4. Individual station advertising seems to show fewer summer fluctuations than does network advertising, if indications of the past summer are at all typical.

Advertising Over Various Classes of Stations

The volume of non-network advertising placed over individual stations of various classes of power during January is as follows:

TABLE III
NON-NETWORK BROADCAST ADVERTISING BY POWER OF STATION

Power of Station	Gross Receipts	
	December 1933	January 1934
Over 5,000 watts	\$778,767.00	\$908,290.00
2,500-5,000 watts	252,030.00	226,471.00
250-1,000 watts	1,037,911.00	949,677.00
100 watts and under	305,828.00	267,000.00
Total	\$2,374,454.00	\$2,351,438.00

The most interesting trend during the month has been the rather marked increase in non-network advertising over stations of more than 5,000 watts in power. Non-network revenues of stations of this class increased 16.5% as compared with December. Stations of the 2,500-5,000 watt class experienced a 10.0% decrease in revenues as compared with the previous month, stations in the 250-1,000 watt class experienced an 8.5% decrease in non-network receipts and stations of 100 watts, a 12.7% decline. The situation with regard to the 100 watt group is again indicative of the fact that it is the smaller retailer who curtails his advertising during the January period.

Advertising by Geographical Districts

The principal trend of interest during January has been the 26.3% as compared with the previous month. This is the first increase in non-network revenue on the part of this section of the country to have been experienced in recent months. Other sections

of the country showed decreases in revenue ranging from 8% to 10%. The amount of non-network advertising placed over stations in different parts of the country is found in Table IV:

TABLE IV

NON-NETWORK BROADCAST ADVERTISING BY GEOGRAPHICAL DISTRICTS

Geographical District	Gross Receipts	
	December 1933	January 1934
New England-Middle Atlantic Area	\$507,810.00	\$642,012.00
South Atlantic-South Central Area	424,911.00	390,090.00
North Central Area	991,873.00	914,886.00
Pacific and Mountain Area	449,860.00	404,450.00
Total	\$2,374,454.00	\$2,351,438.00

Spot and Local Advertising

A comparison of the volume of national spot and local advertising placed over individual stations during January 1934 is found in Table V:

TABLE V

COMPARISON OF NATIONAL SPOT AND LOCAL BROADCAST ADVERTISING

Class of Business	Gross Receipts	
	December 1933	January 1934
National spot	\$994,520.00	\$1,075,290.00
Local	1,429,934.00	1,276,148.00
Total	\$2,374,454.00	\$2,351,438.00

National spot and local advertising showed divergent tendencies during January. Spot advertising rose 13.9% as compared with December, while local advertising declined 10.7% during the same period. Causes for the decline in the local advertising volume have been discussed earlier in the report and do not require repetition at this point.

Advertising by Type of Rendition

Trends with regard to electrical transcriptions and other types of broadcasting rendition are found in Tables VI and VII:

TABLE VI

NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION

Type of Rendition	Gross Receipts	
	December 1933	January 1934
Electrical transcriptions	\$462,942.00	\$545,430.00
Live talent programs	935,673.00	1,057,331.00
Records	66,473.00	38,177.00
Spot announcements	909,366.00	710,500.00
Total	\$2,374,454.00	\$2,351,438.00

TABLE VII

COMPARISON OF LOCAL AND NATIONAL SPOT ADVERTISING BY TYPE OF RENDITION

(January 1934)

Type of Rendition	Gross Receipts for Month		
	National Spot	Local	Total
Elec. transcriptions	\$437,678.00	\$107,752.00	\$545,430.00
Live talent programs	407,010.00	650,321.00	1,057,331.00
Records	7,102.00	31,075.00	38,177.00
Spot announcements	223,500.00	487,000.00	710,500.00
Total	\$1,075,290.00	\$1,276,148.00	\$2,351,438.00

Electrical transcription advertising increased 17.7% as compared with December. This was due entirely to the rise in national spot electrical transcription advertising which rose 27.0%, local advertising having decreased approximately 9.0% as compared with the previous month.

Live talent program advertising revenue increased 13.0% over the previous month, due mainly to a marked rise in national spot volume. Local live talent advertising remained practically the same as in December.

Advertising volume wherein records were used declined approximately 50% as compared with the previous month. Spot announcements also decreased. Total spot announcement volume declined 21.8% while the volume of local advertising of this type decreased 23.5%.

Participations

The volume of participation business again showed a marked increase, due principally to a rise in live talent presentations of this type. The trend in this field is portrayed in Table VIII:

TABLE VIII

PARTICIPATION OVER INDIVIDUAL STATIONS

Type of Rendition	Gross Receipts	
	December 1933	January 1934
Electrical transcriptions	\$1,000.00	\$309.00
Live talent programs	91,192.00	128,300.00
Records	15,542.00	8,854.00
Total	\$107,734.00	\$137,463.00

Radio Advertising Sponsors

A number of interesting trends in the sponsorship of broadcast advertising by different types of industries were revealed during January 1934. There was a marked rise in the volume of automotive advertising, national spot advertising of this type increasing 36% and local advertising more than doubling. National spot advertising increased 21.1% in the food field, and 37.0% in the confectionery field. Clothing and apparel advertising decreased 32.0%, network advertising declining 54.0%, local advertising 26.0% while national spot advertising of this type experienced a slight rise. Soap and household advertising rose 25.4% as compared with December, the increase taking place in all types of broadcasting. Advertising of radios dropped 23.0% while department store and general store advertising declined 52.0%. Tobacco advertising rose approximately 15.0% due to increased national network appropriations.

The trend in broadcast advertising sponsored by different types of business is found in Tables IX and X:

TABLE IX
RADIO BROADCAST ADVERTISING VOLUME BY TYPE OF SPONSORING BUSINESS
(January, 1934)

Type of Sponsoring Business	Gross Receipts for Month			Total
	National Networks	Regional Networks	Individual Stations	
1a. Amusements	—	—	\$45,889.00	\$45,889.00
1-2. Automobiles and Accessories:				
(1) Automobiles	\$191,270.00	\$3,372.00	238,044.00	432,686.00
(2) Accessories, gas and oils	315,130.00	20,904.00	179,854.00	515,888.00
3. Clothing and apparel	17,968.00	1,000.00	131,677.00	150,645.00
4-5. Drugs and toilet goods:				
(4) Drugs and pharmaceuticals	421,748.00	2,967.00	329,646.00	754,361.00
(5) Toilet goods	761,695.00	—	89,467.00	851,162.00
6-8. Food products:				
(6) Foodstuffs	730,297.00	16,817.00	393,464.00	1,140,578.00
(7) Beverages	308,384.00	1,242.00	66,542.00	376,168.00
(8) Confections	130,080.00	380.00	61,029.00	191,489.00
9-10. Household goods:				
(9) Household equipment and furnishings	55,303.00	—	113,373.00	168,676.00
(10) Soap and kitchen supplies	145,345.00	—	23,436.00	168,781.00
11. Insurance and financial	65,075.00	—	46,081.00	111,156.00
12. Radios	47,249.00	—	10,307.00	57,556.00
13. Retail establishments	—	—	84,360.00	84,360.00
14. Tobacco products	436,893.00	—	7,946.00	444,839.00
15. Miscellaneous	133,558.00	6,896.00	530,323.00	670,777.00
Total	\$3,759,995.00	\$53,578.00	\$2,351,438.00	\$6,165,011.00

TABLE X
NON-NETWORK ADVERTISING BY TYPE OF SPONSORING BUSINESS
(January, 1934)

Type of Sponsoring Program	Gross Receipts for Month		Total
	National Spot	Local	
1a. Amusements	\$5,929.00	\$39,960.00	\$45,889.00
1-2. Automobiles and Accessories:			
(1) Automobiles	135,792.00	102,252.00	238,044.00
(2) Accessories, gasoline and oil	94,453.00	85,401.00	179,854.00
3. Clothing and apparel	12,978.00	118,699.00	131,677.00
4-5. Drugs and toilet goods:			
(4) Drugs and pharmaceuticals	221,803.00	107,843.00	329,646.00
(5) Toilet goods	70,379.00	19,088.00	89,467.00
6-8. Food products:			
(6) Foodstuffs	172,494.00	220,970.00	393,464.00
(7) Beverages	15,165.00	51,377.00	66,542.00
(8) Confectionery	58,625.00	2,404.00	61,029.00
9-10. Household goods:			
(9) Household equipment and furnishings	37,265.00	76,108.00	113,373.00
(10) Soap and kitchen supplies	12,494.00	10,942.00	23,436.00
11. Insurance and financial	13,601.00	32,480.00	46,081.00
12. Radios	1,382.00	8,925.00	10,307.00
13. Retail establishments	7,180.00	77,180.00	84,360.00
14. Tobacco products	6,443.00	1,503.00	7,946.00
15. Miscellaneous	209,307.00	321,016.00	530,323.00
Total	\$1,075,290.00	\$1,276,148.00	\$2,351,438.00

A detailed analysis of the trends in broadcast advertising by different types of business is as follows:

1a. *Amusements*:—Amusement advertising declined 18% as compared with the previous month. The January volume of \$45,889.00 is the lowest point reached by this type of advertising during the past seven months.

1. *Automobiles*:—Automotive advertising increased 16.9%. National network advertising decreased slightly, while individual station volume rose approximately 75%. National spot advertising over individual stations rose 36% and local advertising more than doubled in volume.

2. *Accessories, gasoline and oil*:—Accessory and gasoline broadcast advertising volume rose approximately 5% as compared with December. Most of this increase was found in the national network field. There was a decline in regional network volume and a slight increase in individual station volume, due to a rise in local accessory and gasoline advertising.

3. *Clothing*:—Total broadcast advertising volume in this field decreased approximately 32%. National network volume declined 54%, and individual station volume 26%. Local advertising in the clothing and apparel field dropped 31% as compared with the

previous month. The only increase registered was in the national spot field which almost tripled.

4. *Drugs and pharmaceuticals*:—There was a slight rise in drug and pharmaceutical advertising as compared with December, due to an increase in national network business of this type. Local and national spot volume remained comparatively even.

5. *Toilet goods*:—An increase of 11.3% was experienced in this field during January. Network and individual station revenues from this source increased in approximately equal proportion.

6. *Foodstuffs*:—There was little or no change in total advertising volume in this field. National network volume decreased slightly. Individual station volume increased slightly, due to a 21.1% increase in national spot foodstuffs advertising.

7. *Beverages*:—Beverage advertising over the radio increased approximately 9% as compared with December. This was due principally to national network volume. National spot beverage advertising held even while local advertising of this type decreased 16.4%.

8. *Confectionery*:—A 19% increase was experienced in this field due mainly to a 37% rise in national spot confectionery advertising.

9. *Household appliances*:—The total in this field remained even, in spite of a marked increase in the national spot field and a de-

crease in the local furniture and household appliance broadcast advertising.

10. *Soaps and kitchen supplies*:—Broadcast advertising in this field increased 25.4% as compared with the previous month. The increase was relatively uniform throughout all parts of the broadcasting structure.

11. *Financial*:—Financial radio advertising decreased 7.5% during the month. There was a slight increase in national spot volume while local advertising decreased 46.8%. National network advertising increased slightly.

12. *Radio*:—Radio manufacturer and dealer sponsorship of broadcasting decreased 23% as compared with the previous month. Individual station volume declined approximately 50%, the principal reason for the downward trend.

13. *General retail*:—A decrease of 52% was experienced in this field, due principally to declining department store and general store volume.

14. *Tobacco*:—Tobacco advertising volume over the radio increased approximately 15% during the month, a rise in national network volume being responsible for the upward trend.

15. *Miscellaneous*:—The miscellaneous group showed a downward trend, all types of broadcasting declining more or less evenly.

Retail Advertising

The volume of retail advertising of all types is found in Table XI.

TABLE XI
RETAIL ADVERTISING OVER INDIVIDUAL STATIONS

(January, 1934)

Type of Sponsoring Business	Gross Receipts for month
Automobiles and accessories:	
Automobile agencies and used car dealers.....	\$102,252.00
Gasoline stations, garages, etc.....	23,636.00
Clothing and apparel shops.....	129,920.00
Drugs and toilet goods:	
Drug stores.....	23,636.00
Beauty parlors.....	4,132.00
Food products:	
Grocery stores, meat markets, etc.....	49,080.00
Restaurants and eating places ¹	19,865.00
Beverage retailers.....	565.00
Confectionery stores, etc.....	1,405.00
Household goods:	
Household equipment retailers ²	26,567.00
Furniture stores.....	43,907.00
Hardware stores.....	8,100.00

TABLE XI (Continued)

RETAIL ADVERTISING OVER INDIVIDUAL STATIONS

(January, 1934)

Type of Sponsoring Business	Gross Receipts for month
Radio retailers.....	\$8,925.00
Department and general stores.....	84,360.00
Tobacco shops.....	1,466.00
Miscellaneous.....	42,652.00
Total	\$570,468.00

¹ Exclusive of hotels.

² Such as electric refrigerators, oil burners, sweepers, furnaces and the like.

The principal trends in the retail field are a doubling of the automotive volume, a 43% increase in the drug store field, and smaller increases in beauty parlor advertising, household equipment advertising and tobacco advertising. Declines are to be noted in the clothing, restaurant, beverage, confectionery, furniture, hardware and radio fields. General retailing, including retailers of all types as contrasted with the department and general store classification in Tables IX and X, decreased 13.4% as compared with December.

General Business Conditions

The general trend up business activity seems to be upward. The New York Times Index on February 17 stood at 82.2 as compared with 77.2 on January 27, a rise of 7.5%. Commodity prices continued upward, the Department of Labor index on February 17 being 73.7 as compared with 72.4 at the end of January. The food price index rose from 65.0 to 67.4 during the same period. The car loading index rose from 58.8 to 62.5 during the same period, while the Detroit factory employment index mounted from 83.2 at the end of January to 90.9 on February 17. Automobile production increased rapidly, the index in this field rising from 58.7 to 93.1 during the period under consideration. A marked increase occurred in the utilization of electrical power, the index rising from 89.0 to 98.5. The construction index, however, declined from 34.2 to 28.3 during the period.

A large amount of the business activity in recent months has arisen out of the CWA activities of the government, the crop money distributed in certain sections, and the anticipation of increased business on the part of manufacturers during the spring and summer. It still remains to be seen whether middle class purchasing income has been sufficiently assisted to maintain a volume of purchases of products such as automobiles, refrigerators and other similar goods over any protracted period of time. The trend of retail sales of these articles during the coming three or four months is therefore of especial importance in evaluating future business developments.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
PHILIP G. LOUCKS, Managing Director

NAB REPORTS

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TELEPHONE INVESTIGATION PROMISED

A sweeping investigation of the American Telephone and Telegraph Company was forecast this week when Senator Dill, chairman of the Senate Committee on Interstate Commerce, announced that he would introduce in the Senate shortly a resolution calling for a probe of the practices and charges of the telephone company.

The chairman of the committee announced his intention at the close of hearings before his committee on the Dill bill (S. 2910) which would set up a new Federal Communications Commission to take over the functions of the Federal Radio Commission and administer the present radio law and the communications provisions of the Interstate Commerce Act. The hearings continued through Tuesday, Wednesday and Thursday, and reached a conclusion Thursday noon. Much of the testimony concerned the control of wire and telegraph operations.

Investigation of the telephone company was demanded by E. N. Nockels, legislative representative of the American Federation of Labor, after he read a resolution adopted by that organization some time ago. A similar resolution was adopted by the NAB at its St. Louis convention.

Mr. Walter S. Gifford, President of A. T. & T. Co., recommended amendment of the bill so that no controversial items would be included, in accordance with the message of President Roosevelt; otherwise, the A. T. & T. Co. must oppose the passage of the bill to the fullest extent of its ability. Mr. Gifford testified at some length on the provisions of certain sections of the bill.

Mr. R. B. White, President of Western Union, suggested that there should be some provision in the bill for the settlement of labor disputes within communication companies, in order to prevent sudden disastrous interruptions to services as a result of labor disputes. During the discussion of this suggestion, it was stated by Senator Dill that the Railway Labor Act is coming up for revision during the next few weeks, and that it might be better to amend the Labor act than to put a new provision in the communications bill.

Mr. David Sarnoff, President of R. C. A., expressed general approval of the formation of the Communications Commission, but objected to the inclusion of new provisions in the present bill.

Mr. Sostbenes Behn, President of I. T. & T. Corp., also expressed general approval of the formation of a Communications Commission and objection to the inclusion of new provisions in the bill. He stated that no national emergency exists to justify such legislation. Mr. Behn was questioned at some length concerning the foreign ownership of stock of the I. T. & T. Corp., which is a holding company of Mackay Radio, and stated he was unable to offer a suggestion regarding a workable and practicable method of limiting the stock ownership of I. T. & T. to United States citizens.

Capt. S. C. Hooper, Director of Naval Communications, emphasized the need for formulating a plan of national and international communications which will lend itself to the demands of national defense in time of war. Some of his testimony related to the foreign ownership of stock in holding companies which in turn control United States radio stations.

The Chamber of Commerce of the United States filed a statement opposing the formation of the Commission, claiming that "the commission of seven members, as proposed, would be unnecessarily large, while the proposed requirement in the bill that the commission be organized in three specialized divisions, to deal with broadcasting, telegraph, and telephone, would be inefficient and would tend to promote the development of unnecessary regulation".

Father Harney, of WLWL, was prevented by Senator Dill from reading a long statement concerning WLWL's alleged difficulties with the Federal Radio Commission on the grounds that it would

be then necessary to have the record include the Commission's side of the case. An amendment was suggested to the bill which would make null and void all existing radio licenses 90 days after passage of the act, require the new Commission to re-allocate all facilities among the five zones, and require the new Commission to allocate 25 per cent of the broadcasting facilities to educational, religious, labor, and other co-operative non-profit stations supposed to operate in the public interest, and further to authorize such educational and religious stations to sell time in order to defray expenses.

Senator Dill stated that he is now engaged in preparing a resolution to be introduced into the Senate at an early date, calling for an investigation of the A. T. & T. Co. by a Senate committee. He stated that he is continually being informed of evidences of monopolistic practices and patent exploitation by the A. T. & T. Co. and that he had reached the conclusion that a public record should be made of the facts.

Senator White announced his intention to offer to the committee an amendment to the bill which would remove all controversial matter, in accord with the wishes expressed in the President's message. Such amendment would presumably change S. 2910 so that it would be similar to the Rayburn bill in the House, on which hearings will be conducted next week.

HEARINGS ON McFADDEN BILL BEGIN

Charges that national networks and broadcasting stations have discriminated against the International Bible Students were made by Congressman McFadden of Pennsylvania, and representatives of Judge Rutherford, at the hearings which commenced this week before the House Merchant Marine, Radio and Fisheries Committee, on the bill, H. R. 7986, introduced by McFadden.

It was alleged that the National Broadcasting Company and the Columbia Broadcasting System, as well as a number of individual stations, denied the use of their facilities to Judge Rutherford's organization, and particular reference was made to a broadcast scheduled for March 25. It was also charged that the Federal Radio Commission had exercised an influence over individual stations which led such stations to refuse the organization's programs.

The hearings were commenced on Thursday and continued on Friday. Further hearings will be held, beginning Monday, when it is expected that witnesses for proponents of the bill will complete their presentation of testimony.

Most of the questioning of witnesses by members of Judge Bland's committee was directed to matters relating to the teachings of Judge Rutherford, and much interest was indicated in the activities of the Commission in connection with the broadcasts.

The bill will be opposed by the NAB on the grounds that the bill is too vague and ambiguous; that it would substitute the deterrent of a criminal statute for the intelligence of management; that it would either promote controversies of all kinds, at the expense of general service to the public, or eliminate discussion of public questions entirely; and that it is unnecessary.

Representatives of the two national networks have also requested opportunity to appear and explain their policies with respect to religious programs.

COPELAND BILL REPORTED TO SENATE

The Copeland bill (S. 2800) was favorably reported to the Senate this week by the Senate Committee on Commerce. The bill, while slightly modified from the form reported by the subcommittee, does not contain some of the important amendments offered by the NAB. A number of bills to revise the food and drugs act are pending in the House but up to the present time no dates have been fixed for hearings. Whether or not the bill will be passed during the present session of Congress is still in doubt but it is generally

felt that the bill will receive Senate action within the next few weeks. So far the President has not thrown his support back of the measure.

COMMITTEE ORDERS RADIO BILL REPORTED

The House Committee on Merchant Marine, Radio and Fisheries ordered a favorable report this week on the bill to prohibit the broadcasting by Mexican stations of programs originating in the United States. The Committee ordered the report on the bill as it passed the Senate except for the Senate amendment. The amendment the House Committee left out was:

"That nothing in this section shall apply to the use of any studio, place, or apparatus in connection with any program which is broadcast simultaneously by a foreign radio station and by any radio broadcasting station licensed by the Federal Radio Commission."

RAYBURN POSTPONES HEARINGS ON BILL

The Rayburn bill (H. R. 8301) to create a Federal Communications Commission in line with the recommendations of President Roosevelt will be made the subject of hearings in the House in the near future. Hearings were originally planned for this week but due to the fact that the House Committee on Interstate and Domestic Commerce has been busy with the stock exchange regulation bill the hearings were postponed. Chairman Rayburn intends to begin hearings on his bill just as soon as the hearings now in progress are completed. The Rayburn bill does not repeal the Radio Act of 1927 and does not affect broadcasting except that the act would be administered by the new commission, the creation of which has the approval of the Federal Radio Commission.

NEW LIQUOR RADIO BILL

A bill has been introduced by Senator Capper of Kansas "prohibiting the advertising of intoxicating liquors through the medium of radio broadcast." The bill, which has been referred to the Senate Committee on Interstate Commerce, is as follows:

"That no advertisement of spirituous, vinous, malted, fermented, or other intoxicating liquors of any kind, or containing a solicitation of an order or orders for said liquors or any of them, shall be broadcast by any radio broadcasting station or any combination of such stations licensed under the Federal Radio Commission, if the said broadcast is capable of being received by any commercial radio receiving set at any place or point in any State or Territory in the United States in which it is by the laws in force in the State or Territory at the time unlawful to advertise or solicit orders for such liquors or any of them in such manner.

"Sec. 2. If the owner of any radio broadcasting station licensed by the Federal Radio Commission, or the agent of such owner, or if the dealer in any such liquors or his agent, shall knowingly broadcast, permit to be broadcast, or cause to be broadcast, anything in violation of the provisions of this Act, he shall be fined not more than \$1,000 or imprisoned not more than six months, or both, and the license or permit granted by the Federal Radio Commission shall be suspended for a period of thirty days, and for any subsequent offense he shall be imprisoned for not more than one year. Any person violating any provision of this Act may be tried and punished either in the district in which the unlawful matter or publication was broadcast or in which the same was received."

PLAN VIGOROUS CODE ENFORCEMENT

Broadcasters who are not complying with the Code of Fair Competition for the Radio Broadcasting Industry are in for plenty of trouble. With the study of hours and wages for technicians out of the way, the Code Authority has made compliance with the trade practices section of the code its first order of business.

Members of the NAB are advised to give immediate attention to the publication of rate cards containing specific definitions of advertisers in cases where dual rates are provided.

The sale of broadcasting time in units at variance with those specified on rate cards will be carefully scrutinized to determine whether there has been an attempt to evade or frustrate the purposes and intentions of the code. For example, how can a broadcaster justify the sale of one and one-half hours at a rate less than is quoted for one hour?

It is recognized that this is a difficult task and the Code Authority is entitled to the assistance of the members of the broadcasters in bringing about compliance with the code. The opportunity at self-regulation provided by the code must not be ignored. It is the duty of every broadcaster to cooperate with the Code Authority in effecting compliance with the code and members who can furnish

documentary evidence of violations should furnish such evidence to the Code Authority. It must be borne in mind that the provisions of the code, under the National Industrial Recovery Act, have the effect of law and that penalties are provided for their violation.

TECHNICIANS' EMPLOYMENT INCREASED 12 PER CENT

The Code Authority for the Radio Broadcasting Industry has filed Part One of its report on its study of the hours and wages of broadcast technicians with the NRA. The report shows that (a) employment of broadcast technicians has increased 11.9 per cent; (b) that the weekly hours of labor for broadcast technicians have been reduced 9.8 per cent; and (c) that the weekly payrolls for broadcast technicians have increased by 21.1 per cent.

CALIFORNIA STATION RECOMMENDATIONS

Station KROW, Oakland, Calif., applied to the Radio Commission for unlimited time, whereas it now shares time with KFWI; KQW, San Jose, Calif., asked that its power be increased from 500 watts to 1,000 watts LS; and KJBS, San Francisco, asked that its power be increased from 100 to 500 watts.

Ralph L. Walker (e.), in Report No. 541 this week, recommended that the application of KROW for unlimited time be granted and that the other two applications be denied.

The Examiner found that "there appears to be a greater need for transmitting facilities in Oakland than in San Francisco" and "the granting of the application of Station KROW will permit that station to render a desirable continuous service and at the same time overcome the inherent economic disadvantage of part-time operation."

It was found also that if the application of KJBS is granted it "will result in Station KROW being restricted to part time, leaving the remaining hours unused."

RECOMMENDATIONS IN DAKOTA CASES

Station KFDY, Brookings, S. Dak., applied to the Radio Commission for permission to change its frequency from 550 to 780 kilocycles. Station KFYZ, Bismarck, N. Dak., operating on 550 kilocycles, applied for full time. In Report No. 540 this week, George H. Hill (e.) recommended that both of these requests be granted.

The Examiner states that both of the stations render a good service and that additional programs would be available to KFYZ if the application is granted which would be "of considerable interest and importance to the area served." It was further found that the granting of both of the applications would be in the public interest.

INDEPENDENT NEWS BUREAU CREATED

A news service for radio stations was announced here this week by H. R. Daniel, president and general editor of the Continental Radio News Service, Inc., which has opened offices in Washington, D. C. The new company, formerly Advance News, Inc., announces the availability of a "legitimate news service for use by broadcasters."

ASCAP SUIT MAY BE REACHED SOON

Indications are that the dissolution suit brought against the American Society of Composers, Authors and Publishers by Station WIP of Philadelphia, Pa., in the U. S. District Court for the Southern District of New York will be heard during the spring term. The law firm of Baker, Hostetler, Sidlo and Paterson, representing the station, are now engaged in preparing the case for hearing.

PRALL STILL UNDECIDED ABOUT OATH

Congressman Anning S. Prall of New York, who has been confirmed as a member of the Federal Radio Commission from the First Zone, has not yet taken the oath of office. Whether or not the newly appointed Commissioner will take the place on the Commission vacated through the expiration of the term of former Commissioner W. D. L. Starbuck is still in doubt.

COMMERCIAL SECTION MEETING JUNE 17

The Commercial Section of the NAB will hold its third annual meeting in New York, between June 17 and 20, it was decided at a conference between Chairman Arthur B. Church, NAB Commercial Committee, and Philip G. Loucks, Managing Director of

the NAB, this week. The meeting will again be held as a part of the annual meeting of the Advertising Federation of America.

BBC HIT FOR CENSORSHIP OF SPEECH

The British Broadcasting Corporation was severely criticized by William Ferrie, young engineering worker, for censorship of his speech, it was reported on March 6 in a report in the New York Times.

Mr. Ferrie had been chosen to present the workingmen's viewpoint in a series of broadcasts on industrial England. He went before the microphone as scheduled, but to the dismay of the authorities he told his listeners:

"What I wanted to tell you has been so cut up and censored by the broadcasting corporation that it would be a travesty to give what is left. For this reason I have sent the talk I wanted to give to the press instead."

Then he calmly walked out of the studio, while the flustered announcer said that "owing to unfortunate circumstances" the talk would not be delivered.

Several newspapers published the uncensored talk today. It was a bitter protest against hard-working conditions and low pay in British factories and against overcrowded housing which was said to be driving the workers to despair.

Today the broadcasting corporation explained it had objected to "acrimonious references to militarism and militarists" which had been deleted as irrelevant. The authorities insisted, however, that they had submitted the censored version to Mr. Ferrie Saturday and he had made no protest.

ELECTRICAL TRANSCRIPTIONS MORE POPULAR

The past several weeks has seen important developments which lead to the conclusion that electrical transcriptions are growing in popularity both with advertisers and the radio audience.

Announcement was made on March 1 of the formation of Group Broadcasters, Inc., in New York, with John Shepard III, Boston, Mass., as president, and with Stations WNAC, WGR-WKBW, KYW, WSAI-WLW, WHK, CKLW, WDRC, KMBC, WOR, WIP, WEAN, KWK and WMT as members of the organization. The organization will offer to national and sectional advertisers a new major medium "which gives in one unit the most effective and intensive coverage of these markets (basic area) at a lower cost per thousand than any other medium," says the official announcement. The Scott Howe Bowen organization becomes the nucleus of this new group.

During the week the National Broadcasting Company announced a complete electrical transcription service—programming, recording, placing—for semi-national, spot, and sectional advertisers. The NBC Electrical Transcription Service is available to NBC associated stations.

These developments indicate an important step in the progress of electrical transcriptions and will go far to reach the vast amount of regional advertising which has not yet gained the full benefits of radio.

DILL ANSWERS CENSORSHIP CHARGE

The charge by Senator Schall, of Minnesota, that the creation of a Federal Communications Commission is a step to impose a censorship of all news by the Government was answered by Senator Dill, chairman of the Senate Committee on Interstate Commerce, on the floor of the Senate and over a national network. Senator Dill said that there is no attempt on the part of the Government to impose a censorship on communications and that he would vigorously fight any such move.

"I fear that Senate bill 2910, to provide for the regulation of interstate and foreign communication by wire or radio, is in harmony with the purpose to centralize authority for control of all press dispatches, all press associations, all transmissions of news, and create another Federal bureau to place all interstate communications under the censorship and secrecy ban of a Federal autocracy," Senator Schall told the Senate.

"Besides the press code, the radio code, and this bill providing for a new bureau of communications—the latest of about 57 bureaus, "corporations" and "administrations" of the new bureaucracy—the administration has yet one other method for domination of the press.

"Thus the freedom of the American press under Article I of the Bill of Rights is not only to be hog tied by a press censorship code and hamstrung by a licensed radio and licensed control of interstate dispatches, but its financial existence is threatened by

Federal ownership of the bank that has power to close down the newspaper," he said.

Answering the charge on the floor of the Senate, Senator Dill said he thought the Minnesota Senator was under a misapprehension.

"I simply desire to say that there is no foundation in theory or in fact for such an idea. There is nothing in any law on the statute books today that gives the Government any power whatsoever over the dissemination of news, or as to what messages shall go over the telegraph or the telephone wires," Senator Dill said.

"The radio law expressly prohibits any kind of censorship by the managers of radio stations. Radio stations are licensed to use certain frequencies in order to prevent interference. There is necessarily a limit to the number of radio stations that can operate. There is no limit to the number of newspapers that can be printed nor has it ever been suggested there should be such a limit.

"The bill which has been introduced by Representative Rayburn, Chairman of the House Committee on Interstate Commerce, and by myself, as Chairman of the Senate Committee on Interstate Commerce, simply writes into law the existing provisions relating to the control of the telephone and telegraph business now contained in the Interstate Commerce Act, and the provisions of the radio law as they relate to radio regulation now being enforced by the Federal Radio Commission. There are some few changes.

"I am sure it was never even in the thought of the President that anything should be done by the proposed communications commission, either now or in the future, that would in any way hamper or hinder anyone from sending anything he wants to send over the wires, or over the radio in the radio common carrier service, and I should be as strongly opposed to any such proposal as any man outside of this body, in the newspaper business or otherwise.

"The purpose of the proposed legislation is to make effective the power now written into the Interstate Commerce Act of control of telephone and telegraph business in this country. The Interstate Commerce Commission have been so busy regulating the railroads that they have not had time to give real consideration to the problems in connection with rate regulation of telephones and telegraph, and it is only in recent years that the communications business has been big enough to demand the attention of those who use it from the standpoint of getting rate regulation.

"So I want to make it clear that there is not only nothing in the proposed bill but there is no idea of putting anything in the proposed law that would ever, in any way, interfere with the freedom of the press or the freedom of anybody to send news anywhere, any time, by any means of communication."

DILL HITS ADVERTISING PRACTICES

Advertising practices of broadcasting stations were criticized by Senator Dill, of Washington, chairman of the Senate Committee on Interstate Commerce, in a radio address this week.

"Now let me discuss the difference between radio regulation and the regulation of telephone and telegraph companies. Radio regulation up to this time has consisted of the control of the allocation of the use of radio frequencies to different kinds of services. This is necessary to prevent interference. Congress created the radio commission in 1927. It has granted licenses for the wave lengths for broadcasting, for ship radio, for airplane radio, for police radio, for television radio, for amateur radio and for all kinds of experimental uses of radio. The commission has never had power to regulate rates for advertising or broadcasting or rates of any kind. Nor does this proposed law give the new commission power over advertising or broadcasting rates," Senator Dill said.

"It is my opinion, however, that unless radio station managers eliminate some of the objectionable advertising practices now prevalent, the protests and demands of radio listeners will eventually force Congress to give the commission complete control over both rates and advertising."

UNLICENSED STATION PROSECUTED

George B. Porter, Acting General Counsel of the Federal Radio Commission, announced this week that Judson Morris and J. A. Strauss, operators of unlicensed station near Lexington, Ky., using the call letters "WLKY", were sentenced to serve three months in jail by the Federal Court of Frankfort, Ky.

Mr. Porter expressed much gratification at the success of the Commission's campaign against unlicensed stations.

MORE RADIO SETS THAN TELEPHONES

It was brought out during the Senate hearing on the Dill bill that the number of telephones in current use is approximately 16,600,000. Latest figures on the number of radio-equipped homes places this number at approximately 17,950,000. It appears that there are more than one million more radio receiving sets in use than telephones.

SECURITIES ACT REGISTRATION

The following companies filed registration statements with the Federal Trade Commission under the Securities Act during the current week:

- Mitten Bank Securities Corporation, Philadelphia, Pa. (2-710).
- William F. Garcelon and Others, Boston, Mass. (2-711).
- Sierra Mushroom Company, Adams County, Colo. (2-712).
- Monitor Gold Mining Company, Amarillo, Texas (2-713).
- Professional Indemnity Company, Milwaukee, Wis. (2-714).
- First Champlain Producing Corporation, New York City (2-715).
- Baby Service Corporation, Jersey City, N. J. (2-716).
- Auto City Brewing Company, Hamtramck, Detroit, Mich. (2-717).
- Milmac Miners Ltd., Sault Ste. Marie, Ontario (2-718).
- Jones Woodruff Oil Company, Inc., Toledo, Ohio (2-719).
- Gas Generator Corporation of America, New York City (2-720).
- Mammoth Oil Service Company, Denver, Colo. (2-721).
- Amrein Manufacturing Company, St. Petersburg, Fla. (2-722).
- Swayze-Huycke Gold Mines, Limited, Toronto, Canada (2-723).
- American Automotive Corporation, Indianapolis, Ind. (2-724).
- Wylie-Dominion Gold Mines, Ltd., Winnipeg, Canada (2-725).
- Golden West Quartz Milling Company, Placer-Ville, Calif. (2-726).
- George H. Nusloch and Others, New Orleans, La. (2-727).
- Southwest Oil Royalties Corporation, Dallas, Texas (2-728).
- American Products Company, Wausau, Wis. (2-729).

CANADIAN RADIO INDUSTRY SOUND

The situation in Canada's radio industry is believed to be brighter than at any time in the past two years, according to a report to the Commerce Department from Assistant Trade Commissioner A. F. Peterson, Ottawa.

This favorable status, the report points out, is partly due to the voluntary price agreement effected among principal Canadian manufacturers, and also because of substantial improvement in the inventory position as compared with the preceding year.

FEDERAL RADIO COMMISSION ACTION

HEARING CALENDAR

Monday, March 19, 1934

NEW—Julio M. Conesa, Ponce, Puerto Rico—C. P., 1420 kc., 100-watts, 250 watts specified hours.

Tuesday, March 20, 1934

NEW—Walter B. Stiles, Inc., Muskegon, Mich.—C. P., 1310 kc., 100 watts, unlimited time.

WKBZ—Karl L. Ashbacher, Ludington, Mich.—C. P., 1500 kc., 100 watts, unlimited time. Requests authority to move station to Muskegon, Mich.

Wednesday, March 21, 1934

Oral Argument Before Commission en banc

NEW—Herbert H. Fette, Meriden, Minn.—C. P., 1310 kc., 100 watts, daytime hours (facilities of KGDE).

KGDE—Charles L. Jaren, Fergus Falls, Minn.—Renewal of license, 1200 kc., 100 watts, 250 watts LS, unlimited time.

APPLICATIONS GRANTED

First Zone

- WSVS—Seneca Vocational High School, Buffalo, N. Y.—Granted special temporary authority to remain silent March 29 to April 8, inclusive, for Easter vacation.
- WGCP—May Radio Broadcasting Corp., Newark, N. J.—Granted modification of C. P. to extend commencement date to February 25, 1934, and completion date to June 15, 1934.
- WNEW—Wodaam Corp., Newark, N. J.—Granted license covering consolidation of WODA and WAAM; installing new equipment and increasing daytime power from 1 KW to 2½ KW; 1250 kc., 1 KW night, shares with WGCP.
- WAGM—Aroostook Broadcasting Corp., Presque Isle, Maine—Granted license covering local move of transmitter and making changes in equipment; 1420 kc., 100 watts, specified hours.

Second Zone

- KYW—Westinghouse Electric and Manufacturing Co., Philadelphia, Pa.—Granted modification of C. P. to extend completion date from February 27, 1934, to October 27, 1934.
- WPEN—Wm. Penn Broadcasting Co., Philadelphia, Pa.—Granted C. P. for auxiliary transmitter; 920 kc., 250 watts.
- WRAX—WRAX Broadcasting Co., Philadelphia, Pa.—Granted C. P. for auxiliary purposes; 920 kc., 250 watts.

Third Zone

- WGCM—Grace Jones Stewart, d/b Great Southern Land Co., Mississippi City, Miss.—Granted special temporary authority to operate from 5 to 6 p. m., CST, on March 25, to broadcast speech by Judge Rutherford.
- WGST—Georgia School of Technology, Atlanta, Ga.—Granted license covering increase in power and changes in equipment; 890 kc., 250 watts night, 1 KW day.
- KARK—Arkansas Radio and Equipment Co., Little Rock, Ark.—Granted license covering changes in equipment and moving transmitter locally; 890 kc., 250 watts, unlimited time.

Fourth Zone

- WRHM—Minnesota Broadcasting Corp., Minneapolis, Minn.—Granted C. P. to move transmitter locally from near Fridley to Richfield, Minn.
- WLBC—Donald A. Burton, Muncie, Ind.—Granted special temporary authority to operate simultaneously with WTRC from 5:46 to 6 p. m., CST, March 25th.
- WTAX—WTAX, Inc., Springfield, Ill.—Granted C. P. to move transmitter and studio locally.
- KFOR—Cornbelt Broadcasting Corp., Lincoln, Nebr.—Granted license covering changes in equipment and moving transmitter locally; 1210 kc., 100 watts night, 250 watts day, unlimited time.
- KGBX—KGBX, Inc., Springfield, Mo.—Granted license covering changes in equipment; 1310 kc., 100 watts, specified hours.
- KWTO—KGBX, Inc., Springfield, Mo.—Granted modification of license to increase power from 500 watts to 1 KW on 560 kc., daytime hours.
- KWLC—Luther College, Decorah, Iowa—Granted special temporary authority to remain silent from March 24 to April 2, inclusive, during Easter holiday.

Fifth Zone

KERN—The Bee Bakersfield Broadcasting Co., Bakersfield, Calif.—Granted modification of license to change frequency from 1200 kc. to 1370 kc.

SPECIAL AUTHORIZATIONS

The following stations were granted special authorizations to operate as indicated:

WODX—W. G. Austin and W. O. Pape, Receivers, Mobile Broadcasting Corp., Mobile, Ala.—To operate simultaneously with WSFA from 7:45 to 9:30 p. m., CST, March 16, with 250 watts power.

- WSFA—Montgomery Broadcasting Co., Inc., Montgomery, Ala.—To operate simultaneously with WODX, same hours and date as above; 250 watts.
- WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—To operate from 8:45 to 10 p. m., EST, March 19 through 24, inclusive.
- KVOA—Arizona Broadcasting Co., Inc., Tucson, Ariz.—To operate from 3 to 6 p. m., MST, March 25.
- WBBX—Coliseum Place Baptist Church, New Orleans, La.—To operate on 1200 kc., 100 watts, sharing time equally with WJBW for a period beginning April 1 and ending pending decision on applications now pending affecting this station (WBBX), but not later than June 1, 1934.
- WCAD—St. Lawrence University, Canton, N. Y.—To operate from 2:50 to 5:15 p. m., EST, May 6.
- WJBK—Jas. F. Hopkins, Inc., Detroit, Mich.—To operate from 8 to 9 p. m., EST, on March 16, provided Station WIBM remains silent.
- WSYB—Philip Weiss Music Co., Rutland, Vt.—To operate from 6 to 7:30 p. m., EST, on March 25.
- WACO—Central Texas Broadcasting Co., Inc., Waco, Tex.—To operate from 7 to 8 a. m., CST, April 1.

ACTION ON EXAMINER'S REPORT

- WEVD—Ex. Rept. No. 531: Debs Memorial Radio Fund, Inc., New York—Granted modification of license to increase power from 500 watts to 1 KW on 1300 kc., sharing with stations WBBR, WFAB, and WHAZ, reversing Examiner George H. Hill. (Order effective March 16, 1934, 3 a. m.)
- WMCA—Ex. Rept. No. 535: Knickerbocker Broadcasting Co., New York City—Dismissed application for special authorization to use 500 watts additional power experimentally, sustaining Examiner George H. Hill.
- WSYR—Central New York Broadcasting Corp., Syracuse, N. Y.—Denied application for C. P. to increase power from 250 to 500 watts and to operate unlimited time on 570 kc.

ORAL ARGUMENT GRANTED

The Commission en banc will hear oral argument on April 18 in re Examiner's Report No. 537. In this case the Los Angeles Broadcasting Co., Inc. (Station KFAC), Los Angeles, seeks to operate unlimited time on 1300 kc., with 1 KW power, instead of half time.

MISCELLANEOUS

- KFJZ—Fort Worth Broadcasters, Inc., Fort Worth, Tex.—Granted regular license in lieu of temporary license to expire July 1, 1934, since Henry Clay Allison, who applied for the facilities of this station defaulted his application by failure to file appearance. Case removed from Hearing Docket.
- KLCN—Chas. Leo Lintzenich, Blytheville, Ark.—Granted regular renewal license dated from March 10. Station has now installed satisfactory equipment.
- NEW—Western Pennsylvania Broadcasting Co., Greensburg, Pa.—C. P., 800 kc., 250 watts, daytime hours, heretofore set for hearing, was dismissed at request of applicants.
- WHBD—F. P. Moler, Mt. Orab, Ohio—Granted regular renewal license to expire July 1, 1934, since M. L. Meyers, who applied for its facilities, defaulted by failure to file his appearance for hearing.
- KGAR—Tucson Motor Service Co., Tucson, Ariz.—Granted regular renewal license to expire July 1, 1934, since application of KVOA for its facilities was dismissed at applicant's request.
- KVOA—Arizona Broadcasting Co., Tucson, Ariz.—Granted regular renewal of license to expire July 1, 1934, since the application of KGAR for its facilities was dismissed at applicant's request.
- WINS—American Radio News Corp., New York—Application for modification of license requesting facilities of WNYC, heretofore set for hearing, was dismissed at applicant's request.
- KRSC—Radio Sales Corp., Seattle, Wash.—Application for modification of license, 1120 kc., 100 watts, daytime and 12 mid-

night to 4 a. m. daily, heretofore set for hearing, was dismissed at applicant's request.

SET FOR HEARING

- WWVA—West Virginia Broadcasting Corp., Wheeling, W. Va.—C. P. to make changes in equipment and increase power from 5 KW to 10 KW.
- WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—C. P. to make changes in equipment and increase day power from 100 watts to 250 watts; also increase hours of operation from specified to unlimited.

RATIFICATIONS

- KWCR—Cedar Rapids Broadcast Co., Cedar Rapids, Iowa—Granted special temporary authority to operate on 1430 kc., 250 watts, for a period ending at commencement of program tests, but not later than July 1.
- WKBV—William O. Knox, d/b as Knox Battery & Electric Co., Richmond, Ind.—Granted special temporary authority to operate from 1:45 to 3:15 p. m., CST, March 16, and from 8:45 to 10 a. m. and 2:15 to 3:45 p. m., CST, March 17.
- WGST—Georgia School of Technology, Atlanta, Ga.—Granted special temporary authority to operate with reduced daytime power of 500 watts for period of 10 days.

APPLICATIONS FILED

First Zone

- WDRC—WDRC, Incorporated, Hartford, Conn.—Construction permit to make changes in equipment and increase power from 1 KW to 1 KW, 2½ KW LS.
- WAAB—Bay State Broadcasting Corp., Boston, Mass.—Construction permit to move transmitter from Quincy, Mass., to Auburndale, Mass.; make changes in equipment; change frequency from 1410 kc. to 640 kc.; and increase power from 500 watts to 5 KW.
- WABI—First Universalist Society of Bangor, Bangor, Maine—Voluntary assignment of license to Community Broadcasting Service.

Second Zone

- WWSW—Walker and Downing Radio Corp., Pittsburgh, Pa.—Construction permit to change transmitter site, exact location to be determined; make changes in equipment; change frequency from 1500 kc. to 890 kc.; increase power from 100 watts, 250 watts LS, to 250 watts, 500 watts LS.

Third Zone

- KTUL—J. T. Grffin, Tulsa, Okla.—Voluntary assignment of license to Tulsa Broadcasting Co., Inc.
- WNRA—Kathryn Jones, Muscle Shoals City, Ala.—Voluntary assignment of license to Muscle Shoals Broadcasting Corporation.
- KBTM—W. J. Beard (Beard's Temple of Music), Jonesboro, Ark.—Modification of construction permit granted 11-21-33 to move transmitter and studio from Paragould, Ark., to Jonesboro, Ark., and install new automatic frequency control, for extension of completion date to 5-2-34.
- WODX—W. G. Austin and W. O. Pape, Receivers, Mobile, Ala.—Voluntary assignment of license to W. G. Austin, Trustee.
- WODX—W. G. Austin, Trustee, Mobile, Ala.—Voluntary assignment of license to Pape Broadcasting Corp., Inc.
- WODX—Pape Broadcasting Corp., Inc., Mobile, Ala.—Construction permit to move transmitter and studio to 106 St. Joseph St., Mobile, Ala., and make changes in equipment.
- WSFA—Montgomery Broadcasting Co., Montgomery, Ala.—Modification of license to change hours of operation from simultaneous day and share night with Station WODX to unlimited time, contingent upon the Commission granting authority to Station WODX to remove to and operate at another frequency.

Fourth Zone

- KMBC—Midland Broadcasting Co., Kansas City, Mo.—Modification of construction permit granted 12-5-33 to move auxiliary transmitter to 50th St. and Belinder Rd., outside city limits, Kansas City, Kans., for extension of completion date to 5-5-34.
- KSO—Iowa Broadcasting Co., Des Moines, Iowa—Modification of license to change frequency from 1370 kc. to 1320 kc., and change power from 100 watts, 250 watts LS, to 250 watts.
- KFGQ—Boone Biblical College, Boone, Iowa—Modification of license to change frequency from 1310 kc. to 1370 kc.
- KFIZ—The Reporter Printing Co., Fond du Lac, Wis.—Modification of license to change frequency from 1420 kc. to 1310 kc.
- WCFL—Chicago Federation of Labor, Chicago, Ill.—Modification of construction permit granted 5-27-32 to extend completion date to 9-1-34.

Fifth Zone

- KFBL—Otto Leese and Robert Leese, d/b as Leese Bros., Everett, Wash.—Voluntary assignment of license to Lee E. Mudgett.
- KVI—Puget Sound Broadcasting Co., Inc., Tacoma, Wash.—Modification of license to increase power from 500 watts to 500 watts, 1 KW LS.
- KGW—Oregonian Publishing Co., Portland, Ore.—Construction permit to increase power from 1 KW to 1 KW, 2½ KW LS, and make changes in equipment.
- KFBK—James McClatchy Co., Sacramento, Calif.—Construction permit to move transmitter to about 4 miles west of center of Sacramento, exact location to be determined; make changes in equipment; change frequency from 1310 kc. to 1490 kc.; and increase power from 100 watts to 5 KW.
- KGHF—Curtis P. Ritchie, Pueblo, Colo.—Construction permit to make changes in equipment and increase power from 250 watts, 500 watts LS, to 500 watts.

- KQW—Pacific Agricultural Foundation, Ltd., San Jose, Calif.—Construction permit to move transmitter from San Jose, Calif. to Hunters Point on the Bay, San Francisco, Calif.
- NEW—Montana Broadcasting Company, Freda Wessell, Secretary, Helena, Mont.—Construction permit to erect new station to operate on 1420 kc., 100 watts, and unlimited time.

APPLICATIONS RETURNED

- NEW—Gino Amatucci, Latrobe, Pa.—Construction permit to erect a new station to operate on 730 kc. with power of 6 watts, daytime. (Frequency, power, monitor and transmitter site.)
- KGW—Oregonian Publishing Co., Portland, Ore.—Construction permit to increase power from 1 KW to 1 KW, 2½ KW LS, and make changes in equipment. Amended re geographical location. (Rule 6.)
- NEW—W. L. Gleeson, Salinas, Calif.—Construction permit to erect new station to operate on 1210 kc., 100 watts, daytime; exact locations of transmitter and studio to be determined. (Rule 6, monitor, transmitter site, and date of application.)
- NEW—F. N. Pierce of F. N. Pierce & Co., Taylor, Tex.—Construction permit to erect new station on 1380 kc., 100 watts, unlimited time. (Rule 6, frequency and power.)
- WLBC—Donald A. Burton, Muncie, Ind.—License to cover construction permit granted 10-10-33 to make changes in equipment and increase power from 50 watts to 50 watts, 100 watts LS. (Sections 5, 7 and 8.)
- KVL—KVL, Inc., Seattle, Wash.—Construction permit to move transmitter and studio locally. (Section 20, antenna and date of application.)
- NEW—Jack Hawkins and Barney Hubbs, d/b as Pecos Broadcasting Co., Pecos, Tex.—Construction permit to erect new station to operate on 1380 kc., power of 100 watts, daytime. (Rules 5 and 6, frequency, power, and time.)
- KFGQ—Boone Biblical College, Boone, Iowa—Modification of license to change hours of operation from specified hours to unlimited time. (Rule 6.)

The National Association of Broadcasters

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

PHILIP G. LOUCKS, Managing Director

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A WORD OF WARNING

The Code of Fair Competition for the Radio Broadcasting Industry has been law since December 11, 1933. Every broadcaster has had adequate opportunity to study the code and put into full force and effect its provisions.

The Code Authority has embarked upon the compliance stage of its activities and every reported violation is being investigated. Court action will be taken if necessary to obtain compliance. Already more than a score of complaints have been received on trade practices.

Any code is as good or as bad as its enforcement. The broadcasters' code will be enforced or abandoned. While there is every disposition to be fair and just, the Code Authority really means business.

Every NAB member is warned of this enforcement campaign. You are urged to make a checkup in every department of your station and see to it that the code is being carefully observed.

The Code Authority intends to enforce the code and behind it in this effort stands the NAB.

McFADDEN BILL HEARINGS CLOSE

The House Merchant Marine, Radio and Fisheries Committee late Tuesday closed hearings on the McFadden bill (H. R. 7986) which would have compelled radio broadcasting stations to accept religious, charitable and educational programs of every description without discrimination under penalty of fine or imprisonment.

The only organization to appear in favor of the bill was the Rutherford organization which charged that the National Broadcasting Company and the Columbia Broadcasting System had denied Jehovah's Witnesses access to their facilities and that the Federal Radio Commission had used coercive means to bar their programs from individual stations. It took exactly three days for the proponents of the measure to complete their testimony before Judge Bland's committee.

Headed by the National Association of Broadcasters, opponents of the measure completed their testimony in one day and judging from the reactions of members of the Committee, the bill will probably receive unfavorable action.

Philip G. Loucks, NAB Managing Director, was the first witness in opposition to the measure. He stated that the bill "is too vague and ambiguous; it would substitute the deterrent of a criminal statute for the intelligence of management; it would either promote controversies of all kinds at the expense of general program service or eliminate entirely discussions of all public questions; and it is unnecessary."

After reviewing the bill, section by section, and pointing out many defects in draftsmanship, Mr. Loucks said:

"If the intent of the bill were expressed in proper words, in so far as it applies to religious, charitable, educational and like organizations, the broadcaster would have the choice of lending his station to unending controversy and debate or refusing all religious, charitable or educational programs. If he were to accept the first program, he would be compelled to accept programs offered by all others holding views differing from those expressed in the first broadcast with the result that his service to the public would suffer. If he were to accept programs in which anyone said a good word in favor of charity, temperance, christianity or business honesty, if an organization or group of people anywhere existed who were opposed to such virtues, the broadcaster would be required to lend his station to such use no matter how clearly opposed to public

policy the expression of such views are. And if he permitted such broadcasts, would the Government consider such programs in determining whether or not his station is operating in accordance with the legislative standard of 'public interest, convenience and necessity?'

"In other words, if a broadcaster embarks upon a series of religious, charitable or educational broadcasts, he must either accept all whose views differ from those expressed in the first broadcast or face criminal prosecution. If he accepts all and the later broadcasts are clearly against the public interest, he may lose his license and with it his entire business.

"American broadcasting is the best in the world. It has been developed to its present state on the basis of private ownership and competitive operation with limited Government regulation. No other system permits of a broader discussion of public questions. The Government can safely rely upon the intelligence of individual licensees to see to it that all questions in which the public has a proper interest are fairly and adequately discussed. A law such as is proposed here is unnecessary. There is no need to substitute the deterrent of a criminal statute for intelligent station management.

"I have spoken of the danger of loss of license if a broadcaster permits the broadcasting of speech which might be interpreted to be in violation of the licensing standard of 'public interest, convenience and necessity' contained in the radio law. In this connection I should like to quote from a decision of the Court of Appeals of the District of Columbia construing the meaning of the licensing standard. The court said:

"If it be considered that one in possession of a permit to broadcast in interstate commerce, may, without let or hindrance from any source, use these facilities, reaching out as they do, from one corner of the country to the other, to obstruct the administration of justice, offend the religious susceptibilities of thousands, inspire political distrust and civic discord, or offend youth and innocence by the free use of words of sexual immorality, and be answerable for slander only at the instance of the one offended, then this great science, instead of a boon, will become a scourge, and the nation a theater for the display of individual passions and the collision of personal interests. This is neither previous restraint, nor is it a whittling away of the rights guaranteed by the first amendment or an impairment of their free exercise."

"We all want the greatest possible freedom from government interference with speech by radio. This freedom is an important part of the foundation upon which American broadcasting has been built. If this freedom stands in danger let me suggest that a remedy might be found in granting longer licenses to broadcasting stations and amending the present law to permit court review of facts in cases where licenses are not renewed by the licensing body. The Congress is now considering a bill to create a new Communications Commission and contained in that bill is a provision for a study of the entire communications problem by the proposed Commission. This study might well embrace the questions which have been brought out during this hearing."

Mr. Loucks was followed by Mr. M. H. Aylesworth, president of the National Broadcasting Company, who admitted that his company had barred Judge Rutherford from his network on the advice of the NBC Public Advisory Council. He explained in detail the policy of the NBC in accepting and rejecting religious and educational programs and in handling of political speeches.

"I am opposed to H. R. 7986 which is before this Committee for discussion," Mr. Aylesworth said. "The entire world recognizes the American system of radio broadcasting as the most liberal from the standpoint of freedom of the air and I believe that the provisions offered in this proposed legislation, regardless of how well intended, will serve to restrict rather than to liberalize and will severely limit rather than broaden the use of radio in religion, governmental and public affairs, education, and public information.

"In the light of what we know about radio, its extraordinary development and its future prospects, I am strongly of the opinion that it would be unwise for Congress to enact specific measures such as the present bill into permanent law at this time. Radio Broadcasting, more than any other form of communication, needs the more flexible regulation which can only be given to it by a Commission authorized to act under broad powers.

"The President has recently called for a consolidation of the communications activities of the Interstate Commerce Commission and the Federal Radio Commission to the end that departments of a unified regulatory body may deal with different forms of communication.

"I believe that this new unified commission, through its radio broadcasting division, will be in a better position to give consideration to problems such as we are discussing today and will be able to make sound recommendations to Congress for such specific amendments to statutes governing Radio Broadcasting as may be required in the light of the developments of the Broadcasting Industry since the formation of the Federal Radio Commission."

Henry A. Bellows, vice president of the Columbia Broadcasting System, defended his company's action in denying Judge Rutherford time on his company's network and outlined to the committee his company's policy with respect to educational and religious broadcasts. He demanded that broadcasters be given the right to select and reject programs in the public interest, insisting that the exercise of this prerogative is not censorship. He explained that his company refused facilities to Father Coughlin, just as NBC had refused facilities to the Detroit priest, because it was Columbia's policy not to accept religious programs on a commercial basis. He denied that his company had exercised any influence on its stations with respect to Judge Rutherford's programs.

Mr. Bellows said that his company would not permit attacks on any religion in broadcasts over CBS and that this rule had been carefully observed.

Henry L. Caravati, executive secretary of the National Council of Catholic Men, followed Mr. Bellows and stated that Judge Rutherford's broadcasts had offended Catholics. He expressed it as his belief that one religious group should not be given use of radio facilities to attack other religious groups. He presented testimony tending to show that signatures on petitions filed in Congress by Judge Rutherford were secured by misrepresentation and misunderstanding.

Frank C. Goodman, executive secretary of the Federal Council of Churches of Christ in America, said he favored the policies adopted by the major networks with respect to religious programs and criticized the addresses of Judge Rutherford for his unwarranted attacks upon the clergy. As did the previous witness, he opposed the bill before the committee.

Judge Eugene O. Sykes, chairman of the Federal Radio Commission, was the last witness to appear. He said the Commission was opposed to the bill and that in his judgment no such legislation was necessary. The bill, he said, is contrary to the way broadcasting had grown up in the United States and was repugnant to the Radio Act of 1927. He praised the American plan of broadcasting, saying that our programs are more diversified than those in other countries and suggested that the committee examine the report made by the Commission in response to the Couzens resolution on this point. Passage of the McFadden bill would be the opening wedge to making broadcasters common carriers.

Judge Sykes said the Commission, after receiving thousands of complaints, had initiated an investigation into two of Judge Rutherford's broadcasts. This investigation, he said, was made in the usual way and stations were requested to submit copies of the addresses. He said the Commission was of the opinion that the sermons contained objectionable material but took no action against the stations. Licenses have been renewed since, he said.

COMMITTEE CONSIDERS DILL BILL

The Senate Committee on Interstate Commerce held executive sessions this week to consider the Dill bill (S. 2910) to create a Federal Communications Commission. Before the sessions were started, Senator White, of Maine, introduced in committee an amended bill which, he said, carried out exactly the desires of the President. The Dill bill includes new matter, and it was because of the inclusion of these new features that the NAB objected to the measure.

Following one of the meetings, Senator Dill stated that he would appoint a sub-committee of five to work out details of the bill to be reported. He said that both he and Senator White would be members of this sub-committee, but that the other members have not been decided upon. Senator Dill said that this sub-committee

would not tear down the bill as originally introduced, but that it would modify some of the measures relative to the new provisions.

During the week it was announced that Chairman Rayburn, of the House Committee on Interstate and Foreign Commerce, will commence hearings on his bill during the first week in April. The Rayburn bill (H. R. 8301) leaves the present law intact and will be supported by the NAB.

Unless President Roosevelt spurs the Congress, it is doubtful if legislative action on the proposed communications commission bill can be finally passed by Congress before May 15, the tentative date set for adjournment.

BOARD MEETING BEING SCHEDULED

President McCosker announced this week that he would call a meeting of the Board of Directors either late in April or early in May. Due to the fact that Board meetings cost between \$900 and \$1,000 under the new Constitution and By-Laws, President McCosker said it was his desire to do everything possible to conserve NAB funds and avoid all unnecessary meetings. Since the Code Authority has just completed its survey of technicians, and it is likely that revisions will be requested in the code, President McCosker said he felt the Board meeting should be held at such time when the code matter could be considered along with other routine business. Under the new Constitution and By-Laws the Executive Committee, consisting of President McCosker, Treasurer Levy and Managing Director Loucks, is empowered to act for the Board between meetings.

ACTION ON COURT CASES

The Court of Appeals of the District of Columbia this week acted on a number of petitions for stay orders in cases involving the Federal Radio Commission.

Broadcasting stations at Stockton, Cal., appealed to the Court against a decision of the Commission granting McTammany & Bates a construction permit for a new station at Modesto, Cal. Stay order was denied.

Lee J. O'Melian was granted a construction permit for a new station at Erie, Pa. Station WLBW, Erie, asked for stay order which has been granted by the Court.

Stations KTM and KELW were assigned to the Evening Herald Publishing Company. The Don Lee Broadcasting System has been denied a rehearing on the stay order previously denied.

Station WOQ, Unity School of Christianity, has been denied a petition for rehearing by the Court. The Commission took the station off the air and gave its time to KFH, and the decision was upheld by the Court. WOQ asked rehearing, now denied.

HOUSE COMMITTEE REPORTS BILL

Representative Bland of Virginia, chairman of the House Committee on Merchant Marine, Radio and Fisheries, on Friday favorably reported out S. 2660, which has already passed the Senate.

This bill gives the Radio Commission power to prevent any person from having a studio or apparatus in the United States where radio programs are produced and sent to a foreign country and broadcast by a station in that country so that the program may be heard consistently in the United States.

The only change made in the bill as reported by the House compared with the way that it passed the Senate, was to strike out the Senate amendment reading as follows:

"That nothing in this section shall apply to the use of any studio, place, or apparatus in connection with any program which is broadcast simultaneously by a foreign radio station and by any radio broadcasting station licensed by the Federal Radio Commission."

RECOMMENDS DENIAL NEW ERIE STATION

Joseph G. Mayer and Clarence R. Cummins applied to the Radio Commission for a construction of a new station at Erie, Pa., to use 1420 kilocycles, 100 watts power and unlimited time. Ralph L. Walker (e) this week, in Report No. 542, recommended that the application be denied. Joseph G. Mayer died before the Examiner made his report.

The Examiner states that "the applicant has failed to show the nature and character of the service which he proposes to render, a need for the service, the type of apparatus he proposes to use, that he is financially able to construct and operate the proposed station," etc.

ASKS COMMISSION REAFFIRM ITS DECISION

Station WDBJ, Roanoke, Va., asked for and received authority from the Commission for a power increase from 250 to 500 watts at night. Protest was filed by WMBG, Richmond, Va., but George H. Hill (e), in Report No. 543, this week recommends that the Commission reaffirm its previous decision.

The Examiner states that there is no evidence to support the protest that was not already known by the Commission when it allowed the increase in power and "there is no satisfactory showing made by the protestant that the granting of the application * * * would not serve public interest."

CODE AUTHORITY MAILS BULLETINS

The Code Authority for the Radio Broadcasting Industry has mailed Bulletins Nos. 3 and 4 to broadcasters. Bulletin 3 relates to rules and regulations governing the posting of labor provisions of codes, and Bulletin 4 relates to certain types of employees.

SECURITIES ACT REGISTRATION

The following companies filed registration statements with the Federal Trade Commission under the Securities Act during the current week:

- Protective Committee of the Bondholders of the Duplex Envelope Company, Inc., Richmond, Va. (2-730).
- Raritan Petroleum Corporation, Newark, N. J. (2-731).
- Protective Recovery Committee, Integrity Building, Philadelphia, Pa. (2-732).
- Rototiller, Inc., Long Island City, N. Y. (2-733).
- Bondholders' Protective Committee relating to First Mortgage Leasehold Seven Per Cent Gold Bonds, dated February 1, 1923, of the Commodore Improvement Company, Cleveland, Ohio (2-734).
- Independent Bondholders' Committee for Vicksburg Bridge and Terminal Company First Mortgage Six Per Cent Sinking Fund Gold Bonds, New York City (2-735).
- Prommel Mining Company, Denver, Colo. (2-736).
- Comstock-Dexter Mines, Inc., Prescott, Ariz. (2-737).
- Bondholders Committee Deal Development Company, New York City (2-738).
- Michigan-Chestnut Building Bondholders Committee, Chicago, Ill. (2-739).
- Portland Paramount Property First Mortgage Bondholders' Committee, Portland, Ore. (2-740).
- C. P. Moorman & Company, Louisville, Ky. (2-741).
- Stockholders' Protective Committee for American Type Founders Company, New York City (2-742).
- Protective Committee for Kentucky Traction & Terminal Company, Lexington, Ky. (2-743).
- Keystone Custodian Funds, Inc., Philadelphia, Pa. (2-744).
- Capitol Theatre Company Bondholders' Protective Committee, Cleveland, Ohio (2-745).
- National Coal Distributing Corporation, Wilmington, Del. (2-746).
- Nevada Bell Gold Mining Company, Reno, Nev. (2-747).
- Hy-Grade Management Company, Inc., New York City (2-748).
- Mengel Company, Louisville, Ky. (2-749).

RADIO COMMISSION TO MOVE AGAIN

For the steenth time during its short life the Federal Radio Commission will move its headquarters again. It will move this time from the building at 18th and E streets to the northwest corner of the new Post Office Department building. Arrangements at this time contemplate locating the Commission on the sixth, seventh and eighth floors of one portion of the new structure. It is now planned to move on or about May 1st.

ASKS REGULATIONS FOR SPEAKERS

A bill (H. B. 723) calling upon Stations WEAN, WJAR and WPRO "to make proper regulations relating to speakers and their subject matter so that radio listeners shall be informed concerning the title of the address and the name of the speaker presenting said address" has been introduced in the Rhode Island legislature by Representative Murphy. The bill has been referred to the Committee on Judiciary.

RADIO EMPLOYMENT

There were 27,725 employes in 34 radio manufacturing plants in January, a decrease of 17.2 per cent under December, but an increase of 114 per cent over January of last year, according to the Bureau of Labor Statistics.

The average weekly payrolls in these plants in January were \$474,854, a decrease of 25.9 per cent from December, but an increase of 99.3 per cent over January of last year.

FEDERAL RADIO COMMISSION ACTION HEARING CALENDAR

Thursday, March 29, 1934

- WLBW—Broadcasters of Pennsylvania, Inc., Erie, Pa.—Modification of license, 1260 kc., 1 KW, unlimited time. Present assignment, 1260 kc., 500 watts night, 1 KW day, unlimited time.
- NEW—Pittsburgh Radio Supply House, Greensburg, Pa.—C. P., 620 kc., 250 watts day. Daytime—7 a. m. to local sunset.

APPLICATIONS GRANTED

- WCF (Aux.)—Chicago Federation of Labor, Chicago, Ill.—Granted C. P. for 250-watt composite auxiliary transmitter.
- KGHI—Lloyd Judd Co., Little Rock, Ark.—Granted license covering local move of transmitter and studio; 1200 kc., 100 watts night, 250 watts day, unlimited time.
- WSOC—WSOC, Inc., Charlotte, N. C.—Granted license covering new equipment and increase in daytime power; 1210 kc., 100 watts night, 250 watts daytime; unlimited time.
- KTUL—J. T. Griffin, Tulsa, Okla.—Granted consent to voluntary assignment of license to Tulsa Broadcasting Co., Inc.
- WWVA—West Virginia Broadcasting Corp., Wheeling, W. Va.—Granted license covering auxiliary transmitter; 1160 kc., 250 watts, for emergency purposes only.
- KLRA—Arkansas Broadcasting Co., Little Rock, Ark.—Granted modification of license to use auxiliary tube in conjunction with interlocking switch. Auxiliary tube and regular licensed output tube not to be used at same time.
- WMBD—Peoria Broadcasting Co., Peoria, Ill.—Granted authority to install automatic frequency control.
- WCFL—Chicago Federation of Labor, Chicago, Ill.—Granted modification of C. P. extending completion date to September 1, 1934.
- KMBC (Aux.)—Midland Broadcasting Co., Kansas City, Mo.—Granted modification of C. P. to extend completion date from April 5 to May 5, 1934.

SPECIAL AUTHORIZATIONS

- WJBK—James F. Hopkins, Inc., Detroit, Mich.—To operate from 8 to 9 p. m., EST, March 22, 23, 24, 26, 28 and 30, 1934, provided station WIBM remains silent.
- WLVA—Lynchburg Broadcasting Corp., Lynchburg, Va.—Extended authority to operate station without approved frequency monitor for period March 22 to April 1.
- KGGC—The Golden Gate Broadcasting Co., San Francisco, Calif.—To operate from 12:01 a. m. to 1 a. m., PST, May 12, 1934.
- WNBO—John Brownlee Spriggs, Silver Haven, Pa.—To operate simultaneously with WHBC from 6:30 to 7 p. m., EST, March 25, in order to broadcast Judge Rutherford program.
- WMBH—W. M. Robertson, Joplin, Mo.—To operate from 2:30 to 3:30 p. m., CST, April 1, 8, 15, 22 and 29; and from 9:30 to 10 p. m., CST, April 7, 14, 21 and 22.
- WSUI—State University of Iowa, Iowa City, Iowa—To operate from 10 p. m. to 1 a. m., CST, April 6 and 27; from 10 p. m. to 12 midnight, CST, April 20; and from 5 to 6 p. m., CST, April 22.
- KWWG—Frank P. Jackson, Brownsville, Texas—Extended temporary authority to remain silent for period beginning 3 a. m., EST, April 1, pending decision of Commission upon certain applications affecting the status of KWWG, but not later than June 1.

SET FOR HEARING

- WLBK—WLBK Broadcasting Co., Kansas City, Kans.—Modification of license to change frequency from 1420 kc. to 1310 kc.

- WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—Special experimental authority to operate simultaneously with WJBI, sharing as in regular hours with WGBB and WGNY, commencing April 1, for period of 30 days.
- WJBI—Monmouth Broadcasting Co., Red Bank, N. J.—Special experimental authority to operate simultaneously with WFAS, sharing as before with WGBB and WGNY, commencing April 1, for period of 30 days.
- WHAD—Marquette University, Milwaukee, Wis.—Renewal of application set for hearing and temporary license granted, subject to such action as the Commission may take on pending application for renewal.

ACTION ON EXAMINERS' REPORTS

- NEW—Ex. Rep. No. 479: Herman Radner, Lansing, Mich.—Denied application for new station at Lansing, Mich., to operate on 1210 kc., unlimited time, sustaining former Examiner Elmer W. Pratt. Order effective March 30, 1934.
- NEW—Harold F. Gross, M. B. Keeler, and L. A. Versluis, d/b as Capital City Broadcasting Co.—Granted application for new station at Lansing, Mich., to operate on 1210 kc., unlimited time, sustaining former Examiner Elmer W. Pratt. Order effective March 30, 1934.
- KGIR—Ex. Rep. No. 509: Granted application for modification of license changing frequency from 1360 kc. to 1340 kc., sustaining Examiner R. L. Walker. Order effective April 20, 1934.
- NEW—Ex. Rep. No. 534: Herbert H. Fette, Meriden, Minn.—Denied application for C. P. for new station at Meriden, Minn., to operate on 1310 kc., 100 watts power during daytime, sustaining Examiner R. L. Walker. Order effective March 30, 1934.
- KGDE—Chas. L. Jaren, Fergus Falls, Minn.—Granted renewal of license to operate on 1200 kc., 100 watts night, 250 watts LS, unlimited time, sustaining Examiner R. L. Walker. Order effective March 30, 1934.
- NEW—Ex. Rep. No. 536: The State Journal Co., Lansing, Mich.—Denied C. P. for new station to operate on 1210 kc., 100 watts night, 250 watts LS, unlimited time, sustaining Examiner R. L. Walker.
- KFPY—Ex. Rep. No. 507: Symons Broadcasting Co., Spokane, Wash.—Granted modification of license to change frequency from 1340 kc. to 890 kc., using the same power, 1 KW, unlimited time, sustaining Examiner R. L. Walker. Order effective April 20 (Commissioner Lafount not voting).
- KSEI—Radio Service Corp., Pocatello, Idaho—Denied modification of C. P. and modification of license to change frequency from 900 kc. to 890 kc., sustaining Examiner Walker.

MISCELLANEOUS

- Virgil V. Evans, Spartanburg, S. C.—Granted petition for restoration to docket of application defaulted on March 7. This applicant seeks C. P. to change frequency from 1420 kc. to 920 kc., and to increase power from 100 watts night and 250 watts LS to 2½ KW daytime only.
- WTMJ—The Journal Company, Milwaukee, Wis.—Special authority to operate 620 kc., 5 KW, unlimited time, from February 25 to March 20, heretofore set for hearing, was dismissed at request of applicants.
- NEW—L. M. Kennett, Indianapolis, Ind.—C. P. for new station, 1530 kc., 1 KW, unlimited time, heretofore set for hearing, was dismissed at request of applicant.

APPLICATIONS RECEIVED

First Zone

- WLEY—Albert S. Moffat, Lexington, Mass.—Construction permit to install new equipment.
- WTAG—Worcester Telegram Publishing Co., Inc., Worcester, Mass.—License to cover construction permit granted 1-6-34 to increase power and make changes in equipment of auxiliary transmitter.
- WEVD—Debs Memorial Radio Fund, Inc., New York, N. Y.—Modification of license to change time of operation from

sharing with stations WBBR, WFAB and WHAZ to unlimited. Facilities of stations WBBC, WLTH, WARD and WVFW.

Second Zone

- KYW—Westinghouse Electric & Mfg. Co., Philadelphia, Pa.—Modification of construction permit granted 10-27-33 to move transmitter to Joshua Road, Whitmarsh Township, Pa., and studio to exact location to be determined, Philadelphia, Pa., and make changes in equipment.
- NEW—Clarion Broadcasting Co., Inc., Clarion, Pa.—Construction permit to erect new station to operate on 850 kc., 250 watts, daytime.

Third Zone

- KRGV—KRGV, Inc., Harlingen, Tex.—Construction permit to move studio and transmitter from Harlingen, Texas to 100 South Mile 5½, Welasco, Texas.
- KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Tex.—Special experimental authorization to increase power from 250 watts, 500 watts LS, to 500 watts, 1 KW LS. Amended to change frequency from 570 kc. to 1380 kc., and change time of special experimental authorization for period ending 9-1-34 instead of 3-1-34.

Fourth Zone

- WLBC—Donald A. Burton, Muncie, Ind.—License to cover construction permit granted 10-10-33 to make changes in equipment and increase power from 50 watts to 50 watts, 100 watts LS. Amended to complete all Sections of application form.
- KSOO—Sioux Falls Broadcast Association, Inc., Sioux Falls, S. Dak.—License to cover construction permit granted 1-23-34 to move transmitter and make changes in equipment.
- WKBF—Indianapolis Broadcasting, Inc., Indianapolis, Ind.—Modification to increase hours of operation from 12 midnight to 2 a. m. Amended to request unlimited time. Facilities of station WBAA.
- WDGY—Dr. George W. Young, Minneapolis, Minn.—Construction permit to increase power from 1 KW to 1 KW, 2½ KW LS; to make changes in equipment; and change time of operation from limited to unlimited.
- WIBA—The Badger Broadcasting Co., Inc., Madison, Wis.—Extension of special experimental authorization to operate with additional power of 50 watts, night, for period ending 10-1-34.

Fifth Zone

- NEW—Northern California Amusement Co., Inc., Yreka, Calif.—Construction permit to erect new station to operate on 1500 kc., power of 100 watts, and unlimited time.
- KVL—KVL, Inc., Seattle, Wash.—Construction permit to move transmitter and studio locally. Amended to complete all sections.
- NEW—Pioneer Mercantile Co., 307½ E. 21st St., Bakersfield, Calif.—C. P. for new experimental broadcasting station; 1550 kc., 1 KW, unlimited time.

APPLICATIONS RETURNED

- NEW—Abraham Shapiro, Astoria, Ore.—Construction permit to erect a new station to operate on 1370 kc., power of 100 watts, unlimited time. (Rule 6.)
- NEW—C. C. Morris, Ada, Okla.—Construction permit to erect a new station to operate on 1200 or 1210 kc., power of 100 watts, unlimited. (Rules 5 and 6, Sections 14 and 20.)
- WGAR—The WGAR Broadcasting Co., Cleveland, Ohio—Modification of license to change frequency from 1450 kc. to 1180 kc.; facilities of stations WINS and WDG. Ret. 3-10-34. (Rules 6 and 116.)
- NEW—Harold J. Dunshee, Des Moines, Iowa—Construction permit to erect new station to operate on 1500 kc., power of 3 watts, S. H. and limited time. ((Rules 5 and 6; power, equipment, monitor, and Sections 20 and 24.

The National Association of Broadcasters

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

PHILIP G. LOUCKS, Managing Director

NAB REPORTS

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OPERATORS STRIKE FOR 36-HOUR WEEK

Station WHB, Kansas City, Mo., was off the air for a period of seven hours on March 29 as a result of an operators' strike which followed a refusal of the management to accept a 36-hour work week with increases in pay up to \$40.

The strike followed a meeting of the station's operators held shortly after the arrival in Kansas City of Thomas R. McLean, organizer for the IBEW, who has been active in organizing operators in other cities.

The station ceased operation at 10:30 a. m. when it was found that considerable damage had been done to both the control and transmitter apparatus. It required seven hours to repair the damage and get the station back on the air.

The station has been following the code provisions with respect to hours and wages for technicians.

The Federal Radio Commission was notified of the interruption of service and its cause, and it is likely that the station will ask that action be taken against the operators responsible for the damage to the apparatus under the provisions of section 5 of the Radio Act of 1927 which provides for the suspension of license of any operator who "has wilfully damaged or permitted radio apparatus to be damaged."

It was learned also that the management was investigating the state laws as to what redress or punishment is provided under the laws of the state.

NRA RECOMMENDS REDUCTION IN HOURS

A reduction from 48 to 36 hours for operators and from 40 to 30 hours for all other broadcasting station employees, with a 10 per cent increase in wages for all, was recommended in a letter addressed to the Code Authority for the Radio Broadcasting Industry by Deputy Administrator William P. Farnsworth. The recommendation was made by Division Administrator Sol A. Rosenblatt.

The communication requests the Code Authority to appoint a committee to consider the recommendations set forth therein and report at the earliest possible date.

The letter has been referred to the Code Authority by James W. Baldwin, executive officer of the Code Authority, who, in acknowledging its receipt, expressed his personal opinion that adoption of the proposals would destroy all small broadcasting stations.

"I do not hesitate to say that in my own opinion based on the recently completed study, the enforcement of your proposals to reduce the forty-hour week people to thirty hours, and to reduce those working more than forty-eight hours to thirty-six hours with a ten per cent increase in wages for all, would spell disaster for the industry," he wrote. "Such a plan is inequitable and impracticable. It would utterly destroy all small broadcasting enterprises and would make it impossible for the larger broadcasting enterprises to recover from the reverses suffered during the depression years.

"You appreciate, I know, that the radio broadcasting industry has always extended its most willing cooperation to the NRA in its efforts to bring about industrial recovery. Already our industry has greatly increased the number of employees. We employ today a greater number of workers than ever before in the history of the industry. Moreover, we have submitted evidence of a substantial increase in weekly wages. I am sure you will agree that nothing should be done to jeopardize the financial stability of broadcasting stations and consequently the present employees.

"I am confident that if the NRA officials responsible for these recommendations can but find the time to study this matter thoroughly and give due consideration to the readjustments which have been required during the three months' operation of our Code, their own mature judgment will dictate a withdrawal of their recommendations."

Few industries have cooperated with the recovery program more willingly and effectively than the broadcasting industry. But, as Mr. Baldwin points out, the adoption of the proposals now offered would spell disaster to the industry. The issue must be met by the industry as a whole. The NAB's effectiveness will be measured not only by the loyalty of its members but by the willingness of non-members, who have long reaped the benefits of the Association's work without contributing to its support, to jump in and help. How about getting after non-members in your state?

SUBCOMMITTEE WORKING ON RADIO BILL

The subcommittee, appointed by Senator Dill, of Washington, chairman of the Senate Interstate Commerce Committee, which is working on the proposed new communications commission bill, has been holding executive conferences all week. It is reported that considerable progress has been made.

While members of the committee refuse to discuss the matter it is said that it has already decided that the proposed commission shall consist of five instead of seven members and that there shall be two divisions of the new commission, one devoted to broadcasting and the other to communications, including telephone, telegraph and cable. It is also reported that a number of controversial matters have been deleted from the bill by the subcommittee.

Senator Dill, who is chairman of the subcommittee, stated that he hoped the subcommittee would be able to report back to the full committee sometime early in April. Members of the subcommittee, in addition to Senator Dill, include Senators White, of Maine, Hatfield, of West Virginia, Thompson, of Nebraska, and Hatch, of New Mexico.

The House Committee on Interstate Commerce will begin its hearings on the Rayburn communications commission bill on April 10. Members of the committee have no idea just how long these hearings will continue. There is still considerable skepticism as to whether or not the communications commission bill will become law at this session. It depends entirely, it is believed, on how anxious the President is for this legislation. In other words, if he gets behind the bill it is likely to pass at this session of Congress, otherwise it probably will not.

WOULD EXTEND COPYRIGHT LAW

The Senate Committee on Foreign Relations last Wednesday opened hearings on the Cutting bill (S. 1928), which has as its purpose entrance of the United States into the International Copyright Union. The bill also would greatly amplify the rights of copyright to public performance for profit of all works, musical and literary.

Section 4 of the bill provides:

"The rights granted in section 1 of the said Act of 1909 shall include the exclusive right of the author to communicate his work for profit to the public by any system of broadcasting; and the author of any copyrighted work, even after the assignment of the copyright in such work, shall at all times have the right to oppose every distortion, mutilation, or other modification of the said work which might be prejudicial to his honor or to his reputation, as well as the right to restrain the publication and/or the performance of the mutilated work."

The NAB has requested an opportunity to appear before the committee and oppose any extension of copyright at this time since the subject is now in litigation and under investigation by the government.

CLEAR CHANNEL CASE DECIDED

The Federal Radio Commission on Friday of this week granted the applications of KTHS, Hot Springs Chamber of Commerce, Hot Springs, Ark., and WBAL, The Consolidated Gas, Electric

Light & Power Co., Baltimore, Md., to operate simultaneously on 1060 kilocycles, and the applications of WTIC, Travelers Broadcasting Service Corp., Hartford, Conn., and KRLD, KRLD Radio Corp., Dallas, Tex., to operate simultaneously on 1040 kilocycles. The grants are for a period of 90 days, effective April 29.

According to the terms of the experimental privileges granted, KTHS will use 1060 kilocycles, 10 kilowatts, from 6 a. m. to local sunset, at which time broadcasting will be suspended until 8 p. m., when it will be resumed and continue until 12 midnight. WBAL, with 10 kilowatts, will operate on 1060 kilocycles until local sunset at Hot Springs, and with unlimited time from local sunset until 9 p. m. EST, when WBAL will synchronize with WJZ on 760 kilocycles, using a power of 2½ kilowatts.

WTIC will operate with 50 kilowatts, and KRLD with 10 kilowatts, simultaneously on 1040 kilocycles, unlimited time.

WESG, Cornell University, a respondent in this case, will change its frequency from 1040 kilocycles, daytime hours, to 680 kilocycles, daytime hours, for 90 days. Another respondent station, WJAG, The Norfolk Daily News, Norfolk, Nebr., was granted a renewal license to operate with 1 kilowatt on 1060 kilocycles, limited time, for the regular period.

KWJJ, KWJJ Broadcast Co., Inc., Portland, Ore., another respondent, will change its frequency from 1060 kilocycles to 1040 kilocycles for the 90-day experimental period, and operate on this frequency with 500 watts, unlimited time.

A statement of facts and grounds for the Commission's decision to authorize the break-down of two clear channels will be forthcoming within the next fortnight.

Commissioner La Fount dissented in the above decisions, and, in explaining his dissenting vote, said:

"We have before us for consideration and decision applications for facilities inconsistent with the allocation of 1928 and existing rules and regulations of the Commission. The applicants in the cases here referred to were well aware of the Commission's rules and regulations at the time they filed their applications and desired to be heard regardless of the existence of such rules.

"It is not clear from the applications whether they believed it would be in the public interest to grant them special authority inconsistent with well established rules, or whether in their opinion the rule should be modified or abolished. Certainly no evidence or testimony was submitted on that subject. The cases were heard regardless of the fact that the applications were inconsistent with the Commission's plan of allocation. I, therefore, submit that before any action be taken upon these cases the Commission should decide whether or not the rule here involved should be continued, modified, or abolished, not as to any particular application but with reference to all stations generally, and that therefore, if and when the Commission revises its rules, it can consider whether the granting of a particular application before it would serve public interest, convenience and necessity."

MILWAUKEE SAW IT FIRST

On March 10 the NAB Reports quoted an article from the March 1 *Evening Telegram*, Superior, Wisconsin, which reported dismissal by Judge Patrick Stone in the United States District Court in that city, of an infringement suit brought by the American Society of Composers, Authors and Publishers against Sam Lurye, proprietor of the Ritz Cafe.

Now it appears that a month earlier another Federal judge in Wisconsin had taken similar action. A clipping from the Milwaukee, Wisconsin, *Journal*, of January 31, 1934, contains the following report:

"The suit of the American Society of Authors and Composers against William Fitzgerald, Appleton tavernkeeper, was dismissed in federal court Wednesday and costs assessed against the plaintiff by Judge F. A. Geiger. The court declared that he considered the suit a case of unwarranted litigation. The suit was brought under the copyright law. The society sought judgment of \$250 against Fitzgerald for permitting an orchestra to play a popular melody without permission."

FIVE PER CENT TAX PROPOSED IN N. Y.

A tax of five per cent on gross receipts of broadcasting stations is provided in a bill introduced in the New York Senate (1520) by Senator Burchill. The bill is being opposed by the New York State Committee of Broadcasters.

The bill, in part, reads as follows:

"A tax of five per centum on the gross receipts is hereby imposed upon all moneys derived from radio broadcasting facilities or enter-

prises. Every person, firm, association or corporation engaged in conducting radio broadcasting facilities or enterprises in this state when the production, performance or program broadcasted is produced, performed or presented within the state, shall make a daily report at the close of each day's business to the department upon blanks provided by the department, of the gross receipts of the enterprise conducted by such person, firm, association or corporation. If the person, firm, association or corporation engaged in operating or conducting the radio broadcasting enterprise is engaged in conducting such enterprise permanently he or it may pay the tax herein imposed on or before the tenth day of the following month upon the gross receipts for the preceding calendar month. If such enterprise be of a temporary duration, the person, firm, association or corporation operating or conducting such enterprise shall include a remittance for the amount of the tax with the report for each day's business. Any person, firm, association or corporation may elect to make daily payments of the tax hereby imposed and in such event the taxpayer may deduct one per centum from the gross amount of such tax to cover the expenses incidental to filing the report. The tax hereby imposed shall be in addition to any other tax imposed upon such person, firm, association or corporation by any general or special law, or local law or ordinance or federal statute."

RADIO NEWS ORGANIZATIONS BUSY

In the face of improvement of the service by the Press-Radio Bureau, organized under the sponsorship of the press associations, publishers and networks, three radio news organizations have started operations.

Considerable improvement in the service of the Press-Radio Bureau and the creation of a San Francisco branch, in charge of Welland R. Gordon, former Los Angeles newspaper man, marked developments in the cooperative movement. The central committee is also considering opening of sub-bureaus at Chicago, Boston and New Orleans in an effort to cut toll costs to stations.

The three independent news organizations are the Radio News Association, Continental Radio News Service and the American Radio News Service, all offering news reports directly to stations. They claim a total of more than 75 stations are buying their services. Prime movers in the project were Carl Haverlin, KFI; Guy Earl, Jr., KNX, and Stanley Hubbard, KSTP.

Mr. Hubbard announced that the new organization is incorporated under the laws of the District of Columbia with himself as controlling shareholder and with the following officers: President, Herbert Moore, formerly with the United Press in London and later with the CBS News Service; vice president, Duncan Price, formerly with the A. P., who headed Radio News; second vice president, Charles Stewart, formerly with the U. P. and the CBS News Service.

Thirty stations are buying the service, according to Mr. Hubbard, paying rates that vary with their station rate cards. It is budgeted, he said, for \$5,000 a week.

The Continental Radio News Service is headed by Harry R. Daniel, former newspaper man, headquarters in the Maryland Bldg., Washington, where he has a staff of five. Its New York office at 2 W. 45th St. is headed by F. G. Biguerie, formerly with the A. P., and in Chicago its correspondent is Edward D. Flynn.

Mr. Daniels said that in addition to the Yankee Network about 35 stations are being served with up to 3,500 words daily, sent out via teletype or overhead telegraph. One of the features of his service, Mr. Daniels said, is a daily mailed script of about 1,800 words titled "Washington Column of the Air," with background news, comment and human interest material.

American Radio News Service, with Arnold Kruckman at its head, headquarters in the Earle Bldg., Washington. The Washington staff includes Cecil Owen, formerly with the U. P., *Washington Herald* and CBS News Service, as news chief; Frank Connor, Jr., University of Wisconsin graduate, formerly with the CBS News Service; Thomas McNamara, formerly with Indiana newspapers and with the NBC publicity department in New York; Wallace Werble, formerly with CBS News Service; Grace Owen, rewrite, and Gus C. Owens, communications manager.

Negotiations are under way, Mr. Kruckman stated, to purchase an international news service to be added by April 1. Eleven stations, including two that are newspaper-owned, are buying the service, rates being based on local population.

Another service is reported to be forming, called the "Radio News Service of America, a subsidiary of the International Radio News Alliance." Its head is Ivan Johnson, formerly connected with another radio news-gathering venture on the Pacific coast.

Its stationery gives its headquarters as 260 E. 161st St., New York.

Mr. Johnson has applied to the Radio Commission for experimental short wave channels over which to broadcast news, and a hearing on his application has been set for April 11.

McFADDEN BILL PASSAGE DOUBTED

Passage of the McFadden bill (H. R. 7986) during the present session of Congress appears doubtful. The House Merchant Marine, Radio and Fisheries Committee has not considered the measure since hearings were concluded last week and it is doubtful if this committee will be able to take action on the bill inasmuch as it has now become engaged in hearings on marine legislation.

COPELAND BILL ON CALENDAR

The Copeland bill (S. 2800) to amend the food and drugs act has been reported by the Senate Committee on Commerce to the Senate and is now on the Senate calendar awaiting action. A memorandum containing suggested amendments was sent to all NAB members during the week and all are urged to give prompt consideration to the memorandum. No action on the bills to amend the food and drugs laws now pending in the House has been taken and no hearings have been slated.

RADIO EXTORTION BILL PASSED

With no discussion the Senate on Thursday passed the bill (S. 2249) applying the powers of the federal government, under the commerce clause of the Constitution, to extortion by means of telephone, telegraph, radio, oral message or otherwise. Earlier in the week the bill was favorably reported by Senator Stephens of Mississippi from the Senate Committee on the Judiciary. The bill as it passed the Senate is as follows:

"That whoever, with intent to extort from any person, firm, association, or corporation any money or other thing of value, shall transmit in interstate commerce, by telephone, telegraph, radio, or oral message, or by any other means whatsoever, any threat (1) to injure the person, property, or reputation of any person, or the reputation of a deceased person, or (2) to kidnap any person, or (3) to accuse any person of a crime, or (4) containing any demand or request for a ransom or reward for the release of any kidnaped person, shall upon conviction be punished by imprisonment for such term of years as the court, in its discretion, shall determine: *Provided*, That the term "interstate commerce" shall include communication from one State, Territory, or the District of Columbia to another State, Territory, or the District of Columbia."

The bill now goes to the House for action.

DELAWARE WOULD LICENSE STATIONS

A bill (H. B. 131X) which would require all broadcasting stations to acquire a state license and pay an annual license fee has been introduced in the Delaware legislature by Representative Minner.

The text of the bill follows:

"Section 2. Every person, firm, association or corporation operating or maintaining a radio broadcasting station in the State of Delaware shall pay a license fee to the State of Delaware in the sum of Five Hundred Dollars annually. No license shall be issued except upon application, which application shall set forth the name and address of the applicant, and if a corporation the names of the officers, directors and stockholders thereof; the name of the City or Town in which the business is to be conducted; the financial condition of the applicant, including a comprehensive financial statement of his affairs; and facts showing that the applicant has adequate technical personnel and adequate technical and physical facilities properly to conduct the business of radio broadcasting and such other facts as may be required by the Governor.

"Section 3. It shall be unlawful for any person licensed under the provisions of this Act to permit any profane, obscene, contemptuous or derogatory language to be broadcast upon the station owned or operated by such person.

"Section 4. Any person, firm, association or corporation or any agent or employee thereof violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction be sentenced to pay a fine of One Hundred Dollars. For second or subsequent convictions for violating this Act, a person may be

imprisoned for a term of not less than thirty days or more than one year."

RECOMMENDATIONS ON PENNSYLVANIA STATIONS

Ralph L. Walker (e) this week, in his Examiner's Report No. 544, recommended that the application of WGAL, Lancaster, Pa., for unlimited time on 1500 kilocycles, be granted; that the application of WRAW, Reading, Pa., for unlimited time on 1310 kilocycles be granted; and that the application of WTEL, Philadelphia, Pa., be denied as in cases of default.

MERCHANDISING SURVEY UNDER WAY

Under the direction of Harry Howlett, WHK, Cleveland, Ohio, member of the NAB Commercial Committee, a survey of merchandising practices in the industry is being conducted. A questionnaire designed to carry out the suggestions developed at last year's meeting of the Commercial Section has been mailed to all NAB members and your cooperation is requested. Both large and small stations are asked to cooperate and the report, when completed, will be available to all NAB members.

COST ACCOUNTING COMMITTEE BUSY

The NAB Cost Accounting Committee, headed by H. K. Carpenter, WPTF, Raleigh, N. C., has commenced its work on the formulation of a uniform system of cost accounting for broadcasting stations. Emphasis upon this work is added by reason of a provision in the broadcasters' code which provides that a uniform system of accounts shall be developed. The committee will shortly begin the collection of information from NAB members which will become the basis of its work.

NAB MEETINGS IN PROSPECT

The meeting of the NAB Commercial Committee, which will be open to all members, will be held in New York during June. Arthur B. Church, KMBC, Kansas City, Mo., chairman of the committee, is at work on a program for the meeting.

The NAB Engineering Committee headed by Joe Chambers, WLW-WSAI, Cincinnati, will hold a meeting in Cincinnati on April 10 to consider the matters now before that committee. The committee also will consider the advisability of holding an open committee meeting at the time of the IRE convention in May.

PETTEY ON TRIP

Herbert L. Pettey, secretary of the Federal Radio Commission, left here this week for a trip to Oklahoma and Texas. Before he returns, sometime between April 10-15, he will appear before grand juries in both of those states relative to radio law violations.

DEPRECIATION RATES CONSIDERED

The following letter was sent to all NAB members this week by the Managing Director: "As you know the Bureau of Internal Revenue has had under consideration for some months the question of proper rates of depreciation for federal income tax purposes, applicable to equipment used in the business of broadcasting. The National Association of Broadcasters, through its tax committee, was afforded the opportunity of cooperating with the bureau in its study of this subject. The association immediately sought the advice of many leading engineers in the broadcasting industry, experts in their lines, and finally submitted a brief to the Bureau of Internal Revenue setting forth the views of the engineers that the life of broadcasting equipment for the average station should be four years, resulting in a depreciation rate of 25 per cent per annum.

"After studying the brief of the association, the Bureau of Internal Revenue reached the conclusion that it was not practicable to promulgate an official bulletin on depreciation rates for this industry, since there were so many different elements affecting different concerns engaged in the business. The bureau considered that each case should be decided on its individual merits and that a six-year life should be used as a starting point for all cases, and that if the facts in individual cases justified lower rates of depreciation, lower rates would be allowed on the basis of such facts.

"Upon the recommendations of the tax committee of the association, no further action will be taken on this subject at this time."

SECURITIES ACT REGISTRATION

The following companies filed registration statements with the Federal Trade Commission under the Securities Act during the current week:

- Committee for the Protection of the Holders of First Mortgage 6¼ per cent Gold Bonds of Bay State Road Company, Inc. (The Sheraton), constituted under Deposit Agreement dated March 7, 1934, Boston, Mass. (2-750).
- Lloyd & Casler, Inc., Industrial Building Bondholders' Committee, Los Angeles, Cal. (2-751).
- Glen L. Martin Company, Baltimore, Md. (2-752).
- Chestnut Hill Apartments First Mortgage Bondholders' Committee, constituted under Deposit Agreement dated August 21, 1931, Chicago, Ill. (2-753).
- Frاند E. Gernon and others, New York City (2-754).
- Bol-Inca Mining Corporation, New York City (2-755).
- Gachin Gold Syndicate, Toronto, Canada (2-756).
- Gulf Coast Water Company, Bay City, Texas (2-757).
- Palomar Hotel Corporation and Trustees of Palomar Hotel Corporation Voting Trust, San Francisco, Cal. (2-758).
- Ball Lift Corporation, Akron, Ohio (2-759).
- Clinton Distilleries Corp., Clinton, Mass. (2-760).
- Llano Cooperative Oil Corp., Newllano, La. (2-761).
- Cypress Abbey Company, San Francisco, Cal. (2-762).
- California-New York Mining Company, Inc., Yreka, Cal. (2-763).
- Trustees Estates, Inc., Baltimore, Md. (2-764).
- Associated Originators, Inc., Boulder, Colo. (2-765).
- Barstow Oil Company, Atascadero, Cal. (2-766).
- Albert Lea Farms Bondholders' Protective Committee, Omaha, Nebr. (2-767).
- T. A. Moynahan and J. R. Moynahan, Indianapolis, Ind. (2-768).
- Evergales Club Company, Bondholders' Protective Committee, Toledo, Ohio (2-769).

RADIO SETS INCREASE

There are now 17,950,000 radio equipped homes in the United States, an increase of 1,140,000 over January, 1933, according to "Radio Retailing."

Motor car sets jumped from 143,000 in 1932 to 724,000. If the present public interest in "radio as we ride" continues, sales will easily surpass the million mark for 1934. Retail value of the auto sets sold last year was \$28,600,000 or more than four times that of 1932.

WHAT LISTENERS PAY

A table of yearly license fees paid by listeners in foreign countries appears below:

Russia (multi-valve sets)	\$14.12	France (valve sets)	\$2.93
Esthonia (multi-valve sets)	10.93	Rumania (crystal sets)	2.72
Germany	9.18	Sweden	2.54
Yugoslavia	7.93	Belgium (valve sets)	2.55
Hungary	7.33	Great Britain	2.50
Italy	6.37	Esthonia (crystal sets)	2.43
Poland	6.33	Denmark	2.20
Latvia	6.12	Finland	2.18
Rumania (multi-valve sets)	5.43	Russia (crystal sets)	1.77
Bulgaria (multi-valve sets)	5.37	Lithuania (valve sets)	1.45
Czechoslovakia	5.29	France (crystal sets)	.89
Austria	5.18	Belgium (crystal sets)	.85
Norway	4.95	Lithuania (crystal sets)	.39
Bulgaria (crystal and one-valve sets)	3.22	Holland	No tax
		Voluntary contributions.	
		Spain	No tax
		Sponsored programmes and voluntary contributions.	

FEDERAL RADIO COMMISSION ACTION

HEARING CALENDAR

TUESDAY, APRIL 3, 1934

- WJJD—WJJD, Inc., Chicago, Ill.—Modification of license, 1130 kc., 20 KW, limited time. (Requests authority to move studio to Chicago, Ill.) Present assignment, 1130 kc., 20 KW, limited time.

WEDNESDAY, APRIL 4, 1934

Hearing Before Commission en banc

Experimental

- NEW—Unity School of Christianity, Kansas City, Mo.—C. P., 1530 kc., 1 KW, unlimited time.
- NEW—John V. L. Hogan, Long Island City, N. Y.—C. P., 1550 kc., 1 KW, variable hours.
- NEW—Fred W. Christian, Jr., and Raleigh W. Whiston, d/b as Christian & Whiston, Norco, Calif.—C. P., 1570 kc., 1 KW, unlimited time.
- NEW—American-Republican, Inc., Waterbury, Conn.—C. P., 1530 kc., 1 KW, unlimited time.
- NEW—First National Television, Inc., Kansas City, Mo.—C. P., 1530 kc., 1 KW, unlimited time.

APPLICATIONS GRANTED

First Zone

- WINS—American Radio News Corp., New York—Granted special temporary authority to operate from 8:45 to 10:30 p. m., EST, April 7.
- WFEA—New Hampshire Broadcasting Co., Manchester, N. H.—Granted 30-day extension of authority for additional time in which to make field survey and submit data on authority to change frequency to 1340 kc.
- WSYB—Philip Weiss Music Co., Rutland, Vt.—Granted special temporary authority to operate from 11 a. m. to 12 noon, EST, April 1, 8, 15, 22, and 29, 1934.
- WHN—Marcus Loew Booking Agency, New York—Granted extension of special experimental authority to operate with 1 KW power from 1 a. m. to LS.
- WSVS—Seneca Vocational High School, Buffalo, N. Y.—Granted special temporary authority to operate from 8:15 to 9 p. m., EST, April 9 and 16.

Second Zone

- WJBK—Jas. F. Hopkins, Inc., Detroit, Mich.—Granted special temporary authority to operate from 8 to 9 p. m., EST, April 1, 3, 5, 7, and 9, provided station WIBM remains silent.

Third Zone

- WDAH—Tri-State Broadcasting Co., Inc., El Paso, Tex.—Granted special temporary authority to use transmitter of KTSM for period of 30 days while transmitter of WDAH is being moved locally.
- KWWG—Frank P. Jackson, Brownsville, Tex.—Granted renewal of license on a temporary basis subject to such action as the Commission may take on licensee's pending application for renewal.
- KMLB—Liner's Broadcasting Station, Inc., Monroe, La.—Granted C. P. to make changes in equipment.
- WBBZ—James F. Kyler, Ponca City, Okla.—Granted extension of temporary authority to operate station on 1200 kc., 100 watts, unlimited time, from April 1 to June 1, 1934, pending action by Commission on application for consent to involuntary assignment of license.
- WWL—Loyola University, New Orleans, La.—Granted special experimental authority to operate after 12 midnight, CST, on night of March 31.
- KTRH—KTRH Broadcasting Co., Houston, Tex.—Granted extension of special experimental authority to operate for 30 days with 250 watts night and 1 KW day, and set for hearing the application to operate with 500 watts night.

Fourth Zone

- WSBT—The South Bend Tribune, South Bend, Ind.—Granted renewal of license on a temporary basis subject to such action as the Commission may take on licensee's pending application for renewal.
- WIBA—The Badger Broadcasting Co., Inc., Madison, Wis.—Granted extension of special experimental authority to use additional 500 watts night for period of 30 days, and set application for hearing.
- KFIZ—The Reporter Printing Co., Fond du Lac, Wis.—Granted special temporary authority to operate from 1 to 2:30 p. m., CST, March 28.
- WEBQ—Harrisburg Broadcasting Co., Harrisburg, Ill.—Granted special temporary authority to operate station without approved frequency monitor for period of not more than 2 weeks.

Fifth Zone

- KFQD—Anchorage Radio Club, Inc., Anchorage, Alaska—Extended license on temporary basis only, pending receipt and action on application for renewal; temporary license to be issued for term beginning March 27 and ending September 1, 1934.
- KUMA—Albert H. Schermann, Yuma, Ariz.—Granted special temporary authority to operate from 2 to 4 p. m., MST, April 3.
- KVL—KVL, Inc., Seattle, Wash.—Granted C. P. to move transmitter and studio locally.
- KVOA—Arizona Broadcasting Co., Inc., Tucson, Ariz.—License extended on a temporary basis to May 1, 1934, pending receipt and/or action on application for renewal.
- KROW—Educational Broadcasting Corp., Oakland, Calif.—Granted renewal of license on a temporary basis, subject to such action as the Commission may take on licensee's pending application for modification of license. Also granted extension of special temporary authority to operate unlimited time with 500 watts, subject to whatever decision the Commission may make upon any applications affecting the rights or interests of station KFWI or other applicants.
- KFPY—Symons Broadcasting Co., Spokane, Wash.—Granted authority to make field intensity tests during daytime hours on frequency of 890 kc., 10 watts, for period of 20 days.

SET FOR HEARING

- KSO—Iowa Broadcasting Co., Des Moines, Iowa—Modification of license to change frequency from 1370 kc. to 1320 kc.; increase power from 100 watts night, 250 watts LS, to 250 watts, unlimited hours.
- KFGQ—Boone Biblical College, Boone, Iowa—Modification of license to change frequency from 1310 kc. to 1370 kc.
- KFXD—Frank E. Hurt, Nampa, Idaho—Renewal of license set for hearing.

MISCELLANEOUS

- KOL—Seattle Broadcasting Co., Seattle, Wash.—Application for C. P., 1270 kc., 1 KW, 2½ KW LS, unlimited time (facilities of KXA), heretofore set for hearing, were dismissed at request of applicants.
- WJBK—Jas. F. Hopkins, Inc., Detroit, Mich.—Application for special experimental authority to operate on 1370 kc., 50 watts, unlimited time, heretofore set for hearing, was dismissed at request of applicants.

APPLICATIONS RECEIVED

First Zone

- WMEX—The Northern Corporation, Chelsea, Mass.—Modification of construction permit granted 12-5-33 to erect new station for extension of completion date to 5-15-34.
- NEW—Joseph Pappalardo, Methuen, Mass.—Construction permit to erect a new station to operate on 1120 kc., 500 watts, daytime.
- WMAL (Aux.)—National Broadcasting Co., Inc., Washington, D. C.—Construction permit to install new equipment. (Auxiliary transmitter.)

- WHN—Marcus Loew Booking Agency, New York, N. Y.—Extension of special experimental authorization to operate with power of 1 KW from 1 a. m. to local sunset and change equipment for period ending 4-30-34.

Second Zone

- WKOK—Charles S. Blue, Sunbury, Pa.—Consent to voluntary assignment of license to Sunbury Broadcasting Corp.
- WMPC—The First Methodist Protestant Church of Lapeer, Lapeer, Mich.—Modification of license to change frequency from 1500 kc. to 1200 kc.
- WIBM—WIBM, Inc., Jackson, Mich.—Modification of license to change time of operation from specified hours to unlimited.
- WJBK—James F. Hopkins, Inc., Detroit, Mich.—Modification of license to change frequency from 1370 kc. to 1500 kc., and change time of operation from specified hours to unlimited.

Third Zone

- KMLB—Liner's Broadcasting Station, Inc., Monroe, La.—Construction permit to install new equipment.
- KOL—Seattle Broadcasting Co., Inc., Seattle, Wash.—Special experimental authorization to operate on 660 kc. instead of 1270 kc. for 6 months.
- WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—Modification of construction permit granted 12-22-33 to extend commencement date to 10-1-34 and completion date to 2-1-35.
- NEW—D. J. Burton and L. C. Davis, Temple, Tex.—Construction permit to erect new station to operate on 990 kc., 200 watts, daytime. Amended to request 250 watts.
- KOTN—William F. Chaplin, Pine Bluff, Ark.—Modification of construction permit granted 12-22-33 for approval of transmitter and studio location at Hotel Pines, Pine Bluff, Ark.
- KOTN—William F. Chaplin, Pine Bluff, Ark.—License to cover construction permit granted 12-22-33 for a new station to operate on 1500 kc., power of 100 watts, daytime.
- WPTF—WPTF Radio Co., Raleigh, N. C.—Modification of construction permit granted 6-9-33 to make changes in equipment.
- NEW—C. C. Morris, Ada, Okla.—Construction permit to erect new station to operate on 1200 kc., with power of 100 watts, daytime. Amended to complete all sections.
- WEED—William Avera Wynne, Greenville, N. C.—Construction permit to move transmitter to 528 S. Vyne Street and studio to Northeast Main Street, Rocky Mount, N. C.
- WDBO—Orlando Broadcasting Co., Inc., Orlando, Fla.—Special experimental authorization to use power of 500 watts, 1 KW LS.
- WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Modification of license to change power from 500 watts to 500 watts, 1 KW LS, and change time of operation from limited to unlimited. Amended to omit request for change in power.
- WRAM—Wilmington Radio Association, Inc., Wilmington, N. C.—Modification of construction permit to change corporate name to Durham Radio Corporation.
- WSPA—Virgil V. Evans, trading as The Voice of South Carolina, Spartanburg, S. C.—Construction permit to move transmitter; change frequency from 1420 kc. to 920 kc.; change time from unlimited to day; increase power from 100 watts, 250 watts LS, to 2½ KW day. Amended to request day power of 1 KW and changes in equipment.
- NEW—Richard Austin Dunlea, Wilmington, N. C.—Construction permit to erect a new station to operate on 1370 kc., power of 100 watts, daytime.
- NEW—Charles Dixon Gentsch, Greensboro, N. C.—Construction permit to erect a new station to operate on 1440 kc., power of 500 watts, 1 KW LS, unlimited time, and facilities of Station WBIG.
- KTRH—KTRH Broadcasting Company, Houston, Tex.—Extension of special experimental authorization to operate on 630 kc., with power of 500 watts, 1 KW LS, for period ending 10-1-34.

Fourth Zone

- WRJN—Racine Broadcasting Corp., Racine, Wis.—License to cover construction permit granted 2-27-34 to make changes in equipment.

Fifth Zone

- KPCB—Queen City Broadcasting Co., Seattle, Wash.—Construction permit to install new equipment, change frequency from 650 kc. to 710 kc., increase power from 100 watts to 250 watts; and change time of operation from limited to unlimited.
- KFOX—Nichols & Warrinner, Inc., Long Beach, Calif.—Authority to determine operating power by direct measurement of antenna power.
- KOL—Seattle Broadcasting Co., Inc., Seattle, Wash.—Construction permit to move transmitter locally; increase power from 1 KW to 1 KW, 2½ KW LS; change frequency from 1270 kc. to 660 kc.; and install new equipment. (Facilities Station KGA.)
- KPJM—M. B. Scott and E. C. Sturm, d/b as Scott & Sturm, Prescott, Ariz.—License to cover construction permit granted 12-19-33 to move transmitter and studio locally and make changes in equipment.
- KEX—Oregonian Publishing Co., Portland, Ore.—Construction permit to move transmitter to Denver Ave., near Swift Road, North Portland, Ore., and install new equipment.
- KPCB—Queen City Broadcasting Co., Seattle, Wash.—Special experimental authorization to operate on 710 kc., with power of 250 watts, unlimited time, for period ending 8-1-34.
- KPCB—Queen City Broadcasting Co., Seattle, Wash.—Authorization to install automatic frequency control.

APPLICATIONS RETURNED

- WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Modification of license to change power from 500 watts to 500 watts, 1 KW LS, and time of operation from limited to unlimited. (Improper application form used.)
- NEW—Anna Unger, Brooklyn, N. Y.—Construction permit to erect new station to operate on 1400 kc., power of 500 watts, shares with stations WFW, WBBC, and WLTH. Facilities of WARD. (Incomplete.)
- NEW—William R. Lowery, San Francisco, Calif.—Construction permit to erect a new station to operate on 930 kc., power of 500 watts, share with Station KROW, Facilities Station KFWI. (Incomplete.)
- WRGA—Rome Broadcasting Corp., Rome, Ga.—Modification of license to change call from WFDV to WRGA. (Unnecessary.)
- WRGA—Rome Broadcasting Corp., Rome, Ga.—Construction permit to move studio and transmitter locally. (Geographical location and signature.)
- NEW—Frank M. King, Mobile, Ala.—Construction permit to erect new station to operate on 1380 kc., power of 500 watts, 1 KW LS, unlimited time, facilities Station WODX. (Request of applicant.)