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5000 Watts Full Time

American Broadcasting Co.

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Durr

(Continued from page 16)

garded by many as the onset of FCC's assumption of jurisdiction in the program field, made clear the Commission's belief that:

"Under the American system of broadcasting it is clear that responsibility for the conduct of a broadcast station must rest initially with the broadcaster. It is equally clear that with the limitations in frequencies inherent in the nature of radio, the public interest can never be served by a dedication of any broadcast facility to the support of its own partisan ends. Radio can serve as an instrument of democracy only when devoted to the communication of information and the exchange of ideas fairly and objectively presented.

Public Interest

"A truly free radio cannot be used to advocate the causes of the licensee," the decision continued. "It cannot be used to support the candidacy of his friends. It cannot be devoted to the support of principles he happens to regard most favorably. In brief, the broadcaster cannot be an advocate.

"Freedom of speech on the radio must be broad enough to provide full and equal opportunities for the presentation to the public of all sides of public issues. . . . The public interest—not the private—is paramount. These requirements are inherent in the conception of public interest set up by the Communications Act as the criterion of regulation. And while the day-to-day decisions applying these requirements are the licensee's responsibility, the ultimate duty to review generally the course of conduct of the station over a period of time and to take appropriate action thereon is vested in the Commission."

Never Appealed

NAB President Miller, whose comments on the Mayflower decision at the IER meeting evoked Commissioner Durr's statement of his own position, repeatedly has stated at NAB district meetings that he thought the decision was ill advised, ill conceived, and contrary to law. The case, incidentally, was never appealed to the courts. Judge Miller didn't know about the opinion until after he assumed the NAB leadership.

President Miller has maintained on many occasions that because of the Mayflower decision and the subsequent WHKC-CIO case, relating to the sale of time to a union and censorship of programs of a controversial nature, broadcasters are afraid of FCC's wrath. He contends that broadcasters "acquiesced" in the judgment of the Commission in these cases, and argues that they should be assured of "freedom from fear" and should exercise their Constitutional right of expressing their views.

Despite the Mayflower decision,

Good Pinchhitter

WHEN an operational failure prevented at the last minute a scheduled pick-up of interviews from Mexico City on NBC's "We the People" May 18, the show's master of ceremonies, Milo Boulton, hurriedly drafted a regular actor in the cast to be interviewed. It turned out that the actor, Ray Morgan, had a story worth telling. He's now studying for the ministry, and during the war he conducted services at a Congregational church whose pastor was on duty as an Army chaplain.

some stations in isolated instances have taken up the editorial cudgels in certain local issues. Such campaigns as those for better drinking water, venereal disease control and other civic issues having no direct partisan or political implications have been carried on. Strict application of the Mayflower opinion, according to lawyers, might effectively block even these campaigns as coming within the "editorial" scope.

FIRE ON KVOA Station Covers Conflagration —From Airplane—

LISTENERS all over Arizona heard an eye-witness description of the recent fire in the Catalina mountains direct from a plane flying over the scene. KVOA Tucson sent up Walfred Johnson, newsman, and Howard Chambers, technician, with the station's portable short-wave transmitter, KAOU.

Description was broadcast over Arizona Broadcasting System on Howard Pyle's *Arizona Highlights* program, and again on a later broadcast that night when a summary and further developments were given. KVOA believes it is the first time such a broadcast has been attempted locally.

Television Stations Granted to Three Baltimore Receives Two New Outlets, New Mexico One

TWO MORE commercial television stations for Baltimore and one for Albuquerque were authorized by the FCC last Tuesday.

The Baltimore grants went to Hearst Radio Inc. (WBAL) and Radio-Television of Baltimore Inc. The one for Albuquerque went to Albuquerque Broadcasting Co. (KOB).

Approval of the Baltimore applications, only ones remaining out of six originally filed, filled the last two channels available there. First grant for that city went to A. S. Abell Co. (*Baltimore Sun*) the week before [BROADCASTING, May 20]. Three applicants have withdrawn.

Hearst Authorization

Hearst Radio's authorization, issued over Comr. C. J. Durr's vote for a hearing, was for use of Channel No. 11, 198-204 mc, with 14.4-kw visual and 7.3-kw aural power, and antenna height of 456 feet. Station cost was estimated at \$229,500 including \$50,000 studios.

Besides WBAL Baltimore, Hearst owns WINS New York (application for sale to Crosley Corp. for \$2,100,000 awaiting oral argument after proposed denial by FCC); WISN Milwaukee, and WCAE Pittsburgh in addition to contemplated FM stations.

Radio-Television of Baltimore was assigned Channel 13, 210-216 mc, with 31.65-kw visual and 20-kw aural power, and antenna height of 410 feet. The company is principally owned by Ben and Herman Cohen, who own clothing stores and real estate interests in a number of cities.

KOB's television grant was for use of Channel No. 2, 54-60 mc, with 15-kw visual and 8-kw aural power and antenna height 100 feet above ground and 5,240 above sea level. Construction cost of the video station was estimated at \$68,500.

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