

KFDA Completes Staff For Aug. 1 Inauguration

COMPLETION of the staff of the new KFDA, Amarillo, Tex., 100 watts on 1500 kc., which begins operation Aug. 1 as an outlet of MBS and the Texas State Network, was announced in latter July by C. S. Gooch, president and manager, and Gilmore N. Nunn, vice - president, who with his father owns WLAP, Lexington, Ky., and holds an option to purchase control of WCMI, Ashland, Ky.



Mr. Nunn

Ultra-modern in every respect, the station is equipped with RCA apparatus throughout and a 182-foot Truscon steel radiator. Its modernistic building is located in downtown Amarillo. Don C. Robbins, formerly San Francisco manager of the Walter Biddick Co., is commercial manager; Earl Rodell Strandberg, formerly chief announcer of KLRA, Little Rock, program director; Ralph Cannon, recently with WBOW, Terre Haute, chief engineer; David Clark, formerly with KOA, Denver and KGNC, Amarillo, continuity editor; William Kilmer, formerly of KGKO, Fort Worth, and Winfred Wileman, formerly of KASA, Elk City, Okla., announcers.

New Texas Station

SHARING time with WTAW, Texas A. & M. College outlet at College Station, Tex., the new KTBC, Austin, Tex., was scheduled to begin operating Aug. 1, using 1,000 watts on 1120 kc. Its manager is R. C. Watts and chief engineer is Harry Slife. Authorized in 1937, construction of the station was held up when the college protested the grant giving KTBC the time not used by WTAW, which operates only a few hours daily. The FCC last Jan. 3 reaffirmed the grant to State Capitol Broadcasting Assn., in which the principals are R. B. Anderson, president of the State Tax Commission; A. W. Walker Jr., professor of law at the University of Texas, and R. A. Stuart, Fort Worth attorney.

Wheeler Heads Drive on ASCAP

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terested himself in the litigation, and on July 19 conferred with Neville Miller, NAB president, Phil Loucks, former NAB managing director and Washington radio attorney, and Ed Craney, general manager of KGIR, Butte, who has been active in seeking revision of both the copyright law and of performing rights contracts with ASCAP.

Whereas the anti-trust suit appeared to be headed for dismissal during recent months, Senator Wheeler's intercession has had the effect of reviving Government interest in the proceeding. The course to be pursued will await a study of the record by Mr. Cooper and his recommendations to the Attorney General.

The Government suit was filed in 1934 and went to trial in New York before Federal Judge Henry W. Goddard on June 10, 1935. After ten days, the trial was adjourned with the understanding that ASCAP and the Government would stipulate the facts before a new hearing. Little progress, however, was made on the stipulation and the case has been dormant since.

Officially, the Department's attitude has been that because of lack of personnel, the ASCAP suit has been inactive. In assigning Mr. Cooper to the case, the Attorney General instructed him to make a complete study and bring it up-to-date in the light of the four-year hiatus. Mr. Cooper is devoting his full time to review of the proceedings and is expected to make his recommendations within a month.

Senator Wheeler started things July 12 when he held an informal conference in his office with Gene Buck, ASCAP president, Louis D. Frolich, ASCAP counsel, and Messrs. Craney and Loucks [BROADCASTING, July 15]. At that time the Senator made it clear that he opposed the blanket form of percentage payment on gross revenue of stations and that clearance at the source and payment on a per-program basis appeared to be the equitable course.

Hopes for Agreement

In introducing his "clearance at the source" bill, the Senator said that sentiment in Congress favored amendment of the Copyright Act because it is outmoded insofar as broadcasting is concerned. He also made mention of the Government suit against ASCAP and urged action one way or the other.

Senator Wheeler followed up his conference with the ASCAP officials on July 17, when he dined with Messrs. Miller, Craney and Loucks, and Frank M. Russell, NBC Washington vice-president, and Harry C. Butcher, CBS Washington vice-president. He restated his view regarding clearance at the source, pointing out that in his view assumption of liability for infringement must be with the originating station. He expressed the hope that the industry would come to an agreement on this point without controversy or a split in network affiliated station ranks.

Further pursuing the Government case, Messrs. Miller, Craney and Loucks on July 19 conferred with Assistant Attorney General Arnold and Special Assistant Cooper. The background of the case was covered. Brought into the conversation also was possible action by Congress on the O'Mahoney Bill, offered by the chairman of the Federal Monopoly Committee to revise remedial sections of the anti-trust laws. Such a move, it was felt, might have a definite bearing on the ASCAP litigation.

Conference With Bone

On July 20, the day before Senator Wheeler introduced his proposed amendment to the copyright law, Messrs. Craney and Loucks conferred with Chairman Bone of the Senate Patents Committee. Earlier in the session, Senator Bone advocated passage of the bill introduced in preceding sessions by former Senator Duffy of Wisconsin to rewrite the Copyright Act and eliminate the statutory minimum infringement requirement of \$250. This bill now is being redrafted by a group of copyright experts in New York, it was understood, and probably will not be introduced until the next session.

The purpose of the original conference called by Senator Wheeler with the ASCAP officials was to discuss the Montana situation, particularly in the light of pending actions against ASCAP in that State. Mr. Loucks appeared as counsel for KFBB, Great Falls, a regular client and not as special counsel for the NAB, in which capacity he has served on several occasions since his retirement from the NAB managing directorship. When Mr. Buck, at the outset of the conference, asserted there would be only one uniform form of contract for radio, the discussion of necessity then covered the entire industry picture.

Payments Spurned

Despite comments attributed to Mr. Buck following the Wheeler conferences, it was observed that ASCAP has steadfastly refused to accept payments from Montana stations in the light of the State's anti-ASCAP law. Only 60 days ago ASCAP began billing stations in the State for back royalties. In that connection, it was pointed out that Montana stations, under the recent temporary injunction granted by the court in Missoula County are prevented from making payments to ASCAP and ASCAP in

turn is prevented from making any collections in the State.

Mr. Craney repeatedly has stated that Montana broadcasters always have been willing to pay royalties on what music they use, but that they have openly resented the ASCAP contract provisions under which royalties are paid on the basis of 5% of gross income rather than on ASCAP music used.

Countering Mr. Buck's allegation in the Wheeler conferences that Montana broadcasters have been "robbing my people", it was reported that the six stations in the State pay an average of only \$10,000 a year to the Society. The stations, and more particularly Mr. Craney's KGIR, have spent many times that amount in trying to rectify what they construe to be an improper contract, it was pointed out.

Wheeler Denies Imputations

Senator Wheeler was indignant over statements ascribed to him in Tin Pan Alley circles that Mr. Craney had influenced him in the ASCAP matter and was trying to procure a preferential deal. The Senator stated flatly that he was convinced that a change in the copyright laws, now more than a quarter-century old, is necessary in order to correct inequities which have become glaring since the advent of broadcasting. He stated also that he felt clearance of music at the source is a necessary requirement if there is to be amicable solution of the copyright problem.

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