How well-informed a timebuyer or advertising agent are you?

1. THIS FORMATION REPRESENTS:
   (a) an Asiatic peninsula
   (b) area covered by power-full station
   (c) place where most Indians own radios
   (d) most active war work center

2. THIS CURIOUS SYMBOL IS USED TO:
   (a) identify radio war workers
   (b) indicate cities you should think about
   (c) give studio instructions
   (d) admit people to Army transmitter

3. THESE INITIALS ARE CONNECTED WITH:
   (a) a famous operatic singer
   (b) a Boston shortwave station
   (c) a successful substitute product
   (d) the buying of local radio time

4. THIS IS THE INSIGNIA OF:
   (a) a famous Navy air force squadron
   (b) a top radio comedian
   (c) a very popular all-night club
   (d) a well-known radio executive

— that power-full station

WOR

Try this short, but informative, WOR-quiz. It's fun, it's fact-full; it's a few minutes well-spent.

ANSWERS ON PAGE 55
at 1440 Broadway, in New York
SOYBEAN DAY at Urbana, Illinois, finds WLS microphones right on the spot, broadcasting highlights of the event to thousands of interested families. WLS farm programs are broadcast from every major Midwest community, cover every important farm event. No wonder Midwesterners turn to WLS as to a highly respected member of the family for authoritative information. No wonder that in Midwest America WLS Gets Results!

890 Kilocycles
50,000 Watts
Blue Network

The Prairie Farmer Station
Burridge D. Butler
President
Glenn Snyder
Manager

Represented by
John Blair & Company

Chicago

Management Affiliated with Koy, Phoenix, and the Arizona Network — Koy Phoenix • KTUC Tucson • KSUN Bisbee-Lowell
For more than 10 years, advertisers have enjoyed the tangible benefits of WDRC's rate policy... one low rate to everybody... a bargain for all. WDRC is being profitably used by an abundance of local advertisers who want complete coverage of this rich trading area... and an equally long list of regional and national spot accounts who pay as little as the local adcasters. In Connecticut's Major Market, WDRC will deliver the goods for you... and do it at a lower cost. Basic CBS for Connecticut.
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Subscription $5.00 a year or Canadian and Foreign, $6.00.
Published every Monday, 53rd issue (Yearbook Number) Published in February.
Dr. Edwin Franko Goldman leads America's most famous band in stirring marches — exclusive THESAURUS artists.

British Commandos and RAF flyers — heroes of raids on Vegso, St. Nazaire and Augsburg — interviewed for programs in the Special Feature Dividend series, "Freedom's Fighting Men" — an extra for THESAURUS subscribers.

Sammy Kaye and His Orchestra, popular purveyors of "Swing and Sway" — exclusive THESAURUS artists.
these times!

NBC THESAURUS
A TREASURE HOUSE OF RECORDED PROGRAMS

Music today's listeners want!
Music today's sponsors will buy!

Today, music means more to America than ever before! Music to help a hard-working America relax...music to inspire a united America...music to convey the message and spirit of America today!

NBC Thesaurus is a treasure house of music tuned to these times. It is music your listeners want—presented by stars and orchestras they want to hear—played the way they want to hear it.

There are more than 3,000 selections in today's timely NBC Thesaurus—every one of them an outstanding performance by such orchestras and soloists as Dr. Edwin Franko Goldman, Allen Roth, Sammy Kaye, Rosario Bourdon, Thomas L. Thomas, Dick Jurgens, Norman Cloutier, Xavier Cugat. Here is music that ranges from cowboy ballads to conga rhythms, from spirited college marches to superb symphonic selections...music that means more enjoyment for your listeners—more sales for you.

Here are 20 hours of big-time broadcasting for which continuity is furnished each week—a total of 53 sparkling individual program periods per week!* It's an opportunity for your station to give service and win sales that you can't afford to miss. Get in touch with timely NBC THESAURUS today!

*And there is still ample musical material from which your program staff can build additional sustaining and commercial programs—plus—such timely "extras" as the Special Feature Dividend series, "Freedom's Fighting Men," stirring interludes with heroes of the fighting forces of our Allies in this war.

—ALSO—
Timely NBC Recorded Programs
Build Station's and Sponsor's Sales

Flying for Freedom
Authentic drama-packed stories of United Nations airmen serving in the Royal Canadian Air Force. (26 half-hour episodes). Touchdown Tips
Colorful 15-minute programs of Sam Hayes' expert predictions and analyses of the top college games each week. (13 quarter-hours—started September 11).

Getting the Most Out of Life Today
Today, more than ever, America needs the inspirational philosophy of William L. Stidger in these human talks that give spiritual uplift and courage—point practical solutions of present-day problems. (117 five-minute programs).

Let's Take a Look in Your Mirror
"Good grooming, feminine charm and poise, and the right mental attitude are part of the national spirit of courage today," says Stella Unger—and that's the theme of this vital, spontaneous program for women. (156 five-minute programs).

Betty and Bob
The story of "ordinary folks who lead extraordinary lives," with name stars who are favorites of millions. (500 quarter-hours).

The Name You Will Remember
Hard-hitting, revealing, "background" sketches of world personalities in the day's news. (59 five-minute programs).

Other series include Five-Minute Mysteries, Hollywood Headliners, Time Out (2 series), Who's News, and Carole Robison and Her Buckaroos. Write for presentations, rates, and availability and audition records.

NBC Radio Recording Division
National Broadcasting Company
A Radio Corporation of America Service
Radio City, New York - Trans-Lux Building, Washington, D. C.
Merchantile Mart, Chicago - Sunset & Vine, Hollywood
No Other New England Radio Station Gives You All This

Coverage WTAG is the only station providing primary coverage throughout Central New England—one of this nation's busiest areas in war production.

Audience It has nearly twice as many listeners in its area as all other stations combined.

Promotion WTAG's parent newspapers, the Worcester Telegram and the Evening Gazette, morning, evening, Sunday give WTAG's advertisers complete promotional backing.

When You Buy Time - - Buy An Audience
Now—and one year after Victory

The advertising dollar you invest with WCSC gives double value. You make sales today throughout a thriving boom market. And you build brand preference in a market that will continue to boom long after Victory.

Because the Charleston “boom” is different. It’s no flash-in-the-pan based purely on a war economy. What has taken place is the industrial rebirth of an entire area. New methods, new super-power facilities and new plants have transformed Charleston into a big, aggressive, growing market. The conclusion is obvious: Charleston—a major market today—is a “must” market for the future.

fact no. 3 of a series:

This year the Charleston Ordnance Depot will pay out over $11,000,000 in salaries and wages. Every year—in war or peace—ordinance will continue to thrive in Charleston. Other all-time important Charleston industries include a dozen fertilizer plants and a score of wood and pulp processing plants...two kinds of business that employ thousands year after year!

WCSC
CHARLESTON, S. C.
The CBS Station for the Coastal Carolinas. Represented Nationally by Free & Peters, Inc.
How many friends do you have, who would send you a signed blank check? Earl May has thousands. You see, during all the years Earl May has been President of KMA, he has personally gone to the microphone three or four times each day, to talk to his countless listeners, to share with them his interest and his knowledge of seed, and farming, and agricultural business. He and his KMA are trusted friends in a million Midwestern farm homes. As a result, KMA is one of the most miraculous mail-pulling, result-getting stations in the world.

Yes, the more we live in this radio industry, the more we feel that a station’s management ranks at least equal with power, frequency and location, as a factor in its advertising effectiveness. If this were not so, all stations would produce results in some mathematical pattern which could be easily reduced to a scientific formula. The very absence of any such formula in radio advertising proves that smart time-buying is a matter not only of statistics and data, but also of knowing your stations.

That, to our minds, is where we come in. We know our stations, their personnel, their philosophies as well as we know their rates and power. We know what they can do, and why, and how. We believe we can pass these facts on to you in such a way as to help you increase your radio results. And that’s another function we have pioneered, here in this group of pioneer radio-station representatives.
Davies, Fly Spur Drive for Music Statute

Threat to Stations Seen in Record Strike

By SOL TAISHOFF

TOLD POINT-BLANK by Elmer Davies, director of OWI, and James Lawrence Fly, chairman of the FCC and the Board of War Communications, that the national morale in wartime is threatened and that many broadcast stations will be crippled if the Petrillo ban on recordings continues, the Senate Petrillo Probe Committee this week will seek to rush through Congress the Clark resolution (H. Res. 286) for a full-bodied inquiry into the American Federation of Musicians looking to prompt enactment of remedial legislation.

Realizing that the situation is even more serious than first indicated, Senator D. W. Clark (D-Idaho), chairman of the subcommittee, said last Friday following the whirlwind preliminary testimony, that he would seek action on his resolution both by the Senate Interstate Commerce Committee and the Senate. Clearance has been assured by the Senate leadership as soon as a calendar opening occurs.

Stations Threatened

Mr. Davis, the wartime Government’s top information official, told the Committee Thursday that the Petrillo ban threatened the continued existence of many stations, is injurious to the national system of communication, and may seriously hamper OWI’s work. He reported that the military command felt the cessation of recorded music will jeopardize the complete morale and propaganda broadcasting structure at combat zone points and that the Army thus far has failed to get any satisfactory assurances from Petrillo.

Mr. Davis was followed on the stand Friday by Chairman Fly, who was no less direct in his condemnation of the ban and in predicting its due consequences. He said it would strike at the heart of broadcasting and that one-third or perhaps one-half of the stations eventually might be forced out of business if musicians are not permitted to record for transcriptions and phonograph records.

Quick Action

It was after both Messrs. Davis and Fly had told the committee that their efforts to get Mr. Petrillo to call off his ban in the war interest, had failed that Chairman Clark announced his plan to press for legislation before further serious injury is done the war effort. He said the committee will move after the testimony Monday of Assistant Attorney General Thurman Arnold, dealing with the pending Government anti-trust suit against Petrillo, precipitated by the Aug. 1 transcription ban. The suit is scheduled for hearing on Oct. 12 before the Federal District Court in Chicago.

Pointing out that Petrillo had refused to afford any interim relief, in the face of protests by Mr. Davis made on behalf of the armed services and the wartime agencies of the Government, as well as those of Mr. Fly, Chairman Clark said that he felt it devolved upon the Congress to get things done “quickly”. He asserted the whole question would be placed before the Senate as soon as the “adiative wheels can get it there” with a view toward getting the “laws of our land changed to correct this obviously unfair thing.”

The hearings last week were entirely preliminary. Senator Clark frankly told those present in opening the inquiry, that he proposed only to “lay the groundwork” acquiring sufficient information to justify adoption of his resolution. After that, he said, funds will be sought from the Committee on Audits and Accounts with approval of his resolution by the Senate. All signs point to speedy Senate action.

Mr. Davis’ testimony, marking his first appearance before a Senate committee since he left CBS last summer as its ace news analyst to take over OWI, was concise and direct. In clipped phrases, sounding much like his news broadcasts, he told the committee that there are some 160 communities where stations outside the jurisdiction of any AFM local are dependent on recorded music to hold their audiences. He said his office had a “direct and vital concern with the maintenance of radio coverage in this country”.

Extemporaneously, he observed that because of the importance of radio for the conveyance of war information, his office was determined to keep them operating at all costs. He even alluded to possible subsidy, presumably referring to stations in the outlying territories such as Alaska, Hawaii and Puerto Rico, where regular network service is not available and where war conditions have seriously affected commercial operations.

Survey by FCC

Chairman Fly used as the basis for his prepared testimony the results of the all-inclusive survey of the use of music, both live and recorded, made by stations and networks, based on a questionnaire sent out Aug. 15. He introduced and described the results of this detailed statistical analysis and won the praise of the committee for the comprehensiveness of the analysis.

In interpreting the data, Mr. Fly said it was no exaggeration to talk about the ultimate affect of the Petrillo ban on “one-third to one-half” of the stations. It is an “insidious process”, he said, that would not happen overnight. The impact will be felt cumulatively, he declared, after records wear out and program material dries up.

Moreover, the ban comes when many stations, notably smaller (Continued on page 58)
Key Personnel Restricted by Military

Radio Employees Need Employer Approval To Enlist
By RALPH G. TUCHMAN

COMPLETE Army cooperation with the War Manpower Commission in matters of manpower was reaffirmed, last Thursday by Col. S. J. Grogan at Secy. of War Henry L. Stimson's last conference with his representatives. When he cited the recent Army-Navy policy to regulate the enlisting or commissioning of civilians employed in any of the 34 essential industries (including broadcasting), or in Federal agencies.

Under this policy, adopted by the Secretary of War and the Secretary of Navy, on recommendation of the Joint Army and Navy Personnel Board, civilians engaged in such occupations will not be accepted for enlistment without first obtaining a written release from a responsible authority in their organizations. By definition, key civilians are "executives; heads of major divisions or departments and principle subdivisions; and technical experts whose principal duties involve design, planning or research."

Release Needed

Those employees not specifically mentioned are required to obtain a release from their local Selective Service Boards before their enlistment or commission is accepted, if the applicant is a Selective Service registrant. In case of disagreement between the local Board and the industry concerned, appeals may be taken under Selective Service regulations.

If a classification has not yet been assigned to the individual applying for enlistment or commission, the decision as to acceptance will be made by the case proper authority which will depend upon the merits of the individual case.

Where the responsible authority disapproves of the individual's intention to enlist or accept a commission the final decision rests with a committee appointed by the Joint Army and Navy Personnel Board.

The list of 34 essential activities which specifically lists broadcasting under communications was originally prepared by the United States Employment Service at the request of the War Manpower Commission and has served Selective Service local boards with a guide in cases of occupational deferments.

Another policy growing out of the joint statement provides that except "in furtherance of definite mobilization plans," nobody except students in colleges will be commissioned or enlisted and then allowed to remain on inactive status, thereby retaining their civilian employment.

Nothing developed at the WMC meeting last Thursday to affect the position of the broadcasting industry and it was emphasized there was little likelihood of any specific consideration before the middle of October. At his press conference last Monday, BWC-FCC Chairman James Lawrence Fly said the BWC's manpower questionnaires mailed to all communications companies including broadcasting were coming in rapidly and expected them all in very shortly.

"The communications industry need not feel that this work will be slowed down," Chairman Fly assured.

Due for a Show

In testifying before the House Defense Migration Committee last Tuesday, Brig. Gen. Hershey said that industry in general would likely have to be "shocked" into the realization that men will have to, and can be, replaced by women. In a statement released by National Selective Service headquarters, industries are advised to "take an inventory now." It was urged that every employer know how many men on his payroll are between the ages of 20 and 45. On the basis of such an inventory it was suggested that training for replacement should be started. Although deferments for men who can be replaced by training another person should not be sought the statement advised, it urged deferment requests for any man going into the services whose immediate departure would hamper service essential to the war effort.

Positive word of considered universal service legislation was given last Wednesday by Paul V. McNutt, WMC head, when he told the House Defense Labor Migration Committee that his agency was currently drafting such a measure for submission to President Roosevelt since it was apparent such a control was "inevitable." He said it was not yet certain how soon the legislation would come, or what form it would take then, but he said it was his judgment that such regulation was ultimately essential.

In his appearance before the House Committee, Gen. Hershey emphasized the fact that his office has constantly urged all local boards located in a community served by the USES to secure the advice of the local public employment office before classifying or re-classifying an individual skilled in a war occupation. Furthermore he testified that Selective Service had issued a directive counselling draft boards to consider the re-classification of any man changing to another job and re-classifying him out of a deferred position if local boards are convinced that the former job is more in the interest of the war effort.

Trommer Spots

JOHN F. TROMMER Inc., Brooklyn (N.Y.) on Sept. 15 started The Answer Man on WOR, New York, on a twice-weekly basis. The quarter-hour evening program will be promoted through newspaper ads on radio pages. Company continues its spot announcement campaign launched in May on about 10 eastern stations. Commercials feature the "two-way lightness" theme. Radio is being used in conjunction with newspapers and direct mail. Agency is Federal Adv., New York.

Cigar Plans

CONGRESS CIGAR Co., Newark, has appointed Schwimmer & Scott, Chicago, to handle their product discussions for LaPalina cigars, effective Oct. 1. A comprehensive campaign including spot radio is planned.

Series Radio Fee Assigned to USO

300 Stations, Shortwaves to Carry Baseball Classic

AT A MEETING in Chicago last Tuesday with National and American League officials at which plans for 1942 World Series were made, Baseball Commissioner Kenesaw M. Landis announced that the $100,000 for the broadcasting rights on MBS by the Gillette Safety Razor Co., Boston, will be donated to the USO.

Shortwave Plans

The annual baseball classic, this year between the New York Yankees and either St. Louis Cardinals or the Brooklyn Dodgers, opening Sept. 30 in the park of the National League pennant winner, will be fed by MBS to over 300 stations, and will be shortwave to U. S. forces all over the world by the General Electric shortwave stations, KGB, San Francisco; WGC, Seattle; while a narrating play-by-play description will be broadcast in Spanish and beamed to Latin America by WVEE, Dramatic announcing of the re-enactments of the games will be shortwave by WRCA and WNBI, New York.

The games will be handled by Red Barber, announcer of the Brooklyn Dodgers on WHN, New York, and Mel Allen, announcer of the New York Giants and Yankees on WOR, New York. Bob Elson of WGN, Chicago, World Series announcer for the past 12 years, now in the Navy.

COCA-COLA PLANS ON BLUE CIRCUIT

THROUGH the medium of the weekly NBC network, Coca-Cola's new national advertising campaign for the Blue plan of the USO and the War Bonds campaign begins in September. The six-weekly series, starting Sept. 15, will originate in Army posts, Navy bases and war plants.

Gathered at studios of Blue affiliates throughout the country, Coca-Cola bottlers heard Lt. Col. Edward M. Kirby for the War Dept. and Com. Robert W. Barry for the Navy, both of whom stressed the need for greater entertainment for men in the armed forces and war workers. Other speakers were Harrison Jones, chairman of the board of Coca-Cola, Michael Strauss of the WPD; Clyde Van- denburg, of the OWI; Paul Dud- ley, executive producer of the pro- gram for D'Arcy Adv. Co., New York, agency in charge; Edgar Kobak, head of marketing for the Blue of the USO; Starskin, percept- ing the BLUE; Keith Kiggins, BLUE vice-president in charge of station relations; John H. Neill, manager of WJZ, BLUE New York outlet, and Horace Heidt, representing the Spotlight Band line.

First band to be featured on the show will be Harry James who will open from Parris Island.

Coca Cola Dealers from coast-to-coast heard a special closed-circuit conference of the BLUE from the RCA Bldg., New York, Sept. 15, to discuss plans for the new Spotlight Bonds program. Among those who attended were (1 to 10): A. N. Steele, vice-president of the D'Arcy Adv. Co.; Felix W. Coste, vice-president of the Coca Cola Co.; Edgar Kobak, executive vice-president of the BLUE.
Any way you look at 'em, Iowa people are among the most prosperous prospects you'll find today! And you don't have to take our word for it, either. The proof is right on Page 8 of the authentic 1942 Iowa Radio Audience Survey.

In any category—urban, village or farm—the economic status of Iowa families is far higher than that of U. S. families as a whole. For example, the Survey shows that of all Iowa families, 14.9% have "high" incomes; 60.5% "medium"; and only 24.6% "low"! What's more, 96.1% have radios in their homes; 75.5% have telephones; and 75.4% own automobiles.

This, of course, is just one example of the many vital studies in the 1942 Survey. Within its 80 fact-packed pages you'll also find the answers to such hitherto puzzling questions as: What percentage of the radio audience writes to radio stations, and why? What effect does reading have on radio listening? How is radio listening affected by movie attendance? And much, much more!

Incidentally, the Summers-Whan Survey also confirms again what most of our advertisers have known for years. Namely, that WHO is Iowa's favorite radio station—"listened to most" by 60.4% of all Iowa radio families (nighttime)!

It's hot, every bit of it—the sort of dope you need to know to get top results from radio in Iowa. Send for your copy of the Survey today. No cost—no obligation.

**WHO**

_for IOWA PLUS!_

DES MOINES . . . 50,000 WATTS
B. J. PALMER, PRESIDENT
J. O. MALAND, MANAGER
FREE & PETERS, INC. . . . National Representatives
WPB Controls All Electronic Devices

Nonessential Production Is Barred Under WPB Order

ABSOLUTE control of all electronic devices to insure essential uses covering such devices as radio and television, as well as microphones and antennas and including tube parts, is the effect of WPB Order L-183 issued last Friday. This order does not hinder production of parts or raw material but prevents the manufacture of such non-essential devices as black-out controls effective Oct. 3.

Under the Order, no one may manufacture, fabricate, assemble or produce electronic devices in excess of a minimum inventory required to meet deliveries or orders rated A-3 or higher. To enable minimum production requirements, inventories are permitted up to a 45-day supply but may not exceed 12 1/2% of the total 1941 sales.

Exemptions Provided

The order also provides that no transfers need be made except where the order is rated A-3 or higher. Where the manufacturer, assembling, production or transfer of electronic equipment for some purpose is required to be governed by other limitation orders, the latter orders shall apply.

Exempted from the terms of this order are broadcasting stations, telephone and telegraph equipment, medical and therapeutic equipment and light and power equipment.

Essentially, this order is intended to prevent the production of nonessential electronic devices so that necessary parts and raw materials will be available for direct military and essential civilian uses.

As a result of the Order, material for maintenance and repair and operating supplies for essential civilian services which includes broadcasting stations, telephone and telegraph equipment must be obtained through the use of preference rating orders applying to the specific end use as P-129 covering radio communications. All other uses of electronic devices must be approved through the use of PD 1-A or PD-200 applications. Manufacturers of electronic equipment will continue to obtain raw materials through the Production Requirements Plan setup.

There is no change in the manner in which counts for replacement tubes and parts for receiving sets. The distributors of such parts may only obtain them through the use of PD 1-X, the usual distributor's application for parts. Previously no rating was needed. Supplies of replacement parts and tubes for this purpose are allocated to distributors on the basis of past sales.

Savings Expected

As explained, this order is not designed to conserve the use of raw materials but to limit the production of less essential devices. Actually this order, it was said, will effect some saving of raw materials. According to WPB estimates approximately 500 manufacturers producing about 700 items will be affected.

"Silencing of any station is not an immediate prospect but the need for new or replacement tube parts which may be used in military or other equipment will be reflected in the needs of the manufacturers. As a result, the Subcommittee on Broadcast Service is to be maintained." Additional assurance came when he said that such statements could be safely disregarded.

Fly's Criticism

"I am confident that for a substantial period, the means can and will be found," Chairman Fly said, "to maintain all the present broadcasting service, and in the case of the substantial reduction of broadcast service is not to be decided by isolated subordinate officials."

"That raises a question of national policy," he continued. "And it will be decided as a matter of national policy," he concluded.

The results of the BWC tube survey have already been turned over to the Domestic Broadcasting Committee, Chairman Fly reported and said that the data provided by the report "will afford a very substantial basis for such action as the Board may take or such recommendations as it will want to forward."

He said the WPB has been able to supply all stations with necessary tubes up to now and he looked to continued aid from WPB for a "substantial period if the conservation of materials is practiced judiciously."

"The chairman was asked whether he foresaw any prospect of limiting broadcast service, he replied, "None whatsoever. I think some of the competitive sources might like to think so, but that is not true."

Text of the order follows:

Section 3037.1 GENERAL LIMITATION ORDER L-183.

Definitions. For the purposes of this Order:

(1) "Manufacturer" means an individual, partnership, association, business trust, corporation, receiver or any organization that produces or has or incorporates or is not that manufactures, produces, fabricates and/or assembles Electronic Equipment.

(2) "Transfer" means sell, lease, trade, rent, give, deliver, or physically transfer Electronic Equipment or parts thereof by to make available for use a person other than the transferor.

(3) "Electronic Equipment" means the smallest quantity of electronic equipment which will satisfy anticipated demand for 45 days in advance, but in no case shall such a sale or transfer exceed a total of 1941 sales of such product or similar product unless specifically authorized by the Department.

(4) "Electronic Equipment" means any electrical apparatus or device involving the use of vacuum or gaseous tubes and/or any associated or supplemental equipment. Where necessary, such equipment, apparatus, or parts thereof, except equipment listed on Schedule A, hereof.


(b) General Restrictions

(1) On and after the 15th day following the issuance of this order, and irrespective of the terms of any contract, agreement, rental or any other commitment, no manufacturer, assembling, fabricating or producing or any electronic equipment, in excess of a minimum inventory required to meet deliveries or orders bearing a preference rating of A-3 or higher, and no manufacturer shall transfer electronic equipment except on orders bearing a preference rating of A-3 or higher.

(c) Exceptions

Where the manufacture, assembly, production or transfer of electronic equipment for some purpose is required to be governed by other limitation orders issued to the order, the terms of such order(s) shall apply.

(d) Reports

All persons affected by this Order shall execute and file with the War Production Board such reports and questionnaires as said board shall from time to time request.

(e) Applicability of Priorities Regulations

This order and all transactions affected by it are subject to the applicable provisions of the Priorities and Allocation Regulations for War Production Board, as amended from time to time.

(f) Communications to War Production Board

All reports that may be required to be filed hereunder, and all communications concerning this Order, shall, unless otherwise directed, be addressed to: "War Production Board, Radio and Rada Equipment, Washington, D. C. Ref: L-183."

Penalties

Any person affected by this order who considers that compliance thereunder, either in good faith or as an exception, is subject to unreasonable hardship upon him may appeal to the War Production Board. In such an appeal, the pertinent facts and the reasons he considers he is entitled to relief. The Director General for Operations may make such an application for such action as he deems appropriate.

(f) Violations

Any person who wilfully violates any provision of this order, or who in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States or the President is guilty of a crime and, upon conviction, may be subject to a fine not to exceed $5,000 or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries, in the event of use from process or use of material under priority contract, and may be deprived of the use of any Nation's Resources.


Issued this 18th day of September, 1942.

ERNEST KANLES,
Director General for Operations.

SCHEDULE A

2. Telephone and telegraph equipment.
3. Medical and therapeutic equipment.
4. Power and light equipment.

Taft Enters Army, Church Successor

WKRC Head Reports Oct. 1

As Air Forces Lieutenant

HULBURT TAFT Sr., general manager of WKRC, Cincinnati, and son of the former president, has been commissioned a first lieutenant in the Army Air Forces and reports to Army Air Forces Pilot Training School at Miami Oct. 1 for six weeks basic training. Lt. Taft is taking leave of absence from his duties with the Times Star station for the duration. He is a graduate of Yale and also studied at Cambridge.

Hubert Taft Sr., president of the Times-Star Co., announced that Ken Church, director of national sales and promotion for WKRC, is succeeding his son as general manager. Mr. Church joined WKRC a year ago, resigning from KMOX, St. Louis. He will continue to direct national sales, along with his management duties.

Before assuming general management of WKRC in November, 1939, when the Times-Star Co. purchased the station from CBS, Lt. Taft had worked as reporter and editorial writer on the newspaper. He is president of the Ohio Assn. of Broadcasters and vice-president of Network Affiliates Inc.

Lt. Taft is married and the father of three children.
SOAP by the TON for Chicago Workers!

When Joe W. Citizen lays down his tools at the end of his shift, he's turned out a big hunk of America's vital heavy production. He's honestly dirty and greasy and sweaty. If you make soap, Joe's a real prospect.

Joe is typical of thousands and thousands of new wealthy industrial workers out in the "Calumet Corner" of industrial Chicago. He is tough and vital. He works hard, makes big dough, and doesn't have to save it all for taxes. He is the biggest individual buyer in Chicago.

Getting your message across to Joe W. Citizen is a specialized job. Joe ain't interested in any station's power or prestige—he's interested in the nearest, clearest station that talks his language.

And that's WJWC. Located in the center of the fabulous Industrial "Calumet Corner" of Chicago. Beamed to Joe's mind, as well as his neighborhood, WJWC talks Joe's language and talks it from so close that WJWC is actually the strongest voice on the dial . . .

Let us send you all the facts about WJWC—the new Chicago radio operation in the heart of one of the world's greatest working-man sections. Get the facts—that's all we ask!

WJWC
HAMMOND-CHICAGO

Supercharged Coverage of Chicago's New Wealth—the Working People!

General Offices: 165 N. Michigan Avenue, Chicago
John W. Clarke, President - - - William R. Cline, Manager

FREE & PETERS, INC,
Exclusive National Representatives

BROADCASTING • Broadcast Advertising

September 21, 1942 • Page 15
British Still Cold to Commercial Radio

Can Teach Us How To Influence Others

Martin Codel, publisher of Broadcasting, is in England studying the radio setup there, particularly the growingly important place of commercial broadcasting and its use in the war effort. This is the first of a series to be published in connection with his visit.

By MARTIN CODEL

Let's not delude ourselves, nor smugly let others, about the vaunted superiority of our American system of broadcasting.

True, there is little that the Government-owned British Broadcasting monopoly can teach our private industry competitive about programs, which is basic. Our people wouldn't stand for most of the programs fed the British public; by the same token, the British audience, much as it dislikes the generally-mind-ed ones, British experts who know American radio from firsthand observation, say that advertising by radio simply can't happen here.

The fact is we started our systems differently and, being creatures of somewhat different habits (albeit the war stresses are bringing about a wholesome affinity between us in radio as in other phases of our lives), we are not likely to change one another's fixed habits. Nor is there any reason why we shouldn't have a wholesome respect for American radio and American radio methods, and we should have for theirs.

As far as domestic broadcasting is concerned, except for a few quirks of technique, I repeat: The British have little to teach us.

But so far as the world audience is concerned—and we must now think in global terms when considering the enormous importance of radio in the psychological phases of this war—we have everything to learn from the British radio. In fact, its foreign broadcast services are so far ahead of ours as to make us blush.

In succeeding articles, I shall attempt to outline what they are doing here with broadcasting as a weapon of war, sticking to salient facts from which I hope our Government officials charged with wartime radio tasks, and of course our broadcasters themselves, especially our shortwave broadcasters, can draw some valuable lessons.

But, first, a few human interest sidelights on radio and American radio folk in England at war. London, which with all its air raid alerts and its many relics of the blitz really seems very much like New York, is simply bristling with Americans active or formally active in our industry.

Paley on Job

Bill Paley is here, conferring with Ed Murrow, chief of the CBS European service and the outstanding American radio correspondent abroad—a reporter so highly regarded here that the highest British officialdom is considering despatching, to use the words of one, “a British Ed Murrow to America, who can interpret your country to our people as well as Murrow interprets to you.”

Look for some important innovations at CBS as result of Paley’s observations here, not the least of which may be a relaxation of the network rule against recordings and transcriptions. CBS does an immense job with them—but more about that later.

Jack Royal is here, reorganizing the NBC London office to which Stanley Richardson, formerly coordinator of the shortwaves for the private operators and recently Harry Corbett’s assistant in the office of Censorship, is on his way to take over as London manager. Bob St. John is going back on leave, and NBC will engage one or possibly two more London commentators, for Fred Bate is not returning and John McVane is the only one left.

NBC’s vice-president in charge of international broadcasting, incidentally, is also getting acquainted with his new in-laws. A few days after he married Leonora Corbett, the foremost star of the Broadway way Company of Noel Coward’s “Blithe Spirit”, Jack embarked via clipper for London. The wedding created quite a stir here, and was, at least, a good start.

Almost as much stir was aroused by the fact that Jack brought along with him several dozen lemons, which like steaks and orange juice are virtually a nonexistent commodity here since the outbreak.

As a writer in the London Standard put it: “There was a minor sensation in the week when Edward Paley, a former American amateur broadcaster, was despatched in a restaurant (it happened to be the Savoy Bar, one of the best, where a Tom Collins is otherwise unobtainable. Waiters paused to look at him in the lounge, then passed on with a sigh.”

Butcher, Too!

Lt. Com. Harry C. Butcher, erstwhile CBS Washington vice-president, is already quite the debonair Londoner, in the taxi at any minute a most important jobs in town. He is naval aide to Lt. Gen. Dwight Eisenhower, Commander of the American Forces in the European Theatre, who is by way of being the Pershing of this war.

Handsome in his Navy blue, “Butch” is an extremely busy fellow, indeed, an integral part of the General, who personally asked the White House to assign him here, he lives with him in an apartment near American Forces headquarters. In the General’s small cottage “somewhere in the suburbs” where they can get away from it all from time to time. He also has a car and chauffeur around the clock, eschewing all social functions except purely military ones.

Gen. Eisenhower, known to his intimates as “Ike,” incidentally is the elder brother of Milton Eisenhower, second in command at the Office of War Information under Elmer Davis, whom the General and “Butch” want brought over here soon to study the European military phases of OWI’s problems, especially radio.

Wallace and Paley arrived last week to take charge of the newly-established OWI offices, the ex-UP foreign correspondent relieving Paul Walburg, deputy to Robert E. Sherwood, and Paley a former assistant of Gen. Eisenhower. Paley and Butcher have been brought over here by Maj. General Wharfield, sent over by Col. Edward M. Kirby, chief of the Army’s Radio Branch, has arrived on a radio mission as is stationed at Army Public Relations headquarters where all Army public relations is headed by Lt. Col. Harold Hinton, formerly with the New York Times. Hinton, more recently handling press and radio contacts at Camp Blanding, Florida, Col. Hinton’s assistant is Maj. Joseph Phillips, recently editor of Newweek, who was regularly heard on its sponsored program on the BLUE. Wharfield formerly was with the Hoover Radio Research organization.

Yandell Active

At nearby American Red Cross headquarters, one of the most important posts is held by Lunsford Yandell, on leave as vice-president of the BLUE. Yandell, the man who really set up the BLUE structure even before Chairman Fly’s onslaught, is in charge of technical services for our troops—what the British call “hospitality services”. He finds housing for them in London and other cities while they are on leave, and is on radio all the time of setting up recreation halls canteen services set at the camps, where piping in American radio programs and the like is a principal part of work.

The Red Cross here, as has been charged with the job that USO does at home.

Yandell, fine organizer, tells he has plans in mind for a super program which may be titled The Voice of Johnny Doughboy and which will take the best of the talent in the camps here, weave it into a show that will be carried on the radio at home to tell the folks just how the boys live and fare here. He plans to bring over a well-known producer to do the job.

Another well-known American radio figure on duty here is a Capt. E. C. Page, recently a Wash. Post reporter, who is doing highly secret technical work for the American British Forces. I’ve met and talked with them all—and also with Lt. Jim Howe, recently manager of WITF, Danville, who is assistant communications officer at the bomber port somewhere in Scotland where I arrived early this month.

JOHN ADAMS, CBS correspondent in Rio De Janeiro, with his new bride, Alva Dee Hutton, of New Cumberland, Pa., recently arrived in Rio. The couple met through a letter of introduction from Paul White CBS director and program affairs. From scholarship winner of Columbia University’s School of Journalism, Mrs. Adams was studying in Rio.
...directing arm of combat

...and Western Electric equipment goes to every battle front

Army planes fly and fight with Western Electric radio command sets, which keep the planes of a squadron in contact with each other and with the ground forces.

Wherever American soldiers fight in tanks, they get their orders over Western Electric radio sets—vital in coordinating today’s mechanized warfare.

Observers report front-line action to Army commanders over Western Electric field telephones, field wire, field switchboards.

A major source for this specialized equipment is Western Electric—for 60 years manufacturer for the Bell System—one industry with over 70,000 skilled men and women dedicated to "keep 'em in contact."

Western Electric
ARSENAI' OF COMMUNICATIONS
Paul M. Hollister Is Elected To Vice-Presidency by CBS

Takes Advertising and Sales Promotion Post of Network After Long Career in Agency Field

PAUL M. HOLLISTER, who resigned last month as vice-president of J. Stirling Gettich Inc., New York, has been appointed vice-president of CBS in charge of advertising and sales promotion, it was announced by Paul W. Kesten, CBS vice-president and general manager, last Monday, day that Mr. Hollister joined the network.

A veteran advertising man, whose career includes extensive agency experience with H. K. McCann Co. and BBDO in addition to Gettich, Mr. Hollister was for eight years executive vice-president and publicity director of R. H. Macy & Co., during which time he also served on the board of directors of Bamberger Broadcasting Service Inc., operator of WOB, New York.

Mr. Kesten referred to this in his announcement, stating that: "CBS had known and dealt with Mr. Hollister for many years past both as collaborator in his agency and retail connections and as friendly competitor when he was a director of a New York radio station. His knowledge of practical radio goes back to its early days. He has had a hand in evolving certain of radio's progressive forms, and he knows selling from both sides of the retail counter. As a creative advertising man, CBS has regarded him as one of the leaders of his profession."

Appointment of Mr. Hollister to handle CBS promotion and advertising relieves Dr. Frank Stanton, recently named vice-president in charge of research [Broadcasting, Sept. 7], of his supervision of the network's promotional as well as research activities, which he had maintained since the resignation of Victor Ratner as CBS promotion director in the spring of 1941.

Charles B. Brown Is Appointed by NBC As Promotion and Advertising Director

CHARLES B. BROWN, formerly network sales promotion manager of NBC, has been appointed director of promotion and advertising, succeeding Ken R. Dyke, who resigned to continue his work as head of the Bureau of Campaigns of the Office of War Information.

Promotion was announced last week by Frank E. Mullen, NBC vice-president and general manager, who at the same time announced that Joseph A. Ecclesine, formerly assistant to Mr. Brown, has been placed in charge of network sales promotion.

Mr. Brown has been acting director of advertising and promotion, including network, M & O stations and institutional, since Mr. Dyke was granted a leave of absence to join the OWI some months ago, which continues.

A Canadian by birth, Mr. Brown served with the Canadian Army in the first world war.

Following the Armistice, he studied at San Francisco U and the U of California. A sales job with International Magazine Co. was followed by sales promotion positions with Hodgkinson Film Co., Westgate Metal Products Co., Chevrolet Motor Co. and Commercial Soap Co.

After serving for ten years as sales promotion manager of Foster & Kleister, Pacific Coast advertising agency, Mr. Brown joined NBC in 1938 as sales promotion manager of KPO-KGO, San Francisco. A year later he was transferred to Hollywood to direct promotion for the network's Western Division and in 1940 was moved to New York as promotional head of NBC's managed and operated stations. Last year he was made promotion manager of the Red Network.

Mr. Ecclesine followed his graduation from Fordham U by entering journalism as a reporter of the Bronx Home News, leaving in 1937 to join the advertising and promotion department of True Story Magazine. After two years with the Bureau of Advertising of the American Newspaper Publishers Assn., he joined NBC's promotion staff in 1940.

WYLER SOUP TEST

WYLER & Co., Chicago (dehydrated soups, vegetable flakes, bulb cubes), has established sponsorship for 52 weeks of three-weekly hour newscasts by John Holbrook on WGN, Chicago. Company is also testing seven spot announcements a week on WJLB, Detroit. Goodkind, Joice & Morgan, Chicago, is the agency.

Pabst About Ready

PABST SALES CO., Chicago (Blue Pabst, Cold & Hafer Bros.), has announced an exciting television variety program for six weeks for possible network sponsorship [Broadcasting, Aug. 31] to fill the definite decision on the program some time this week, according to Miss Margaret Peters, director of broadcasting.

Aver Is Appointed To NAB Sales Post

Capt. Pellegren's Successor Comes From Free & Peters

APPOINTMENT of Lew Avery, account executive of Free & Peters, Chicago, and prominently identified with radio sales, as director of broadcast advertising of the NAB, effective Oct. 1, was announced last Friday by NAB President Neville Miller.

Mr. Avery succeeded Capt. Frank E. Pelligrin, who resigned last July to accept a committee in the Army and is now serving as executive-officer of the New York War Bureau of Public Relations, under Lt. Col. E. M. Kirby.

Will Report Oct. 1

After six years as head of the sales department of WGR-WKBW, Buffalo, Mr. Avery joined Free & Peters at the start of 1940. He has been in the Chicago office of the pioneer station representation organization since.

While Mr. Avery does not formally report until Oct. 1, he will attend the meeting of the Sales Managers Committee of NAB in Chicago Sept. 25. Under the advance of the NAB Board meeting the following two days. The committee comprises John M. Butler Jr., WPY, Atlanta; chairman; Dietrich Dirks, KTRI, Sioux City, Iowa; William F. Maio, WDR, Hartford; Frank R. Bowes, WBZ, Boston; Don Davis, WHB, Kansas City; James E. Johnson, WABC, New York (for CBS); George H. Frey, NBC, New York.

A former chairman of the NAB Sales Managers Division, Mr. Avery pioneered in the formation of the group. He began in radio in 1917, when he became a station designer, announcer, engineer, manager and owner. In April of that year—three years before the advent of broadcasting as such—he went on the air with a half-kilowatt transmitter with Leyden jar condensers and a rotary spark gap. The station was closed under Government orders.

In 1925 Mr. Avery became an announcer and sales manager for WGY, Schenectady, after having served in the publicity department of GE. He joined the Mohawk-Hudson Power Corp. in 1928 as assistant advertising manager. Early in 1930 he joined NBC in New York, and was assigned to radio on all local accounts between Albany and Detroit. In 1932 he became associated with WGR-WKBW as manager of planning and service and was named director of sales in January, 1933.
Eight years of service to WMT listeners puts Libbie Vaughan in the pioneer class. She's an outstanding performer, any way you want to grade home economics broadcasters.

On WNAX, Wynn Hubber is "Your Neighbor Lady" to thousands of homemakers who have learned to rely on her sound counsel and advice in food and other home problems.

Years of experience in newspaper and radio give Helen Watts Schreiber that background of authority which rings true with KSO listeners. And they do listen.

- Yes, the pot is boiling—literally and figuratively. Surveys show that the war has increased tremendously the interest of homemakers, the country over, in food and food preparation. In the Cowles Stations area, that interest has never lagged—as we recognized, years ago, the value of establishing such programs, headed up by experienced home economists.

Now, long established and stronger than ever, these programs command a still greater audience—an audience whose unusual loyalty springs from the carefully planned programs of the three Cowles Stations Kitchen Advisers.

The Cowles Group—as individual stations catering to the needs of their own specific audiences—now point their home economics programs to today's needs—aim them specifically at the problems of homemakers in a war economy. They offer the best and lowest cost answer to quick results on any food or household product—new or old—in this territory.

The cost? It's ridiculously low. Only $142.50 a week (26 week rate) for six 100 word participations each week on all three programs. Better check now to see if there are any openings.
TEXT OF COURT DECISION IN KOA-WHDH CASE

OPINION of the U. S. Court of Appeals for the District of Columbia, No. 7983, NBC, appellant, v. FCC, appellee, and Sanders Bros. Radio Inc. and Berks Broadcasting Co., intervenors, on appeal from the FCC's decision, rendered Sept. 12, follows:

Mr. D. M. Patrick, with whom Mr. Philip J. Schlosser, Jr., was on the brief, for appellant.
Mr. Telford Taylor, General Counsel, Federal Communications Commission, Mr. John B. Wharton, Assistant General Counsel, Mr. J. Thomas Puckin and Daniel W. Meyer, Counsel, were on the brief of the Commission.
Mr. W. Theodore Pierson, with whom Mr. George W. Hale was on the brief, for Matheson Radio Company, Inc., Intervenor.
Before Gaseman, Chief Justice, and Spruill, Miller, Venable, Boggs, and Rutledge, Associate Justices.

RUTLEDGE, J. The appeal is from an order of the Commission entered April 7, 1941. The applicant (Matheson Radio Company, Inc.) operates Station KOA, a clear channel station on the wavelength of 500 kc, which is located in Colorado, and is an adjacent station to Station WHDH. The Commission entered an order requiring the license of KOA to be cancelled.

The case is now before us. We are here presented with a conflict of views. The applicant contends that the Commission was without jurisdiction and power to cancel its license; and, in effect though not in terms, modifying its license in these respects.

Roger B. W. F. H. EDY, president of the American Institute of Food Products, signs a contract with WOR, New York, for a weekly series to start Sept. 28, for food producer members of the Institute. Present at the signing: Robert A. Borries, general manager of the Institute; Eugene S. Thomas, WOR sales manager, and Elia Mason, assistant to Dr. Eddy on the broadcast.

Dr. WALTER H. EDDY, president of the American Institute of Food Products, signs a contract with WOR, New York, for a weekly series to start Sept. 28, for food producer members of the Institute. Present at the signing: Robert A. Borries, general manager of the Institute; Eugene S. Thomas, WOR sales manager, and Elia Mason, assistant to Dr. Eddy on the broadcast.

The decision therefore cannot be taken as deciding such an issue.

The present situation is that the dictum should not be accepted as either stating or forecasting the law. Nothing in the opinion, or requiring the showing of financial injury as the exclusive basis to appeal. Nor are the hypothetical cases that are referred to the only sort, of a substantial kind. Likewise, it may occur that only persons financially liable or able to appeal. It is true that they likely will have no more substantial interest in appeal for litigation. It does not follow that others may be affected adversely through their financial injury, or be neither willing nor able to appeal.

Public Interest
At Stake In Appeal

The contrary assumption ignores the fact that radio broadcasting is not exclusively a matter of business or financial gain, and that it is the public interest, not the private right, which is primarily at stake upon the appeal.

Unusually, even in the present instance, the appellant has taken over the lion's share of the field. Unfortunately, because, when radio broadcasting first entered the stage, a few people hoped that much of its work would be done by educational, religious, and other similar interests, and followed that the event has permitted. Notwithstanding which, the present is a case of the so-called public interest, there is a considerable volume of non-commercial broadcasting. It takes place through stations supported by advertising or "plugs," by churches, universities, colleges, charitable foundations and others who have no profit-making revenues. Many still hope that their potentiality, which has been on the increase, shows no further commercial broadcasting yet may bring about the inclusion of free time, or the availability of frequencies to licensees whose objects are not primarily the making of money.

Limiting appeals to persons financially injured would have the practical effect of denying them to nonprofit-seeking licensees. Consequently, in many very rare instances, such operators could show financial injury. But obvious that they would not do so in the circumstances in which commercial stations are able most frequently to demonstrate it. Unfortunately, this view cannot be accepted that these stations that suffer financially. Hence the opinion of the Commission has the practical effect of destroying their capital investment. The word "market," as used in the common law's definition of "public interest and right which is the foundation of all broadcasting law. An applicant asserts it.

(Continued on page 24)
The key to the Nashville market is WSIX. This station's coverage shows 610,984 population in 0.5 MV contour, and a total of 1,264,494 population within 0.1 MV contour.

The booming Nashville area of Middle Tennessee and Southern Kentucky offers national advertisers a prime market for present or pending schedules. With money to spend as never before, this market is spending it for nationally-advertised products over this station.

SPOT SALES, INC., National Representatives
Control the microphone!

That order is foremost in the minds of Axis war lords. For, in Hitler’s book, radio is the most effective means of spreading lies and propaganda among his own people; of sowing confusion, fear and distrust throughout occupied countries.

In this free country of free radio, we know why the microphone ranks high in Axis strategy. Radio is listened for... heard... believed. That is why we, the people of radio—the owners, managers, producers, writers, technicians, announcers—must be careful of our trust, must always keep before us this question:

Are we using radio to the fullest extent to do the most good for the common cause?

Let station managers analyze their operations, use every possible moment of air time in service of the nation.

Let script writers inject the spirit of freedom into every phrase and sentence.

Let musical directors search more diligently for music that will inspire.

Let advertisers and agencies choose programs which will build morale.

Let commercials sell the idealism of America, as well as its goods and services.

*Let us make the most of our microphones!*
MOLLY PICON signs for the new fall and winter program of Maxwell House Coffee and Diamond Crystal Salt, products of the General Foods Co. Her new feature, "Molly Picon's Theatre of the Air," will begin broadcast from WHN, New York City, October 6. Photo taken at conference shows (l to r) Molly Picon; Clarence G. Boshoff, president of Benton & Bowles, handling the account; Eddy Stowell, business manager of B & B radio; and Robert A. Bennett, advertising manager of General Foods Corp. in charge of Maxwell House Coffee; Joseph Jacobs, of Jewish Market Organization.

"(a) Results in a substantial modification of the license held by appellant . . . without having afforded it an opportunity to be heard as required by Section 309 (b) of the Communications Act of 1934."

(b) Results in a change in the class and character of the frequency . . . without consent or hearing as required by Section 309 (f) . . .

(c) Results in a degradation of service on 550 kc (550 kc) which will result in a significant disruption of broadcast service in the primary field. Notwithstanding the Commission apparently contrary view, the latter effect would appear to be more than sufficient for appeal, whether or not new or additional financial injury could be made. Likewise, at the other end, it seems doubtful that a mere reduction in the quality of electrical interference should create standing to appeal.

Presumably by the decision in the Sanders case the Supreme Court indicated, that under conditions that would be something more than nominal or highly speculative. It seems not unreasonable to assume that a substantial or requiring by implication that there be probable injury of a substantial and further, so far as the record seems to be there rests no necessity to prevent vindication by means of the mass appeal into mass appeals by the industry at large, with resulting hopeless confusion. The only administrative process by judicial review.

Likewise, with electrical interference, in order to maintain further a no more appellate championship by every broadcasting company on every only remote and insubstantial manner. It follows that electrical interference, however, much less a significant financial injury, may be sufficient to create standing to appeal. For this purpose, the requirement of a substantial possibility that it will be substantial. And this must appear, from the evidence in the appeal and statement of reasons. Yankee Network, Del. C. 31, 107 F. 2d 212 (1939).

Appealable Interest

Showed by Appellant

In this case the notice sufficiently discloses appealable interest. It states that appellant is aggrieved and its interests are involved in the order and by its reaffirmation on denial of appellant's petition for rehearing; such notice being a summary of the steps of the proceedings before the Commission and the appeal of respondents relied upon, that the order:

4 The controversy in that case, and previously, concerning Section 402 (b) (2) make it clear that the test of a showing of injury was sufficient, it being apparently the Commission's position that any electrical interference was the most that Congress had in mind in enacting this section.

5 Prior to the Radio Act of 1927, and from 1927 through the mid-fifties, the Federal Communications Commission, through the Department of Commerce, issued its Radio Regulations (12 F. R. 614 (1927), 10 F. R. 1241 (1930), 8 F. R. 111 (1932)). See Mono-


The Commission's position that only filings that are in substance or from electrical interference, is sufficient for appeal from a finding of electrical interference without financial injury, regardless of appeal from a finding of electrical interference without financial injury, regardless, would be a basis for appeal. Generally, of course, extensive interference would cause financial injury. But it is not clear that this would be true of nonprofit stations or seemingly, perhaps, always in other cases.
LOIS JANUARY is our candidate for the Congressional Medal and a D.S.C.

She gets the soldiers (and sailors and marines, too) up—on time!

Lois is WABC’s, and the Service Men’s, “Reveille Sweetheart”. Skilled in the ways of movie, stage and radio entertainment, from 5:30 to 6:30 every morning, Lois broadcasts to the boys at more than 50 camps and stations in this area the popular music, the song, the friendly talk and banter they want to hear. (Maybe you’ve never tuned in a radio at that time. But that’s the precise hour when service men, all over America—even the Goldbricks—do their radio listening.)

Do they like it? You ought to read their mail... their requests for photos of Lois, for favorite tunes! And above all—their appreciation to her and WABC for making the first 30-60 minutes before they “fall in” a pleasant experience such as their fathers, in ’17 and ’18, never knew.

*Goldbrick. n. Army slang. One who holds lantern while fellow soldiers dig ditch. See also “dog robber,” “the Old Man’s pride and joy.” Syn. “Topkick’s Tootsie,” “cinch soldier.”
tions for license, for renewal or for modification. The Commission is thera-to issue, renew or modify the license, if, upon examination of the application, it shall be found that the applicant is not entitled to the license. The

Authority of FCC Under Section 303 (f)

Under Section 303 (f) the Commission is authorized to "make such regulations and orders as it may deem necessary or consistent with the public interest, convenience, or necessity, for the protection of the public health and welfare and for the protection of the public interest in respect to the use of radio frequencies for any or all purposes." This includes the matter of hearing and prohibition of hearing.

Multiple-Party Subject Matter Is Involved

The principal concern of the section is the interference, and the limitations of the interference, that affect the public interest, convenience, or necessity, for the use of radio frequencies for any or all purposes.

Reasonable Opportunity For License

Section 303 (f) is in terms, particularly of the provisions, such as Section 312 (a), (b), that it provides for hearing and license. The provision for hearing and license is not to be regarded as a matter of interest or convenience, or necessity, for the protection of the public interest, convenience, or necessity, for the use of radio frequencies for any or all purposes. The provision for hearing and license is to be regarded as a matter of public interest, convenience, or necessity, for the protection of the public interest, convenience, or necessity, for the use of radio frequencies for any or all purposes.

In my judgment the section is of paramount importance, for determining both what is meant by "changes in the frequencies, authorized power, or times of operation," and the character of the hearing required, each a matter of fundamental dispute.

In my opinion Congress did not intend that the hearing and license provision be held to exclude the hearing and license. The section does not provide for the hearing and license, but it does provide for the public interest, convenience, or necessity, for the use of radio frequencies for any or all purposes.

The provision for hearing and license is to be regarded as a matter of public interest, convenience, or necessity, for the protection of the public interest, convenience, or necessity, for the use of radio frequencies for any or all purposes.

In my opinion the section as a whole is not to be regarded as a matter of public interest, convenience, or necessity, for the protection of the public interest, convenience, or necessity, for the use of radio frequencies for any or all purposes.

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The provision for hearing and license is to be regarded as a matter of public interest, convenience, or necessity, for the protection of the public interest, convenience, or necessity, for the use of radio frequencies for any or all purposes.
The greatest force that man has ever known for moving men’s hearts and minds is in action daily behind the American scene—a household device that brings into tens of millions of living rooms the latest news of our fighting men on all fronts . . . the sublime gifts of inspiring music . . . the quick tonic of comedy and laughter . . . the welcome relaxation of popular song . . . blessings all to a nation occupied with the grimmest of tasks.

Today, as America’s manpower and industrial might begin to make themselves felt on foreign fields, American radio is functioning smoothly, quietly, efficiently, to strengthen morale on the home front and solidify the national purpose for the great drive to victory.

Fittingly, America’s oldest network begins its 1942-43 season with the finest parade of programs in its history—many of them shortwaved to the fighting forces by advertisers glad to provide the boys in the field with these tangible links to home, many others fresh from successful summer tours of leading military camps across the country*.

They’ll be listened to this year more widely, more eagerly, more gratefully than ever.

The Network Most People Listen to Most

a Radio Corporation of America Service

*Sixteen advertisers have already taken advantage of the new NBC Full Network Plan to bring 23 of their programs to the audiences of all 125 NBC stations. A great many are also participating in NBC’s unique “Fall Parade of Stars,” a preview audience build-up campaign being conducted by all NBC stations.
TWO FIRSTS occurred with launching Sept. 8 of the weekly half-hour NBC Johnny Presents Ginny Simms, under sponsorship of Philip Morris & Co. (cigarettes). It was first West Coast production venture of the Biow Co., agency servicing the tobacco account, and Miss Simms' first assignment as m. c. Conferring over last-minute program details (l to r) are Milton H. Biow, New York president of Biow Co.; Miss Simms, star of the show; Vick Knight, executive producer of the agency.

(b), in necessarily bringing together from the start the private parties with clashing interests; as well as the Commission and the licensee. It is odd, and in providing a hearing for disposition of these issues, Congress, in providing for this hearing, did not intend only one of the affected parties to have notice and be heard.12

The section is not aptly drawn, particularly in the language which provides: "the Commission in the performance of its duties shall give the applicant reasonable notice of any hearing to be held." Superficial reading would lead to the conclusion that only one of the interested parties is given right to a hearing. Literally read, the section merely requires a hearing if the change is proposed to be made "without the consent of the station licensee." There is no provision, as there is in Sections 300 (a) and 312 (a), (b), for notice and hearing of the licensee or any one he. As has been said, it is only by implication from the language of the section that protection of the public interest is considered. Superficial reading would lead to the conclusion that only one of the affected parties to have notice and be heard.12

The latter relates expressly to "modification of station license," and prohibits making the order "until the holder of such outstanding license is given notice and hearing. No such explicit terms appear in Section 303 (f). It now mentions "station licensees" or "licensee." It does refer to licensees in Section 303 (f) which is to be "modified" in terms, or "subject to modification," if it includes the licensee. A licensee may be more seriously affected, even destroyed, by favorable changes made in its station license, whereas a "subject to modification" statement in Section 303 (f) is drawn in different terms. That the policy is in any way different in purpose, from Section 312 (a), (b).

Literally the hearing provision relates to changes in frequencies, authorized power, or . . . times of operation, not to "modification" of outstanding licenses. Thus the section requires the consent of the station licensee if the change is made without hearing and consent of a ship or station is not given. But it does not specifically require either the licensee or the terms of whose license a change is to be made or one only affected by a change made in another's license or by granting a new application. This further narrows the crucial issue.

The Commission asserts the only person entitled to hearing under Section 303 (f) is the station licensee and the licensee's right of consent. Hence, in its view, KOA had no right under the section to be heard, as the change was not the licensee's and it continued free to operate on the condition in question. Further, the hearing under WDHJ's application was granted as before. This view is presented with vigor and combated with equal force.

Much of the argument revolved partly around the meaning of "in" and "of," that is, whether anything less than "total" frequency means "change of frequency," if it would not by itself mean the same thing and therefore be affected by the other asserts. The controlling principles of construction are greater than those of statutory interpretation.

Basic Nature of Subjects Involved

The Commission's interpretation, though possible upon the language, would ignore the fundamental character of the subject matter and of the controversies as well as the conflict of interests; make the section's provisions meaningless. Hearings would be required on one of the private parties interested under Section 300 (a) (1), (2), (b), (c); and make the section merely a narrower duplicate of Section 312 (b), (c), (d), without losing its purposes and ordinarily applicable. The latter is also, in the latter construction, there would be serious question concerning the Section's validity, a construction would create the incongruous situation that an applicant for a license and a licensee facing a "modification" would be entitled by the terms of the Act to hearing before adverse action, but a licensee equally directly "affected" by the granting of another's license, or any one of the stations, would have no right to be heard except in the Commission's discretion.

Logically this would be true, notwithstanding the interference thus caused, in order to block the station's operations. In this view a commercial station could wipe out a rival by one completely by license changes, if interference and, under the Commission's interpretation that financial injury is the only basis for appeal, the latter would have no right to be heard before the Commission. If the injured station were also a commercial one and could show financial injury, it would have no right to be heard before the Commission. If it could not show financial injury, it would have no right to be heard before the Commission.

Such a construction would run contrary to the policy of every other provision for hearing in the Act. Not only in Section 303 (f) itself, but in Section 309 which permits any who appeal a statute dispenses with hearing when the decision is not adverse to the person, whether applicant or licensee, whose interests are directly involved. The Commission's view is that any claim of interference rather than mere change in the terms of a license be treated as if the change were the nonprofit organization's and/or some seriously, some

 serious question concerning the section's validity, both for want of essential minimal procedural due process in some opportunity to be heard as of right and for want of essential fair play in favor of one interested party unduly as against another. Neither preservation of the public interest, nor of the Commission's broad power and discretion to conduct its functions in disposing of the public's business requires acceptance of an interpretation so doubtful and unfair.

BROADCASTING • Broadcast Advertising

Page 28 • September 21, 1942
Winter comes early on the northern Russian front. Last night, when Heinrich Mueller of Munich fell, there was snow enough to soak up his bright blood in the moonlight...snow enough to bury his young body until the spring rains come again.

But someone saw Heinrich go down. Tomorrow a storm-trooper will visit his mother.

"Your son is dead," he will say. "For the Fuehrer. Heil Hitler!"

Perhaps Frau Mueller will curse the Russians through her tears...curse the British...the Americans. Perhaps, with greater bitterness, she will realize that the real murderers of her son are not abroad but at home: the men who fired the Reichstag as an excuse to grasp tyrannical powers they were never to relinquish...who waded through lies and blood to Prague and Warsaw and Paris.

Can there be any doubt of what we are fighting against...of what we are fighting for? Never in history has so much good, and so much evil, hung trembling in the balance of a gigantic conflict.

We of RCA Victor believe that all our American destiny, for 150 years, has pointed unmistakably to the moment we are living now. It is within our power to give peace and justice and freedom to the world forever...or to go down into endless slavery.

As early as September, 1939, we sensed our part in that struggle. We began then to plan the production of enormous quantities of vital military radio equipment. By September, 1941—three months before Pearl Harbor—such equipment was streaming from our production lines. We said then in a published statement:

"With RCA Victor, national defense comes first. By comparison, we hold nothing else important."

Nothing else is important. If we lose, we shall lose more than our American standards of living—more than all the things that make life in America worth living. We, too, shall become slaves of that regime of vultures who feed and fatten on death.
Hissing Interview over WSPD, Toledo, recently when Bob Evans, special events man had a reptile and his trainer from a visiting circus as guests on the 15-year old feature Kiddie Karnival. The 26-foot python was exhibited before the kiddie audience, and his keeper interviewed at the mike.

Rule as Applied

Becomes One of Efficiency

And again, it thus became apparent that the rule of having to show a test interest for intervention... virtually every application involves many persons who are substantially interested. Most such applications are for facilities which already have one or more stations which may be fearful of the petition... or are substantially interested in the public interest... in many situations both factors combine to increase the number of potentially interested persons... in practically every instance the persons who claim interest in the proceedings are existing licensees whose private interests are promoted by protracted proceedings which delay as long as possible the establishment of competing facilities. In view of calling me to the petition... no wonder that the old intervention rule did not conduce to the proper dispatch of business and to the maintenance of justice.

In conclusion, the rule comes down at best to one of efficiency, without controlling regard to interest, public or private, or how far it may be affected; at worst to one of mere convenience to the Commission in perceiving that the evidence of public interest is frail, if this is the meaning and effect of the rule, as it has been applied, appears not only from the argument and the briefs, but also from the Commission's key decision in support of this policy in Application of Hazelwood, Inc. (Docket 5068), from the undue reliance placed in evidence upon the breach of the Commission's discretion and

The rule-making power, and from the action taken in this case.

A rule which posits the basic right of every person to have a hearing, and the further right to make known to the Commission or other agency his willingness to become an interested party, will be effective. It is a denial of any right to hearing. That it may be inconvenient or even ineffective to bring to the attention of the Commission persons substantially interested and affected, or that, in the Commission's view, no practicable information could be obtained which would not be able to aid it, furnishes no basis for any rule. The only substantial case, whatever, is of course, whether or the facts or the law. Efficiency is not to be bought at such a cost. The only rational basis, according to Mrs. Brandeis, J., dissenting in Myers v. United States, 272 U. S. 52, 240 (1926), is that interest were sufficient when applied, and with such consequence is the remaining question.

Upon that, the facts are important, as are also the questions whether applicants disclosed its own ends, and the public interest and the affection of both sufficiently. Involved also is the question of what kind of hearing applicant was entitled to have.

A one-way matter

In the early stages

In my opinion there was no improper denial of hearing prior to the hearing on the petition for intervention filed Dec. 16, 1940, when the Commission gave notice to KOA and WSPD of the fact that the application had been filed, and conclusions favorable to granting WHDD's application. Until then it was not known whether the application filed under Section 309 (a), would be granted.

Until that time the proceeding was, as has been pointed out, essentially a rule-making proceeding involving the public interest both primarily and initially before the Commission. In the expression of the public interest in favor of the applicant. Accordingly, as the section required, it put the matter initially aside and notified WHDD. It also gave notice to KOA and WSPD of the facts, including KOA, though the section did not in terms require this. Applicant then decided to drop his applications, including KOA, though the petition was not in terms required this. Applicant then decided to drop his applications, including KOA, though the petition was not in terms required this. Applicant then decided to drop his applications, including KOA, though the petition was not in terms required this. Applicant then decided to drop his applications, including KOA, though the petition was not in terms required this. Applicant then decided to drop his applications, including KOA, though the petition was not in terms required this. Applicant then decided to drop his applications, including KOA, though the petition was not in terms required this. Applicant then decided to drop his applications, including KOA, though the petition was not in terms required this. Applicant then decided to drop his applications, including KOA, though the petition was not in terms required this. Applicant then decided to drop his applications, including KOA, though the petition was not in terms required this.
Hundreds of saw mills in the lumber-rich area of East Texas, North Louisiana and South Arkansas have speeded up production to meet rapidly growing wartime demands for wood products. Lumber shipments from this area are 9 per cent above a year ago. This means larger payrolls and additional spendable wealth... money that circulates and buys the products you have to sell. Buy KWKH for dominant coverage of this lumber-rich market... a market selected for more than $300 million dollars of war construction... a market that is bringing new wealth for scores of KWKH advertisers.

CBS sets net daytime circulation at 313,000 radio homes; net nighttime at 425,000. Member South Central Quality network. Ask Branham Company for details.

FASTER...FASTER...FASTER

CBS 50,000 WATTS
K W K H
A Shreveport Times Station
SHREVEPORT, LOUISIANA

THE SELLING POWER IN THE BUYING MARKET
mission's action, it is perhaps not necessary to inquire whether the petition, under some other rule or some other standard, would have been successful, or not, or whether the question be one, would be sufficient. It was denied for an invalid reason, and that in itself is every sufficient reason for the order, unless its effects were cured by allowing the applicant to appear as amicus curiae.

The petition, however, more than complied with the requirements of the invalid interpretation. It set forth petitioner's interest as a dominant clear administrative rule, stating the nature of its effect, and it alleged that granting WHDH's other request would be unduly prejudicial and discriminatory and would result in a substantial change in the character and nature of the public service rendered by it, as found in Section 300 (f). It was, however, true that the petition was not as fully coordinated with the other cases as could have been wished, and there was a failure to make adequate provision for the public's interest in the proceedings. In short, applicant sought not only to present evidence and observe the hearing, but also to participate in the decisional stage of the proceeding and to be heard in the initial administrative proceeding.

Middle Ground Must Be Marked

In my judgment no such extensive right of participation is entailed by Section 300 (f) or any other section, or is required by due process, and it is not necessary to go beyond considering the question of the Commission's engineering staff, competent to perform the functions with which it is concerned. It is true that the Commission and applicant therefore have gone too far in their positions. On the one hand, applicant is not entitled to be heard in the initial stage of the proceeding, when the matter is being considered in its own judgment, or to participate in the Commission's objective of determining the basic facts and its findings, if any. On the other hand, applicant is not entitled to come before the Commission in the initial stage of the proceeding in order to determine the extent of its participation, with regard to reasonable limits, and it may be imposed by the Commission to achieve its ends and unduly extended hearings. It is not necessary to mark out the boundary between the right and the Commission's power.

It would be enough to dispose of the entire matter by excluding applicant from appearing as a matter of right and allowed limited participation in the case, if this, without more, would leave the right to the Commission's discretion to be exercised, if it so desires, to the extent of its discretion, with regard to reasonable limits, which may be imposed by the Commission to achieve its ends.

Procedings in which findings of fact are required, in the distinctions which is made among the various findings of fact, basic facts, and ultimate facts. There could be no undue limitation of the right to appear of existence of the ultimate facts on which it is based. It is not necessary to show by statement of such basic facts, that the Commission might be guided by something more than the ultimate facts of the case, but only by such steps, if any, taken by the Commission in determining the issues involved, are required, in the distinctions which are made among the various findings of fact, basic facts, and ultimate facts. There could be no undue limitation of the right to appear of existence of the ultimate facts on which it is based. It is not necessary to show by statement of such basic facts, that the Commission might be guided by something more than the ultimate facts of the case, but only by such steps, if any, taken by the Commission in determining the issues involved, are required, in the distinctions which are made among the various findings of fact, basic facts, and ultimate facts. There could be no undue limitation of the right to appear of existence of the ultimate facts on which it is based. It is not necessary to show by statement of such basic facts, that the Commission might be guided by something more than the ultimate facts of the case, but only by such steps, if any, taken by the Commission in determining the issues involved, are required, in the distinctions which are made among the various findings of fact, basic facts, and ultimate facts. There could be no undue limitation of the right to appear of existence of the ultimate facts on which it is based. It is not necessary to show by statement of such basic facts, that the Commission might be guided by something more than the ultimate facts of the case, but only by such steps, if any, taken by the Commission in determining the issues.
WE ASKED 75 CHARLESTON, W.VA. GROCERS THESE TWO QUESTIONS AND HERE ARE THEIR ANSWERS...

1

What radio station do you listen to when you're home at night?

55 said WCHS
19 said Station "A"
1 said Station "B"

2

What radio station do you consider most influential in moving your merchandise?

59 said WCHS
15 said Station "A"
1 said Station "B"

NAMES and ADDRESSES ON REQUEST

represented by THE BRANHAM COMPANY

WCHS
Charleston, West Virginia

John A. Kennedy, President
Howard L. Chernott, Managing Director

BROADCASTING • Broadcast Advertising
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Section 309 (a) and, apparently, in its discretion to compel reproduction of the record.

Such a view would force the Commission to incur the waste of holding the record—a process not required under Section 309 (a) and (b). It would be a strange situation that the record, in its present form, cannot be presented to the Commission, even when it becomes apparent, from the proposed determination favorable to the applicant, that the record as it now exists is the only record of hearing under Section 309 (f) must be gone through with in order to afford every interested party an opportunity to be heard.

The statute contemplates no such withdrawal of a party from the proceeding, nor any withdrawal due process does not require it. Adequate representation by counsel can be secured without any, and in full consonance with the statutory provision of Section 309 (f). In the case of a preliminary hearing in which only the applicant is required to be present, it should, in my opinion, become final, if the decision is adverse to him. If, on the other hand, the applicant's right to hearing under Section 309 (f) is found to be violated, the decision should not become final.

The extent of its right to participate, however, was largely within the discretion of the Commission, having due regard to the principles above stated. Appellant was not entitled as a matter of right to all of the relief demanded in its second petition to intervene or in the petition for rehearing, and upon another hearing may be required in a reasonably exercised discretion, to be continued to and allowed to participate thereafter on that basis.

This does not amount, in substance or effect, to acceptance of the Commission's view that appellant can be excluded for failure to set forth facts to show that the protection it claims is of assistance to the Commission in deciding the issues. That factor is pertinent to the duty of the Commission to decide, and not the duty of the applicant to prove. The question may, in fact, have exactly the opposite effect that is, in supporting or conflicting in a factual or legal argument, contrary to those specifically accepted by the Commission, which will make its decision more difficult.

Decision Reversed and Remanded

That is one purpose of hearing. Nor does it necessarily follow that since present and take part upon an exercise of the Commission's discretion, the party will be placed in a position that is not adverse to it. If, therefore, the request may be granted, first by argument, second, perhaps, by order, or if it is not corrected there, by appeal.

Without admitting, therefore, the blueprint to the procedure to be followed with respect to the extent of appella
tion of the Matheson Commission and, therefore, the additional hearing be allowed on the record, the Commission will reverse the decision of the applicant as a party—express our disagreement with the view of Judge Rutledge that the Commission, in its discretion, may exclude appellant from participating until after the proposed findings of fact have been made. It is our view that participation in the hearing, under either Section 309 (f) or Section 312 (b), should have been accorded both to appellant and to Matheson Company from the first. It is true that Section 309 (a) appears to contemplate that if upon examination of an application for a station license, or the renewal or modification thereof, the Commission finds that it may be granted, to the extent of the application, it need not accord a hearing to the applicant. But we think that, so long as the other existing licensee is similar to the applicant in that it is a business of a similar nature, where the record, the Commission will re

For the error in excluding appellant from participation as a party in the final stage of the proceeding, contrary to the require
ments of Section 309 (f) of the Act, the order must be reversed, with directions to afford appellant opportunity for participation in the proceeding with the provisions of that section.

Reversed and remanded.

ELMER'S GOAT, "Beauty" at the rodeo in Elmer's hometown, Swingtown, Texas. Won Elmer Curtis, announcer of WIBW, Topaka, honorary membership in the Goat Roping Club of the College of Agriculture and the Mechanic Arts of the University of Kansas. Elmer went into a one-two-on the photographer to prove he can get one gallon of milk a day from his Taganburt goat. But the U. S. Department of Agriculture's inspector disapproved before his eyes now that he gulps goat's milk every day.

Grover and Vinson
Concur In Ruling

GROVER, C. J., and VINSON, J., concur in the conclusion of Judge Rutledge that appellant has not only a right to appeal to this court under Section 402 (b) (2) of the Act, but also the right to have the proceedings before the Commission, in agreement with Judge Rutledge and, therefore, reversed and remanded for further hearing.

We are in agreement with Judge Rutledge that under Section 309 (f) the Commission should have accorded the applicant the right to participate in the proceeding, contrary to the conclusions expressed by the Commission in the record, the Commission will re

The statement is not intended as meaning that this procedure had been afforded at a later stage, by appropriate regulation, as upon petition for rehearing, as provided in the Order of Interlocutory Commerce (1937) 291 U. S. 487 (1934); Comment, Note, supra note 21. Elmer Curtis, announcer of WIBW, Topaka, Secretary of the Order of Interlocutory Commerce (1937) 291 U. S. 487 (1934); Comment, Note, supra note 21. Elmer Curtis, announcer of WIBW, Topaka, Secretary of the Order of Interlocutory Commerce (1937) 291 U. S. 487 (1934); Comment, Note, supra note 21.

This is not to say that the question of competition arising from a proposition or contract operating under an existing license is to be entirely disposed of by the Commission, and, indeed, the Commission's practice shows that it does not disregard that question at all. That said, but in a business of a similar nature, of the importance at- empted by the applicant is to be heard, is true. But we think that, so long as the other existing licensee is similar to the applicant in that it is a business of a similar nature, where the record, the Commission will re

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It is true that in the Sanders case the statement is made that the policy (Continued on Page 32)
With WENR Local Merchant Has Remarkable 8 Year Record!

When an apparel store, 10 miles from Chicago's Loop, uses a 50,000 watt station as an exclusive advertising medium, you can bet it pays off in results.

The Sachs Amateur Hour has been broadcast weekly over WENR since 1934. By any count... mail, audience, or sales... it is one of the most successful shows in the Midwest. It attracts business from near and far and has tremendously enlarged what was once a small neighborhood business.

WENR produces successful results for many advertisers—national and local. And the list is growing all the time. For WENR, on cost alone, is the best buy in Chicago. Get the facts now. We'll be glad to send you full details.

CHICAGO'S BASIC BLUE NETWORK STATION

50,000 WATTS 890 KC

* IS OWNED AND OPERATED BY THE BLUE NETWORK COMPANY

REPRESENTED NATIONALLY BY BLUE SPOT SALES

NEW YORK — CHICAGO — SAN FRANCISCO — HOLLYWOOD — DETROIT
Received 53,000 pieces of mail. ● Addressed in person nearly 500,000 persons, including 56,000 persons within 3 days, and a single audience of 18,000. ● Public appearances booked as far in advance as Christmas week of 1943. ● Receives mail every week from an average of 21 states. ● Trained more than 100,000 persons for stage and radio. ● Called by "Billboard", "The most remarkable woman in America in her line of work". ● Rates Who's Who, Women of the Nation, and the International Blue Book.
WACKLEY

WOMEN'S PROGRAM DIRECTOR

3 YEARS - 6 DAYS WEEKLY

50,000 WATTS
CBS
Sold Short

THE NATION is in dire need of scrap metals to be forged into implements of war. This isn’t idle chatter. Our Army, Navy and War production chieftains say that 17,000,000 tons of scrap must be salvaged before the end of the year, to be fed to smelters now running below capacity.

A fortnight ago, WPB chief, Donald Nelson called in the nation’s leading newspaper publishers. He told them of the seriousness of the situation. He goaded them into action. With praiseworthy vigor, the publishers are following through.

There was a $2,000,000 advertising campaign sponsored by the steel industry through the Advertising Council, set up to further advertising’s war effort, but it met rough going. Only some 10% of that campaign—about $225,000—went to radio.

The single bright spot in the first salvage effort was Nebraska. The Omaha World-Herald was praised by Mr. Nelson for its job, as reported in the newspaper and general advertising trade press.

There isn’t any question about the fine work done in Nebraska, and of the leadership of the World-Herald, itself the owner of a broadcast station—KOWH. But there is serious question about the way the job was done. Trade journals which have cited the Nebraska campaign as a demonstration of the power of the press, just haven’t told the full story.

Every station in Nebraska pitched into that campaign. One of them—WOW, Omaha—was awarded a plaque by the School of Journalism of Creighton U for having performed “the most outstanding work in promoting the recently successful scrap metal drive” among stations. Awards also were made to daily and weekly newspapers.

Art Thomas, secretary of the Nebraska Broadcasters Assn., reports that other newspapers cannot duplicate the Nebraska plan “unless they have the same wholehearted support of all the stations in their states that the World-Herald had in Nebraska”.

Thus, it is evident that the whole story was not told to the publishers in their own trade press and that Washington officials was not aware of the important part radio played. It is clear that campaigns in other areas must have the “power of radio” harnessed in if they are to succeed. It is there for the asking, just as it is and has been in every other Government drive for manpower, materials, bonds, salvage and all.

We are not bickering over advertising budgets or media selection. Radio stands on its record. It’s one thing to sell radio short as an advertising medium in competitive solicitations, but quite another when the job is for Uncle Sam.

We are all interested in the success of this vital campaign and all others that have a bearing on successful prosecution of this war. It’s high time for all media to go all out for the biggest advertising campaign in history—Democracy vs. Dictatorship.

Fair Play

IN THESE days of frozen allocations dictated by wartime shortages, broadcasters haven’t thought much about licensing policies or protective litigation. That’s something to be picked up after the Axis is plowed under.

But the notable victory achieved over the FCC by the industry, guaranteeing existing stations hearings as a matter of right when injury is involved, certainly warrants scrutiny. True, the victory was eked out by a 4-2 vote of the U. S. Court of Appeals of the District of Columbia. And it took five separate opinions from the six-man bench to do the job after that court for months had been in apparent deadlock.

The majority called for “fair play” by the FCC, which persistently has contended that it was the sole arbiter as to whether a station could intervene or have a hearing, even when its service area might be curtailed or its facilities degraded. That’s what NBC contended when it was denied the right to intervene on behalf of its KOA, in Denver, a clear-channel station whose assignment was duplicated by the FCC with the placement of WHDH, Boston, on the same frequency full time.

On the fundamental point of the right to a hearing, the majority held that, irrespective of what the FCC thinks, a licensee has certain rights. It may not be a “property right” or even a “vested right” but it is a sort of license right, privilege or status that can’t be destroyed or modified without a hearing.

We assume the FCC will carry the case to the Supreme Court, as it has others involving its jurisdiction. But, during the last couple of years, it has not fared so well in the highest tribunal.

Frankly, we think the FCC is going to have a little trouble trying to follow the lower court’s opinion in the KOA-WHDI case, what with the President’s separate Pacification opinions to reconcile. It’s all the more reason, we think, for the FCC to defer to the will of Congress at the moment. It would be a correct thing to do.

Fireside Boom

DRASTIC curtailments in travel to football games and other sports events, ordered last week by the Office of Defense Transportation to conserve vital transportation facilities will place radio in a still stronger war position. In making this announcement, Joseph Eastman, OD T boss, said he was counting on school, college and professional football authorities to discourage out-of-town travel to games.

What Mr. Eastman did not explain was radio’s ability to bring the games to these people. Since there is no limit to the listening traffic radio can bear, the industry’s ability to serve the public is correspondingly strengthened. The importance of morale is not denied by Government spokesmen and radio is daily growing in its position of morale booster. Perhaps, Atlantic Refining Co., Philadelphia, had this in mind when it revised an earlier decision last week and decided to continue its sponsorship of collegiate football for the seventh successive year. Atlantic Refining reduced its operations this year, but its war service purpose is heartening.

Through radio, millions unable to travel, can see the nation’s football game in their minds’ eyes aided by colorful, play-by-play description of many games aired by the nation’s stations.
HAROLD VERNE HOUGH

MASTER of the ready quip, known for a salty humor, indigenous to his native Southwest, Harold Verne Hough, though only 55, is known in the broadcasting industry as one of its Grand Old Men.

A real pioneer of the microphone, Harold Hough was one of that coterie of nationally known announcers of radio's catwhisker days who achieved distinction for distinctive "radio personality." He was known to listeners everywhere as "The Hired Hand" and as such he was actually billed on vaudeville tour with such other oldtimers of the game, later to take commanding positions on the executive and program side of broadcasting, as Leo Fitzpatrick, general manager of WJZ, Detroit; George Hay, still known as "The Solemn Ole Judge" of WSM, Nashville; Lambdin Kay, retired former general manager of WSB, Atlanta.

Today "The Colonel" still runs the Star-Telegram's circulation department besides other executive duties. He also doubles in brass as its radio head, directing the 50,000-watt WBAP, which shares a clear channel with WFBA, the Dallas News station, as well as the regional KGKO, Fort Worth-Dallas, owned jointly by the two papers.

More than 20 years ago when WBAP, Fort Worth, was just getting under way Harold Hough, then, as now, circulation manager of the Fort Worth Star-Telegram whose publisher Amon Carter started and still owns the station, by a fortuitous circumstance became its manager, program director and chief and only announcer. He took over the announcing job when a cub reporter assigned to the task failed to show up for a Sunday night stint.

"You didn't have to have lace collars to be an announcer in those days," he says, "and so I was as good as anybody." But he must have had something, for he kept at it for eight years.

Announcers in those days only used their initials in signing off. When he signed off the first night as H.H., letters poured in seeking a more complete identity. The next week he explained that he was the "Hired Hand, up from the boiler room."

As the "Hired Hand" he announced baseball, football, rodeo, and sessions of the Negro Holy Rollers. Election nights he always kept listeners entertained with his drawling ad lib's as fragmentary returns came in.

Hough began his career with the Star-Telegram in 1912, starting as circulation manager. He will tell you that he had never heard of radio until that day in 1922 when Publisher Amon Carter, his boss, asked him what he knew about broadcasting. Naturally, Hough says, he didn't want to appear ignorant so he assured Mr. Carter that he knew all about it.

Next thing he knew, Mr. Carter instructed him to buy a station and run it. With a $200 transmitter and $100 spent for installation, the Star-Telegram entered radio. As Hough tells it, Mr. Carter broadcast one Sunday night and received a fan note from Mineral Wells, 54 miles away. Convinced there was something to it, he suggested to Hough the need for a larger station. Hough installed a 10-wattter and WBAP began to go places.

As fan mail came in, vari-colored pins were stuck into a map of the world, one pin for each known listener. The map was a substantial addition to the studio which consisted of a mike, table and an old Victrola. In Oct. 13, 1922, WBAP's power was increased to 500 watts. By May, 1923 it had 1,500 watts. In 1928, Hough had brought it into the "superpower" 5,000-watt class.

That year, the "Hired Hand" visited the Democratic Convention to do a special events job with Silliman Evans, then a political writer for the Star-Telegram and now publisher of the Chicago Sun. Somehow they ended up in an argument just before Franklin D. Roosevelt nominated Al Smith for the Presidential candidacy. They couldn't decide how to introduce FDR and wondered who he was. Hough was willing to call him "some fellow from New York" but Evans demurred and the result was that listeners heard a famous fireside manner before it was identified.

Through radio Mr. Hough aided Senator Tom Connally's first campaign giving him time in his campaign to convince the electorate. Hough also convinced W. Lee (Pappy) O'Daniel of WBAP's advantages when the latter was first launching himself on small Texas stations with his Hillibilly Doughboys.

Hough's industry service record is distinguished. Most likely he claims that he was always "popping off and getting himself into some new job." His record shows that he served as treasurer of the National Association of Broadcasters, was a member of the board of directors for five years and was a member of the industry board to negotiate with ASCAP in the mid-30's.

In April, 1941 he was named chairman of the Newspaper-Radio Committee. In this capacity he was responsible for relations with the FCC, seeking to convince them that newspapers should not be divorced from radio. To handle this job Hough practically lived in New York for a year. It was an interesting and surprising experience for both New York and Hough. He claims he never got past the seventh grade but he can get a lot said with his own seventh-grade vocabulary.

Harold Hough was born in Mulvane, Kan., Jan. 31, 1887. The farm boy raised in Oklahoma and Harold Hough got a paper route and formed a combine with three other youngsters. By working hard and long they had a virtual monopoly of the paper sales throughout the city.

During one of the Oklahoma land rushes, Hough was caught by a moving train and dragged. As a result he lost one foot. When he was able to return to his paper route, he went on crutches. The circulation manager was kinder than the customer, for he wanted him to be and gave him the best corner in town. It occurred to Hough that customers might look upon him with pity, seeing him on crutches.

Standing at the corner at 6 a.m. of the first morning his first customer came up, a man he knew. In fact he had sold every newspaper for years and always had paid him a nickel. This time he gave him a quarter. That finished Harold Hough's career as a newshoy for he was moved to an inside job as assistant circulation manager. In 1912, noticing an item in a trade paper about the resignation of the Star-Telegram's circulation manager, he promptly called Amon Carter for an interview and was in Fort Worth the next day. Starting out at $25 per week, he soon payed his employer dividends to such an extent that Mr. Carter wouldn't print his circulation statements until he had checked them personally. They seemed too high then. Today they represent the largest circulation in Texas.

Harold Hough has chosen to remain a common man despite his prominent position and the affluence his job and his oil investments have brought him. With his wife, whom he married in Oklahoma City in 1919, he lives a modest existence. Fishing is his chief diversion. Recently he purchased a 300-acre farm for the purpose of raising mules. His standards for mules equal those for anything else in the world.

"They'll be high-grade, fancy mules but not too high tone to pull a plow."
McDowell Named Head Of So. Cal. Association

LAWRENCE W. MCDOWELL, commercial manager of KFOX, Long Beach, has been elected president of the Southern California Broadcasters Assn. He succeeds Harry W. Witt, Southern advertising sales manager of CBS, who headed the trade association for more than two years. McDowell was named executive committee chairman for the past year.

Mr. McDowell

Duke Hancock, manager of KFJF, Los Angeles, was elected vice-president of the association, with Harry Maini, manager of KFWB, Hollywood, taking over as secretary-treasurer. Mrs. Ethel Bell was elected assistant secretary-treasurer, and is the first woman to hold an executive post in the association.

McDonnell Joins KSFO

KSFO, San Francisco, has named Frank R. McDonnell director of national sales. Mr. McDonnell, who has been in the broadcasting field for the past year has been eastern sales representative for WBBM, Chicago. For three years prior to that he was with Radio Sales national spot sales division for CBS. In San Francisco he will work locally with jobbers, distributors and factory representatives, as well as handle national sales for the station through its representatives, Weed & Co.

Ernie Wins

ERNIE SMITH, baseball sports-caster handling the San Francisco and Oakland Giants on KROW, Oakland, Cal., was recently reappointed radio chairman of the Red Cross, local chapter. He is also currently serving on the radio committee of the San Francisco War Chest, which began its fund raising campaign in October.

ROBERT J. SMITH, of the sales staff of KXOX, St. Louis, has been informed by the Knox Reeves Agency, Minneapolis, that he was the winner of a contest among all "Whieties" sportscasters. He was awarded a War Bond. Recently General Manager held a "copyless" day and instructed all baseball announcers on various stations to write their own copy about Wheaties. Smith's was declared the most original copy.

WINFIELD K. LEVI, former promotion manager of WSAI, Cincinnati, who was a selectee last November, last week was commissioned a second lieutenant in the Army Air Forces following completion of the officer candidate course at Miami Beach, Florida.

BILL IRVIN, radio editor of the Chicago Times, and his wife, Doris Irvin, are the parents of a boy, their first child.

ERIK BARNOW, freelance scriptwriter and teacher of a radio course at Columbia C., has named NBO as a script editor, succeeding Brice Disque, Jr., who resigned recently to join the Army Air Forces. Mr. Barnow will report to Lewis Titterton, manager of NBO's script division.

FLYING OFFICER Andy A. McDermott, in charge of radio for the public relations director of the Royal Canadian Air Force with headquarters in Ottawa, was in New York last week to contact broadcasters on public relations matters dealing with the RCAF. Recently he became the father of a 9-pound boy.

STEVE BEALY, formerly with the Department of Civil Affairs public relations division of the Treasury, has joined the publicity department of NBC. Hollywood, he succeeds Matt Barr who resigned to become publicity director of KBFU-KWCA, Los Angeles.

BILL PARMLEE, head of script division of KFI, Hollywood, has resigned to enroll in a business administration course at Occidental College, Cal, Roy Kemper assumes his duties.

BILL MOSHIER celebrated Sept. 11 his third anniversary on KIRO, Seattle, with its 770c broadcast of Farm Forum.

REN DAVIS, news chief of WCKY, Cincinnati, made a summary of three years of World War II. The script will be printed for distribution.

JACQUES THIYERGE, french program director, has announced, and Andy Stunard, announcer of CKRN, Rouyn, Que., have joined Canada's armed forces.

CLARENCE LEISURE, formerly of KYA, San Francisco, has joined the announcing staff of KQW, San Jose.

JAMES STROH, announcer of CKYD, Val d'Or, Que., has joined the Canadian Army.
EDWARD RUBIN, formerly of RKO Radio Pictures Inc., publicity department, has been named Hollywood consultant to the radio bureau of the Office of War Information, acting as advisor to Nat Wolff, deputy chief.

ERNIE SMITH, sports announcer on the KROW, Oakland, Calif., baseball broadcasts sponsored by General Mills (Wheaties) recently received a War Bond in recognition of his commercial copy. Knox Reeves Adv., agency handling the account had instructed baseball announcers to write their own copy for one specified broadcast.

CONNIE HAINES, Hollywood radio singer, has been signed as featured vocalist on the weekly NBC Abbott & Costello Show which starts Oct. 5 under sponsorship of R. J. Reynolds Tobacco Co. (Camel cigarettes).

BERNARD YOUNG, formerly announcer of KTOL, Toledo, and now a private in the Marines, is stationed in Southern California.

WALTER KANER, publicity director of WWRL, New York, has taken on additional duties as advertising and promotion manager of Nu-Ox Products Co., New York, N. Y.

LT. FRED HORTON, USNR, formerly of the NBC sales department is now stationed at Panama City, Fla.

GUY W. LOWE, traffic manager of KXOK, St. Louis, expects to be called to the Army shortly. Bill Gregory of the news department, enlisted as a Naval aviation cadet and left recently for flight training at Lambert Field, Bob Seitz, promotion manager, on the Army Air Force reserve list, is awaiting a call to report duty.

JEAN BROWN (Mrs. Elmer Boeselmann), musical director of WOWO-WGL, Fort Wayne, has become the mother of a boy, David. Her husband is stationed at Camp Chaffee, Ark.

JULIAN SCHWARTZ, political reporter of the Stamford Advocate, has joined WSB, Stamford, replacing Harold Yudain, who leaves for the Army.

EDWARD H. LAUX, night news editor and lately assistant sports director at WAAT, Jersey City, has been commissioned first lieutenant in the Army Air Forces and is stationed at Miami Beach.

RHODA LACOCO LIPEKE, feature writer of KIRO, Seattle, has been sworn in as a soldier-candidate, Class Y-3, in the Women's Naval Reserve, 13th Naval district, Seattle. She hopes to do public relations and radio work for the WAVES.

GORDON WHYTE, freelance writer and producer, has joined the NBC production staff, replacing Lester Vail, now on leave to direct the Theatre Guild stage show Mr. Smith Goes to Washington. Writer and producer of the Eveready broadcasts on NBC, starting in 1927, Whyte later joined W. W. Ayer & Sons, New York, to handle commercials; programs sponsored by R. J. Reynolds Tobacco Co. for Camel cigarettes.

LT. BRUCE DENNIS, formerly special events and publicity director of WGN, Chicago, has completed his six-week indoctrination course at Dartmouth and will be stationed in the Navy public relations division in Chicago.

GEORGE J. MANNINA, assistant in the newsroom of WINS, New York, has joined the Army, and is currently stationed at Camp Upton.

WENDELL NILES, Hollywood announcer, has been given that assignment on the weekly NBC Bob Hope Show, sponsored by Remington Co. (toothpaste, powder). Norman Morrel and Thomas Conrad Sawyer are producer and director, respectively of Lord & Thomas on the show which resumes Sept. 22, following a summer layoff.

On September 15th, 1942, WSYR enters its twenty-first year. Through two full, eventful decades this station has come to mean certain things to the people of Central New York.

Noah Webster has a meaningful word for what we feel we've earned over these twenty years. He defines it as "a commanding position in men's minds." The word is Prestige. There is no substitute for this in any community. It's the final seal of approval.

To our neighbors, here in this big, thriving, busy community, WSYR has real meaning, tested by time.

WSYR stands for True Service to the neighborhood...service that is felt gratefully by hundreds of organizations and hundreds of thousands of people in our community.

WSYR stands for Integrity...it enjoys the trust and confidence inspired by twenty years of sincere patriotism in the very best traditions of radio...by twenty years of fair, accurate news reporting...by unfailing high standards of entertainment—the best that money can buy, brains can create and talent can devise.

Finally WSYR stands for Friendliness...a quality that this neighborhood feels and understands—and generously returns.

We, here at WSYR, are deeply grateful to the people of Central New York whose loyal support of this station has given it such prestige. We are grateful, too, that we have the responsibility of maintaining this reputation for the next twenty years.
19th Grid Season
FOR the 19th consecutive year, WWJ, Detroit, will broadcast the entire 10-game football schedule of the U of Michigan beginning Sept. 26. Sponsor, for the third time, will be the Automobile Club of Michigan. Ty Tyson and Paul Williams will be at the mike.

PETER WHITTALL, Winnipeg, has joined the Prairie Region farm broadcast department of the Canadian Broadcasting Corp. at Winnipeg.

BERNICE WHITMAN, former secretary with WOR, New York, and a graduate of Radcliffe College, has joined the WAVES.

WILLIAM J. NELSON, of the promotion department of WLS, Chicago, and Mary Jane Dewey, of Oak Park, Ill., were married Aug. 29.

David Young, former chief of operations for KBF, Los Angeles, has been appointed producer of the station. Jim Burton, who joined Music Corp. of America as a special producer. Other appointments at KBF include Wallace Ramsey as chief of continuity, and Miss Mary Ellen Ryan as assistant traffic manager.

TOM TOWERS, formerly sports announcer of KGMB, Honolulu, has assigned an instructor of photography at West Coast Air Forces Training Center, Santa Ana, Cal.

HENRY POOLE, formerly chief engineer of radio stations WRA, Wallace, Idaho and KJUP, Miles City, Mont., is now on active duty in the U.S. Air Force as aviation radioman first class.

RANDY BLAKE, formerly announcer of WHS, Louisville, and KNX, Hollywood, and before that vocalist of WJJD, Chicago, has rejoined WJJD, as an announcer.

A. M. WOODFORD, production director of WCAP-KGKO enlisted in the Navy, and is stationed at Fairport, Ia., with warrant officer rating. Gene Reynolds takes his place at WCAP-KGKO.

ESTHER HUFF, a veteran of five years in radio, joined WOBR, Buffalo, to conduct the full hour "Women's Market Hour."

MATT McNEKRY has resigned from KLZ, Denver, and has been replaced by Bob Petri, formerly news announcer with KOH, Albuquerque.

JOSEPHINE MASON, program and traffic director of WIRE, Indianapolis, has joined the program and traffic department of KOH, Albuquerque.

JACK EARLE, announcer of WJW, Akron, has left to attend the U of Michigan. Bob England, formerly with WVTA, Toledo, Ohio, and WJW has rejoined the staff of WJW as sports announcer. Garde Chambers, formerly of WIBO, Canton, is also with WJW.

GAYLORD CARTER, organist of CBS, Hollywood, has enlisted in the Army.

HAL SCHER, announcer of CBS, Hollywood, and known professionally as Hal Sawyer, has joined the Navy. He married Pay Sawyer, dancer of Earl Carroll Theatre-Restaurant, that city, on Sept. 12.

PETER DE LIMA, writer on the staff of KFI-KIEA, Los Angeles, has been elevated to special features editor. Ken Higgins, announcer, has taken over de Lima's former duties, and in addition several production assignments.

ELIZABETH BEMIS, formerly news commentator of WLW, Cincinnati, has joined the Hollywood staff of CBS, and on Sept. 11 inaugurated a weekly, quarter-hour commentary on West Coast stations of that network. Styling her program as "humanized commentaries", she is the West Coast's first network woman newswoman.

ELSON in Navy
BOB ELSON, World Series announcer since 1929 and sportscaster of WGN, Chicago, for the past 14 years, on Sept. 14 entered the Navy as a lieutenant junior grade and is in deck volunteer training at Great Lakes, Ill. Red Barber, of WOR, New York, will replace Elson as chief announcer of the series broadcast on MBS. Elson broke into radio in 1927 on WAMD, Milwaukee, moved to KWK, St. Louis, in 1928, and joined WGN six months later as sports announcer.

JOSEF WASHINGTON HALL, Hollywood news analyst, known professionally as Upton Close, is the father of a 9-lb. boy born Sept. 11.

VAL BROWN, formerly announcer of KIEV, Glendale, Cal., has joined Hollywood, in a similar capacity.

PHIL GULLEY has resigned at WGE. Columbus, Miss., to join WALA, Mobile, Ala. Replacing him will be Billy McHan. Jane Burrous replaces Ruth Lee on WCB.

MORT LAWRENCE, who resigned as full-time announcer for the Dawn Patrol program of WIP, Philadelphia, has resigned to join WBN, New York.

ANNEMARIE EHLERS has joined the promotion department of WFIL, Philadelphia, replacing Rosemary Largman, resigned.

LEE VINES, announcer of WFIL, Philadelphia, has resigned to join a network station in New York.

BETTY BLACKBURN, former society writer for the Omaha (Neb.) World-Herald and continuity and script writer for KOIL, Omaha, has joined the continuity department of WMBD, Peoria, III.

CLAYE McQUEEN, formerly in the advertising service department of the Chilton Co., Philadelphia publishing concern, has joined the promotion department of WFIL, Philadelphia, as copy writer.

PARAGON (Ky.)
AIN'T NO NE PLUS ULTRA!

We hope we're not disillusioning anyone, but where sales possibilities are concerned, Paragon (Ky.) ain't the peak of perfection! On the other hand, the Louisville Trading Area—$600,000 buying power (57.5% of Kentucky's total)—is something to do something about! . . . The way to do it, of course, is with WAVES—complete coverage that does the job for about half the cost of any other medium! Let's do it for you!.

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Hicks in Service

GEORGE HICKS of the BLUE news and special features staff, this week left the network on a confidential mission as BLUE war correspondent with the Navy. During his absence, Joan Harding, who has been doing the Friday broadcasts of the five-times-weekly Men of The Sea programs, of which Hicks is m.c., will also handle the Monday and Wednesday shows from Washington, while Bill Baldwin will take the Tuesday and Thursday stanzas from San Francisco.

BOB BOUCHIER, graduate of the Beck School for Radio, Minneapolis, has joined the staff of KOBH, Rapid City, S. D.

CY HARRICE, announcer of WLS, Chicago, is the father of a boy born Aug. 26.

HAROLD SWISHER, formerly city editor of the Hollywood Citizen-News, has been appointed UP Pacific Coast radio news editor and manager with headquarters in Los Angeles.

HENRY T. MURDOCK, former drama editor of the defunct Philadelphia Evening Ledger, who joined the staff of WCAU, Philadelphia, earlier this month as assistant to Kenneth W. Stowman, publicity director and station promotion head, has taken over the directorship of that office. Mr. Stowman has resigned to enter the armed forces. Hugh Walton was promoted to supervisor of announcers and Charles deKlyn took over Walton's post as head of the transcription department. Joe Bolton resigned from the announcing staff and Carl Owen has been appointed morning supervisor. Two more staff members have enlisted in the Army. Josy Kearns, musical director of WCAU for the past three years, reports for active duty. His successor will be Jimmy Warrington, staff arranger. Bob Laurence resigned from the news staff to enlist in the Army.

JOHN HOPKINSON, for six years a salesman at WJJD, Chicago, was inducted into the Army at Camp Grant, Ill., Sept. 18. Newcomer to the station's announcing staff is Rad- dy Blake, formerly of KNX, Hollywood, and WHAS, Louisville.

Meet the LADIES

CAROL KING

WHEN a famous actress becomes a radio voice, she usually keeps her name. But Carol King didn't want her name hitched to any star. She was well-known as Jean Oliver, a leading lady in dramatics throughout the nation for a decade. However, when she agreed to begin a twice-weekly series of news, features and women's interviews on WCKY, Cincinnati, she insisted that her name be a new one, both to her friends and radio listeners. She chose Carol King as her 'nom de radio'.

As Jean Oliver she made her stage debut with Grace George in "Riued Lady", a successful Broadway play. Her second "debut" as Carol King has brought her equal acclaim and success. For a year she has been women's news-feature commentator, interviewing women in Cincinnati news and those of national interest and prominence. Her programs have become so popular that the program was recently increased to a five-times-weekly series.

Carol King in private life is Mrs. L. R. Wilson, wife of the WCKY owner.

CLIFF HOWELL, Hollywood announcer, has been assigned to the weekly half-hour CBS news dramatization, I Was There, sponsored by General Petroleum Corp. He replaces Art Gilmore, resigned. Bob Hafer is producer.

Fred Wehre, freelance producer of New York, has moved to Chicago as producer of NBC Lone Journey.

JOHN THOMPSON of the news and special events staff of NBC-Chicago, is the father of a girl born Sept. 5.

JAMES BUCHANAN, formerly of the news staff of KMOX, St. Louis, has rejoined the Chicago office of UP.

ELLEN BOLTZ, graduate of the Beck School for Radio, Minneapolis, is announcer of KVOX, Moorhead, Minn.

MRS. HUGO BUTLER, known professionally as Jean Rouverol and featured as Betty in the NBC One Man's Family, sponsored by Standard Brands Inc. (Fleischman's yeast), is the mother of a girl born Sept. 11.

BEN ALEXANDER, commentator-announcer of KKB, Hollywood, is the father of an 8½-lb. boy born Sept. 13.

FLOYD RYEL, announcer of WCAO, Baltimore, is the father of a girl, Joyce Elleen.

TED KIMBALL, announcer and farm director of KSL, Salt Lake City, entered the Naval training station at San Diego, Cal. He hopes to do work in public relations and recruiting.

New ASCAP Radio Series

now available, without charge, to all ASCAP Licensed Stations. Write or wire today.

ASCAP Radio Program Service

30 Rockefeller Plaza

New York
CBC Thomson Decision Delayed Pending Probe

RECOMMENDATION of the appointment of Dr. J. S. Thomson, president of the U of Saskatchewan, to be general manager of the Canadian Broadcasting Corp. (Broadcasting, Sept. 7) has been referred back to the CBC Board of Governors by the Canadian government, according to J. T. Thom-son, National War Service Minister. The recommendation was sent back on a question of salaries, the CBC Board, of which Dr. Thom-son is a member, recommending $15,000 for Dr. Thomson, $14,000 each for Maj. Gladstone Murray, present general manager, and Dr. Augustin Frigon, assistant general manager.

The government did not question the appointment of Dr. Thom-son, Mr. Thorson said. The sole point at issue was the salaries. He declined to comment further, but it is understood the government felt the salaries were too high.

WELCOME TO SCHENECTADY!
WGY Helps Build Community Morale and Friendliness
Through Weekly Dramatic Broadcasts

DEDICATED to neighborhood and to an appreciation of the "home town," WGY, Schenectady, has been airing Your Home Town, Monday night quarter-hour.

Recently there has been an influx of war workers and the city has been confronted with a problem of morale which has been not partially by the YMCA, the YWCA, churches and industrial organizations. These have tried to make the workmen, their wives and children feel at home. Radio has cooperated to help impart friendliness to the stranger by producing an informal dramatic program weekly. The idea was conceived by Robert S. Peare, manager of Broadcasting and publicity for General Electric. It's the story of Schenectady in the making, from its earliest settlement in the days when the nation was young, to the development of a city whose population has jumped to six figures.

Community Life

The writer, Charles H. Huntley, uses narrative and dramatic dialogue to make historical characters and events real. Lively human interest sketches and dramatic episodes are highlighted by the WGY Players, oldest dramatic group in radio. Older residents are encouraged to make the newcomer feel he is "home." Newcomers and established residents are made conscious of the city's life and problems. They are en-couraged to have a share in promoting its welfare, through knowing the city.

The scripts appear to be achieving their purpose. Dr. Dixon Ryan Fox, president of Union College, wrote to Author Huntley: "When I think of the stodgy, commonplace history talks that most of us have given over the radio, I am the more impressed with the liveliness and human interest that has been worked into your program."

Arthur Pound, State Historian, has expressed interest in the broadcasts, and others have written appreciation. Some have added to the historical data and have aided in clarifying controversials points. One compliment was especially appreciated by the author. It came from a sixth-grade student. He wrote that he liked Your Home Town "because I could understand it."

Mr. Huntley, who is with General Electric, was for many years chief editorial writer on the Schenectady Gazette. Since 1904, when he came to the city, he has been a keen student of the history of the Mohawk Valley.

Federal Judge Barnes Faces Busy Radio Season

JUDGE JOHN P. BARNES of the U. S. District Court for the Northern District of Illinois, Chicago, is going to have a busy fall and winter court session hearing four major cases involving radio litigation.

The Dept. of Justice suit against Petrillo's AFM has been set for hearing before Judge Barnes on Oct. 12. He will also hear the Government's anti-trust actions against RCA-NBC and against CBS, as well as the MBS $10,000,000 triple damage suit against RCA-NBC. The latter three cases are tentatively on the docket for Dec. 11.

NED LEEFEYRE, NBC announcer, will marry Barbara Luddy, actress in NBC's Lonely Women, Sept. 18, in Winnetka, Ill. Mrs. Joseph Ainsley, known to NBC listeners as Betty Lou Gerson will be matron of honor. Usurers will be Michael Roy, BLUE M. C. S. and Dave Garoway, NBC announcer.
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**$60,000,000,00 victory project** comes to WJHL's primary coverage area. 16,000 new workers plus their families are booming this area's retail sales. WJHL is the only single medium that can reach this new market.

*IN ADDITION TO TWO $25,000,000 TVA DAMS NOW UNDER CONSTRUCTION.*

**NORTH CAROLINA is the SOUTH'S NO. 1 AGRICULTURAL STATE**

**CASH INCOME AND GOVT. PAYMENTS**

Source: — Department of Agriculture, 1940

$221,768,000

$133,256,000

**AVERAGE OF NINE OTHER SOUTHERN STATES**

**WPTF with 50,000 Watts in RALEIGH is NORTH CAROLINA'S No. 1 SALESMAN**

**WJHL**

**FREE & PETERS, INC. National Representatives**

**MERCHANDISING & PROMOTION**

Klenzol Search—Trick Wallets—Cash & Chips—Gridiron Tips—Plugs About the War

**NU-OX PRODUCTS Co., Long Island City, N. Y., in a fall newspaper and radio campaign for Klenzol, a soapless cleaner, will launch a half-hour program on WWRL, New York, which will feature two contests, for a 12-week period, starting Sept. 28.**

**Title: Klenzol Talent Quest,** the program will sponsor a competition for the Klenzol Poster Girl of 1943. In addition, the program will seek the most talented amateur in New York, the contestants furnishing the talent on the broadcast.

Winners on each week's program will be chosen by the amount of studio applause they receive. Finalists will be selected by both listening and studio audience. Each vote cast is to be accompanied by a box top or wrapper from a Klenzol container. Cash prizes will be awarded in both contests. Three winners of the Poster Girl contest will receive a free scholarship to the Barbizon School.

Nu-Ox continues spot announcements on WINS and WEVD, New York, started in the early part of the year. Walter Kaner, newly appointed advertising and promotion manager for the firm, placed the account. Kaner is also publicity director of WWRL.

**Sales Reminder**

ADVERTISING managers, buyers and national and local accounts are receiving plastic letter openers attached to a calling card and pointing forcefully to the heart of the sales message of KSL, Salt Lake City.

WILLIAM L. SHIRER, CBS news analyst, returned from his Sunday news program on CBS Sept. 20, having returned from his first vacation since the start of World War II. While vacationing on Long Island with his wife and two children, Shirer completed work on a new drama of continental Europe in the 1930's.

BENNIE BEARDSLEY is the first feminine announcer on WWRL, Columbus, Ga. Two other women, Millie Wimmer and Gertrude Handley, will soon join her.

WEAF Gifts

WEAF, New York, in remembrance of its 20th anniversary on Aug. 16, 1942, is sending out "birthday gifts" to radio editors and advertisers consisting of black leather wallets with trick elastic holders for bills, initialed for the individual and with the letters WEAF.

An enclosed card inside tells the recipient, "If you can't make it work, simply call CI 7-S300—ask for your favorite WEAF salesman. He'll be glad to come by and not only show you how it works—but how to keep it filled."

Chips and Cash

TEN large bags of potato chips and prizes of $10 in cash go each week to listeners who most nearly predict the correct final score of three football games chosen by sportscaster Morey Owens in his five-minute show, Football Forecast, on WROK, Rockford, Ill., a five-night-weekly broadcast sponsored by Blue Star Potato Chips.

WNOX Booklet

SIX years of the WNOX Midday Merry Go Round is reviewed in a 14-page booklet distributed by that Knoxville station to exploit its 85-minute six-weekly participating show. Booklet contains testimonials, information about the talent, program response, and sales data.

Grid Schedule

OFFICIAL SCHEDULE of all pro National League Football games is being offered during baseball broadcasts on WHN, New York, to tie in the station's coming broadcasts of all New York Giants gridiron games. P. Lorillard Co., New York, is the sponsor for both series.

INCORPORATING a plug for patriotism, announcers of KNX, Hollywood, seven times daily, following station identification, introduce a phrase merchandising national morale. Typical is "when you buy a bootleg tire you help a thief and betray a soldier."
Reggie Schuebel Heads Duane Jones Media Staff

Reggie Schuebel, former radio director of the Biow Co., New York, who resigned from that agency July 15 after 11 years in the radio department [BROADCASTING, July 15], has joined Duane Jones Co., New York, as media director. Until the Agency, Miss Schuebel will have complete charge of the media department, with particular reference to radio, timebuying and station relations.

Prior to joining Biow back in December, Miss Schuebel handled advertising production for Popular Radio Magazine while working for E. R. Crow, publishers representative for various magazines. At Biow, she became secretary to Milton Biow, president of the agency, later taking over the Bulova Watch Co. account and finally assuming the position of radio director for Biow's many radio accounts.

SHERWOOD ARMSTRONG, account executive of Lord & Thomas, Los Angeles, has joined the Coast Guard. He married Pamela Drake, of Beverly Hills, Cal., on Sept. 10.

WARREN F. FEHLMAN, head of the Huntington Park, Cal. agency bearing his name, is recuperating from an appendicitis operation.

ALFRED STANFORD has resigned as vice-president and director of Compton & Price, New York, to accept a commission as lieutenant commander in the Navy. Raymond E. Jones Jr., formerly of the firm's radio department, has also joined the armed forces. He is in the Army.

ALLAN RADER, copywriter of Young & Rubicam, New York, has joined the Navy, and James O'Neill, agency's assistant director on the West Coast, has been drafted.

FRANK O'CONNOR of the production staff of J. Walter Thompson Co., New York, where he has handled commerclals and spot-casting shows, is in the Army.

ROBERT SALTER, formerly in the radio department of Buchanan Adv., New York, has joined FARR Adv. Co., New York, as assistant to Paul Dudley, radio director. Dudley is currently writing, directing and producing the Spotlight Bands program on NBC for Coca-Cola.

CAMPBELL-MITHUN, Minneapolis, has opened a Chicago service office in the Palmolive Bldg.; it was announced by Ralph R. Campbell, president, who was in Chicago last week setting up the office. Telephone is Superior 8350.

Biow L. A. Office

Biow Co. has established West Coast radio production offices in Columbia Square Bldg., 6111 Sunset Blvd., Hollywood. Vick Knight, recently appointed the firm's radio department executive producer, will divide his time between that office and New York, supervising various sponsored shows produced by that agency. Myron Dutton, formerly producer of NBC, Hollywood, who joined the agency in a similar capacity, is currently assigned to the weekly NBC Johnny Presents program sponsored by Philip Morris Co. (cigarettes). Ethlyn (Skip) Bookwalter, formerly in charge of the script department of CBS, Hollywood, has been made agency office manager in that city.
New Transmitter Opened by KMPC

HAVING overcome many priority obstacles occasioned by the war, KMPC, Beverly Hills, Cal., on Sept. 18 dedicated its new 10,000-watt RCA transmitter and put the equipment into operation with an 18-hour salute to American heroes.

With consent of advertisers, 11 commercials were given over to the full 18 hours were given over to accelerating sale of War Bonds and Stamps. Goal was set at $180,000 for the day. On the program were mayors of 44 towns in Southern California, as well as industry and civic leaders, defense workers and labor organization heads. Participating in the station’s initial broadcast under the new power increase were many noted Hollywood film and radio personalities. All talent were required to make bond purchases.

Unique Transmitter

Complimenting their sister station, WJR, Detroit, and WGBR, Cleveland, sent special transcribed programs. G. A. (Dick) Richards is president of the holding company operating those stations.

The new plant, RCA throughout, was installed at an overall cost, including transmitter building, equipment and site, of approximately $110,000, according to Robert O. Reynolds, general manager of KMPC. Transmitter is located in North Hollywood, with studios at 9631 Wilshire Blvd., Beverly Hills. Power increase was granted KMPC Sept. 3, 1941. The new directional transmitter, said to be the only one of its kind released by RCA, was set up under direction of Lloyd Sigmon, chief engineer, with assistance of Morrie Piers, chief engineer of WGBR.

Station has operated on 5,000 watts day and 1,000 night since 1940. Prior to that KMPC operated on 500 watts as a time-sharing station. It retains its clear channel frequency of 710 kc.

Coast Series

PACKARD-BELL Co., Los Angeles (radio and equipment mfrs.), dormant for many years, on Oct. 11 starts sponsoring a weekly quarter-hour dramatic narrative program, Newsmakers, on 5 NBC Pacific Coast stations (KFI, KPO, KGW, KOMO, KMIJ), Sunday, 3:45-4:00 p.m. (PWT). Contract is for 52 weeks. Written by Warren Lewis, series will dramatize stories of living heroes. Larry Keating has been signed as narrator-announcer, with Arnold Marquies as director. Barton A. Stebbins Adm., Los Angeles, has the account.

Anne Director Heads KQW Sales Promotion

ANNE DIRECTOR, formerly with J. Walter Thompson Co., San Francisco, and Erwin, Wasey & Co., has been named sales promotion manager of KQW, San Francisco, according to Ralph R. Brunton, president. Miss Director succeeds C. W. Reed who has joined Batton, Barton, Durstine & Osborn agency. With J. Walter Thompson, Miss Director had charge of radio advertising, promotion and publicity for Seattle, Los Angeles and San Francisco accounts.

RCA Dividend

RCA board of directors declared quarterly dividends of 87 1/2 cents per share of $3.50 first preferred stock, and $1.25 per share of "B" preferred, at the Sept. 11 board meeting. Dividends cover the period from July 1 to Sept. 30 and are payable to stockholders of record at the close of business Sept. 21.

Wylie To Ayer

MAX WYLIE, former vice-president in charge of radio of Blackett-Sample-Hummert, Chicago, who resigned Aug. 15 from that position is joining the radio department of N. W. Ayer & Son, New York, in an executive capacity, effective Sept. 21. Prior to his year and a half with E-S-H, Mr. Wylie was script editor of CBS with headquarters in New York. He is well known for his annual publications of the "Best Broadcasts" of the year, the current volume being due for publication this fall. The exact nature of his duties at Ayer were not revealed by the Agency.

BROADCASTING • Broadcast Advertising

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Battle Flags!

All of us at the Hallicrafters are both proud and humble to have important assignments in defeating America’s enemies.

That our efforts have justified the award of the famous Army-Navy "E" flag is a great honor.

We shall keep it proudly flying.

all of the hallicrafters
WHK-WCLE, Cleveland
Dr. W. B. Coldwell, Inc., Monticello, Ill. (Dr. Caldwell's, Lacto- sena), thru Sherman & Marquart Inc., Chicago.
Great Lakes, Chicago (Bromo Quinine), 66 st thru Rusted M. Seels Co., Chicago.
Belgian Information Center, N. Y., 2 st thru weekly, thru Albert Frank- Gertler, Los. N. Y.
Hunting Aircraft Corp., Cleveland (aircraft school), 1 st thru weekly, thru Martin Firearms Co., New Haven, Conn.
General Motors Corp., Detroit (automobile products), 1 st thru weekly, thru Geno & Sons, Chicago.
General Motors Corp., Detroit (automobile products), 1 st thru weekly, thru Geno & Sons, Chicago.
WRC, Washington
Griffin Mfg. Co., Brooklyn, (shoe polish), 3 st thru weekly, thru Ber- hingham, Castlemain & Pierce, N. Y.
Johnson & Johnson, New Brunswick, N. J., thru weekly, thru Young & Rubicam, N. Y.
Rico-Schmitt Baking Co., Washington, (bread), 8 st thru W. A. Schmidt, N. Y.
WIND, Chicago-Gary
Chicago Sun, Chicago (newspaper), 9 st thru weekly, thru Western Pub- licity Co., Chicago.
KFAC, Los Angeles
Seeds, Rowebuck & Co., Los Angeles (reed), 150 st thru Mazer's, Los An- geles.
Wilson & Co., Los Angeles (Oleo, Mor), 7 st thru weekly, thru Bridger, Davis & Staff, San Francisco.

10 Sponsors Are Signed For WOR's Food Series
WHEN THE five weekly half-hour Food Forum shifts Sept. 28 from WKTU, New York, to WOB, New York [Broadcasting, Aug. 10], ten food sponsors represented by the American Institute of Food Products will be represented. Sponsors will continue to be conducted by Dr. Walter Eddy, president of the Institute, and expert consultant to the Office of Quartermaster General, U. S. Army, assisted by Eric Nizam, home economist. Sponsor already signed for the nutritional series are: Henry Labs, Little Falls, N. Y. (June) and B. F. Goodrich Co., Chicago (Bread-Read-Meat); I. J. Grass Noodle Co., Chicago (Mrs. Best Brand Noodles); Best Foods Inc., New York (Heineman's Mayonnaise, Newco); Kitchin Charm, Ex Paper, and Petal Soft Facial Tissue.

Back On the Air
WITH the addition of 15 new accounts and the return to the air of several which had suspended their continuations for the summer months, WNEW, New York, reports for the month of August to have been one of the best 30-day periods in the history of the station. August also showed a doubling of advertising appropriations for Roma and Mission Bell Wines, and increased advertising by three New Jersey agencies, Abelson's, Tappin's and Howard's. This, the station points out, seems "no time at the table that retail organizations have to curtail advertising schedules because of priorities or other war conditions."

Crosier Joins Wilson
DAVID F. CROSIER for the past two years sales manager of Magazin Transcriptions, has joined the Howard H. Wilson Co., station represented by Crosier as head of the New York office. Mr. Crosier was formerly a salesman for World Broadcasting System, Hearst Radio and CBS, and from 1930 until 1936 was radio director of Pedi & Ryan.
Albert H. Morrill

ALBERT H. MORRILL, president of the Kroger Grocery and Baking Co., and of the company's affiliate, the Piggly-Wiggly Corp., died Sept. 13, two hours after suffering a heart attack at his Cincinnati home. Mr. Morrill was 67. A Cincinnati attorney since 1900, Mr. Morrill had been general counsel for the Kroger company before he became president. He was a director of the Pittsburgh, Cincinnati, Chicago & St. Louis railroad, and the Commercial National Bank and Trust Company of New York, as well as a civic leader, and former president of the National Chain Store Association.

Halverstadt Named

APPOINTMENT of Albert N. Halverstadt to the position of director of media of the advertising division of Proctor & Gamble, Cincinnati, was announced last week by William G. Werner, manager of the advertising division. Previously, Mr. Halverstadt has handled the coordination and analysis of radio time, publication, outdoor and other media recommendations for the advertising agencies placing copy for the company.

HYDE PARK BREWERIES Assn., St. Louis, will launch a half-hour variety show on KSD, St. Louis, Oct. 5, and on Oct. 10 will add two broad- casts to France Luxe, sportscaster on KMOX, St. Louis. Letter program will be aired on a five-weekly basis, shifting from 10:15 to 10 p.m. Pick Tock Time will be the title of the KSD program, which will be heard Monday, 9:30 to 10 p.m., with Kay Thompson, singer, and Don McNeill as m.c. Regular feature of the show will be a sentence game contest with studio audience participating. Producer will be Walter Gorman, of Young & Rubicam, agency in charge. Gorman will be transferred from the firm's New York offices to St. Louis to handle the show.

THE Post-Enquirer, Oakland, Cal., evening daily paper, has started sponsorship of Victory Revue, one-hour daily feature designed to appeal to shipyard workers of the McArthur Shift on KROW, Oakland, Cal. The paper announced the radio program in a shipyard special edition.

PIONEER BEVERAGE COMPANY, Oakland, Cal. (Golden Bridge beverages) has started a spot announce- ment campaign, using 30 spots weekly on KROW, Oakland, Cal. Agency is Ryder & Ingram, Oakland.

JORDAN-MARSH Co., Boston (department store), will present Salute to New England Patriots on WNBC, Boston, five nights weekly, 8:30-7 p.m., in tribute to the men and women of New England who have made outstanding contributions to the war effort. M.C. is Cedric Foster, Mutual's coast-to-coast commentator. Honored last week were Capt. Francis W. Cronan, Army; Capt. Victor D. Herbst, Navy; Capt. Bradford Perrin, Marines; Capt. Derby, Coast Guard.

VICK CHEMICAL Co., New York (Vatronol), has started sponsorship of thrice-weekly five-minute newscasts by Todt Houter on WBBM, Chicago. Agency is Morse International, New York.

PEPSODENT Co. of Canada, Toronto (toothpaste), on Oct. 2 started half-hour show, Pepsonet't L'Heure de Cez Nou on 13, 5000 Watts Day and Night Mutual Broadcasting System.

HOW TO GET THE MOST OUT OF YOUR RADIO DOLLAR IN CENTRAL NEW YORK

Pick the one Syracuse Station in four that consistently shows more audience than the other three stations combined. Does it six times a day—day-in and day-out. Pick . . .
RADIO ACTIVITIES
OF STATES LISTED

ONE of radio's most prolific writers, Carroll Atkinson is author of Radio in State and Territorial Educational Departments [Meador Pub. Co., Boston, $1.50], a new volume just released which traces the growth, rise and extent to which radio has come to be used by the various states and territories within the Union.

Little by little, Mr. Atkinson is compiling the complete story of education in radio and through radio adding to the growing story as told in previous volumes. Beginning in 1941, he turned out American Universities and Colleges That Have Held Broadcast License, which describes the struggle to maintain operation which confronted 124 American colleges first licensed. Radio Extension Courses Broadcast For Credit was the next volume, also appearing in 1941.

This year, there have been five including newest, already mentioned. These include Radio Public School Broadcasting to the Classroom, Radio Network Contributions to Education, Broadcasting to the Classroom by Universities and Colleges, Radio Programs Intended for Classroom Use, Radio in State and Territorial Education Department.

Studies at Spartanburg To Be Formally Opened

REPRESENTING an investment of approximately $75,000, the new studios of WSFA-WORD, Spartanburg, at Radio Center on Main St., will be occupied and formally dedicated next week, according to Walter J. Brown, vice-president and general manager. Both stations will function from Radio Center, but with the facilities definitely allocated to each outlet.

Acoustical treatment was by Johns-Manville, with designing handled by C. R. Jacob, CBS managing engineer of construction operations, and Harold Woodward, Spartanburg architect. Second floor of the building is given over to studies for the two stations and to the business offices. On the first floor there is a 150-seat auditorium housing a Mohler organ, and main business offices.

PRODUCTION DETAILS of the new weekly NBC Abbott & Costello Show, which starts Oct. 8 under sponsorship of J. R. Reynolds Tobacco Co. (Camel cigarettes), were ironed out by those New York and Hollywood radio executives. Showmakers (1 to r) are William Moore and Richard Marvin, West Coast manager and New York radio director, respectively, of William Esty & Co., agency servicing the tobacco account, and Hal Hackett, New York radio director of Music Corp. of America. Hackett and Marvin were on the West Coast for over two weeks to complete details.

Ballantine Campaign

P. BALLANTINE & Sons, Newark (beer), is understood to be lining up its fall and winter campaign using a spot campaign of half-hour musical programs in selected areas. To avoid transcription difficulties with the American Federation of Musicians, the company will probably arrange to have music provided by station staff orchestras or recorded libraries, and will incorporate special programs ideas in shows put together by the individual stations. Although the campaign is scheduled to start in October, no details are forthcoming from J. Walter Thompson Co., New York, Agency in Charge.

Lane Bryant on 20

LANE BRYANT, Indianapolis (women's apparel, mailorder division), has placed a varied schedule of one-minute announcements, local programs, and participating announcements during the last two weeks of September, promoting its fall and winter mail order catalog on the following stations, WLS, WSM, WLW, KDTH, KFAB, KPEQ, KGGF, KMA, KMMJ, KOAM, KSAL, KFWB, WNB, WMNN, WNAX, WSZ, WSBA, WWVA. Agency is E. H. Brown Adv. Agency, Chicago.

NBC News Setup
In War Revision

Menser Appoints McCall as Successor to Schechter

REALIGNING the NBC news and special events staff following the recent resignation of A. S. Schechter, as manager, to join the Office of War Information in Washington and the granting of a leave of absence to Arthur S. Feldman to go to England on an important war assignment for the BBC, C. L. Menser, vice-president in charge of programs, has appointed Francis C. McCall as acting manager of the department. Adolph J. Schneider is assistant manager for news and Lathrop Mack assistant manager for special events.

McCall was assistant to the manager prior to Schechter's departure and since that time has been active head of the department, with which duties he will continue until a permanent successor to Schechter has been appointed. Joining NBC as a writer in the news department in 1936, after a newspaper apprenticeship with the United Press and the New York bureaus of the Associated Press and the Chicago Tribune, McCall was named news editor of NBC last year. Schneider entered radio as supervisor of facsimile broadcasting for WHO, Des Moines, in 1937, after 10 years on the Omaha World Herald which he joined as a reporter and later as night city editor. In 1938 he joined NBC as a news writer. In his new post he will direct the preparation of scripts for NBC's news broadcasts, entailing a supervisory editorship over reports received from AP, UP and INS as well as those of the network's 40 war reporters.

Mack is also a former newspaper man who served AP for nine years in its bureaus at Cleveland, Columbus, Cincinnati, Springfield and New York, the last two years as sports editor for the State of Ohio. In 1936 he joined Music Corp. of America to handle band exploitation and in 1938 came to NBC as a writer in the news department. His new job entails supervision of NBC's special events broadcasts.

KVOO Ad Contest

KVOO, Tulsa, has offered $50 to the member of one of the five nearby A. S. Schechter's 10th District, Advertising Federation of America, who submits "American Industry's Best Wartime Advertisement." Bruce Barton, president of BBDO is sole judge of the contest which closes Oct. 10.
Issuance of Amateur Licenses Halted By FCC Due to Supervisory Problems

ISSUANCE of new, renewal, and modified amateur station licenses has been suspended under Order No. 87-B of the FCC, released last week, and will not be resumed until further notice from the Commission. Administrative problems resulting from the war were blamed for the decision.

The Commission declared that with many license holders in military service, and others engaged in war industries in various parts of the country, it was impossible for licensees to exercise proper control over transmitting apparatus, and the premises on which it was located.

Dec. 8 Order
Commission Orders No. 87 and 87-A, adopted Dec. 8, 1941 and Jan. 8, 1942 required cessation of amateur operations in interest of national security. When the orders were issued immediately following the Japanese attack on Pearl Harbor, the Commission, however, provided military service, and others engaged in war industries in various parts of the country, it was impossible for licensees to exercise proper control over transmitting apparatus, and the premises on which it was located.

Chain Adds Spots
FORMAN & CLARK, Los Angeles

John Guntner and Blue commentator, will present a 10-minute personalized story of the life of his friend and fellow commentator Raymond Gram Swing in a special Blue broadcast Sept. 26. Titled My Friend, Raymond Gram Swing, the biography will be a sendoff for Swing's new series on Blue starting Sept. 26. Swing, under sponsorship of Socony-Vacuum Oil Co. Agency for the series is J. Sterling Getchell, Inc., N.Y.

Recruiting Drive
CHICAGO NAVAL AVIATION

Sendoff for Swing
in view of possible use of such stations for civilian defense. The establishment of the War Emergency Radio Service, however, provided civilian defense and state guard services with the desired emergency communications equipment.

Operator's Licenses Issued
The Commission will continue its policy in issuing new or renewed amateur operator licenses, or modifications of licenses for change of operator privileges. Holders of amateur operator licenses desiring to maintain their status should submit applications for amateur operator and amateur station license renewals in accordance with the Rules.

Amateur station licenses which were valid when Order No. 87-B was issued last week, and are not revoked prior to their expiration, will once more be granted appropriate amateur authorization when stations are again allowed to operate, provided the owners maintain valid amateur operator licenses. As far as possible, call letters of present stations will be reserved for assignment to the present holder when licensing of amateur stations is resumed.

My-T-Fine in Fall

SOLDIERS of Camp Grant receive an official news bulletin which is supplied by WROK, Rockford, Ill., from the 8:45 a.m. news summary of Bill Traum, the station's news and promotion director. On the news sheet is a schedule of WROK newscasts, sports broadcasts and musical shows of interest to the soldiers.

Every morning a camp messenger rushes the news sheet to the public relations office where it is mimeographed and added to Camp Grant's official bulletin for the day. By noon the bulletin is in the hands of all officers and posted in all barracks.
of the Act is that no person is to have "anything in the nature of a property right, as a result of the granting of a license." But the opinion in that case also recognizes that station licensees may be financially injured by the issue of a license to a competing station. The language of the first quoted must be read in connection with the opinion as a whole and in connection with the purposes and theories of the Supreme Court in Federal Communications Commission v. Pottsville Broadcasting Corporation, 295 U.S. 134 (1939), and Radio Commission v. Nebbia, 303 U.S. 502 (1938). In the Pottsville case the Court said: "To be sure the laws under which the governmental agencies operate prescribe the fundamental principles of fair play. They require the government to do nothing that may be foisted upon the public without an opportunity for hearing." In the Nebbia case the Court said: "The act of the legislature of New York grants to the public in every instance a property right guaranteed by democratic institutions. It is the safeguard of the Anglo-American legal system against oppressive action by public authorities. No purpose should be attributed to Congress to deny such a right."

Station License: A Property Right

In view of the Pottsville and Nebbia cases, and in view of the provisions of the Communications Act which recognizes rights, limited in time and quality by the terms of the licenses issued, in station licenses (see especially Sections 301, 309 (b) (1), (2), 310 (b) ), I think it clear that a substantial interest issued under the communications Act for a definite term for the conduct of a broadcasting business represents a substantial investment more than a mere privilege or gratuity. Whether or not it may be technically a "property" right, it is a thing of value to the person to whom it is issued and a business conducted under it may be the "property" of the licensee. I think the Supreme Court in the Sanders case in its reference to a mandate as the "creation of a property right as a result of the action of the Commission on the question of the term property right in the sense of a right absolute or indefeasible. It is not a right that under the Communications Act a station license's rights are subject to modification or deprivation by the government in the public interest. But I do not think the Sanders decision is intended to mean that even if both an absolute and indefeasible nature exists in a license, nor do I think that the decision was intended to mean that an existing broadcasting station and the investment therein may be injured or destroyed by the introduction of competition or through the construction of facilities of other licensees without a hearing before the Commission or a review on the question of whether the public interest, convenience and necessity will be served by such injury or destruction.

Even if the Communications Act were doubtful in its recognition of the existence of rights in licenses and in its provision for hearings upon the question whether the public interest supersedes the reduction of such rights, I think it would be the duty of the courts to consider all rights and providing for such hearings—and this for two reasons.

1. There is the absence of indubitably clear language requiring such a conclusion. It would be unthinkible to conclude that the Congress would provide for the granting of station licenses for radio broadcasting contemplate, in connection with operating a station, the freedom of use in broadcasting and equipment, the hiring of talent, the contracting for advertising, and the employment of labor, but at the same time fail to recognize that by whatever tension of language be called, whether property rights or license rights, interests would arise, in the person of the licensee which would be granted, which should as a matter of fair play not be impaired or destroyed by the Communications Commission without a hearing upon the question whether the public interest would be served by their impairment or destruction.

Right to hearing before injury by the government in the public interest is one of the fundamental desired guaranties by the democratic institutions. It is the safeguard of the Anglo-American legal system against oppressive action by public authorities. No purpose should be attributed to Congress to deny such a right.

Second, to construe doubtful language of Congress as permitting the impairment or destruction of the licensee's interests without a hearing would be to invalidate, under the due process clause of the Fifth Amendment, the action of Congress. That clear protection against the arbitrary impairment or destruction of substantial rights even though they are limited by the public interest, is not open to doubt. Cf., Northern Cedar Co. v. France, 131 Wash. 394, 250 Pac. 587 (1924).

Miller Files Dissent From Majority Ruling

Mr. Justice Miller dissenting: I find no substantial alleged injury in any of appellants' reasons for appeal. Surely it is not enough, to secure standing to appeal, to show a basis of affection of interest or achievement, that electrical interference will occur beyond that which might be occurring. Surely some injury, actual or anticipated, should be the minimum requirement. And if injury has occurred or is threatened, what other requirement is there? It seems to me that there could be none.

In the Sanders case the Supreme Court said: "Congress has provided for the interference, of Section 402 (b) (2). It may have been of opinion that one person, if any, would be the only person having a sufficient interest to appeal to the Supreme Court from the circuit court errors of law in the action of the Commission in granting the license." [It was supplied] Of course, stated as it is in speculative form, concerning legislative purpose, it is possible to argue that this language was not intended to say that only a person likely to be financially injured has a sufficient interest, within the meaning of Section 402 (b) (2). A person who is exactly the type of person the Supreme Court intended to say, as the commission in its brief points out, the word financially, which has italicized, was added after the opinion was first rendered.

While intangibles such as prestige, or position, in the broadcasting world may seem valuable to a licensee, still they are important—in a view of the free competition which Congress intended should result from broadcasting—unless injury to it would result in financial injury. If, for example, the Act as presently interpreted results in a reduction in the general net income from the operations of the station, that result in financial loss. But intangibles are achieved in an elastic term; it may be of any degree. Some interference may be so slight in quality that it barely noticeable. Appellant's notice of appeal, though it alleged "substantial modification"

Separate Dissent Filed By Edgerton

EDGERTON, J., dissenting: I think that "person aggrieved or whose interests are adversely affected" contemplate a real and substantial injury as distinguished from a trifling or negligible one. I should suppose that interference might affect reception of KOW's signal so adversely, and over so large and important an area, as to cause substantial injury and give appellant standing to appeal, whether or not it caused financial loss. But interference is such an amorphous thing that it may be of any degree. Some interference is insignificant in quality that it barely noticeable. Appellant's notice of appeal, though it alleges "substantial modification"
That Goes for Broadcasting Results Too!

Mr. Sol Taishoff, Vice President & Editor
BROADCASTING MAGAZINE
National Press Building
Washington, D.C.

September 1, 1942

Mr. Sol Taishoff, Vice President & Editor
BROADCASTING MAGAZINE
National Press Building
Washington, D.C.

Dear Sol:

You'll be happy to know that the WNAX "I Want a Nuse" contest was a whopping big success.

That's in keeping with "Big Aggie". She likes everything big.

There's a great tribute to trade paper advertising, and particularly to BROADCASTING, in the fact that although our contest announcements ads made no mention of WNAX or the Cowles Group we received only four letters not directly associating WNAX with Big Aggie.

Don't get chesty, Sol, but........

the first and second prize winners saw the ad in BROADCASTING, and.......more entries were received through BROADCASTING than any other trade paper used.

You know darned well that BROADCASTING will continue to be a "must" on our trade paper list.

 kindest personal regards,

Phil Roffman
Vice President

Ph/rw

THIS CONTEST PULLED ENTRIES FROM COAST TO COAST
of its license, alleges neither substantial
injury, nor any fact which con-stitutes substantial injury.
It alleges nothing more injurious than that "a reference to KOA in areas
where KOA's signal is now inter-
fering with the station's signal, and in
other areas of potential importance to
appellant, a few listeners and did and did at least interfering with it. It is a fea-
sible signal from KOA, and that their
feeling that such signal would be made
a little worse by WHBD's modifi-
cation.
I think such an allegation would not
show standing to appeal. Since
appellant's actual allegation may mean more or less, we can accept it as
showing standing to appeal if we
waive the rule that pleadings are to
be considered against the pleader.
If we take that step, I think we should
find nothing in the Communications
Act which required the Commission to
give appellant a hearing. It violated neither the Act nor its
provisions.
The Commission was asked to and
did change the license of WHBD.
Sec. 300 (a) of the Communications
Act provides in effect that the Com-
munication Commission has no power
to grant, but it may not deny, an application for modification
without a hearing. Most modifications of licenses, we have
seen, don't affect other licenses, and
Congress might easily have required
that other licensees who stand to lose
be heard. The petition did not state
so far as the Act is concerned, therefore,
no showing was necessary. True, Sec.
303 (f) requires that the licensee of a
station be given a hearing if the Com-
munication Commission is to change that sta-
tion's "frequencies, authorized power,
or... time of operation."
This section is not applicable here, since, neither the frequency, the
power, nor the time of KOA, appel-
licant, are affected. Similarly, Sec.
312 (b) forbids "modifica-
tion of a license without opportunity
to the licensee to show cause why
the license should not be modified;
but the section is not applicable since
appellant's license is not being modified in any particular.
That the Commission was so
authorized it to operate with specified equipment, fre-
cency, power, and time, and still
unaffected with authorized by the new
equipment, frequency, power, and time.
This section applies, however, if the
license is being "changed" or "modi-
fied" seems to me an inappropriate figure of speech. Even if true that the Commu-
nication's rules, until they were changed in the
course of these proceedings, stated
0.195 kW at 520 kc., it is true that the
"will be assigned" to the frequency
of 800 kilocycles. Reference to the
statement of the Commission's purpose or policy
was not incorporated, or referred to
in appellant's license.
Therefore the license cannot, un-
less by a most liberal construction, be
changed without an opportunity for an
exclusive grant to appellant, whether
equipment, frequency, power, or time.
It is true that appellant's license is the most
exclusive in respect to frequency,
power, and time in respect to equip-
ment.
And the settled rule requires a
showing to every tangible change in
some sort of hearing. The Commission's
proceedings had a fact-finding aspect.
and were governed by a rule to affect appel-
ant's interests than those of any other
person. But appellant was not entitled
to his personal objections and his
right to hear "incidents of a trial in court.
"Persons may be "heard" without be-
ing "permitted to intervene, and thus
behave parties." Appellant was en-
titled to no more than a hearing and
the right to protect its interests and reasonably practicable for the Commission and the public; in
other words, to a fair opportunity to bring its facts and arguments to the Commission's attention.
It had such a hearing—whether of right or of grace we need not inquire.
If the Commission had to decide primarily a question of policy and not only in-
dependently a question of fact, the tech-
nique it would have been clumsy and
dasteful.

WJZ DISC SHOW
Band Series for Sponsorship
- Segments Is Begun

INNOVATION started last week
on WJZ in New York, the Blue
Blond Band, program of recorded
popular music featuring the coun-
try's top bands, with Allen Stuart
as m.c. and producer. The series
is heard five-weekly 11:30 a.m. to
12:15 p.m., with the first half-
hour available for sponsorship in
a single segment or in two quarter-
hour segments.
The remaining quarter-hour is
available to sponsors in five
segments or for one-minute an-
ouncements. Stuart, formerly an
announcer for WNEW, New York,
has radio nine years as announcer, producer and
director, and most recently has been
announcing the Manhattan at Mid-
night show, sponsored on BLUE by
Cummer Products for Energine.

WPDQ Begins Oct. 15; Two Executives Named

APPOINTMENT of Cy Newman
as program director of WPDQ,
Jacksonville, and of Mrs. Marjorie
Weeks as director of advertising
with the responsibility of
women's features has been an-
ounced by Robert R. Feagin,
manager, which is
expected to begin operations about
Oct. 15. WPDQ will operate with
5,000 watts on 1270 kc. Newman
who will also handle
all sportscasts for WPDQ, has
previously been with CBS; WOR,
WMCA and WHN, New York;
WAAT, Jersey City, and
WITH, Baltimore. Mrs. Willis, whose
duties will include broadcasting a
daily women's hour, was formerly
manager, treasurer and director
of WTOC, Savannah.

WHK Joins Mutual

WHK, Cleveland, will celebrate
timeliness affiliation with MBS by
presenting a 45-minute variety
program on Mutual, Sept. 28,
9:15-10 p.m. Attilio Baggro,
graduate of the Royal Opera of
Europe, and one of the American
classic stage and more recently
with the Chicago Civic Opera and
Mutual network, will sing. Others
in the cast will be Elvera
Ruppel, soprano of WGR, Buffalo;
Joe Gentile and Ralph Binge of
the Cleveland Orchestra; Arnold
Lillian Sherman; Dick O'Herren;
Willard and his Orchestra; Sheehan
Carter.

Member of Southcentral
Quality Network

WDX - WMC - WSMB - KARK
KKWH - KBBS

THE VOICE OF MISSISSIPPI

November 1942

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BROADCASTING • Broadcast Advertising
FUL-O-PEP RETURNS WITH SPOT SERIES

QUAKER OATS Co., Chicago (FUL-O-PEP feeds), on Oct. 3 will resume transcriptions of Man on the Farm, a weekly half-hour live program on WLS, Chicago, on the following stations: WAPI KOA WJAX WIGW WHB WBZ WBYD WCCO WDAF WOR WSLB WSYT WTRY WBT WLW KYEO KMGC KDka WMC WSM WWFA-WBAP WOAI WSVA WRVA. The following stations will be added making a total of 45 carrying the program: KARK WBUF WFLA WDJ KMA WIBW WHAS KWKH WBAL WJZ WJW WOLF WPMI WXY WIS WNOX KFDM KPRC.

Program, which on Sept. 19 was renewed for the sixth year on WLS, consists of interviews of visitors to the Quaker Oats experimental farm 45 miles from Chicago, by Chuck Acree, m. c., and brief talks by Dr. O. B. Kent, director of research for FUL-O-PEP feeds.

The company on Sept. 26 will resume Our City Cousins, weekly quarter-hour live talent program on WLS, Chicago, consisting of interviews of people from all walks of life on their impressions of farm life. Interviewees are selected from the early arrivals at the Saturday evening National Barn Dance in the Chicago Civic Opera building. Agency is Sherman & Marquette, Chicago.

N. Y. Club to Meet
FIRST luncheon meeting for the 1942-43 season of the Radio Executives Club of New York will be held Oct. 7 at the Hotel Lexington, it has been announced by Thomas H. Lynch, radio timebuyer of Wm. Esty & Co., New York, and president of the club for the coming year. Out-of-town station or agency men in New York on Wednesdays are invited to attend the meetings as in past years.

Warfield Counsel
WILLIAM S. WARFIELD III, Chicago attorney, who has joined Cassels, Potter & Bentleu, has been retained by CBS as counsel in the anti-trust suit against the network instituted by the Dept. of Justice. Cases against both RCA-CNBC and CBS have been set for trial Dec. 31 in the Federal Court in Chicago before Judge John P. Barnes [Broadcasting, Sept. 14].

First Management
FIRST meeting of executives and department heads of the BLUE held since its inception as a separate organization in February of this year consisted mainly of a roundtable discussion of problems of programming, engineering and other phases of broadcasting operations affected by the war. Attending the meeting, and ensuing luncheon and dinner, were (seated, l. to r.):

Kenneth Berkeley, Washington manager of the BLUE; John McNeil, manager of WJZ, BLUE key station in New York; Keith Kiggins, vice-president in charge of stations; Phillips Carlvin, vice-president in charge of programs; Edgar Kobak, executive vice-president; Mark Woods, president; Don Gilman, vice-president in charge of the West Coast Division; William Ryan, manager of KGO, BLUE outlet in San Francisco, and E. R. Boroff, vice-president in charge of the central division.

Standing: James Storton, central division program manager; Robert Swese, secretary and legal counsel; H. B. Summers, public service manager; G. W. Johnstone, director of news and special features; Charles Barry, Eastern program manager; Alexander Nicoll, controller; Earle Mullin, publicity manager; Robert Saudek, assistant to the executive vice-president; Dorothy Kemble, continuity acceptance editor; George Milne, chief engineer; Charles E. Rynd, treasurer; John H. Norton, station relations manager; George Benson, Eastern sales manager; Bert J. Hausler, sales promotion manager; E. C. Horstman, Chicago engineering manager; Edward Evans, research head; Fred T. Thower, general sales chief.

NBC's Fall Parade
BECAUSE of the enthusiasm expressed by advertising agencies, sponsors and stars for NBC's Fall Parade of Stars, comprising promotional previews of coming fall programs, the original 10 transcriptions have been increased to 21.
Radio's contribution to the war effort and the building of national morale is the keynote of the editorial material and scripts, which provide a total of 12 hours of entertainment, especially contributed for the purpose, by top-ranking NBC artists [Broadcasting, Aug. 10].

Dover Beer Spots
DOVER BREWERIES, Hartford, Conn., through its newly-appointed agency, H. A. Salzman Inc., New York, has launched a series of one-minute transcribed announcements for an indefinite period on New England Stations. First a newcomer to radio, started the spots in August on one station each in New Britain, Hartford, and Waterbury, Conn., and in Springfield, Mass. on the basis of 40 a week.

Guider Joins the Navy
JOHN W. GUIDER, member of the law firm of Hogan & Harston, and a pioneer in the practice of radio law, last Monday was called to active duty in the Navy as a lieutenant commander, Bureau of Supplies and Accounts. He follows into service his partner, Lt. Com. Duke M. Patrick, at Cornell for an indoctrination course.

Mr. Guider
Com. Guider is a Naval Academy graduate, class of 1922. He has been a member of the Hogan firm for the past decade. Radio practice of the Hogan firm is being handled by Karl A. Smith and Lester Cohen, associates of Messrs. Guider and Patrick.

WIL's Contribution
BART SLATTERY, for nine years announcer and publicity director of WIL, St. Louis, who conducts WIL's Breakfast Club, has been commissioned a lieutenant, junior grade, in the Naval Reserve. He is doing personnel work for Naval aviation in the St. Louis area. Bill Durney, sports announcer for WIL, has been commissioned second lieutenant in the Marine Corps Reserve. Lt. Durney has announced ice hockey and football as well as other remote pickups for the past seven years, and is a familiar voice to thousands of St. Louisans.

V. LA ROSA & SONS Inc., Brooklyn, distributors of La Rosa Grade A Macaroni, and Andre London, advertising agency, have stipulated with the FTC to cease certain advertising claims for the product.

ANSWERS to WOR-Quiz on front cover

1. The formation represents the WOR Guaranteed Area. It contains 14 of the most active war work cities in the United States. Radio listening in the most densely-populated portion of this area has jumped 10 to 20% over the same period last year.

2. The symbol is used to point the fact that 14 major Eastern markets of more than 100,000 people each can be covered by WOR alone.

3. These are the initials of "Bessie Beatty", famous WOR woman's show conductor, who opened up 50% more outlets for a well-known substitute product in 8 weeks. The new dealers are located in New Jersey, Connecticut, Rhode Island, Long Island and Pennsylvania.

4. This insignia appears on the cards of all "The 8-Ball Clubs" members. Club is idea of Jerry Lawrence, popular all-night show m. c. on WOR. The "8-Ball Club" has members in approximately 37 states. Each member is one of WOR's thousands of all-night listeners.
Musicians Local in New York Endorse Petrillo's Disc Action

Confidence in Union President's Policy Voiced;
Rochester Symphony Cancels Its Concerts

MEMBERSHIP of the New York local (802) of the American Federation of Musicians has unanimously endorsed the fight of James C. Petrillo, national vice-president of AFM, against recorded music, it was announced last week by William Feinburg, secretary of the local, following a meeting on Monday attended by about 1,000 members of 802.

Resolution adopted at the meeting is a duplicate of that adopted a month earlier by the local's executive board. After citing at some length the adverse effects of "mechanical and canned music" upon the employment of live musicians, the resolution expresses "fullest confidence" in Petrillo and the AFM international executive board and pledges the local to "exert every effort to carry out" the decision that AFM members shall cease making records and transcriptions.

AFM Explanation

This decision, the resolution states, "was made in the hope and for the purpose of inducing the recording companies and radio broadcasters to negotiate and agree upon a plan under which not only they may continue to function and prosper, but which would also provide employment opportunities for greater numbers of our fellow members."

802 also last week ran two-column, 13-inch ads in a number of New York newspapers to explain "this right of the professional musician and why he is opposed to the uncontrolled distribution of the records his talents create." Following this headline, the copy states that the "total radio advertising revenue from all non-network programs, including live programs and announcements, and music as well as musical programs, is less than $1,000,000,000 and not the "hundreds of millions" for "canned music" alone claimed by the union. Even regarding AFM membership, the analysis of J. M. Weber, former AFM president, as stating in 1940 that "our membership consists of fully half of non-professionals who are not entirely dependent on music for a livelihood,"

Regarding the AFM question: "Is not the musician, then, justified in saying: I will make no more records until and unless honest negotiation provides a solution by which the public may continue to enjoy the product of our time and labor, and I may continue to work and earn a living?"

"No musician ever said this. Mr. Petrillo merely said, from Aug. 1 no members of the AFM will work in making records. He said this unconditionally, and without prior consultation with representatives of individuals of the public. All that remains to be said is to ask a difficult question. That question is 'for instance, What kind of a solution is the AFM talking about? It has not said. It says it wants the record companies to control the use of records. The record companies cannot legally do this. Moreover, what musician is the union talking about? Does it really mean that phonograph records cannot be made in New York unless part-time musicians in Idaho, for instance, who cannot meet the local public, are given forced employment?"

Petrillo's Lobbying

In response to the AFM suggestion for "some equitable legislation as now exists in England," the NAB replies: "If the only way in which this situation can be remedied is by legislation, what new form of legislative lobbying is Mr. Petrillo?"
five der Bread and olive cally representing the Bachelor's Children recorded in Spanish and shipped.

Meanwhile, another musical educational institution has had its students banned from the air because of the Petriillo usace that only union musicians shall be allowed to broadcast. The symphony orchestra of the Cincinnati Conservatory of Music has been cancelled its scheduled series of broadcasts on CBS, which were to have begun early in November and to have continued throughout the winter from 3:30 to 4 each Thursday afternoon. Like the cancellation of the CBS broadcasts of the Cincinnati Conservatory of Music a week earlier [BROADCASTING, Sept. 14], the Eastman series was halted because of its conflict with the policies of Petriillo.

It was learned, however, that CBS is planning to broadcast a half-hour afternoon series of concerts given by the Eastman Orchestra. Dr. Howard Hanson, director of the school, explained that such broadcasts would be permitted because the group's members are also members of the AFM. He proposed that the matter of student broadcasts might be settled by an agreement between the union and the broadcasters which allow a limited number of broadcasts by student orchestras.

Some 40 members of the faculty of Oberlin College and Conservatory, Oberlin, O., issued a stinging rebuke to Petriillo and the AFM Sept. 17, calling upon 15 of the nation's music schools to fight their union's ban on student musical broadcasts.

**SERIAL SELECTED FOR LATIN DISCS**

**BECAUSE** it was the “best example of good, solid American radio in the serial form,” Bachelor's Children, has been chosen by the Planning Board of the Office of the Coordinator of Inter-American Affairs for broadcast via transcriptions on South American radio stations. Of all program being recorded in Spanish and shipped to South America for broadcast, Bachelor's Children is the only one representing the daytime serial field.

Program is broadcast domestically on NBC for Colgate-Palmolive-Peek, but shifts to CBS for Continental Baking Co. for Wonder Bread and Hostess Cake on a five-weeks basis starting Sept. 28. Ward Wheelock Co., Philadelphia, has been the agency for the show for Palmolive soap, and Ted Box, Inc., New York, handles the serial for Continental.

**Cooper Blade Drive**

COOPER SAFETY RAZOR CORP., Brooklyn, which entered radio in the early part of the year with a test campaign on WNEW, New York, will use stations in major eastern and midwestern markets and a drive to encourage shavers to conserve steel by using high-quality, long-life blades. Proper care of blades will also be stressed in the campaign. Promotions will probably be used to assist the retailer in merchandising. WEBR, Buffalo, has already started a series of daily announcements at 7:30 a.m. for Cooper. Further outlets and type of program to be used are not yet ready for release. Hefelfinger Agency, New York, handles the account.

**Modern Odysseys**

STUDY of studio and audio facilities is the hobby of Art Peck, studio engineer of WCCO, Minneapolis, who in the past seven years has visited 59 studios and 28 transmitters. Mr. Peck's most recent pilgrimage was to the opening of new studios of WTMJ, Milwaukee. He has visited Pensacola, Salt Lake City, Albuquerque, and Memphis among others. He has seen 15 of the 21 Minnesota transmitters, six of the nine in North Dakota.

**Sheffield Disc Spots**

SHEFFIELD FARMS Co., New York, has launched a nine-week campaign for Homogenized Vitamin D Milk on ten New York stations. A total of 122 transcribed announcements are used each week on all stations. Agency is N. W. Ayer & Sons, New York.

**Jack Benny Show Opens Fall Series in Hollywood**

WITH change of plans first couple broadcasts of the NBC Jack Benny Show, sponsored by General Foods Corp. (Grapenuts), and resuming Oct. 4 for the ninth consecutive season, will originate from Hollywood instead of New York as originally announced. Benny is being held on the West Coast for retakes of his 20th-Century Fox film, "Meanest Man in the World". Unless further detained by his current picture, Benny and his troupe will go to New York following the Oct. 11 broadcast, remaining in that city for 10 weeks or more.

Switch in locale for the opening broadcast may also cause substitution of Phil Harris for Harry James' Orchestra. Latter aggregation was scheduled for the first two broadcasts originating from New York. It will probably be on the program at a later date. James' orchestra is held in New York by commitments.

**FIRST AID TO YOUR WARTIME ADVERTISING**

Your War Time advertising appropriation must be geared to the time!

Methods and mediums of advertising have changed since December 7th. But—you must keep 'em informed about your product or service.

To reach the ears and the increased purchasing power of Southeastern Ohio—tell your story over WHIZ, Ohio's Biggest Little Radio Station.

By diverting a portion of your budget to WHIZ you'll be keeping your advertising UP and your cost per listener DOWN!

WHIZ

ZANESVILLE, OHIO

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SEE JOHN BLAIR BLUE NETWORK
365,000 people make the Youngstown metropolitan district the third largest in Ohio.

WFMJ

Has more listeners in this rich market than any other station.

Headley-Reed Co.
National Representatives

One of New England's best mail pulling stations — per inquiry cost for below national average.

WHEB

Portsmouth, New Hampshire

WNL Rep. JOSPEH HERSHEI, McGILLIVEY
Bost. Rep. BERTA.- BANNAN

360,000 WATTS

The Greatest Selling POWER
in the South's Greatest City

CBS Affiliate

NARL Rep. - The Katz Agency Inc.

360,000 WATTS

NEW ORLEANS

Selling

Outlets Slated

CO-OP SERIES

COOPERATIVE LEAGUE of the U. S. A., which for some months has been contemplating a radio campaign to "educate the American public to the benefits and co-operatives, has decided to use quarter-hour transmissions, titled "Let's Get Together, Neighbor, in the afternoons on 26 stations, selected for their market potentials.

The campaign, according to Wallace Campbell, executive secretary of the organization, and scripts will be of an educational nature, furnished by Columbia Records Corp.

The series, to be heard at varying times in the afternoon selected, will cost about $25,000, amount raised through voluntary contributions from co-op members throughout the country. Agency in charge is Atherton & Currier, N. Y.

REligiOUS SERIES

ON ATLANTIC NET

Gospel Tabernacle, New York, will sponsor a 37-week series of half-hour Saturday night broadcasts on the Atlantic Coast Network, beginning Oct. 17, it was announced last Wednesday by Edward Codel, ACN general manager, following a meeting of the regional network's affiliate stations manager at ACN headquarters in New York.

Titled "Word of Life Fellowship," the Tabernacle programs will deal with the work of the church and will be interdenominational. Conducted by Jack Wyrtzen, they will be broadcast each Saturday from 10:00-11 p.m. on a network comprising the complete ACN southern unit, plus Boston and Providence. Business was placed directly.

Operating Policies Discussed by NBC

PLANS and policies for NBC's operations during the coming season were discussed by a group of the network's executives during a three-day meeting held at Hot Springs, Va., Sept. 18-20.

Meeting was run on the seminar plan, with various officials conducting discussion sessions as follows:

President & first gentleman of all ACN affiliates since the beginning of the network's commercial operations, was held primarily for the purpose of arranging for time. Programs and succeeded in clearing afternoon and evening time for the entire network, Mr. Codel reported.

Women's Schedule

The women's program schedule is currently getting under way, while the other programs started at different times, beginning in August. Contracts are in general for television, and may be extended to 52 weeks with different books offered from time to time. Station line-up may be increased later.

Women's interest shows are used on: KNX KFRC WTIC WBBM WLS KPO WBZ WJR WACO WOR WLG WJZ WOR WGY WCNU KFRC KSL KDKA.

Five-minute and quarter-hour programs are used on WPEN WPRO WMAQ KFZ WBDO WMCA KARR KGW KFPO WWDJ KFAT WBAAL WHDH WMEX WACO WXYZ CKLW KXOK WENY WAGE HGAR KGW WIP WEAFL KGKO WINS.

Doubleduty has used radio within the past year in two campaigns for Triangle Books, one on 6 and the other on 15, and has previously scheduled a campaign on 60 stations for Business Encyclopedia Britannica.

Agency is Huber Hoge & Son, New York.

Safety Disc Series

IN ADDITION to its successful weekly BLUE program Men, Machines & Victory, the War Production Fund's Consumer Manpower Campaign of the National Safety Council is distributing half and three-quarter minute transcribed spot announcements to RCA and all stations throughout the country for broadcast at intervals during the day and night.

The week after Oct. 11, according to Wallace Campbell, executive secretary of the organization, and scripts will be of an educational nature, furnished by Columbia Records Corp.

The series, to be heard at varying times in the afternoon selected, will cost about $25,000, amount raised through voluntary contributions from co-op members throughout the country. Agency in charge is Atherton & Currier, N. Y.

Bulova Spots on 270

LARGEST spot campaign undertaken by Bulova Watch Co., New York, started Sept. 20, with the purchase of spot time on 75 additional stations, making a total of 260 stations carrying Bulova spots for the firm. Agency is Milton Blow Inc., New York.
Petrillo Under Fire at Senate Inquiry

Davis, Fly Make Pleas
For Quick
Action

A CALL for quick solution of the problem presented by the Petrillo-ordered ban on the recording of transcriptions and phonograph records, lest serious injury be done the war effort, was made before the Senate Interstate Commerce Subcommittee last Thursday and Friday by Elmer Davis, Director of OWI, and James Lawrence Fly Chairman of the FCC and BWC. Sitting during the preliminary hearings were Chairman D. Worth Clark (D-Idaho) author of the resolution to investigate Petrillo and AFM; and Senators Charles O. Andrews (D-Fla.) and Charles W. Tobey (R-N. H.) Senators Lister Hill (D-Ala.) and Chan Gurney (R-S. D.) were absent because of other urgent committee meetings. Running account of the testimony follows.

In opening the hearing, Chairman Clark read his resolution seeking the full-scale inquiry and looking toward remedial legislation. He pointed out that the Government thought the situation sufficiently serious to file a suit against AFM but that he felt appropriate legislation was necessary.

Chairman Clark explained the subcommittee had proposed to conduct only a "preliminary hearing" not the complete investigation, and would lay the groundwork with sufficient information to justify adoption of the resolution by the Senate, following full committee action. With that accomplished, he said, a "full-fledged investigation" would ensue.

Aside from the Government witnesses, Chairman Clark declared the committee did not propose, in its preliminary inquiry, to hear other testimony pro or con. The testimony of AFM, Petrillo himself, affected industries and others would come following adoption of the resolution by the Senate and opening of the formal inquiry. Funds would be sought from the Senate Committee on audit and control, he said, but only to defray ordinary inquiry costs.

Explaining he had written Petrillo asking him to withdraw his record ban of July 28, and that the union replied July 31 rejecting the plea, Mr. Davis placed in the record the exchange of correspondence [Broadcasting, Aug. 3].

Pointing out that his letter to Petrillo contained the statement that it had been sent on behalf of all departments of the Government identified with the war effort, he emphasized that it was sent only after consultation with these departments at a joint meeting and with approval of their representatives.

After reviewing the facts stemming from the June 25 Petrillo order, Mr. Davis pointed out that although the order was on its face applicable only to OWI, Petrillo later had stated he was willing to permit recordings to continue for home consumption, provided the recording companies would guarantee that Petrillo's records would not be commercially used.

"I am informed that there is no legal way in which recording companies can make any such guarantee; nor does there appear to be any way in which it could practically be made effective. As a matter of fact, recording has stopped.

Many Lack Locals

Assuming that OWI will not interject itself into any labor dispute between employers and employees, Mr. Davis said, however, that Petrillo's refusal to permit members of his union to make further recordings did not relate to any specific grievance between the union and the recording companies.

This was based on the fact that the recorded music had supplanted live musicians in several fields, notably radio, and in juke box entertainment.

"There are more than 150 communities in the country which are not within the jurisdiction of any local of AFM but which are served by as many or more stations, the OWI director said. Many of the stations are in small communities in which there are a few if any union members.

Pointing out that these stations are dependent on recorded music to hold their audience, Mr. Davis said his office has a "direct and vital stake with the maintenance of the radio coverage in this country." Calling radio "one of the most important media for the conveyance of war information in general" he said it may become of still greater importance when there is occasion for an emergency message from the national leadership.

A policy which threatens the continued existence of many of the stations is injurious to the national system of communication, and may seriously hamper the work for which this office was established, of informing the people about the status and progress of the war effort and the war policies, activities and aims of the Government."

Deviating from his prepared statement, Mr. Davis said this was not an economic issue and that it was not the business of OWI who owns what radio station or what store. It's a matter, he declared, of keeping the vital medium going even if some stations have to be "subsidized". OWI, he declared, "is concerned about the maintenance of radio service in the country." The Petrillo ban, he asserted, "may seriously hamper the work of this office."

Juke Boxes, Too!

Returning to his statement, Mr. Davis said this is the primary consideration which inspired his letter to Petrillo. But, he added, there are other factors. All the information which OWI can get indicates that men in the armed forces and in fact all workers in wartime factories and industries get a large part of their recreation from freshly recorded popular music, with latest tunes played by the currently popular bands.

"The director of this office is not personally an addict of the juke box; but he notes that it seems to be highly popular among soldiers, sailors and marines in Army posts, at home, and among factory workers as well, while at our outposts overseas recorded music is a vital necessity for the entertainment of our troops."

Alluding again to Petrillo's letter replying to his plea, Mr. Davis said the union leader promised that his musicians would continue to make recordings for the armed forces and our allies. He pointed out, however, that the number of programs directly produced by the Army is small. What is needed, he said, is a free flow of freshly recorded music available through normal and customary channels.

"I am officially informed," the erstwhile CBS analyst said, "that the War Dept. has received representations from commanding officers at various war zones calling attention to the fact that a cessation of this supply of music (and I quote from the letter of a commanding general), 'will jeopardize the complete morale and propaganda broadcast structure at combat zone points. I am further officially informed that the War Department has thus far failed to receive from Mr. Petrillo any satisfactory assurances of the continuance of these vital services.'"

Mr. Petrillo also had promised in his letter that transcriptions for radio used as intended—once only—are not detrimental to AFM if destroyed after such use. Call-
to a hearing, Judge Rutledge said that the Commission’s argument that appellant had no right to be heard because it had no vested right in the frequency was “untenable.” The failure, he said, is that “one who has no such vested right has therefore no procedural protection in relation to the more tenuous rights, privileges or status he possesses.” Then he alluded to the rights inherent in a license, whatever its label.

The majority concluded that the Commission must keep its hearings within manageable bounds. Expedition of the Commission’s functions, Judge Rutledge said, requires that hearings “not become radio conventions or interminable trials like some receivership proceedings.” He said there must be a limit to the number of persons entitled to participate as parties and to the extent to which those so entitled may take part.

It was in the “final and decisive stage” of the Commission’s action when NBC was excluded as a party “tenable.” The failure, he said, was the majority. When the Commission entered its proposed findings of fact, NBC should have been recognized as a party and allowed to participate, Judge Rutledge cited.

“For the error in excluding appellant from participation as a party in the final and controversial stage of the proceeding, contrary to the requirement of Section 303 (f) of the Act, the order must be reversed, with directions to afford appellant opportunity for hearing in accordance with the provisions of that section,” the majority opinion concluded.

Judges Groner and Vinson, in a concurrence, concurring opinion, said that they agreed with Judge Rutledge that the Commission should have accorded NBC the right to participate in a hearing as a party. They contended, however, that NBC should have participated in the proceedings under the original WHDH application. They disagreed with the view of Judge Rutledge that the Commission in its discretion may exclude NBC from participation until after the proposed findings of fact have been made.

“We think the statute contemplates that a licensee’s right, although limited and defeasible, shall not be modified or destroyed without a hearing. To allow a hearing only after proposed findings of fact have been made is to deprive appellant of participation during the crucial period of the proceeding—that is, when the evidence is being taken and the record being made up. Appellant’s interest existed from the beginning, and it is not enough that that interest was considered by the Commission.”

Property Rights

Justice Stephens, in concurring with his three colleagues, added pungent views on property rights. He said he thought it was clear that a station licensed under the Communications Act for a definite term for the conduct of a broadcasting business requiring substantial investment is more than a mere “license” privilege of gratuity.

Whether or not it may be technically called a property right, he added, “it is a thing of value to the person to whom it is issued and a business conducted under it may be the subject of injury.”

Among two reasons why he felt hearings were required, Judge Stephens said that in the absence of clear language requiring such a conclusion, it would be unfair to consider that Congress would provide for the granting of station licenses for radio broadcasting contemplating, in connection with operating a station, investment in building space and equipment, the hiring of talent, the contracting for advertising, and the employment of labor, but at the same time fail to recognize that “by whatever technical name they might be called, whether property rights or license rights, interests would arise, in the persons to whom licenses were granted, which should be preserved and not be impaired or destroyed by the Communications Commission without a hearing upon the question whether the public interest would be served by their impairment or destruction.” He said right to a hearing before injury by the Government in the public interest is “one of the fundamental decrees guaranteed by democratic institutions.”

To construe doubtful language of Congress as permitting the impairment or destruction of a licenseee’s interests without a hearing “would be to invalidate, under the due process clause of the Fifth Amendment, the action of Congress,” Judge Stephens continued.

“That clause protects against the arbitrary impairment or destruction of substantial rights, even though they are limited by the public interest, is not open to doubt,” Judge Stephens concluded.

Worried Listeners bombard- ed WINX, Washington, with telephone calls when the station put on a pseudo-raid of its premises, with rescues of victims from the roof of WINX. Presented to make Washingtonians aware of the dangers and damage that raids may entail and to recruit volunteers for the Auxiliary Rescue Service, the demonstration was so realistic that itfooled spectators.

Court Upholds Hearing Right

(Continued from page 70)

For a big chunk of it, use the
DECATUR station,
of wasteful." He said he found nothing in the act which required the Commission to give KOA a hearing, but found the contrary. Yet, he contended, the Commission gave KOA a hearing and violated neither the Act nor due process.

Judge Edgerton said that KOA, as a matter of due process, might be entitled to some sort of hearing. But he held that it was not entitled to a hearing which should include "the incidents of a trial in court."

Persons may be "heard," he said, without being "permitted to intervene and the trial becomes parties." He held that KOA was entitled to no more than a hearing reasonably adequate to protect its interests and reasonably practicable for the Commission and the public, and concluded that it had such a hearing when it participated in the final oral arguments.

Nelson had an opportunity to appear and present evidence but "chose not to do so," he said. It was permitted to and did file a brief and make oral argument. "Nothing more was required," as rule the court majority did that the Commission's action was erroneous "is to cramp the administrative process by forcing it into the very mold for which it is designed to avoid. Since the Commission had to decide primarily a question of policy and only incidentally a question of fact, the technique of a trial would have been clumsy and wasteful."

Blue's War Effort
CONTINUING its increase in the amount of time devoted to the war effort, BLUE contributed a total of 112 hours in programs and announcements designed to stimulate morale or increase production during the month of August. In June, the total was 73 hours and 46 minutes; July, 106 hours 54 min.

Canadian Outlets Cutting Air Time
TO REDUCE wear on equipment all Canadian Broadcasting Corp. networks and all CBC stations except CBA, 24 and KOA, will close at 11:30 p.m. local time throughout Canada starting Sept. 27. It was announced Sept. 16 by Howard Kennedy, national general manager, at Ottawa. Murray stated that such a reduction of broadcast operations in each time zone across the Dominion would lengthen the life of a large amount of equipment.

Exception is made of CBA because important war programs may be broadcast in that area after the National News Summary which finishes about 11:30 p.m. ADT. Stations affected by the early closing are CJBC, Chicoutimi, Que.; CBY, Quebec; CBM and CBF, Montreal; CBO, Ottawa; CBL and CBY, Toronto; CBK, Waustrum, Sask.; and CBR, Vancouver.

Only one privately-owned station has cut its evening closing time, CHNS, Halifax, which has closed down since Aug. 24 at 11:16 p.m. There is no rule that privately-owned CBA, Stackville, N.C., will close down early, but it was intimated by Donald McLean, executive assistant to Gladstone Murray, early in August, that plans for ray, CBC general manager, to cut down time. All Canadian stations were under consideration [Broadcasting, Aug. 17].

Cleanser Test
LOS ANGELES SOAP Co., Los Angeles, in a brief test campaign to promote its new product, Scotch Cleanser, will utilize a five-minute transcribed musical contest program, Guess-A-Tune, on five California stations. A total of 12 programs each starting on various dates, from Sept. 21 to Oct. 26 inclusive, will be used on KPO, San Francisco; KFI, Los Angeles; KNX, Hollywood; KJZ, Fresno; KERN, Bakersfield. Agency is Raymond R. Morgan Co., Hollywood.

Helen King Leaves WEBR
HELEN KING, promotion director of WEBR, Buffalo, has resigned to become publicist director for the Buffalo Evening News. Once operator of the King Contest Bureau in New York, Miss King will also have the title of publicity director of WBN, News-owned NBC affiliate.

Religious Discs
INSTITUTE of Religious Science, Los Angeles (religious), on Sept. 15, shifted its five-weekly quarter-hour program, Science of Mind, with Dr. Ernest Holmes, commentator, for KFAC, that city, to KFWB, Hollywood. Contract is for 52 weeks. Utilizing transcribed versions of the program on a five-weekly basis, the organization is currently testing on KFEL, Denver; WPEN, Philadelphia; WHAM, Rochester; KROW, Oakland. Other stations will be added to the list. Agency is Raymond R. Morgan Co., Hollywood.

Canada Labor Spots
DEPT. OF LABOR, Ottawa, used a live spot announcement campaign several times daily to remind women between 20 and 24 years of age that they had to register during the week of Sept. 14-21. Every Canadian station was used. The department also is using spot announcements in advance of the Canadian Broadcasting Corp. weekly network show, Step It Up, dealing with labor on war production. Both campaigns of paid spot announcements were placed by R. C. Smith & Sons, Toronto.

Wisn Milwaukee 5,000 Watts Day & Night
Columbia
The Katz Agency, Inc. - Representatives

Wamland Is Your Super-Market
WHAMLand's 17,787 neighborhood groceries make this rich 4-county area a super-market for food merchandising ... a market that measures up to those for all the other goods that WHAMLand folks buy. These are the stores, the supermarkets, the neighborhood groceries, the crossroads stores that sell your goods ... near enough and convenient enough to all of WHAM Land's 90,000 radio homes to afford quick satisfaction for the buying desire your WHAM program creates.

With WHAM's clear channel, 5,000 watt signal you reach all of these buying neighborhood at approximately one-third the cost of localized coverage of the same area.

National Representatives:
GEORGE P. HOLLINGSBURY CO.
50,000 Watts ... Clear Channel ... Full Time Co. - Affiliated with the Hollingsby Broadcasting Co. & The Blue Network, Inc.
Pettrillo Probe
(Continued from page 58)

ing this “a not unimportant exception to this ruling.” Mr. Davis pointed out that a large number of important programs are broadcast by transcription and played only once on each station involved. Not only is this true with respect to programs produced solely by means of transcription, he said, but many popular network shows find a larger audience, especially in the outlying communities and in the territories such as Hawaii, Puerto Rico and Alaska, by means of supplemental coverage afforded through transcriptions made simultaneously with the network performance.

Many of these programs contain patriotic messages in addition to entertainment. Assuring that the promise implicit in Mr. Pettrillo’s statement that such programs would not be interfered with was welcome, Mr. Davis said that he at a short time this permission was granted for the making of transcriptions which came within the scope of his definition.

On Sept. 3, however, Mr. Davis explained, “Mr. Pettrillo revoked all permissions heretofore granted for this type of recording and announced that he would grant no further permissions. So that exception is now cancelled.”

Summing up, Mr. Davis said:

“A TOTAL of 167 stations, segregated as shown on this map, whose net income before taxes was less than $5,000, may go under if the transcription-record ban of the AFM continues. This exhibit was used by FCC Chairman James Lawrence Fly, along with others, to show the plight of the industry and the need for action.

“This office is not concerned with any individual broadcasting stations or individual proprietors of insitutions in which juke boxes are located, against whom Mr. Pettrillo may have a grievance. Our concern is primarily with the national interest in maintaining the broadcast sound system of radio communication; and secondarily with the persons with whom Mr. Pettrillo has no dispute at all, who are adversely affected by his ruling—the broadcasting stations located far from the sources of supply of available musical talent and in no economic position to serve without recordings; the operator of the candy store across the street from any army post; the U.S.O. hut in Alaska—all these places and the people whom they serve, are dependent on recorded music.

On Legislation

“I have no suggestion to make to this committee with respect to the passage of any legislation, and do not even know whether legislation is necessary. I have confined my statement to the facts which inspired my letter to Mr. Pettrillo.”

Under cross-examination, Mr. Davis agreed with Chairman Clark that the net result of the Pettrillo action is that all recording of music stopped as of Aug. 1 and that the single exception made to the Aug. 1 order since has been revoked. He agreed likewise that it was obvious that in a short while existing records will wear out or become obsolete.

“Isn’t it true that a large number of stations have to substitute for these recordings or go out of business?”, asked Chairman Clark.

Answering affirmatively, Mr. Davis said that his office felt something had to be done to preserve continuity of service. He explained that he had sought to have Pettrillo revoke his order but was met with a refusal.

When Chairman Clark observed he appreciated Mr. Davis’ position regarding advocacy of legislation, the OWI Director said he understood the statutes forbid information officers of the Government from espousing any legislation.

Senator Andrews asked whether it was not a fact that stations are required to operate a minimum number of hours daily and whether if recorded music were withdrawn they would not be forced to substitute “a lot of talk” for music. William B. Lewis, chief of OWI’s Radio Bureau, who accompanied Mr. Davis to the hearings, said he understood FCC regulations required minimum operating hours. When Mr. Davis jokingly interjected that talk “used to be my trade”, Senator Tobey commented that “the country at large misses you on the air” in spite of the larger job you are doing.”

“Time will tell,” rejoined Mr. Davis.

“Unless Congress does something,” Chairman Clark observed, “it isn’t going to be done.” He asserted the Department of Justice civil suit in Chicago may be effective but is subject to “termination decree”. Pointing to the importance of the time element, he said that whatever side wins in the Chicago litigation, an appeal is likely.

“Since Pettrillo has refused to cooperate voluntarily with his Government in the war,” the chairman asserted, “we must do something.” This committee will explore the entire field and intends to do it with dispatch. Then we propose to find out what can be done to meet the situation. “Unquestionably these restraints will cripple to a large extent our whole communication system and disturb the morale of our troops,” the chairman said.

Many Letters

Mr. Clark disclosed he had received a “great swarm of letters” on his resolution from the public, stations vitally interested and other groups. He said the committee, when it began its formal hearings, proposed to give Pettrillo and his people full opportunity to be heard. Local 802, New York,

largest of the AFM units, already has asked to appear and will be accorded the opportunity following the preliminary hearings, the senator said.

Somewhere along the line, the chairman asserted he hoped it would be possible to get a voluntary agreement to “keep them going at least for the duration of the war.”

When Senator Andrews commented that it “great admiration for the work you are doing,” Mr. Davis promptly rejoined, “I hope you will remember that when we come up to Congress to ask for some money.”

Chairman Clark expressed the gratitude of the committee for Mr. Davis’ illuminating statement and said that he would ask unanimous consent of the Senate that “you are doing a splendid job.” He promised to “help you get that money.”

Fly’s Testimony

Opening the second session Friday, Chairman Clark asked Senator White to sit in with the committee. Senators Gurney and Hill again were absent because of other committee obligations. Chairman Clark described Senator White as “the outstanding authority on radio in the Senate” and Mr. White, victorious in the Maine elections last week for his third six-year term, rejoined that the observation was “more kind than accurate.”

Chairman Fly read a prepared statement interspersed with exhibits and analyses based on the FCC’s detailed inquiry into the music situation on stations.

Explaining that the Commission was concerned only with the impact of the recording ban on the broadcasting industry, Mr. Fly pointed out that the Clark Resolution is much broader in scope.

The impetus for the Commission, he said, came not only from the announcement of the recording ban, but also from complaints it had received on cancellation of the high school orchestra broadcasts from Interlochen, Mich. Chairman Fly recounted to the committee the results of the FCC study into the Inc. It was the conclusion of which he had asked for comments both from President Niles Tran-
mell of NBC and from Pettrillo, as well as from all stations.

Mr. Pettrillo told the Commission that he objected to broadcasts by amateur musicians who compete with professionals, and in addition took the position that the Interlochen Camp is a "commercial proposition" and, like other radio advertisers, should pay for musicians when it goes on the air to advertise itself.

**FCC's Survey**

The FCC asked all stations to advise it whether during the past three years there had been any comparable instances involving the stations where amateur musicians had been kept off the air or permitted to broadcast only if professional "stand-bys" were specifically employed for the occasion. He recounted there had been 51 instances where amateurs had been kept off the air, either because the union forbade the broadcast or the station refused to employ the requisite number of stand-bys. About half involved high school orchestras or military bands.

In addition, Mr. Fly said the Commission had information of 26 instances where amateur musicians had been permitted to broadcast only after professional stand-bys had been specially employed. The other 723 stations on which thus far have answered the Commission have not reported any similar instances.

Chairman Fly revealed that 366 of the 723 stations which thus far have answered the questionnaire have either written contracts or oral understandings with the local union.

**After Weber**

Dealing with recordings and transcriptions, Mr. Fly said his understanding of the AFM objection is that recordings and transcriptions compete with live musicians and thus decrease the opportunities that musicians have for employment in radio. He said Pettrillo contended the situation is unusual because the very devices which compete with live musicians are made by the musicians themselves.

Tracing the history of the recording fight to the original 1931 Chicago ban by Pettrillo, then an officer of the Chicago local, Mr. Fly pointed out that all past disputes have been settled without any national ban.

Discussing the impact of the recording ban on radio, Mr. Fly said that in order to get this information, the FCC on Aug. 15 sent its detailed questionnaire to all standard stations, using the week of April 5-11 as a typical broadcast week. Thus far, 796 stations out of the total of 890 in the continental United States answered the questionnaire. He said the replies received are in every respect a representative sample and that the lack of 94 replies would not change the picture.

**Employment Shown**

Breaking down the results of the survey in each vital category, Mr. Fly said it showed 2,171 fulltime staff musicians employed at the 796 stations. This is an average of 2.72 fulltime men per station. He noted that 463 stations (58.2%) did not employ any fulltime musicians and 124 stations (15.6%) employed only one musician. In addition to the 2,171 musicians, these 796 stations employed 1,171 parttime men, and 685 rural entertainers, commonly called 'hillbillies'.

The analysis showed the average station was on the air 112 hours during a typical week. For approximately 86 of those hours, the average station broadcast programs which contained music. In other words, 76% of the total broadcast time of the average station is devoted to music.

The replies as to musical programs were broken down into three categories, those in which the entire program was music, or music was an "integral" part and where it was "incidental". The breakdown showed that 48.2% of the time was devoted to programs entirely musical; 13.8% to programs of which music formed an integral part, and 14.3% to programs where music was merely incidental.

Describing his next exhibit as the most important aspect of the problem, Mr. Fly went into the extent to which recorded music is used by stations. This showed that 42.6% of the average station's total broadcast time is devoted to recorded music and 33.7% to live music. Explained another way, Mr. Fly said it revealed that 55.9% of the average station's musical time is devoted to recorded music and 44.1% to live. Approximately 40% of all commercial time is devoted to programs containing recorded music, he said.

Sees 'Serious' Effects

Explaining another chart, revealing the relative importance of phonograph records and electrical transcriptions, Mr. Fly said it revealed that nearly two-thirds of all recorded radio music consists of transcriptions and about one-third of phonograph records. He pointed out that transcriptions generally are of considerably higher quality.

This does not give the complete picture as to importance of transcriptions because transcribed spot announcements containing music are not covered. During the typical week, the 796 stations reported broadcasting 32,470 such announcements, or an average of 40.8 per station. They received $209,514, or an average of $263 per station for that week.

If the ban on recordings continues, Mr. Fly said, it will not be long before the broadcasting industry is "very seriously affected".

"You can't shut off the program source of over 40% of all radio time without striking at the heart of broadcasting. True, the stations have a supply of records on hand, and they also have available to them the services of transcription libraries. But this doesn't solve the situation. Recordings wear out. And of immediate importance, stations will lose their audience if they can't get new tunes."

Breaking down the survey to show the relative importance of recorded music to network and non-network stations, low-power and high-power stations, stations in small and large cities and the more prosperous against the less prosperous, Mr. Fly described to the committee a series of exhibits covering each aspect.

**Recorded Music**

Of the 498 stations affiliated with national networks, 368 (73.8%) broadcast less than 50% of their music in recorded form. The remaining 130 (26.2%) broadcast more than 50% of their music in recorded form.

The breakdown for 298 non-network stations showed that only 18 (6%) broadcast less than half their music in recorded form, with the remaining 280 (94%) relying on phonograph records and transcriptions for more than half their music.

While only 26 non-network stations (8.7%) broadcast less than 50% of their time in recorded form, there were 272 (91.3%) which broadcast more than 60% of their time in recorded form. And (Continued on page 68)

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**Elmer Diddler's Doings:**

**Lunch-Time Facts That Stay With You**

---

| $678,024,000.00 | Annual income of WIBW form families — a market dominated by our six-state signal. Ready to sell for you. |
| WIBW The Voice of Kansas | TOPEKA |

---

**Next** time you have lunch, Elmer, remember that while you eat, WGY is busy attracting more listeners in this area than all other stations combined. Between noon and 1 P.M., WGY has 53 per cent of the listeners, with the next most popular station coralling only 14 per cent. That's what the General Electric Market Research Department found in a recent survey of noon-time listening habits up this way. It's no wonder, for WGY—

---

**General Electric**

**WGY**

50,000 WATTS
SCHENECTADY, N. Y.

---

★ is the area's only 50,000-watt station
★ is the area's only NBC outlet
★ has the area's lowest frequency
★ is the area's only 20-year veteran

---

**BROADCASTING • Broadcast Advertising**

September 21, 1942 • Page 63
Industry Harmony to Keynote NAB Chicago Board Session

SPURRED by wartime demands, a plan for a united industry, under the aegis of the NAB, will key-note the meeting of the board of trade association in Chicago, Sept. 24-25, according to prominent board members.

Plans will be projected under which a wartime emergency committee, reporting directly to the board, would be created, combining present functions and activities of all trade groups. No changes in NAB top personnel, headed by NAB President Neville Miller, are under contemplation, it is understood. The feeling of many broadcasters, according to director re-

sections in the various districts, is that a more effective job for the industry, as a whole in the wartime economy could be done through elimination of duplicated effort.

Harmony Proposal

In seeking to restore full-scale harmony in industry ranks, some board members propose that such organizations as Broadcasters Victory Council, National Independent Broadcasters, Network Affiliates Inc., and other trade groups set up, because of dissatisfaction with the NAB during the last couple of years, be given representation on the proposed wartime emergency committee. The groups as would become quiescent and function through the NAB.

With the return to NAB of NBC, President Niles Trammell has designated F. M. Russell, who is network’s board member. NBC dropped out of the trade association last May because of dissatisfaction with the NAB last couple of years, be given representation on the proposed wartime emergency committee. The groups as would become quiescent and function through the NAB.

Miss Ferrer, who has a brother serving as ensign, has been with CBS more than two years. She has been a member of the American Red Cross Motor Corps, giving her services as ambulance driver up to the time of her call to duty.

Chambers to WAVES

ELIZABETH FERRER, of CBS presentation division, sales promotion department, has successfully passed examinations for apprentice seaman in Class “A” USN as a member of the WAVES. She will serve one month of active service, followed by three months’ sea-shipman, after which she will be eligible for enlisting as ensign. Miss Ferrer, who has a brother serving as ensign, has been with CBS more than two years. She has been a member of the American Red Cross Motor Corps, giving her services as ambulance driver up to the time of her call to duty.

Chambers to WAVES

HELEN F. CHAMBERS, editorial assistant in the Chicago office of BROADCASTING, has been sworn in the Navy WAVES and will report Oct. 6 for officer training at Smith College, Northampton. Upon completion of a four-month course, she will be commissioned an ensign and assigned to active duty. Before joining the WAVES, Miss Chambers was on the con-tinuity and program staff of WHB, Kansas City, and a program director of WDRO, Chicago. She graduated two years ago from Kansas State College.

Mail Motto

PATRIOTIC sentiment on mail from WIL, St. Louis, is found in the dateline at the top of the letterhead. A recent letter from the man to BROADCASTING was dated “Sept. 11th, 1942, One Day Nearer to Victory.”

New FCC Probes

Of Two Applicants

Departs From Precedent

Are Taken by Commission

FURTHER hearings in two cases involving broadcast applicants, to inquire into the qualifications of directors and stockholders, were ordered by the FCC last Tuesday in actions marking a novel departure from established proce-

By a split 5-2 decision, the FCC ordered further hearings involving applications for a construc-

tion permit for a new station in Wilkes Barre, Pa., to take over the facilities of WBAX. On July 14, the FCC, in a proposed decision, announced it proposed to grant the application of Northeastern Pennsylvania Broadcasters Inc., for a 500-watt station on 1240 kc, the WBAX facilities. Simultaneously, it announced its decision to deny three competitive applications.

Labor Probes

In its second last Tuesday, the Commission redesignated all of the applications for hearing “to deter-

mine the qualifications of the applicant, Northeastern Pennsyl-

ania Broadcasters Inc., its officers, directors and stockholders, to con-

struct a new broadcast station at Wilkes Barre.” Simultaneously, orders that oral argument be scheduled for Sept. 23 be cancelled.

Commissioners Craven and Case dissented, presumably on the ground that at the oral argument the additional information would be forthcoming.

It is understood that the FCC has received a petition from labor organizations in the Wilkes-Barre area protesting the proposed grant. Presumably the FCC intends to inquire into allegations of the labor unions at the time of re-

eye, date for which has not yet been set. The license of WBAX was re-

voked over a year ago, but the FCC has allowed the station to operate under a temporary license because of the need for a second station in the area. Northeastern, it is

understood, proposed to take over the facilities of WBAX through purchase of equipment. President of Northeastern is Robert J. Doran, attorney. Eight local businessmen each hold 500 shares of common and preferred stock in the company.

The second action dealt with designation for further hearing of the applications of WTNJ, Tren-

ton; WCAM, Camden, and WCAP, Asbury Park, for renewal and modification of licenses. The sta-

tions now share time on 1310 kc, but WTNJ seeks the facilities of the other two stations with its present power of 500 watts.

The Commission said it appeared that additional facts were neces-

sary to enable it to make a proper determination and called for the new hearing “to determine the qualifications of the applicant, WOAX, Inc., its officers, directors and stockholders, to conduct operation of WTNJ as presently operated or proposed in Docket No. 6161.”

Owners of WTNJ are listed as Charles E. Loew and Julie V. Loew, New York City; and F. J. Wolf, Morrisville, Pa., each holding approximately one-third.

LOCAL IN PASADENA,

KWK, ON THE AIR

HAVING hurdled problems and other difficulties caused by the war, KWK, the new Pasadena, Calif. sta-

tion operating with 1,000-watts daytime on 1430 kc. went on the air Sept. 12 with an inaugural pro-

gram which included civic leaders and Hollywood film personalities. Identified with the cultural, civic and business activities of Pasadena as a strictly local station, KWK is headed by Marshall S. Neal as president and general manager. Mr. Neal is a Pasadena merchant.

[BROADCASTING, July 20].

WJ, a new station in a second market, is under the presidency of Allied Adv. Agencies, Los Angeles, is sales manager, with Dwight Hauser, formerly of KMPC, Beverly Hills, as program director. Paul Spargo, formerly of KWIL, Albany, Ore., is chief engineer. Bob Garrett, for-

merly program director and chief announcer of WCOV, Montgomery, Ala., plans the new station in the latter capacity, and is also in charge of publicity.

Equipment throughout, studios and executive offices are located in the Pasadena Athletic Bldg, with directional transmitter at San Gabriel. KWK was authorized on Aug. 22, 1941 when the FCC issued a construction permit for a new outlet to West-

ern California Broadcasting Co.

[BROADCASTING, Sept. 1, 1941].

Page 64 • September 21, 1942
Federal Radio Plan
Outlined by OWI
Series of Meetings Begun to Present
Federal Project
TO ESTABLISH closer liaison be-
tween the Government and radio
networks and advertisers, an Office
of War Information group headed
by William B. Lewis, chief of the
OWI radio bureau met in New
York last Friday with representa-
tives of the networks and adver-
tising agencies.

At a luncheon session Mr. Lewis
accompanied by Douglas Mesery,
Seymour Morris and Nat Wolff,
all of the OWI radio bureau, met
with members of the Advertising
Council and members of the "Com-
mittee of 25" talent group [Broad-
casting, Sept. 14, 1942], who were
in New York. Chester LaRoche,
vice-president of Young & Rubicam
were also present. Kay Kyser,
chairman of the "Committee of 25",
explained the reasons for its
organization.

Mr. Lewis underlined the value
of talent in pointing out Govern-
ment messages aimed at such vary-
ing networks and advertisers, an Office
bond sales. Mr. Morris discussed the
Allocation Plan and its results.

Series of Meetings
In the afternoon, all OWI con-
tacts in New York advertising cir-
cles, executives of the networks as
well as radio writers, directors and
producers interested were invited to
attend a meeting to realize the
responsibilities confronting radio in
bringing more information to the
people. At the larger meeting
conducted in the large 6B studio
of NBC, addresses were made by
Mr. Lewis, Mr. LaRoche, and Mr.
Kyser.

Similar meetings are scheduled for
Chicago, Sept. 21 where Mr.
Lewis and his aides will conduct a
morning session at the Drake Hotel
and an afternoon gathering at the
CBS studios in the Wrigley Build-
ing. In Hollywood, Sept. 24-25,
this same group will hold similar
meetings with West Coast radio and
agency figures. In addition, Sidney Stroot, NBC vice-president is
delivered to one of the
keynote addresses during the lunch-
ion at the Beverly Willshire Hotel,
discussing radio's increasing role in
the delivery of Government mes-

CHNS
Halifax, N. S.
First choice for
results in the
maritimes
Ask JOE WOOD

Are you using the
ASCAP Radio
Program Service?

- New series available
now, without charge, to any
ASCAP Licensed Station.
Write or wire today.

ASCAP
Radio Program Service
30 Rockefeller Plaza • New York

John E. McMillin Named
As Director of Compton

JOHN E. McMILLIN, vice-presi-
dent and radio director of Compton
Adv., New York, has been ap-
pointed a director of the agency,

Pecpceing Al-
freid Stanford,
Compton vice-
president, who
has resigned to
become a lieuten-
ant commander
in the Navy. Mr.
McMillin will
have charge of
all creative work,
both in copy and
radio.

New head of the radio produc-
tion department will be Storrs
Haynes, former program buyer
and continuity director of the
agency. Replacing him will be Hal
James, local program supervisor,
while Gilbert Ralston, network
program supervisor, has resigned to
join the radio department of Procter &
Gamble Co., Cincinnati, as assistant
to William M. Ramsey, radio di-
rector. Robert Wamboldt, Ted Bell
and Miss Corlis Wright continue as
program supervisors.

AFRA Chicago local members on
Sept. 25 will give a benefit Coronation Ball in
the Sherman Hotel, Chicago, to
raise funds for the 55 Chicago AFRA
men now in the armed forces.

W. & L. E. GURLEY Co., Troy (in-
struments), sponsored a half-hour
broadcast on WTRY recently to air
awarding of its Army-Navy E-

Are you using the
ASCAP Radio
Program Service?

- New series available
now, without charge, to any
ASCAP Licensed Station.
Write or wire today.

ASCAP
Radio Program Service
30 Rockefeller Plaza • New York

Glasger-Crandell Co., Chicago
(Derby barbeque sauce), on Oct. 5
will start Happy Jack Turner, singer-
pianist in a three-week five-minute
program on WMAQ, Chicago. Con-
tract for 26 weeks was placed by Earl
Ludgin Inc., Chicago.

Radio's Glamor-Plus Girl,
Patricia Hill, is piling up titles for
herself. The Green Hornet girl
in the coast-to-coast BLUE net-
work thriller, she won the "Miss
Michigan" award, and placed
third in the 1942 "Miss America"
beauty pageant at Atlantic City. Her
rivals in the Atlantic City
contest voted her "Miss Congenial-
ity", the only other trophy award after the selection of "Miss America",
while Atlantic City mer-
chants presented her with a size-
able War Bond and the title, "Most
Likeable Girl."

Weed Boston Office
OCCASIONED largely by its rep-
resentation of the newly-formed
New England Regional Network,
Weed & Co., radio station repre-
sentatives, last week announced
opening of a Boston branch in the
Statler Bldg. The office is under
the management of Charles D.
Kean, associate professor of ad-
vertising and marketing at Boston
U, who resigned that post to join
Weed. Mr. Kean is regarded as an
authority on New England mar-
kets and merchandising. He was
the head of the plans department
of the Goulston Agency and former
member of the advertising staff of
the Boston Post.

Glasger-Crandell Co., Chicago
(Derby barbeque sauce), on Oct. 5
will start Happy Jack Turner, singer-
pianist in a three-week five-minute
program on WMAQ, Chicago. Con-
tract for 26 weeks was placed by Earl
Ludgin Inc., Chicago.

5000 Watts
Day and Night 910 KC
Edward Petry & Co., Inc., National Representatives

IN VIRGINIA
You Reach More People at Low Cost on
RICHMONDS STATION

Kansas City Star
Made for Kansas City

Are you using the
ASCAP Radio
Program Service?

- New series available
now, without charge, to any
ASCAP Licensed Station.
Write or wire today.

ASCAP
Radio Program Service
30 Rockefeller Plaza • New York

BROADCASTING • Broadcast Advertising

September 21, 1942 • Page 65
Testimony at Petroillo Probe
(Continued from page 68)

Actions of the
FEDERAL COMMUNICATIONS COMMISSION

SEPTEMBER 12 TO SEPTEMBER 18 INCLUSIVE

Decisions

SEPT. 15
KDB, Albuquerque—Granted extension
April 15, 1942, to Sept. 30, 1942.

KMC, Beverly Hills, Cal.—Modified CP
extended complete date, adjustment dates.

KDKA, Pittsburgh—Granted consent to
license to G. P. Coleman, Station G, Capital
Broadcasting Assoc., license of KNX.

KDH, Rapid City, S. D.—Designated
hearing application.

WFLA, Tampa—Designated for hearing
application.

W-X-M, San Bernardino, Cal.—Designated
for hearing application.

WWNC, Asheville, N. C.—Designated
for hearing application.

WMN, Hawains—Denied without prejudice
application, modified CP.

NEW, Pottsville Broadcasting Co.,
Pottsville, Pa.; Potatree Radio Corp.,
Pottsville, Pa.; The Schuylkill Broadcasting
Co., Pottsville, Pa.—Denied, PND-Discharged
application.

CPS, failure to supply requested information.

NEW, Wilkes-Barre Broadcasting
Corp., Wilkes-Barre, Pa.; Central
Broadcasting Co., Wilkes-Barre, Pa.;
Northeastern Broadcasting, Inc.,
Wilkes-Barre, Pa.; Key Broadcasters,
Inc., Wilkes-Barre, Pa.—Designated further
hearings application, CP 223, scheduled Sept.
23 cancelled.

SEPT. 16
NHQ, Spokane—Granted motion to
dismiss application for CP.

WPAS, White Plains—Expired
concession of hearing from Sept. 24 to
Oct. 29.

PTNJ, WOAI, Trenton; WCNT,
City of Central Broadcasting
Industries Broadcasting Co., Asbury Park—
Designated for hearing application.

VTY, New Orleans—Request continuance
of CP on October 28.

Applications

SEPT. 14
WMX, WXYZ, KSFI—Extension date for
completion new television stations.

WASH, Grand Rapids, Mich.—Modify
HEAC.

WOCY, Oklahoma City—Relinquish
control of station through sale of stock.

WWOB, Lafayette, Ind.—Change
frequency control equipment.

WNAC, Boston, Mass.—Extension special
service application.

WVNY, Watertown, N. Y.—Modify CP
extension.

WVWA, Wheeling—Modify CP.

Tentative Calendar

FIOD, Miami—CP for 810 kc. 5 kw
night power.

KEW, Waio, Tex.—Beauford H. Jaster
individually and as Trustee, CP for 1230 kc.
250 w unlimited (Sept. 21).

ZXXK, Kansas City—Renewal of license,
Further hearing. (Sept. 11)

KLJ, Laredo, Tex.—CP for 880 kc.
10 kw, unlimited. (Sept. 23)

EXO, El Centro, Cal.—Modify CP (Sept.
24)

Tobacco Dates Shifted

EXTENSIONS were granted last week to the four major tobacco
companies facing Federal Trade
Commission charges of mepresen-
tation in advertising. R. J. Reynolds Tobacco Co. (Cam-
el), and Philip Morris & Co., sched-
uled to go on the market on Nov. 15,
were given a second extension.
R. J. Reynolds will appear Sept. 24,
while Philip Morris and the American
Tobacco Co. (Lucky Strikes) and
its subsidiary, American Cigarette
&Cigar Co. (Pall Malls) were granted
extension to Oct. 11.

of these 272 stations, 230 relied
on recorded music between 80%
and 100% of their musical time.
Thus, whereas a "goodly number
of network stations will be seriously
and in some cases grievously af-
fected by the ban, the great bulk
of the non-network stations face
the drying up of the source of most
of their program material," Mr.
said.

Interrupting Mr. Fly's state-
ment, Chairman Clark asked
whether a large number of stations
would not "go out of business" if
the ban continued. Mr. Fly said
that prolonging the ban will result in
diminution of program material
available. Received out, he asserted,
the music becomes unpopular,
audiences diminish, and
revenues fall off—"all that in addi-
tion to other war-born troubles
which confront stations. He pre-
dicted that continuation of the
ban would see many cases in
which stations will "fold up".

War Songs Needed

Pointing to the need for new
war songs to replace those of the
"Over There" vintage, Mr. Fly said
that it takes plugging to make
a song and that it can't be plugged
without rendition of the character
given by radio recordings.
The value of repetition is axiomatic
in music, he said.

Responding to Senator Andrews,
Mr. Fly said stations are required
to operate a given number of hours
a day that, in his judgment, it was
exaggeration to talk about the
ultimate effect of the transcription
ban on "a third or half of the sta-
tions." It is an insidious process," he
said. "It won't happen overnight,
but there will be an effect of the
drying up process is inevitable. The
impact will be felt sometime later,"
he said.

Picking up his prepared state-
ment made earlier down the sur-
vey results in terms of low-power vs.
high-power stations. Of 459
low-power stations (500 watts or
less), there are 292 (62.2%) which
were given an opportunity to record
and electrical transmissions for
more than 50% of their musical time.
In cities with a population of
50,000 or less and in cities with a
population of more than 50,000, the
survey showed that of the 386 stations
located in the smaller cities, there
were 259 (67.1%) which used re-
corded music more than 50% of the
time. Of the 407 stations in cities of
over 50,000, only 156 used music
more than 50% of the time.

Alluding to annual net time sales
statement showing that 8 of the 419
less prosperous stations ($75,000 a year or less net sales)
288 (68.7%) looked to
recorded music for more than four
hundred hours of the 530 hours
stations with net time sales of more
than $75,000, only 93 stations relied
upon recorded music for more than
half their time.

Full Force of Blow

Breaking down the returns on the
basis of net income before taxes, Mr. Fly noted that of the
331 stations which operated at a
net loss, or which had a net in-
come before taxes under $5,000,
there are 225 stations (62%) which
used recorded music more than
80% of their musical time. Of the
206 stations with net incomes be-
tween $5,000 and $25,000, there
are 112 stations (54.1%) which
used recorded music more than
80% of their recorded music category.
On the other hand, only 43 (20.3%)
of the 212 stations with incomes in
ecess of $25,000 were in that cate-
gory.

Mr. Fly described a chart indi-
cating the geographical distribu-
tion of stations which will probably
be the most seriously affected.
In its preparation, he said, the Com-
mission took all the stations which
used recorded music more than
80% of their musical time. They
totaled 282. It then selected those
stations whose net income before
taxes was less than $5,000. This re-
duced the figure to 167 stations.

"It would appear that in view
of their low earnings and their
great reliance on recorded music,
these stations may well find it
necessary to cut down in business if
the ban continues," the chairman
said. "In fact, 80 of them lost
money in 1941, and now they will
be in even worse shape." Of these
80, he explained parenthetically, 19
were non-commercial stations but
they were included because the ban
on recorded music will probably make operation more difficult.

In describing the chart covering the 167 stations in the most seriously affected class, Mr. Fly pointed out that all but six states have at least one such station. The figure may be increased when all the returns are in, he said.

Need of Service

He said the next question was how many of these stations which may possibly go off the air serve areas which receive no other service. Asserting there had not been time for a real study, he said he had asked FCC engineers to give him their best guess.

"They tell me that in this group of 167 stations there are about 46 stations which render service to an area which receives no other primary nighttime service. In the daytime the situation is somewhat better. There are approximately 24 stations which serve areas which receive no other daytime primary service. In addition to the figures I have just given you, there are about 46 other stations which, if they went off the air, would leave part of their service area without any primary nighttime service. The comparable figure as to daytime service is around 59."

"Thus, many people in this country face the very real prospect of losing the only satisfactory nighttime service which they now have and being altogether deprived of daytime service."

Mr. Fly concluded his formal statement as follows:

"It is apparent that what we face is a real — a vital problem here. From what I have said it is clear that if it were not for music, radio broadcasting as we know it could not exist. Without music, it is doubtful whether this country could support more than a handful of stations. Who would listen to the radio if all that came over the air was just talk and more talk? We must therefore recognize the vital contribution of the musicians to the industry and the compensation they receive should be commensurate with that contribution. If the compensation received at present is not as much as they are entitled to, it is only fair that they receive more."

Vital to Nation

"But just as the musicians are vital to broadcasting, the broadcast stations are vital to the country. They are performing a really great service, a service of great importance to the war effort, a service, therefore, we must make every effort to sustain unimpaired."

"Already these stations are confronted with a shortage of the skilled personnel and certain critical materials and items of equipment necessary for continued operation. An industry struggling with these difficulties is not faced, as I have said, with the drying up of the source of over 40% of its programs. This presents a really serious problem which not only must be solved but must be solved quickly."

It is not exaggerated to say the Pettilio action will impair broadcast service even more than is indicated by the limited figures given, he said.

Describing electrical transcriptions as essential, Mr. Fly said radio must have them at any cost. While he declared he was sympathetic to the labor view, he could not see that the banning of such "essential public service" should be condoned.

Up to Congress

Alluding to the "real emergency not only confronting the broadcasting industry but the people as a whole," provoked by the Pettilio case, Mr. Fly asked Mr. White, "whether the Commission had reached any conclusions as to its jurisdiction to take action."

The chairman said he had no formal opinion, but that the FCC would have to exercise "considerable ingenuity to get in here and do it."

He explained the FCC's jurisdiction was limited to licensees and that while he had made efforts to get Mr. Pettilio to reconsider, he had refused to alter the situation.

When Chairman Clark recounted that Mr. Davis had said the situation was serious from the standpoint of national morale, that Mr. Fly did also and that both had been rebuffed in their efforts to alleviate it, he asked whether it was not a fact that it was up to Congress to take a hand.

Seeks Action

"Then it looks like it's up to Congress if it is going to be done quickly," Mr. Clark interposed.

Agreeing, Chairman Fly said he did not think the committee had to wait "until Monday to see that something has to be done."

Senator White, though not a committee member, interjected that he had felt Chairman Fly had given a comprehensive statement of fact. He added that he was interested in Chairman Fly's comment about the "want of ingenuity," asserting this was the first time that he had recognized the Commission felt such a want.

Obviously having in mind his past colloquies with Chairman Fly, proposing new legislation to clearly define the FCC's functions, Senator White said he thought the FCC might come forward with recommendations as to legislation to meet such situations as that provoked by the Pettilio bans.

Chairman Fly said the Commission was not prepared to make such recommendations now, but that he would be glad to work on it.

Senator Tobey opened a line of questioning remote from the Pettilio issue per se, with Mr. Fly on the stand. He asked whether the Commission ever checked to ascertain whether stations had followed through on commitments in connection with programming, referring particularly to new applicants who have pledged precise types of program service.

Mr. Fly said the Commission does follow through and that in some cases stations may not live up to prior commitments. Where it is ascertained that a grant may have been procured on a false representation, he said the Commission would be disposed to invoke revocation proceedings.

Senator Tobey alluded to "Regulation 176", the old designation of the transcription rule requiring announcement of transcriptions and recordings as such. He asked whether this rule was written to prevent "deception."

Mr. Fly pointed out the rule requires identification of programs and draws a distinction between phonograph records and transcriptions. He said that transcriptions obviously were of superior quality and that he hoped that stations wouldn't rely upon fifty-cent phonograph records preponderantly as program material.

Urges Lesser Penalty

Asked by Senator Tobey whether many stations have been punished for failure properly to announce recordings, Mr. Fly said this constituted a deficiency in the Act itself. Any misconduct of a licensee can be punished only by revocation, which would be an "awfully severe penalty."

Congress might want to provide some lesser form of penalty, he said. Senator White again interjected that the question of suspension had been considered at the time the 1934 Act was written, but was left in "inadequate shape."

Senator Tobey asked about employment of musicians by the networks, asserting he had information showing that NBC had only 314 musicians (presumably including the BLUE), and that CBS had 152 staff musicians. He said the expenditures for these musicians were small in comparison with the revenues of these networks.
Richardson Heads NBC London Staff
Appointment Made by Royal
During Visit to Britain
STANLEY P. RICHARDSON, formerly Associated Press correspon-
dent, confidential secretary to Ambassador Joseph E. Davies, and
shortwave coordinator, has been appointed man-
ger of NBC's London office.
Mr. Richardson, a native of New York, started his news-
career as a reporter in Atlanta in 1920, working in other southern
cities in that capacity before joining AP as a correspondent in Dallas in 1922. For the following 16 years he
served as correspondent and editorial desk man in Okla-
homa City, Chicago, Atlanta, Washington, New York and
Moscow, U.S.S.R. He was chief of the
Moscow bureau for three years, leaving for a short four-year
assignment in Washington.
In 1938 he resigned from AP to
become confidential secretary to
Ambassador Davies in Moscow, fol-
lowing him this same Atlanta, Brussels when Mr. Davies
was transferred there as Ambassador to
Belgium and Minister to Luxem-
bourg. Four months after the out-
break of war in Europe, Mr. Rich-
ardson returned to Washington as
special assistant to the Secretary
of State, serving as Mr. Davies' confi-
dential aide while he was in that and subsequent posts.
Last year Mr. Richardson left
Mr. Davies to take the post of
Coordinator of International Broad-
casting, a liaison position between
the Government and the shortwave
broadcasters. In January of this
year he was given a leave of
absence to become special adviser to
the Director of Censorship in mat-
ter of radio programs for American troops
in the British Isles, in addition to
special BBC programs for them.
Discussions also covered the poss-
ibility of importing American tal-
ent, new religious and spiritual
programs and long-range coopera-
tion between the BBC and NBC
after the war.

MAJOR VITAMINS USING 20 STATIONS

MAJOR VITAMINS Inc., New York, on Sept. 14 opened an
extensive radio campaign on 20 sta-
tions for Major Brand B Complex
tablets. Firm has signed for spot
announcements and participation
on food and women's interest pro-
grams, also using some news broad-
casts on local outlets throughout
the country. Commericals are live
and are aired one to three times a
week.
Major Vitamins placed announc-
ements on the Marjorie Mills Hour
on the Yankee Network Aug. 24,
and will continue to use the pro-
gram when it moves to the newly
organized New England Regional
Network Sept. 29. Specific NERN
outlets are WBBJ WTIC WILB
WCHC WFMJ KIRO, and for spot
announcements WCW KKWK
WOLF WAZL WFGP.

Hy-Pro on Coast

CHLORINE SOLUTIONS Inc., Los Angeles (Hy-Pro), through
Barkan, will handle all promotion for the
firm's products in the following
stations:

Major Brands of America Thursday,
KGB, San Francisco; WABC WNYE
KBIA KSD Call, Kansas City;
WABC WNYE KBMA KITV KLTV
KTVN KOAT KPVI KTVK
KNMA KTVL KHJX.

Your copy of BROADCASTING is mailed in time to arrive
on schedule every week. If it is a little late in coming,
please remember that our armed forces have first call
on all transportation facilities.

Mr. White & Mr. Dempsey

Mr. White in the drafting of these bills, former
Senator C. C. Dill of Wash-
ington, won the Democratic
nomination for the house from Spokane earlier this month [BROAD-
CASTING, Sept. 14].

In Washington

Mr. Dempsey, recognized as the
father of the radio galleries in
Congress, giving radio equal cogni-
tion with the press in new
coverage, recently resigned as Un-
der-Secretary of the Interior to
undertake the New Mexico guber-
natorial race. He is the father of
William J. Dempsey, former FCC
general counsel and now a prac-
titioner in Washington.

Mr. White

Following his last term
expired in the House in 1940, he
was named a member of the U. S.
Maritime Commission by Presi-
dent Roosevelt. Subsequently, he
was appointed to the United
States Court of Customs and
Claims. The New Mexico election in Novem-
ber and the state in recent years
gone largely Democratic.

Gov. Murphy Nominated
For Position in Senate

FORMER Gov. Francis P. Murphy,
of New Hampshire, principal owner of
WMUR, Manchester, won the
Democratic Senatorial nomination in
the primaries last week. The
former Republican, Gov. Murphy
registered as a Democrat several months ago, and endorsed Alvin
Lucien Democratic National Com-
mitteeman, for the nomination by a
2-1 vote. He will oppose Senator
Style Bridge in the November incum-
ent, in the November elections.

Mr. Murphy began his political
career in April, 1941, and is a BLUE out-
let. Governor Murphy owns 90%
of the stock; Edward J. Gallagher
publisher of the Laconia Citizen
59%, and James J. Powers
physician, 5%.

Dempsey Winner, White Is Reelected
Maine Senator Retains Seat

TWO NATIONAL figures identi-
fied with radio were victorious in
political contests last week, with
Senator Wallace H. White
(R-Maine), winning reelection
and former Representative John
J. Dempsey, of New Mexico,
winning the Democratic nomination
for the governorship of that State.

Mr. White in the Maine's first election since it went to war,
won the Maine election by a wide
margin over his Democratic op-
ponent, Fulton J. Redman.
Mr. White was an active of the Radio Act of 1927 and the
Communications Act of 1934. His team-mate

Winston-Salem, North Carolina

AFTER YOU, UNCLE SAM!

THE 5000 WATT V restricted to all KOA! Such

Here's the Davenport Daytime Picture

Whole Time

THE 5000 WATT Voice of the Tri-Cities

ROCK ISLAND•DAVENPORT•MOLINE

In this market no "Outside Voice" can compare with the"Inside Full" of WHBF!

Affiliate: Rock Island ARGUS
Basic Mutual Network
1270 KC FULL TIME

EASY PICKIN'

The 10 TOP-RATED daytime serials programs in Denver (Hooper
eratings) are: 1. KOA! Such

KOAI
50,000 wats
First in Denver
Represented nationally by Spot Sales Offices

Page 68 • September 21, 1942
BROADCASTING • Broadcast Advertising
Help Wanted

ANNOUNCER—Immediately opening for good steady man interested in permanent connection with fast-growing NBC affiliate in South. Good salary plus incentive system. Include, qualifications, draft status, salary expected. Box 867, BROADCASTING.

Farm Program and Barn Dance M.C.—By Midwest regional network basic station. Required, experience and working conditions. KBUB, Watsonville, California.

Engineer—First or second class. WNY, Newburgh, New York.

Engineer—Ideal working conditions. Will use first or second class license. Box 845, BROADCASTING.

ALL AROUND ANNOUNCER—News-sports-radio Studio-Caroll, Iowa. Give complete details first letter. Box 845, BROADCASTING.

WANTED—250 watt local in central midwest. 15% with liberal Cairo. Details first letter. Box 845, BROADCASTING.

SALESMAN—Excellent opportunity for experienced man with good voice. Northern station. Box 845, BROADCASTING.

WESTERN STATION WANTS—Experienced combination operator-anouncer who can read news and write copy. Send qualifications, name, and recording of voice reading news and commercial copy. Reply in detail. Box 845, BROADCASTING.

SOUTHERN STATION—Has immediate opening for draft exempt experienced announcer. Send transcription and photo to Box 845, BROADCASTING.

Salesman—For 5,000 watt Regional Basic Network affiliate. Prosperous Market; address complete details to Box 860, BROADCASTING.

Engineer—For 5,000 watt station in middle west. State experience and salary requirements in first letter. Box 865, BROADCASTING.

Help Wanted (Cont’d)

Texas Independent Station—Desires competent announcer. Tell all. Box 865, BROADCASTING.

Radio Operator Wanted—Opportunity for chief position. Write fully experience draft status. WSLB, McComb, Mississippi.

A Junior Announcer—Experienced. Wire, then write full information, draft status, and starting salary expected. WFB, Pittsburgh, Massachusetts.

WANTED—First class operator and announcer, Pacific Northwest station. Basic pay—$60.00. In reply give details, preference, and when available. Box 880, BROADCASTING.

Situations Wanted

College Woman—Program director, announcing, traffic, continuity, promotion, desires opportunity with progressive station in metropolitan area. Box 863, BROADCASTING.

CHIEF ENGINEER—Practical experience on low and medium power station. Ability sufficient to take care, and full charge of department. New Chief of Virginia Station, available after September 1. Age 46, married, in radio since 1930, destine eastern half U. S. $800. 40 hour week, vacation. Box 852, BROADCASTING.

CHIEF ENGINEER—Six years' broadcast experience. Desires permanent position. East preferred. Box 854, BROADCASTING.

STATIONS SOUTHEAST AND GULF COASTS—Young, family man, S.A, seven years announcing, producing, originating; good; permanent program directs with programme; and starting salary expected. Florida. Box 855, BROADCASTING.

Writer-Producer—Anxious to move to favorable climate. Four years station and agency experience. Can be available December first. Box 851, BROADCASTING.

Writer-Producer—In fourth year with nationally known station. Desires change. Outstanding script writer. Has been sponsored via transcription coast-to-coast. Originator-producer of hi-mark, commercial musical now in 123rd week. Commercial copy-writer for widely known firms. Must give present employer at least thirty days notice. Salary secondary to opportunity. Box 860, BROADCASTING.

SALESMAN—Six years' experience local and regional sales. SA. Box 860, BROADCASTING.

Short on personnel?—Here's a man capable, efficient, good on commercials, sales, continuity, publicity and announcing. Excellent performance on one or all duties. Good salary—will negotiate. R. C. A. Radio Engineers, 1205 12th St., S. W., Washington, D. C.

SALESMANAGER—New employed local network affiliate seeks connection progressive eastern station. Able take coaching classes. Age 15 years radio experience, married, exempt Box 851, BROADCASTING.

ANNOUNCER—Married, draft deferred. Prefer west coast. Four years good delivery, best references. Makes really attractive offer, and $40 addition will be Wire Box 849, BROADCASTING.

Woman—Experienced, seeking permanent employment, progressive station. Quoting References: Reliable, dependable, hard working, radio copy writer, tenacious tracking elusive prospects, pleasing personality. Box 848, BROADCASTING.

Thoroughly Experienced Announcer-News—Satisfaction guaranteed. SA. Box 846, BROADCASTING.

More Listening

EVENING listening in the New York metropolitan area was consistently higher during July and August of 1942 than last summer, according to the “Continuing Measurement of Radio Listening” for the two-month period just released by C. E. Hooper Inc. Study, sponsored jointly by a group of New York stations, shows average sets-in for the summer months as 22.0, a gain of 8% over last year's 20.4.

PROFESSIONAL DIRECTORY

JANSKY & BAILEY
An Organization of Qualified Radio Engineers Dedicated to the SERVICE OF BROADCASTING

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PAUL F. GODLEY Consulting Radio Engineers MONTCALIR, N. J.

MO 2-7859

GEORGE C. DAVIS Consulting Radio Engineer Munsey Bldg. District 8456
Washington, D. C.

Frequency Measuring Service

EXACT MEASUREMENTS ANY HOUR—ANY DAY R.C.A. Communications, Inc. 66 Broad St., New York, N. Y.

WASHINGTON, D. C.

Munsey Bldg. Republic 2347

BROADCASTING FOR RESULTS!

BROADCASTING • Broadcast Advertising
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Reilly to W.W.

ARTHUR REILLY, Washington newspaperman and former Commissioner of Commissio

for theDept. of Labor, has been appointed to the news staff of WLW, Cincinnati. He replaces Jay Sims, moderator of Views on the News, aired on NBC Sundays at 4:30 p.m., (BWT) for Ohio Oil Co. He will also present News From the Four Corners of the World, 11 p.m. nights.

Swift Spots

SWIFT & Co., Chicago (Silverleaf lad), has placed transcribed spot announcements four to ten times a week for two to seven weeks on the following stations: WMAG, WCFL, WJJD, Chicago; KDRA, WJAS, KQV, WWSS, Pittsburgh; WJAC, Johnstown, Pa.; I. R. Co. is J. Walter Thompson Co., Chicago.

"It's WFDF Flint Michigan for me—an' noudder station!"
License Privileges Are Affirmed Under Decision in KOA-WHDH Case

BY WHATEVER name it may be called, a broadcast station has a definite right acquired through its operating license and the FCC cannot tamper with or degrae a station's facilities without accord the right to be heard.

It was the crux of the decision of the U. S. Court of Appeals Sept. 12 in the KOA-WHDH case, wherein it reversed the FCC and remanded it to the first proceeding since the Havana Treaty involving the breaking down of a clear channel through duplicated operation. The court held that the Commission erred in not giving NBC, licensee of KOA, the opportunity to intervene and present testimony.

No Action on Stay Order

No action has yet been taken by the court on the pending petition of KOA for a stay on which, if granted, would force WHDH, now a BLUE outlet, to revert to daytime operation on the 850 kc. clear channel on which it operates fulltime by virtue of the FCC's decision.

Strict compliance by the FCC also would entail a change in the assignment of WJW, Akron—like KOA assigned to 850 kc. with 1,000 watt power—following the WHDH grant. WJW renders primary service to Cleveland.

While there were five separate opinions in the case, four of the six judges concurred in the fundamental view that stations are entitled to hearing practically as a matter of right when they can show substantial injury. The majority held that this injury need not be financial and that in the case of the 850 kc. clear channel, KOA contended electrical interference would result in its station, with a 1,000 watt transmission, that the status of the station was degraded by reducing it from a clear channel to a duplicated channel outlet.

It was indicated last week that an understanding might be reached by NBC with the FCC, under which the stay order would not be pressed and the remaining assignments on the 850 kc. channel would be permitted to stand until the FCC followed through on the rehearing or until the matter had been litigated by the Supreme Court. If the FCC has 90 days, or until mid-December, in which to decide whether it will seek a writ of certiorari to the highest tribunal.

Under such an agreement, NBC would not prejudice its rights, particularly in connection with the protection of clear channels. It would mean that the status quo would be retained with respect to the 850 kc. channel until there is a final adjudication. The case is important in several respects. The finding by the majority, and in fact inferentially by the two dissenting judges, that stations acquire a certain right, even though it may not be a vested or property right, is seen as most significant. Moreover, the decision overturns the FCC contention that in the public interest it can exclude licensees from intervening in such proceedings, when no financial injury is done.

The court had heard argument before its entire bench of six judges on June 13. The case originally had been heard by a panel of three members, but the conclusion to have it reargued before the entire panel came after the Supreme Court decision in the Scripps-Howard case, which upheld the right of the lower tribunal to issue stay orders against FCC decisions.

In the majority opinion written by Associate Justice Wiley Rutledge and concurred in by Chief Justice D. Lawrence Groner and Associate Justices Fred M. Vinson and Harold M. Stephens, Judge Rutledge stated:

"Whatever its proper label, 'qualified right', 'privilege', 'status', 'licensee', appellant acquired something of value by virtue of its license and the status. The label is not important. The fact that appellant has fulfilled statutory conditions and has received statutory advantages, status and protections is important. That it may be deprived of these and that the Commission has discretion to take them away, wholly or in part, do not mean that it can so do in an unfair manner or without hearing. The protections of procedural due process do not disappear because the substantive right affected is not a full-grown vested right like that in one's castle at the common law."

Rights to Hearing

In this conclusive language, the court torpedoed the Commission's theory that stations, as a matter of right, cannot get hearings or appeal from its rulings.

Separate dissenting opinions were signed by Associate Justices Justin Miller and Henry W. Edgerton.

The Commission had held in that KOA did not raise the financial aspect but relied on interference that allegedly would result. It was contended this was not an appealable ground.

Aside from the clear-channel issue, unusual interest attached to the KOA appeal since WHDH on June 15 became the BLUE outlet in Boston, by virtue of its fulltime operation with 5,000 watts on 850 kc. With the separation of NBC and the BLUE Network as separate corporate entities, certain aspects of the situation apparently changed.

Two other cases involving stay orders still pending before the court, which may be decided shortly in the light of the KOA decision, involve WCPQ, Cincinnati, and WOW, Omaha. In each instance these stations contend that electrical interference resulted from FCC decisions, without hearing, granting other stations improvements on the channel they occupied.

WCPQ protested a grant to WCOL, Columbus, and WOW an assignment to WKZO, Kalamazoo. In each instance it was claimed that the service areas of the protesting stations were reduced and a portion of the public deprived of service by virtue of the FCC assignments without hearing.

While Justice Rutledge wrote the majority opinion which reverses and remands the case to the Commission, Chief Justice Groner and Associate Justice Vinson joined in a concurring opinion going beyond their colleague. Associate Justice Stephens likewise concurred in the conclusion of Judge Rutledge and expressed agreement with the views of Judges Miller and Edgerton but added other views upholding the right to hearing of the aggrieved parties and emphasizing "fair play".

While Justices Miller and Edgerton dissented, they nevertheless cited that NBC was entitled to some sort of hearing but contended that NBC's principal allegations of injury and held the appeal should have been dismissed.

Clean of Views

Judge Rutledge held that the Commission should have afforded NBC the right to intervene after it had issued its proposed findings, favoring the assignment of WHDH on the frequency fulltime. Judges Groner and Vinson held that they should have been parties at the outset, and Judge Stephens likewise concurred in that view. He dissolved the opinion of the other, held that NBC had been afforded an opportunity to present testimony but had rejected it.

In holding that NBC had the right to appeal, Judge Rutledge, for the majority, alluded to the Supreme Court opinion in the Sanders Bros. case, deciding that financial injury qualified for appeal. But the argument that NBC's injury was from financial, constituted an appealable basis. Broadcasting, he said, is not exclusively a matter of business or financial gain and "it is the right, as between its various beneficiaries, to have its rights as between its various beneficiaries, to have its rights protected at the bar of this court for NBC's ultimate loss, no matter how great, is the real injury to the public welfare."

Nbcc Right to Hearing

In passing, Justice Rutledge took a swing at commercial broadcasting. He said that "unfortunately, commercial enterprise has taken over the lion's share of the field." He added that notwithstanding the policy which has "so favored commercial operators", there is a considerable volume of non-commercial broadcasting through stations supported "not by advertising or 'plugs' but by churches, universities, colleges, charitable foundations and others who have no profit-making revenues. Many still hope the cause is not inherently in commercial broadcasting yet may bring about a larger allocation of frequencies to licensees whose objects are not primarily the making of money."

Dealing with the right of NBC

(Continued on page 60)
"An advertised brand buyer won't take 'just anything,'" says W. H. Albers, President, ALBERS SUPER MARKETS, Inc. Forty-four Albers Super Markets serve Southern and Central Ohio.

"The current buying of customers who enter our stores brings one very interesting thing to light. "If a nationally known brand is called for but is out of stock, another nationally advertised brand is usually second choice. An advertised brand buyer will not take 'just anything' else.

"That's why I feel it is vitally important that national advertisers continue to do two things.

"...Keep their advertising going on the radio and in newspapers and magazines. The experience of automobile manufacturers showed that even under a rationing system, advertising is necessary to make sales.

"...Continue to make every provision for cooperative advertising and supporting activity at the point of sale in order to obtain better cooperation from the dealers.

"It is my firm conviction that continued national advertising will be a strong determining factor in keeping the structure of the retail food business intact during the troublesome days that lie ahead. And the dealer, who is really carrying the burden in the war merchandising picture, will remember the help that he got when he needed it most."

No. 2 of a series—What the men who move your merchandise think about war-time advertising.
The decisive difference between WKY and the three other Oklahoma City stations is impressively illustrated by the fact that out of a total of 275 Hooper-rated periods (Winter-Spring Report), WKY rated first 245 times against a mere 30 for all other three stations combined. Translated into airtime, WKY ranked first 89% of the time.

But that's not all! During 206 out of those 245 periods, WKY was not only first, but had MORE LISTENERS THAN ALL THREE OTHER STATIONS COMBINED.

When such a decisive difference exists between stations, it makes a vital difference to advertisers which station carries their sales promotion. For a decisive hypo for sales in this area, it's WKY . . . decisively!