

# The National Association of Broadcasters

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

PHILIP G. LOUCKS, Managing Director

## NAB REPORTS

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### THE DILL BILL

The Dill Communications bill (S. 3285) as reported by the subcommittee of the Senate Committee on Interstate Commerce this week, has almost as many features directly injurious to broadcasting as were contained in S. 2910.

Basically, the bill persists, in flat defiance of the President's clear recommendation, in legislating *before* investigation by the proposed Commission instead of *after* such investigation.

It completely ignores the contention that the proposed Commission should be free to solve technical problems on the basis of technical evidence, and attempts to legislate on purely technical matters of allocation.

It specifically calls on the proposed Commission to "study" the question of having Congress set aside broadcast facilities for special interests.

It cuts down the duration of broadcasting licenses from three years, as in the present law, to one year.

It provides for the "suspension" of station licenses, thereby directly penalizing the listening public, which is entitled to hear a station if its operation is in the public interest, convenience or necessity. If its operation is not in the public interest, convenience or necessity, its license should be revoked.

It contains a section on political broadcasts the only possible effect of which would be to bar practically all discussion of public questions from the radio.

It includes a section designed to prevent the broadcast of United States programs by stations across the border, but leaves out the safeguarding amendment passed by the Senate itself only a few weeks ago.

It has an extraordinary section providing for appeals to the Court of Appeals of the District of Columbia from decisions of the proposed Commission, which makes no provision whatsoever for any appeal to this court from a decision revoking, suspending or modifying a license. Appeals to this court would be possible only when an application is refused or granted. All other proceedings would have to be conducted before a District Court under an entirely different act.

This division of the reviewing power is certain to result in conflicting decisions and consequent confusion.

It repeals the Radio Act of 1927, as amended, an action which at this time appears absolutely unnecessary and wholly at variance with the President's recommendation.

The enactment of this bill in its present form would be clearly disastrous to the entire broadcasting industry, and a manifest injustice to eighteen million owners of receiving sets.

Amendments to remedy the outstanding defects of this bill will be submitted. Every Senator should be advised to support these amendments, and to oppose the passage of S. 3285 unless they are adopted.

### RAYBURN BILL HEARINGS

Unless something unforeseen occurs, hearings will begin on Tuesday, April 10, before the House Committee on Interstate and Foreign Commerce in connection with the Rayburn Communication Commission bill. These hearings have been postponed several times to give the committee a chance to complete its work on other bills.

### NEW RADIO BILLS

Identical bills "authorizing the purchase of additional land and the construction of an enclosure thereof, at the radio station near Grand Island, Nebr.", have been introduced in the Senate and House. Senator Thompson of Nebraska introduced S. 3277 and Representative Burke of Nebraska introduced H. R. 8932. The

Senate bill went to the Committee on Interstate and Foreign Commerce and the House bill to Merchant Marine, Radio and Fisheries. The monitoring station of the Radio Commission is located at Grand Island. The bills, which are identical, are as follows:

"That the Federal Radio Commission be, and it is hereby, authorized to purchase, for and on behalf of the United States of America, an additional tract of land containing approximately ten acres, adjacent to that now owned by the United States at Grand Island, Nebraska, and to contract for the construction of a fence or enclosure thereof for use in connection with the constant-frequency monitoring radio station located at said place, at a cost not to exceed \$1,200."

### MANAGING DIRECTOR VACATIONING

Philip G. Loucks, NAB Managing Director, left early this morning on a hard-earned vacation. Mr. Loucks expects to return about April 18.

### ANOTHER RADIO BILL INTRODUCED

Representative Rudd of New York has introduced a bill which is proposed to amend the Radio Act of 1927. It has been referred to the House Committee on Merchant Marine, Radio and Fisheries and is as follows:

"That to eliminate monopoly and to insure equality of opportunity and consideration for educational, religious, agricultural, labor, cooperative, and similar non-profit-making associations, seeking the opportunity of adding to the cultural and scientific knowledge of those who listen in on radio broadcasts, all existing licenses issued by the Federal Radio Commission, and any and all rights of any nature contained therein, are declared null and void ninety days following the effective date of this Act, anything contained in this Act to the contrary notwithstanding.

"Sec. 2. The Communications Commission, herein created, shall prior to ninety days following the effective date of this Act, reallocate all frequencies, wave lengths, power, and time assignments within its jurisdiction among the citizens of the five zones herein referred to.

"Sec. 3. The Commission shall reserve and allocate only to educational, religious, agricultural, labor, cooperative, and similar non-profit-making associations one fourth of all the radio-broadcasting facilities, within its jurisdiction, excepting those facilities issued to ships and to the use of the United States Government departments or agencies. The facilities reserved for and/or allocated to educational, religious, agricultural, labor, cooperative, and similar non-profit-making associations shall be equally desirable as those assigned to profit-making persons, firms, or corporations. In the distribution of radio facilities to the associations referred to in this section, the Commission shall reserve for and allocate to such associations such radio-broadcasting facilities as will reasonably make possible the operation of such stations on a self-sustaining basis."

### CODE AUTHORITY MEETING SCHEDULED

A meeting of the Code Authority for the Radio Broadcasting Industry has been called for April 25, 1934, to be held at the National Press Club, Washington, D. C.

The meeting has been called (1) to consider and report on the recommendations of the NRA that the broadcasting industry effect a reduction in hours of labor and an increase in wages (as reported in the last issue of NAB Reports); (2) to consider Part 2 of the Report on Broadcast Technicians, as required by Article 6, Section 4, of the Code; (3) to consider further the questionnaire on

radio artists and performers; and (4) to consider complaints of alleged violations of trade practice provisions of the Code.

## NEW COMMUNICATIONS REPORT

A preliminary report on communications companies has just been submitted to the House Committee on Interstate and Foreign Commerce. It was compiled by Mr. W. M. W. Splawn, now a member of the Interstate Commerce Commission.

The report in its present form has little to say relative to radio broadcasting except that "in the final report on radio companies, broadcasting companies will, to the extent that the nature of their operations permits, be given consideration similar to that given to radio communication companies."

## SECURITIES ACT REGISTRATION

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

- Peerless Portland Cement Company Bondholders' Protective Committee, Chicago, Ill. (2-770).
- Best Drug Stores, Inc., Los Angeles, Cal. (2-771).
- Austin Silver Mining Company, Austin, Nev. (2-772).
- Dodge Cork Company, Inc., Lancaster, Pa. (2-773).
- Washington-Carey Trust, Tulsa, Okla. (2-774).
- Westgate-Carey Trust, Tulsa, Okla. (2-775).
- Greenback Consolidated, Portland, Ore. (2-776).
- Hilldale Fur Ranches, Montreal, Canada (2-777).
- Parker-Wolverine Company, Detroit, Mich. (2-778).
- Johnston Plan Collateral Trust, Wilmington, Del. (2-779).
- Duquesne Brewing Company of Pittsburgh, Pittsburgh, Pa. (2-780).
- San Jose Wafer Works, San Jose, Calif. (2-781).
- Electric Auto-Lite Company, Toledo, Ohio (2-782).
- Lockheed Aircraft Corporation, Burbank, Calif. (2-783).
- Bell Boy Gold Mining Company, Wallace, Idaho (2-784).
- Gold Seal Electrical Company, Inc., East Newark, N. J. (2-785).
- Franklin Mutual Fund, Inc., Boston, Mass. (2-786).
- Boundary County Drainage Districts Bondholders' Protective Committee, Boise, Idaho (2-787).
- Maurice C. Perkins, and others, Saginaw, Mich. (2-788).
- Noteholders' Protective Committee, Richmond, Va. (2-789).

## HOGAN TO DEMONSTRATE FASCIMILE

John V. L. Hogan, New York consulting engineer, will demonstrate fascimile transmission and reception before a selected group of observers at the St. Moritz Hotel, New York, April 9, 1934.

## EXPERIMENTAL BROADCAST HEARING HELD

The Federal Radio Commission on Wednesday of this week conducted a hearing on 6 applications for construction permits for new broadcasting stations to operate on the experimental frequencies of 1530, 1550 and 1570 kilocycles.

The applicants (Unity School of Christianity, Kansas City, Mo., John V. L. Hogan, Long Island City, N. Y., Christian and Whiston, Norco, Calif., American-Republican, Inc., Waterbury, Conn., First National Television, Inc., Kansas City, Mo., and Pioneer Mercantile Corp., Bakersfield, Calif.) propose to erect new stations which will provide a practical evaluation of public reaction to high-fidelity broadcasting, and in each case outlined programs of research on the technical problems encountered in the rendering of true high-fidelity broadcasting service.

## AAAA CONVENTION DATE SET

The seventeenth annual meeting of the American Association of Advertising Agencies will be held on Tuesday and Wednesday, May 22 and 23, at the Mayflower Hotel, Washington, D. C.

## FRC ON ALL-WAVE RECEIVERS

In view of the ever-increasing sales of combination broadcast and shortwave radio receiving sets to the public, the Federal Radio Commission this week issued a statement calling attention to the provisions in the Radio Act of 1927, regarding the secrecy of certain radio messages and the heavy penalties provided for violations.

Section 27 of the Radio Act of 1927 provides that contents of private messages shall not be divulged, and Section 33 of the same Act provides heavy penalties for violations of the secrecy clause.

Reports reaching the Commission indicate that the public is increasingly intercepting police and other shortwave communications. Only in rare instances, it is believed, is this information abused. However, it was brought to the attention of the Commission that a young man in Baltimore intercepted a police call on a shortwave receiver in his home and notified law violators that officers were coming to arrest them. The young man himself was taken into custody and found guilty in a police court for violating police regulations.

Congress has given serious consideration to a bill providing that "no person shall use, operate or possess, in any vehicle within the United States, or any place subject to the jurisdiction thereof, any shortwave radio receiving set without a permit."

Provision is made for permits to be issued by District Attorneys, to applicants, who must furnish two affidavits executed by bona fide residents of their districts, vouching for the good moral character of the applicants.

Police officials in some cities are in favor of such legislation as they claim their work in apprehending criminals and in protecting law-abiding citizens, in some instances, has been interfered with by persons who intercepted messages intended solely for the police.

However, the Commission is hopeful that no such legislation will be necessary as it would have a tendency to hinder experimental work in the shortwave field.

George B. Porter, acting general counsel, says that if any serious abuse is made by the general public of private radio messages vigorous steps will be taken to invoke the law.

In order that the public may be fully informed concerning the protection thrown around private radio messages, the Commission suggests that each purchaser of a combination broadcast and shortwave receiver be furnished by the salesman with the excerpts of the Radio Act concerning the secrecy of radio messages and the penalty for violations.

## FEDERAL RADIO COMMISSION ACTION

### HEARING CALENDAR

TUESDAY, APRIL 10, 1934

NEW—Pittsburgh Radio Supply House, Greensburg, Pa.—C. P., 620 kc., 250 watts, 7 a. m. to 1 S.

WEDNESDAY, APRIL 11, 1934

Hearing Before Commission en banc

Informal hearing on petition of Radio News Service of America for modification of Rule 232 of the Commission Rules and Regulations.

THURSDAY, APRIL 12, 1934

WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Modification of license, 1360 kc., 500 watts, 1 KW LS, unlimited time (facilities of WCBD). Present assignment: 1360 kc., 500 watts, 1 KW LS (Sunday) 3/7 time.

WCBD—Wilbur Glenn Voliva, Zion, Ill.—Renewal of license, 1080 kc., 5 KW, limited time.

WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Informal application for unlimited time, 1360 kc., 500 watts, 1 KW LS.

FRIDAY, APRIL 13, 1934

NEW—A. V. Tidmore, Salisbury, Md.—C. P., 1200 kc., 100 watts, daytime only.

## APPLICATIONS GRANTED

WTAG—Worcester Telegram Publishing Co., Inc., Worcester, Mass.—Granted license covering changes in equipment and

increase in power; **580 kc.**, 250 watts, for auxiliary purposes only.

- WHBU—Anderson Broadcasting Corp., Anderson, Ind.—Granted license covering rebuilding of station destroyed by fire; **1210 kc.**, 100 watts, unlimited time.
- WRJN—Racine Broadcasting Corp., Racine, Wis.—Granted license covering changes in equipment; **1370 kc.**, 100 watts, unlimited time.
- WNRA—Kathryn Jones, Muscle Shoals City, Ala.—Granted consent to voluntary assignment of license to Muscle Shoals Broadcasting Corp.
- KUSD—University of South Dakota, Vermillion, S. Dak.—Granted special temporary authority to remain silent on April 5, 6, 7, 8 and 9, 1934, during spring vacation.
- WQBC—Delta Broadcasting Co., Inc., Vicksburg, Miss.—Granted special temporary authority to operate from 6:30 to 7:15 p. m., CST, from April 8 to April 30, 1934.
- WTAG—Worcester Telegram Publishing Co., Inc., Worcester, Mass.—Granted special temporary authority to operate auxiliary transmitter with power of 250 watts for period beginning April 15 and ending in no event later than May 1, in order to move main transmitter as authorized by C. P.
- KSCJ—Perkins Bros. Co. (The Sioux City Journal), Sioux City, Iowa—Granted special temporary authority to operate from 7 to 8 p. m., CST, April 4, provided WTAQ remains silent.
- KEX—Oregonian Publishing Co., Portland, Ore.—Granted C. P. to move transmitter from Portland to North Portland, and install new equipment.
- KRMD—Radio Station KRMD, Inc., Shreveport, La.—Granted special temporary authority to operate from 7:30 to 9 p. m., CST, April 8, 15, 22 and 29, 1934.
- WSFA—Montgomery Broadcasting Co., Inc., Montgomery, Ala.—Granted C. P. to make changes in equipment and move transmitter locally.
- WODX—Pape Broadcasting Corp., Inc., Mobile, Ala.—Granted C. P. to make changes in equipment and move transmitter from Springhill, Ala., to Mobile, and move studio to same as new transmitter location.
- KGCR—The Greater Kampeska Radio Corp., Watertown, S. Dak.—Granted C. P. to change transmitter locally in Watertown.
- KBTM—W. J. Beard (Beard's Temple of Music), Jonesboro, Ark.—Granted modification of C. P. extending completion date to May 2, and change studio location in Jonesboro.
- WRAM—Wilmington Radio Assn., Inc., W. Durham, N. C.—Granted modification of C. P. to change corporate name to Durham Radio Corp.
- WSUI—State University of Iowa, Iowa City, Iowa—Granted special temporary authority to operate from 4 to 6 p. m., CST, April 13 and 24, 1934, and from 5 to 6 p. m., CST, April 14 and 28.
- WMEX—The Northern Corp., Chelsea, Mass.—Granted modification of C. P. to extend completion date to May 15.

#### SET FOR HEARING

- WEVD—Debs Memorial Radio Fund, Inc., New York—Modification of license to change hours of operation from sharing with WBBR, WFAB, and WHAZ to unlimited (facilities of WBBR, WLTH, WARD, and WVFW).
- WWSW—Walker & Downing Radio Corp., Pittsburgh, Pa.—CP to change frequency from **1500** to **890 kc.**; increase power from 100 watts night, 250 watts day, to 250 watts night, 500 watts day; make changes in equipment and move transmitter locally (facilities WMMN).
- WPFB—Otis Perry Eure, Hattiesburg, Miss.—C. P. to move transmitter and studio from Hattiesburg, Miss., to Troy, Ala.; change frequency from **1370 kc.** to **1210 kc.**, and change hours of operation from specified hours to daytime.
- KGW—Oregonian Publishing Co., Portland, Ore.—C. P. to change studio locally, make changes in equipment, and increase day power from 1 KW to  $2\frac{1}{2}$  KW (night power, 1 KW, to remain same, and **620 kc.** same; unlimited hours).
- KVI—Puget Sound Broadcasting Co., Inc., Tacoma, Wash.—Modification of license to increase day power from 500 watts to 1 KW (night power, 500 watts, **570 kc.**, unlimited hours to remain same).

#### ORAL ARGUMENT GRANTED

The Commission en banc will hear oral arguments on April 18 in re Examiner's Report No. 539, which deals with the applications of stations WARD, WBBR, WLTH, WVFW (formerly WFOX), all of Brooklyn, N. Y., for modification of license and renewal of licenses.

#### MISCELLANEOUS

- KFNF—Henry Field Co., Shenandoah, Iowa—Granted regular license, and hearing scheduled for April 13, 1934, cancelled, as licensee has corrected complaints.
- WKBO—Keystone Broadcasting Corp., Harrisburg, Pa.—C. P. to move transmitter and studio locally and make changes in equipment, heretofore granted, was retired to closed file for want of prosecution.
- KOIL—Mona Motor Oil Co., Council Bluffs, Iowa—Granted regular renewal of license as company has amended charter empowering it to engage in radio broadcasting business.
- WODX—Mobile Broadcasting Corp., Mobile, Ala.—Examiner ordered to render report on application for modification of license, substituting the name of Pape Broadcasting Corp., as Commission previously granted permission of receivers to assign license to that corporation. Report held up by legal complications, which have been removed.

#### APPLICATIONS RECEIVED

##### First Zone

- WBNX—Standard Cahill Co., New York, N. Y.—Special experimental authorization to operate with an additional 250 watts power for 60 days.
- NEW—Federal Broadcasting Corp., New York, N. Y.—Construction permit to erect a new station—**810 kc.**, 500 watts, limited time (facilities of WNYC, New York).
- WBAL—Consolidated Gas Electric Light and Power Co. of Baltimore, Baltimore, Md.—Voluntary assignment of license to The WBAL Broadcasting Company.
- WNBX—WNBX Broadcasting Corp., Springfield, Vt.—Construction permit to install new equipment and increase power from 250 watts to 500 watts.
- WPRO—Cherry and Webb Broadcasting Co., Providence, R. I.—Modification of special experimental authorization to operate on **630 kc.**, power of 250 watts, and make changes in equipment for approval of exact transmitter site at Providence, R. I.

##### Second Zone

- WCAE (Aux.)—WCAE, Inc., Pittsburgh, Pa.—License to cover construction permit granted 2-9-34 to change auxiliary transmitter location.

##### Third Zone

- KLRA—Arkansas Broadcasting Co., Little Rock, Ark.—Construction permit to install new equipment and increase power from 1 KW to 1 KW night,  $2\frac{1}{2}$  KW daytime.
- WHEF—J. Niles Boyd Wholesale Grocery Co., J. O. Ashworth, J. R. Smithson, d/b as Attala Milling and Produce Co., Kosciusko, Miss.—Voluntary assignment of construction permit Station WHEF to Attala Broadcasting Corporation.
- NEW—A. L. Boykin, trading as Tallahassee Broadcasting Co., Tallahassee, Fla.—Construction permit to erect a new station—**1310 kc.**, 100 watts, unlimited time.
- WTOC—Savannah Broadcasting Co., Inc., Savannah, Ga.—Construction permit to install new equipment and increase power from 500 watts to 1 KW.
- KRGV—KRGV, Inc., Harlingen, Tex.—Construction permit to move station from Harlingen, Tex., to Weslaco, Tex., amended to make changes in equipment.

##### Fourth Zone

- KSTP—National Battery Broadcasting Co., St. Paul, Minn.—Extension of special experimental authorization to operate with an additional 15 kilowatts during daytime, for 6 months' period beginning May 1, 1934.
- WJBC—Wayne Hummer and H. J. Dee, d/b as Kaskaskia Broadcasting Co., La Salle, Ill.—Construction permit to move station from La Salle, Ill., to Bloomington, Ill., amended to change transmitter location to Normal, Ill.

WGN—WGN, Inc., Chicago, Ill.—License to cover construction permit granted 11-17-33 to make changes in equipment and increase power.

KSTP—National Battery Broadcasting Co., St. Paul, Minn.—Modification of license to increase power from 10 KW to 25 KW.

WMAQ—National Broadcasting Co., Inc., Chicago, Ill.—Construction permit to install new 50-KW transmitter at 3.5 miles south of Downer's Grove, and increase power to 50 KW. Amended to move transmitter to Bloomingdale Road and Old Army Trail, near Addison, Ill. (Bloomingdale Township).

#### Fifth Zone

KUMA—Albert H. Schermann, Yuma, Ariz.—Voluntary assignment of license to E. B. Sturdivant.

NEW—Abraham Shapiro, Astoria, Ore.—Construction permit to erect a new station—1370 kc., 100 watts, unlimited time.

KPCB—Queen City Broadcasting Co., Seattle, Wash.—Construction permit to install new equipment and increase power from 100 watts to 250 watts and change time of operation from limited to unlimited. Amended to omit request to change frequency and time of operation.

KGHF—Curtis P. Ritchie, Pueblo, Colo.—Construction permit to make changes in equipment and increase power to 500 watts. Amended to omit request to change power.

#### APPLICATIONS RETURNED

WBNX—Standard Cahill Co., Inc., New York, N. Y.—License to cover construction permit to install new equipment. (Improper form.)

WRGA—Rome Broadcasting Corp., Rome, Ga.—Construction permit to move station locally. (Improperly executed.)

KGHI—Lloyd Judd Co., Little Rock, Ark.—Special experimental authority to use an additional 250 watts power at night. (Jurat incomplete.)

WDAF—Kansas City Star, Kansas City, Mo.—Authority to determine output power by direct antenna measurement. (Not signed.)

NEW—Lucien R. Gruss, Cleveland, Ohio—Construction permit to erect a new station—610 kc., 500 watts, daytime. (Rule 6, equipment and transmitter location unsatisfactory.)

KSOO—Sioux Falls Broadcast Assn., Inc., Sioux Falls, S. Dak.—License to cover construction permit to move transmitter and change equipment. (Incomplete.)

WKOK—Charles L. Kremer, Receiver, Sunbury Broadcasting Corp., Chas. S. Blue, Horace Blue, Sunbury, Pa.—Involuntary assignment of license from Charles S. Blue. (Request of applicant.)

KPCB—Queen City Broadcasting Co., Seattle, Wash.—Authorization to install automatic frequency control. (Unnecessary.)

KOL—Seattle Broadcasting Co., Inc., Seattle, Wash.—Modification of license to change operating frequency from 1270 kc. to 850 kc. (Request of applicant.)

NEW—Cole's Furniture Store, Harry E. Cole, Prop., Potosi, Mo.—Construction permit to erect a new station at Potosi, Mo., to operate on 1420 kc., 8-10 watts power, and specified hours. (Rule 6, power, time of operation, antenna and monitor.)

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PHILIP G. LOUCKS, Managing Director

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### BROADCAST ADVERTISING IN FEBRUARY

#### Developments of the Month

Broadcast advertising in February showed a slight decline as compared with the preceding month. Gross sales of time amounted to \$5,943,820 and were 4.1% less than in January. National network revenues were 36.4% above February 1933, though showing a drop of 5.5% as compared with the preceding month of the current year. Non-network advertising decreased 2.0% as compared with January, while regional network advertising increased slightly.

Slight increases in advertising were experienced by stations of 1,000 watts and under, while minor recessions took part in the higher power classes. All geographical districts tended to hold their own as compared with the previous month, the drop in Southern revenues being largely offset by a small increase in Middle Western business. Spot advertising exhibited slight gains while local advertising decreased approximately 4.0%. Electrical transcription volume continued strong, while spot announcement volume showed added recessions. The large gains in spot and local beverage advertising, the marked increase in national network automotive advertising, and the equally marked shrinkage in spot and automotive advertising were the principal features of the month in the field of sponsorship of advertising.

#### Trend in General Radio Advertising

The trend in general radio advertising is found in Table I:

TABLE I

#### TOTAL RADIO BROADCAST ADVERTISING VOLUME

Class of Business	1934 Gross Receipts		Cumulative Jan.-Feb.
	January	February	
National networks...	\$3,793,075.00*	\$3,585,270.00	\$7,378,345.00
Regional networks...	53,578.00	54,932.00	108,510.00
Individual stations...	2,351,438.00	2,303,618.00	4,655,056.00
Total .....	\$6,198,091.00	\$5,943,820.00	\$12,141,911.00

\* Revised total presented by Publishers' Information Bureau in March report.

The trend in national network advertising is contrary to the usual one for this time of the year, network advertising in the past having tended to rise during the entire first quarter of the year, and to reach its high peak in the month of March. From advance reports, March and April revenues, however, should be highly encouraging. Non-network advertising trends during the month have been dominated by the local business which again seems to be following newspaper advertising trends as far as seasonal pattern is concerned. Non-network business has shown a slow but steady recession since November and in February stood at 93.2% of its previous peak level. Regional network volume still remains materially below the December high point in spite of slight increases.

#### Comparison with Other Media

A comparison of the relative volume of broadcast advertising in February as against that of other major media is found in Table II:

TABLE II

#### ADVERTISING VOLUME BY MAJOR MEDIA

Advertising Medium	1934 Gross Receipts		Cumulative Jan.-Feb.
	January	February	
Radio Broadcasting	\$6,198,091.00	\$5,943,820.00	\$12,141,911.00
National magazines <sup>1</sup>	6,360,965.00	7,803,512.00	14,164,477.00
National farm papers .....	296,077.00	464,621.00	760,698.00
Newspapers .....	34,261,950.00	33,470,300.00	67,732,250.00
Total .....	\$47,117,083.00	\$47,682,253.00	\$94,799,236.00

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

National magazine volume increased 22.6% as compared with January, though still remaining 5.4% below the December high. The magazine outlook seems to be highly encouraging, it being reported that the April volume of several leading periodicals will tend to be double that of 1933. Thus far magazine gains have been slight, February weeklies showing an increase of 13.0% over the previous year, and monthlies experiencing only a 2.0% gain over February 1933.

National farm paper advertising volume increased 56.9% as compared with January, and was 20.0% greater than in February of the preceding year. Newspaper advertising volume declined 5.5% during the month and stood at approximately 10.0% above the 1933 volume for the same month.

#### Non-Network Advertising by Power of Station

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

TABLE III

#### NON-NETWORK BROADCAST ADVERTISING BY POWER OF STATION

Power of station	1934 Gross Receipts		Cumulative Jan.-Feb.
	January	February	
Over 5,000 watts...	\$908,290.00	\$887,690.00	\$1,795,980.00
2,500-5,000 watts ...	226,471.00	182,614.00	409,085.00
250-1,000 watts ...	949,677.00	959,056.00	1,908,733.00
100 watts and under	267,000.00	274,258.00	541,258.00
Total .....	\$2,351,438.00	\$2,303,618.00	\$4,655,056.00

There was a 2.2% decline in the revenues of stations of 5,000 watts and over in power, and a marked decrease in the volume of advertising of the next class of station below them. On the other hand slight increases are to be noted on the part of the two lower classes of stations.

#### Advertising by Geographical Districts

The amount of non-network advertising placed of stations located in principal geographic areas is to be found in Table IV:

TABLE IV

NON-NETWORK BROADCAST ADVERTISING BY GEOGRAPHICAL DISTRICTS

Geographical District	1934 Gross Receipts		Cumulative Jan.-Feb.
	January	February	
New England-Middle Atlantic Area . . . . .	\$642,012.00	\$623,429.00	\$1,265,441.00
South Atlantic-South Central Area . . . . .	390,090.00	353,940.00	754,030.00
North Central Area . . . . .	914,886.00	923,748.00	1,838,634.00
Pacific and Mountain Area . . . . .	404,450.00	402,501.00	806,951.00
Total . . . . .	\$2,351,438.00	\$2,303,618.00	\$4,655,056.00

There has been little change in the situation in this field during the past month. A slight gain in volume was experienced in the Middle Atlantic-New England and Middle Western areas, while the Southern district experienced a decrease in revenue of approximately 10.0%. The Pacific-Mountain area remained comparatively even.

Spot and Local Advertising

The relative volume of spot and local advertising placed over individual stations is found in Table V:

TABLE V

COMPARISON OF NATIONAL SPOT AND LOCAL BROADCAST ADVERTISING

Class of business	1934 Gross Receipts		Cumulative Jan.-Feb.
	January	February	
National spot . . . . .	\$1,075,290.00	\$1,079,658.00	\$2,154,948.00
Local . . . . .	1,276,148.00	1,223,960.00	2,500,108.00
Total . . . . .	\$2,351,438.00	\$2,303,618.00	\$4,655,056.00

National spot advertising continued approximately even during February holding the high level gained in recent months. Should further increases in national network advertising take place a similar spot trend may be expected. Local advertising declined approximately 4.0% as compared with the preceding month. This again seems to be an indication of the tendency for local advertising to follow the newspaper trend as far as seasonal fluctuations are concerned, newspaper volume always declining several months following the Christmas holidays.

Advertising by Type of Rendition

The trend with regard to electrical transcription, live spot, record and spot announcement business during the month is found in Tables VI and VII:

TABLE VI

NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION

Type of Rendition	1934 Gross Receipts		Cumulative Jan.-Feb.
	January	February	
Electrical transcriptions	\$545,430.00	\$542,507.00	\$1,087,937.00
Live talent programs . . . . .	1,057,331.00	1,063,466.00	2,120,797.00
Records . . . . .	38,177.00	39,745.00	77,922.00
Spot announcements . . . . .	710,500.00	657,900.00	1,368,400.00
Total . . . . .	\$2,351,438.00	\$2,303,618.00	\$4,655,056.00

TABLE VII

COMPARISON OF LOCAL AND NATIONAL SPOT ADVERTISING BY TYPE OF RENDITION

(February 1934)

Type of Rendition	Gross Receipts for Month		
	National Spot	Local	Total
Electrical transcriptions	\$433,887.00	\$108,620.00	\$542,507.00
Live talent programs . . . . .	445,624.00	617,842.00	1,063,466.00
Records . . . . .	4,497.00	35,248.00	39,745.00
Spot announcements . . . . .	195,650.00	462,250.00	657,900.00
Total . . . . .	\$1,079,658.00	\$1,223,960.00	\$2,303,618.00

Electrical transcription volume during February continued to maintain its high level of the preceding month and was 17.3% above the December figure. There was no appreciable difference in trend between national spot and local business of this type.

In the live talent field, slight gains were also experienced. Live talent volume in February was 12.0% above the December volume, and approximately \$6,000 above January. In the case of business of this type increased local volume offset declines in the national spot field. Local live talent advertising increased 9.3% as compared with January while national spot advertising dropped 5.2% during the same period.

Records continued to remain materially below the December level. Spot announcements continued their decline of recent months, total spot announcement volume during the current month standing at about two-thirds the December level. Total spot announcements decreased 7.4%, national spot advertising dropped 14.3% and local announcement volume 5.1%.

Participations

Participations increased slightly over January, all of the rise taking place in the live talent field. February revenues in this field were 2.9% higher than in the preceding month. Data regarding this type of business are found in Table VIII:

TABLE VIII

PARTICIPATIONS OVER INDIVIDUAL STATIONS

Type of Rendition	1934 Gross Receipts		Cumulative Jan.-Feb.
	January	February	
Electrical transcriptions	\$309.00	\$147.00	\$456.00
Live talent . . . . .	128,300.00	134,700.00	263,000.00
Records . . . . .	8,854.00	6,720.00	15,574.00
Total . . . . .	\$137,463.00	\$141,567.00	\$279,030.00

Radio Advertising Sponsors

Principal trends in the field of broadcast advertising sponsorship included a marked decline in local and spot automobile advertising, amounting to 63.0% in the case of non-network automotive sponsorship, a marked gain in beauty parlor advertising, a doubling of spot and 17.8% increase in local beverage advertising, a decline of approximately 30% in national network and national spot household appliance advertising and a marked rise in national spot soap and kitchen supply advertising volume. The volume of broadcast advertising sponsored by various types of industries is found in Table IX while the relative volume of national spot and local advertising of different types is found in Table X.

Due to corrections in network figures on the part of the Publishers' Information Bureau, whose tabulations are used in these reports, it has been necessary to include a supplementary table, Table IX (A), giving revised class totals for January.

**TABLE IX**  
**RADIO BROADCAST ADVERTISING VOLUME BY TYPE OF SPONSORING BUSINESS**  
(February 1934)

<i>Type of Sponsoring Business</i>	<i>Gross Receipts for Month</i>			<i>Total</i>
	<i>National Networks</i>	<i>Regional Networks</i>	<i>Individual Stations</i>	
1a. Amusements .....	—	—	\$42,450.00	\$42,450.00
1-2. Automobiles and Accessories:				
(1) Automobiles .....	\$250,339.00	\$1,686.00	87,942.00	339,967.00
(2) Accessories, gas and oils .....	313,671.00	19,250.00	145,615.00	478,536.00
3. Clothing and apparel .....	30,567.00	1,000.00	114,635.00	146,202.00
4-5. Drugs and toilet goods:				
(4) Drugs and pharmaceuticals .....	367,479.00	2,244.00	395,551.00	765,274.00
(5) Toilet goods .....	744,915.00	—	117,053.00	861,968.00
6-8. Food products:				
(6) Foodstuffs .....	696,191.00	15,718.00	408,660.00	1,120,569.00
(7) Beverages .....	275,740.00	5,132.00	98,817.00	379,689.00
(8) Confections .....	115,365.00	200.00	55,310.00	170,875.00
9-10. Household goods:				
(9) Household equipment and furnishings .....	38,199.00	—	112,265.00	150,464.00
(10) Soap and kitchen supplies .....	141,899.00	—	34,296.00	176,195.00
11. Insurance and financial .....	57,067.00	—	44,083.00	101,150.00
12. Radios .....	38,523.00	—	3,643.00	42,166.00
13. Retail establishments .....	—	—	80,253.00	80,253.00
14. Tobacco products .....	392,279.00	—	6,210.00	398,489.00
15. Miscellaneous .....	123,036.00	9,702.00	556,835.00	689,573.00
<b>Total</b> .....	<b>\$3,585,270.00</b>	<b>\$54,932.00</b>	<b>\$2,303,618.00</b>	<b>\$5,943,820.00</b>

**TABLE X**  
**NON-NETWORK ADVERTISING BY TYPE OF SPONSORING BUSINESS**  
(February 1934)

<i>Type of Sponsoring Program</i>	<i>Gross Receipts for Month</i>			<i>Total</i>
	<i>National Spot</i>	<i>Local</i>		
1a. Amusements .....	\$6,344.00	\$36,106.00		\$42,450.00
1-2. Automobiles and Accessories:				
(1) Automobiles .....	46,562.00	41,380.00		87,942.00
(2) Accessories, gas and oils .....	83,939.00	61,676.00		145,615.00
3. Clothing and apparel .....	5,088.00	109,547.00		114,635.00
4-5. Drugs and toilet goods:				
(4) Drugs and pharmaceuticals .....	288,406.00	107,145.00		395,551.00
(5) Toilet goods .....	68,063.00	48,990.00		117,053.00
6-8. Food products:				
(6) Foodstuffs .....	181,794.00	226,866.00		408,660.00
(7) Beverages .....	36,547.00	62,270.00		98,817.00
(8) Confectionery .....	51,402.00	3,908.00		55,310.00
9-10. Household goods:				
(9) Household equipment and furnishings .....	26,839.00	85,426.00		112,265.00
(10) Soap and kitchen supplies .....	23,950.00	10,346.00		34,296.00
11. Insurance and financial .....	14,579.00	29,504.00		44,083.00
12. Radios .....	130.00	3,513.00		3,643.00
13. Retail establishments .....	2,453.00	77,800.00		80,253.00
14. Tobacco products .....	4,050.00	2,160.00		6,210.00
15. Miscellaneous .....	239,512.00	317,323.00		556,835.00
<b>Total</b> .....	<b>\$1,079,658.00</b>	<b>\$1,223,960.00</b>		<b>\$2,303,618.00</b>

**TABLE IX (A)**  
**NATIONAL NETWORK ADVERTISING VOLUME**  
**IN JANUARY**  
**(Corrected)**

Type of Sponsoring Program	Gross Receipts for Month
1a. Amusements .....	\$.....
1-2. Automobiles and Accessories:	
(1) Automobiles .....	191,270.00
(2) Accessories, gasoline and oil.....	315,130.00
3. Clothing and apparel.....	17,968.00
4-5. Drugs and toilet goods:	
(4) Drugs and pharmaceuticals.....	422,926.00
(5) Toilet goods .....	798,973.00
6-8. Food products:	
(6) Foodstuffs: .....	724,921.00
(7) Beverages .....	308,384.00
(8) Confectionery .....	129,980.00
9-10. Household goods:	
(9) Household equip. and furn. ....	55,303.00
(10) Soap and kitchen supplies.....	145,345.00
11. Insurance and financial .....	65,075.00
12. Radios .....	47,249.00
13. Retail establishments .....	.....
14. Tobacco products .....	436,893.00
15. Miscellaneous .....	133,658.00
<b>Total .....</b>	<b>\$3,793,075.00</b>

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

1a. *Amusements*:—Advertising volume in this field declined 7.7% as compared with January. Amusement advertising during the current month was the lowest since the establishment of these reports, and was at approximately 50% its August level.

1. *Automobiles*:—Following a marked increase in January, automotive radio advertising declined to approximately 10% below the December level. National network advertising increased 24.0%, while non-network advertising dropped 63.0%. The decline is approximately the same in the national spot and local fields.

2. *Accessories, gasoline and oil*:—Accessory and gasoline advertising volume experienced a 2.0% decrease as compared with January. National network advertising rose 16.0%, regional network advertising remained even, and individual station advertising declined approximately 18.0%. The decline in the non-network fields was principally due to a drop in local advertising which decreased 26.3% as compared with the previous month. National spot volume dropped 11.0%.

3. *Clothing*:—In spite of a doubling of national network advertising volume in this field, general clothing advertising over the radio declined 2.6%. National spot advertising dropped approximately 60.0%, while local advertising declined 10.0%.

4. *Drugs and pharmaceuticals*:—Drug and pharmaceutical advertising remained comparatively steady during the month. National network advertising declined 14.9% while individual station advertising increased approximately 20.0% due principally to a rise in national spot advertising.

5. *Toilet goods*:—There was little or no change in the total advertising in this field, an increase of 24.0% in individual station business offsetting a 6.7% drop in national network volume. All of the increase in the non-network fields was due to a rise in local business.

6. *Foodstuffs*:—Food advertising over the radio decreased 1.6% as compared with January. National network volume decreased 4.0%, while individual station volume dropped 3.8%, decreasing local business more than offsetting the slight rise which occurred in the national spot field.

7. *Beverages*:—There was a slight gain in total beverage advertising due principally to increased local and national spot volume. Local beverage advertising rose 17.8% as compared with January, while national spot advertising more than doubled. National network advertising in this field decreased 10.7%.

8. *Confectionery*:—Confectionery advertising decreased 10.0% during February, the decline taking place about evenly in all branches of radio advertising.

9. *Household appliances*:—Radio advertising in this field decreased 10.8%, national network volume declining 30.9%, local advertising over individual stations rising 13.8% and national spot advertising dropping off 27.6% as compared with the preceding month.

10. *Soap and kitchen supplies*:—Soap and household supply advertising experienced a 4.1% gain during the month, due principally to a 5.0% rise in individual station volume from this type of sponsorship. The individual station increase, in turn, was due mainly to a doubling of national spot advertising.

11. *Insurance and financial*:—Financial advertising during February dropped approximately to 90.0% the January level, national network volume decreasing 12.3%, and individual station 4.3%. There was a slight rise in national spot volume of this type.

12. *Radio*:—Radio set advertising over the air decreased 26.6% as compared with the previous month. National network advertising dropped 18.2%, and individual station advertising declined 60.0%, national spot and local advertising going down about evenly.

13. *Retail*:—Department store and general store advertising dropped approximately 5.0% during the month, reaching the lowest point since July.

14. *Tobacco products*:—Tobacco advertising dropped off approximately 10.0% during January, due almost entirely to a decline in national network advertising of this type.

15. *Miscellaneous*:—There was a slight gain in the miscellaneous group during the month, though it was too small to be of any consequence.

### Retail Advertising

The volume of retail advertising of various types is found in Table XI:

**TABLE XI**  
**RETAIL ADVERTISING OVER INDIVIDUAL STATIONS**  
**(February, 1934)**

Type of Sponsoring Business	Gross Receipts for Month
Automobiles and accessories:	
Automobile agencies and used car dealers .....	\$37,705.00
Gasoline stations, garages, etc. ....	23,530.00
Clothing and apparel shops .....	112,057.00
Drugs and toilet goods:	
Drug stores .....	6,516.00
Beauty parlors .....	5,800.00
Food products:	
Grocery stores, meat markets, etc. ....	56,783.00
Restaurants and eating places <sup>1</sup> .....	18,510.00
Beverage retailers .....	277.00
Confectionery stores, etc. ....	2,300.00
Household goods:	
Household equipment retailers <sup>2</sup> .....	27,253.00
Furniture stores .....	42,860.00
Hardware stores .....	6,952.00
Radio retailers .....	3,357.00
Department and general stores .....	80,253.00
Tobacco shops .....	113.00
Miscellaneous .....	48,668.00
<b>Total .....</b>	<b>\$469,934.00</b>

<sup>1</sup> Exclusive of hotels.

<sup>2</sup> Such as electric refrigerators, oil burners, sweepers, furnaces and the like.

General retail advertising declined 17.6% during the month, a 67.0% decrease in the automotive field, and a marked decline in the drug field being among the contributing factors of major importance. Declines, however, were fairly general.

## General Business Conditions

The general trend of business continues to be an upward one with encouraging steadiness. Increased business confidence, especially as contrasted with a year ago, the temporary cessation of major labor disputes, the influence of natural demand for goods caused by the complete depletion of existing stocks, and the emergency program of the government in the fields of general employment and agriculture, have undoubtedly been contributory to the upswing.

The New York Times Index of business activity on March 24 stood at 85.9 points as contrasted to 82.2 on February 17 of this year and 63.7 on March 25, 1933.

The price rise of recent months came to a temporary halt in March, the Department of Labor index registering 73.8 of the average as compared with 73.7 on February 17 and 60.5 on March 25 of last year. Food prices declined slightly during the month though remaining more than 21% above the 1933 level for the same period.

Automobile production continued vigorously, the index in this field standing at 107.3 as compared with 33.8 a year ago, and 83.7 on February 17. Electric power production increased approximately 1% during the current month, the power index registering 99.5 points as against 84.6 during the same week of 1933. The steel output index rose to 61.8 points on March 24 as compared with 55.3 on February 17 and 25.0 a year ago.

Retail trade has been showing a generally favorable trend, though the month of February did not bring as much of an increase in retail volume as might have been anticipated in view of the usual seasonal trend. February department store sales were equal to 70% of the 1923-25 average, and registered a gain of 16% over the same month of the previous year. Variety store sales, including companies such as F. W. Woolworth and others, in February were equal to 87.9% of the 1929 volume for the same month.

Trade in the rural areas has shown the most improvement. The influence of the A. A. A. crop payments has definitely manifested itself in these districts in the guise of increased spending. Rural retail sales in February were 43% above the level of February of the previous year, a showing almost three times as favorable as that of general retail trade during the month. During March one mail order house reported a 57% increase in trade as compared with the same period of the preceding year. It is also reported that increases of several hundred per cent have been experienced by mail order business establishments in agricultural states, especially in the South.

A. A. A. crop expenditures should continue to reflect themselves in increased buying power in these districts. Up until March 1 of

the current year approximately \$200,000,000 has been paid out by this branch of the government. Of this sum Texas alone received nearly \$47,000,000, Kansas and Oklahoma approximately \$16,000,000 each, Arkansas, Mississippi and Alabama in the neighborhood of \$10,000,000 each, Georgia approximately \$8,000,000 and other states varying amounts. Approximately \$112,350,000 was expended on cotton and \$59,600,000 on wheat.

A factor which may be of considerable importance in the near future is the increase which has taken place in the monetary reserves of the country, making possible further currency and credit expansion. Due to the revaluation of the dollar the monetary gold stock of the country was increased in value from \$4,033,000,000 on January 31 to \$7,438,000,000 at the end of February according to the Federal Reserve Board. Gold imports in February amounted to approximately \$400,000,000. This broadened base of credit, if it reflects itself in extension of financial aid to worthy enterprises, and does not merely result in inflationary price rises, may be of marked influence in further business development. Bank reserves at present are about \$1,150,000,000 above the legal requirements.

In spite of the general forward trend of business, unrestrained optimism is hardly timely. While business should continue along its present lines for some months to come, at least barring unexpected disturbances—several critical problems remain to be faced. Purchasing power is being spread over a wider area than has been the case for some time. However, it must be remembered that some of this represents emergency measures. Moreover, purchasing power in industry itself has been broadened more than it has been increased. According to the Federal Reserve Board index for January, employment was 71.8% of the 1923-25 average while payrolls were 52.9% of the average for that two-year period. Retail employment in January was 84.6% of the 1923-25 average and payrolls 68.8%.

In addition it should be noted that there has been little if any increase in the income of the middle class, while increasing prices have made considerable inroads upon their purchasing power. Announced pay increases in recent months have almost uniformly failed to mention office workers. Executive salaries remain for the most part where they were in 1932 and 1933. In the meantime the burden of taxation and rising prices are further cutting into the buying power of this class of consumer.

Since the sale of many non-essential goods, such as automobiles, refrigerators and other household equipment, is to an appreciable degree dependent upon the buying of this class, and since the prosperity of the industries making these goods is an important factor in our business today, it may be that further steps will be required to rehabilitate middle class purchasing power.



# The National Association of Broadcasters

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

PHILIP G. LOUCKS, Managing Director

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### THE DILL BILL

The Senate Committee on Interstate Commerce on Friday ordered to be reported the revised Dill communications bill (S. 3285). It is expected that the report will be ready early next week, and it is not expected that a minority report will be prepared.

Although some changes have been made in the bill, most of the objections cited in last week's NAB Reports are still applicable.

Some of the provisions of the bill (S. 3285) of interest are as follows:

Sec. 307 (b) It is hereby declared that the people of all the zones established by this title are entitled to equality of radio broadcasting service, both of transmission and reception, and in order to provide said equality the Commission shall as nearly as possible make and maintain an equal allocation of broadcasting licenses, of bands of frequency, of periods of time for operation, and of station power, to each of said zones when and insofar as there are applications therefor; and shall make a fair and equitable allocation of licenses, frequencies, time for operation, and station power to each of the States and the District of Columbia, within each zone, according to population. The Commission shall carry into effect the equality of broadcasting service hereinbefore directed, whenever necessary or proper, by granting or refusing licenses or renewals of licenses, by changing periods of time for operation, and by increasing or decreasing station power, when applications are made for licenses or renewals of licenses: Provided, That if and when there is a lack of applications from any zone for the proportionate share of licenses, frequencies, time of operation, or station power to which such zone is entitled, the Commission may issue licenses for the balance of the proportion not applied for from any zone, to applicants from other zones for a temporary period of ninety days each, and shall specifically designate that said apportionment is only for said temporary period. Allocations shall be charged to the State or District wherein the studio of the station is located and not where the transmitter is located; Provided further, That the Commission may also grant applications for additional licenses for stations not exceeding one hundred watts of power if the Commission finds that such stations will serve public interest, convenience or necessity, and that their operation will not interfere with the fair and efficient radio service of stations licensed under the provisions of this section.

(c) The Commission shall study the proposal that Congress by statute allocate fixed percentages of radio broadcasting facilities to particular types or kinds of radio programs or to persons identified with particular types or kinds of activities, and shall report to Congress its recommendations together with the reasons for the same.

(d) No license granted for the operation of a broadcasting station shall be for a longer term than one year and no license so granted for any other class of station shall be for a longer term than three years, and any license granted may be revoked as hereinafter provided. Upon the expiration of any license, upon application therefor, a renewal of such license may be granted from time to time for a term of not to exceed one year in the case of broadcasting licenses and not to exceed three years in the case of other licenses, but action of the Commission with reference to the granting of such application for the renewal of a license shall be limited to and governed by the same considerations and practice which affect the granting of original applications.

Sec. 312. Any station license may be revoked, or suspended for such period as the Commission may prescribe, for false statements either in the application or in the statement of fact which may be required by section 308 hereof, or because of conditions revealed by such statements of fact as may be required from time to time which would warrant the Commission in refusing to grant a license

on an original application, or for failure to operate substantially as set forth in the license, for violation of or failure to observe any of the restrictions and conditions of this Act, or of any regulation of the Commission authorized by this Act or by a treaty ratified by the United States: Provided, however, That no such order of revocation or suspension shall take effect until fifteen days' notice in writing thereof, stating the cause for the proposed revocation or suspension, has been given to the licensee. Such licensee may make written application to the Commission at any time within said fifteen days for a hearing upon such order, and upon the filing of such written application said order of revocation or suspension shall stand suspended until the conclusion of the hearing conducted under such rules as the Commission may prescribe. Upon the conclusion of said hearing the Commission may affirm, modify, or revoke said order of revocation or suspension.

Sec. 315 (a) If any licensee shall permit any person who is a legally qualified candidate for any public office to use a broadcasting station, he shall afford equal opportunities to all other such candidates for that office in the use of such station; and if any licensee shall permit any person to use a broadcasting station in support of or in opposition to any candidate for public office, or in presentation of views on a public question to be voted upon at an election, he shall afford equal opportunity to an equal number of other persons to use such station in support of an opposing candidate for such public office, or to reply to a person who has used such broadcasting station in support of or in opposition to a candidate, or for the presentation of opposite views on such public questions. Furthermore, it shall be considered in the public interest for a licensee, so far as possible, to permit equal opportunity for the presentation of both sides of public questions.

(b) The Commission shall make rules and regulations to carry this provision into effect. No such licensee shall exercise censorship over any material broadcast in accordance with the provisions of this section. No obligation is imposed upon any licensee to allow the use of his station by any candidate, or in support of or in opposition to any candidate, or for the presentation of views on any side of a public question.

(c) The rates charged for the use of any station for any of the purposes set forth in this section shall not exceed the regular rates charged for the use of said station to advertisers furnishing regular programs, and shall not be discriminatory as between persons using the station for such purposes.

### RAYBURN BILL HEARING ADJOURNED

The House Committee on Interstate Commerce, on Wednesday of this week, adjourned the hearings on the Rayburn Communications Bill until next Wednesday, April 18, to allow the committee more time to consider the Fletcher-Rayburn stock market legislation. It is expected that testimony of Henry A. Bellows, chairman of the NAB legislative committee, will be presented at that time.

Representatives of government departments were heard by the Committee on Tuesday and Wednesday. The first witness was Secretary of Commerce Roper, who referred to the report of the interdepartmental committee on communications submitted to the President several months ago. Secretary Roper did not testify further, leaving the details to Dr. Irvin Stewart, of the State Department, and Capt. S. C. Hooper, of the Navy Department.

Dr. Stewart pointed out the differences in the provisions of the Rayburn bill and the existing legislation, and quoted at some length from the Splawn report on communications recently submitted to the House Committee.

Capt. Hooper suggested adequate safeguards against foreign ownership of American communications facilities, and requested in-

clusion of a provision authorizing the Federal Communications Commission to keep secret matters affecting national defense.

Judge Eugene O. Sykes, Chairman of the Federal Radio Commission, expressed general approval of the bill and suggested certain clarifications of wording.

### COMMISSION AMENDS RULE 232

The Federal Radio Commission on Friday of this week amended Rule 232, concerning fixed public press service, by adding "Or for public dissemination by any class of radio station the emissions of which are intended to be received by the general public."

### "100% RADIO" WEEK JUNE 10-16

The Institute of Radio Service Men, which has evolved a plan for continuous promotion to stimulate public interest in radio, as a means of maintaining a high level of listening audience, has specified the week of June 10 to June 16 as the first period of expanded operations in accordance with the plan.

Especial emphasis will be placed on automobile radios during the week of June 10-16, in an effort to focus the attention of listeners on the advantages of having a radio receiving set in the automobile. A number of "auto-radio" parades are being arranged in leading cities.

### QUOTA SUMMARY

Summary of Broadcasting Facilities Assigned to Zones and States, as of April 7.

#### Zone 1

State	Quota Units		Quota Units under or over	Percent under or over
	Due	Assigned		
Conn. ....	4.48	4.20	-0.28	- 6
Del. ....	0.67	0.53	-0.14	- 21
D. C. ....	1.35	1.30	-0.05	- 4
Maine ....	2.22	2.21	-0.01	- 0
Md. ....	4.55	4.40	-0.15	- 3
Mass. ....	11.84	11.21	-0.63	- 5
N. H. ....	1.29	0.93	-0.36	- 29
N. J. ....	11.26	11.85	+0.59	+ 5
N. Y. ....	35.07	38.42	+3.35	+ 9
R. I. ....	1.91	1.40	-0.51	- 27
Vt. ....	1.00	0.62	-0.38	- 38
P. R. ....	4.30	1.10	-3.20	- 74
V. I. ....	0.06	.....	-0.06	-100
<b>Total</b> ....	<b>80.00</b>	<b>78.17</b>	<b>-1.83</b>	<b>- 2</b>

#### Zone 2

Ky. ....	7.50	8.50	+1.00	+ 13
Mich. ....	13.89	10.90	-2.99	- 22
Ohio ....	19.07	20.09	+1.02	+ 5
Pa. ....	27.63	25.99	-1.64	- 6
Va. ....	6.95	9.50	+2.55	+ 37
W. Va. ....	4.96	5.63	+0.67	+ 13
<b>Total</b> ....	<b>80.00</b>	<b>80.61</b>	<b>+0.61</b>	<b>+ 1</b>

#### Zone 3

Ala. ....	7.37	6.52	-0.85	- 12
Ark. ....	5.16	5.40	+0.24	+ 5
Fla. ....	4.09	8.45	+4.36	+107
Ga. ....	8.10	8.35	+0.25	+ 3
La. ....	5.85	8.39	+2.54	+ 43
Miss. ....	5.60	3.40	-2.20	- 39
N. Car. ....	8.82	10.35	+1.53	+ 17
Okla. ....	6.67	8.44	+1.77	+ 27
S. Car. ....	4.83	2.00	-2.83	- 59
Tenn. ....	7.29	12.80	+5.51	+ 76
Texas ....	16.22	22.75	+6.53	+ 40
<b>Total</b> ....	<b>80.00</b>	<b>96.85</b>	<b>+16.85</b>	<b>+ 21</b>

#### Zone 4

State	Quota Units		Quota Units under or over	Percent under or over
	Due	Assigned		
Ill. ....	22.52	27.81	+5.29	+ 23
Ind. ....	9.56	7.87	-1.69	- 18
Iowa ....	7.30	11.80	+4.50	+ 62
Kans. ....	5.55	6.05	+0.50	+ 9
Minn. ....	7.57	9.08	+1.51	+ 20
Mo. ....	10.71	12.20	+1.49	+ 14
Nebr. ....	4.06	7.36	+3.30	+ 81
N. Dak. ....	2.01	2.99	+0.98	+ 49
S. Dak. ....	2.05	2.89	+0.84	+ 40
Wisc. ....	8.67	7.99	-0.68	- 8
<b>Total</b> ....	<b>80.00</b>	<b>96.04</b>	<b>+16.04</b>	<b>+ 20</b>

#### Zone 5

Ariz. ....	2.83	2.66	-0.17	- 6
Calif. ....	36.86	38.44	+1.58	+ 4
Colo. ....	6.72	9.24	+2.52	+ 38
Idaho ....	2.89	3.00	+0.11	+ 4
Mont. ....	3.49	3.85	+0.36	+ 10
Nev. ....	0.59	0.70	+0.11	+ 19
N. Mex. ....	2.75	4.03	+1.28	+ 47
Ore. ....	6.19	9.22	+3.03	+ 49
Utah ....	3.30	6.60	+3.30	+100
Wash. ....	10.15	15.59	+5.44	+ 54
Wyo. ....	1.46	0.80	-0.66	- 45
Alaska ....	0.38	0.48	+0.10	+ 26
Hawaii ....	2.39	1.94	-0.45	- 19
<b>Total</b> ....	<b>80.00</b>	<b>96.55</b>	<b>+16.55</b>	<b>+ 21</b>

### EXAMINER RECOMMENDS DENIALS

Ralph L. Walker (e) in Report No. 545 this week recommended that the applications of WJBW, New Orleans, for full time, of WBBX of New Orleans for renewal of license and for voluntary assignment of license be denied.

The examiner found in his report that WJBW "has failed to show the character and nature of its service, the need in the community for additional service, the need of additional hours to render that service, or his ability to provide it."

In the case of WBBX the examiner found that the applicant "does not have possession of the transmitter for which he seeks a renewal license, nor does he appear to have any prospects of acquiring said transmitter."

### 1360 KC RECOMMENDATIONS

George H. Hill (e) in his Report No. 546 this week made the following recommendations as a result of a hearing recently held: (1) That the application of John L. Hopkins for a construction permit be dismissed without prejudice; (2) that the application of WSBC for a construction permit be dismissed without prejudice; (3) that the application of WHBY for a construction permit be denied; (4) that the application of WBOW for a construction permit be denied; (5) that the application of WGES for renewal of license be granted; (6) that the application of WSBT for modification of license and renewal of license be granted; and (7) that the application of WFBM for modification of license be granted. These recommendations, if adopted, would allow WSBT to change frequency from 1230 kilocycles to 1360 kilocycles, 4/7 time, and WFBM to then use full time on 1230 kilocycles.

### WOQ FILES WRIT

Broadcasting Station WOQ, United School of Christianity, Kansas City, Kans., taken off the air by the Radio Commission this week filed a writ of certiorari in the Supreme Court of the United States.

This station was taken off the air sometime ago by the Radio Commission. Appeal was made to the Court of Appeals of the District of Columbia, which court upheld the decision of the Commission. The station is now asking for a review of the decision of the lower court by the Supreme Court.

# FEDERAL RADIO COMMISSION ACTION

## HEARING CALENDAR

TUESDAY, APRIL 17, 1934

NEW—Voice of Longview, Longview, Texas—C. P., 1370 kc., 100 watts, daytime.

WEDNESDAY, APRIL 18, 1934

KFAC—Los Angeles Broadcasting Co., Inc., Los Angeles, Calif.—Modification of license, 1300 kc., 1 KW, unlimited time, (Facilities KGEF.)

WBBC—Brooklyn Broadcasting Corp., Brooklyn, N. Y.—Modification of license, 1400 kc., 500 watts, share WLTH. (Facilities WARD, WVFW.) Also for renewal of license, and renewal auxiliary transmitter license.

WLTH—Voice of Brooklyn, Inc., Brooklyn, N. Y.—Modification of license, 1400 kc., 500 watts, share WBBC. (Facilities WARD, WVFW.) Also for renewal of license.

WVFW—Paramount Broadcasting Corp., Brooklyn, N. Y.—Modification of license, 1400 kc., 500 watts, unlimited time. (Facilities WARD, WBBC, and WLTH.) Also for renewal of license.

WARD—U. S. Broadcasting Corp., Brooklyn, N. Y.—Modification of license, 1400 kc., 500 watts, unlimited time. (Facilities WVFW, WLTH and WBBC.) Also for renewal of license, and C. P. to move transmitter.

FRIDAY, APRIL 20, 1934

WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—C. P., 1210 kc., 50 watts, 250 watts LS, unlimited time.

### First Zone

WSYB—Philip Weiss Music Co., Rutland, Vt.—To operate from 1 to 1:30 p. m., EST, April 14, 21 and 28.

WBAL—Consolidated Gas, Electric Light & Power Co. of Baltimore, Baltimore, Md.—Granted consent to voluntary assignment of license to the WBAL Broadcasting Company.

### Second Zone

WJBK—James F. Hopkins, Inc., Detroit, Mich.—Granted modification of license to change hours of operation from specified to unlimited and change frequency from 1370 to 1500 kc.

WMPC—The First Methodist Protestant Church of Lapeer, Mich.—Granted modification of license to change frequency from 1500 to 1200 kc.

WIBM—WIBM, Inc., Jackson, Mich.—Granted modification of license to change hours of operation from specified to unlimited.

WCAE—WCAE, Inc., Pittsburgh, Pa.—Granted license covering local move of transmitter, 1220 kc., 400 watts, for auxiliary purposes.

WJR—WJR, The Goodwill Station, Inc., Detroit, Mich.—Granted modification of C. P. for approval of towers' location, formerly authorized in C. P. Also granted authority to extend commencement date to 4-16-34 and completion date to 10-16-34, to move transmitter from Pontiac to near Detroit, Mich.

KYW—Westinghouse E. and M. Co., Philadelphia, Pa.—Granted modification of C. P. for approval of transmitter site at Joshua Road, Whitmarsh Township, Pa., and install new equipment. (Original C. P. covers move of station from Chicago to near Philadelphia.)

### Third Zone

WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—Granted modification of C. P. extending commencement date to 10-1-34 and completion date to 12-1-34.

WPTF—WPTF Radio Co., Raleigh, N. C.—Granted modification of C. P. to change type of equipment authorized by C. P.

### Fourth Zone

WLBC—Donald A. Burton, Muncie, Ind.—Granted license covering change in equipment and increase in day power from 50 to 100 watts on 1310 kc., 50 watts night, simultaneous day operation with WTRC, share night with WTRC.

WGN—WGN, Inc., Chicago, Ill.—Granted license covering changes in equipment and increase in power from 250 watts to 50 KW, 720 kc., unlimited time.

### Fifth Zone

KVI—Puget Sound Broadcasting Co., Inc., Tacoma, Wash.—Granted authority to take measurement of antenna power.

## SPECIAL TEMPORARY AUTHORITIES

WJDX—Lamar Life Ins. Co., Jackson, Miss.—To operate with 250 watts power for the period beginning April 17 and ending in no event later than April 27, 1934, in order to permit construction.

WESG—Cornell University, Elmira, N. Y.—To operate simultaneously with KTHS from 8 to 9:30 p. m., EST, May 5.

WSYB—Philip Weiss Music Co., Rutland, Vt.—To operate from 1 to 1:30 p. m., EST, April 14, 21 and 28.

WHDF—The Upper Michigan Broadcasting Co., Calumet, Mich.—To operate from 6:30 to 9 p. m., CST, April 16, 1934.

## SET FOR HEARING

NEW—C. C. Morris, Ada, Okla.—C. P. for new station, 1200 kc., 100 watts, daytime.

WBAA—Purdue University, W. Lafayette, Ind.—Granted renewal of license on a temporary basis subject to such action as the Commission may take on their application designated for hearing.

NEW—Cyril W. Reddoch d/b as The Friendly Broadcasting Co., Columbus, Miss.—C. P. for new station, 1370 kc., 100 watts daytime.

NEW—Chas. Dixon Gentsch, Greensboro, N. C.—C. P. for new station, 1440 kc., 500 watts night, 1 KW day; unlimited time; facilities of WBIG.

## MISCELLANEOUS

WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—Denied informal request for increase in nighttime power from 100 to 250 watts from 10:15 to 10:45 p. m., EST, April 13, 20, 27 and May 4, 1934.

WKOK—Charles S. Blue, Sunbury, Pa.—Granted consent to voluntary assignment of license to Sunbury Broadcasting Corp.

## ACTION ON EXAMINERS' REPORTS

KFDY—Ex. Rept. No. 540: South Dakota State College, Brookings, S. Dak.—Granted modification of license to operate on 780 kc., 1 KW day, specified hours; daily except Sundays; 12:30 to 2 p. m., CST, sustaining Examiner Geo. H. Hill.

KFYR—Meyer Broadcasting Co., Bismarck, N. Dak.—Granted modification of license to operate on 550 kc., 1 KW, 2½ KW LS, unlimited time, sustaining Examiner Hill. (Effective date in the above May 13, 1934.)

NEW—Ex. Rept. No. 542: Jos. G. Mayer and Clarence R. Cummins, Erie, Pa.—Denied C. P. for new station to operate on 1420 kc., 100 watts, unlimited time, sustaining Examiner R. L. Walker. (Effective date of order April 20, 1934.)

WDBJ—Ex. Rept. No. 543: Times-World Corp., Roanoke, Va.—Granted modification of license to operate on 930 kc., 500 watts, unlimited time, sustaining Examiner Geo. H. Hill. (Effective date of order April 20, 1934.)

## LICENSES CHANGED

WCHS (formerly WOBU)—WOBU, Inc., Charleston, W. Va.—Temporary license made permanent increasing power from 250 to 500 watts.

WTAG—Worcester Telegraph Publishing Co., Inc., Worcester, Mass.—Temporary license made permanent, increasing power from 250 to 500 watts.

WESG—Cornell University, Elmira, N. Y.—Reconsidered action of March 30, 1934, granting renewal of license on a regular basis, and directed special temporary authority be issued for the period ending August 1, 1934, during the conduct of experiments involving stations KTHS, KRLD, WTIC and WBAL.

KWJJ—KWJJ Broadcasting Co., Portland, Ore.—Reconsidered action of March 30, 1934, granting renewal of license on a regular basis, and directed special temporary authority be

issued for the period ending August 1, 1934, during the conduct of experiments involving stations KTHS, KRLD, WTIC and WBAL.

WJAG—Norfolk Daily News, Norfolk, Nebr.—Reconsidered action of March 30, 1934, granting renewal of license on a regular basis, and directed special temporary authority be issued for the period ending August 1, 1934, during the conduct of experiments involving stations KTHS, KRLD, WTIC and WBAL.

### ORAL ARGUMENT DATE CHANGED

Oral argument before the Commission en banc, formerly set for April 18, changed to May 23, in re Examiner's Report No. 539, involving stations WARD, WBBC, WLTH and WVFW (formerly WFOX), all of Brooklyn, N. Y.

### APPLICATIONS RECEIVED

#### First Zone

NEW—S. George Webb, Newport, R. I.—Construction permit to erect a new station to operate on **930 kc.**, with power of 250 watts, unlimited time. *Amended* to request **1200 kc.**, 100 watts, 250 watts L. S. and make equipment changes. (Contingent upon WPRO vacating **1210 kc.** and WORC vacating **1200 kc.**)

NEW—Arde Bulova and Norman K. Winston, Brooklyn, N. Y.—Construction permit to erect a new station to operate on **1400 kc.**, 1 KW, unlimited time. (Facilities stations WARD, WBBC, WLTH and WVFW.)

NEW—Portland Broadcasting System, Inc., Portland, Maine—Construction permit to erect a new station to operate on **640 kc.**, power of 500 watts, limited time.

WBNX—Standard Cahill Co., Inc., New York, N. Y.—License to cover construction permit granted 12-19-33 to make changes in equipment.

WQDM—A. J. St. Antoine and E. J. Regan, St. Albans, Vt.—Construction permit to move station locally.

#### Second Zone

WJR—WJR, The Goodwill Station, Inc., Detroit, Mich.—Modification of construction permit granted 12-15-33 to move transmitter to extend date of commencement and completion to 4-16-34 and 10-16-34 respectively.

WLW—The Crosley Radio Corp., Cincinnati, Ohio—Special experimental authorization to operate with power of 500 kilowatts using transmitter of W8XO for period ending 8-1-34.

WLAP—American Broadcasting Corp. of Ky., Lexington, Ky.—License to cover construction permit granted 1-5-34 to move station from Louisville to Lexington and change frequency from **1200** to **1420 kc.**

NEW—Clarion Broadcasting Co., Inc., Clarion, Pa.—Construction permit to erect a new station to operate on **850 kc.**, power of 250 watts, daytime. *Amended* to request **800 kc.** and to be considered under Rules 6(f) and 44.

#### Third Zone

WRGA—Rome Broadcasting Corp., Rome, Ga.—Construction permit to move studio and transmitter locally.

WSGN—R. B. Broyles tr/as R. B. Broyles Furniture Co., Birmingham, Ala.—Modification of construction permit granted 12-19-33 to install new equipment and increase power for extension of commencement and completion dates to 5-1-34 and 6-19-34, respectively.

WAMC—Raymond C. Hammett, Anniston, Ala.—Modification of construction permit granted 5-23-33 for removal of station from Anniston, Ala., to Selma, Ala., and also for extension of time.

NEW—Charles Henry Gunthorpe, Jr., Nacogdoches, Texas—Construction permit to erect a new station to operate on **1420 kc.**, 100 watts, daytime. To be considered under Rule 6(f).

KGHI—Lloyd Judd Company, Little Rock, Ark.—Special experimental authorization to use power of 250 watts, night.

WTJS—The Sun Publishing Co., Jackson, Tenn.—Construction permit to make changes in equipment; change frequency from **1310 kc.** to **1430 kc.**, and increase power from 100 watts, 250 watts L. S., to 500 watts. (Facilities station WNBR.)

KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Tex.—Special experimental authorization to increase power to 500 watts, 1 KW L. S., and change frequency to **1380 kc.** *Amended* to be considered under Rule 6(g).

#### Fourth Zone

KSTP—National Battery Broadcasting Co., St. Paul, Minn.—License to cover construction permit granted 10-27-33 to make equipment changes.

WDAF—The Kansas City Star, Kansas City, Mo.—Authority to determine operating power by direct antenna.

KSOO—Sioux Falls Broadcast Assn., Inc., Sioux Falls, S. Dak.—License to cover construction permit granted 1-23-34 to move transmitter and make changes in equipment.

WHBL—Press Publishing Co., Sheboygan, Wis.—License to cover construction permit granted 1-30-34 to make equipment changes.

NEW—Lawrence B. Amelung, Washington, Mo.—Construction permit to erect a new station to operate on **1420 kc.**, power of 50 watts, unlimited time.

KTFI—Radio Broadcasting Corp., Twin Falls, Idaho—License to cover construction permit granted 12-26-33 to move station locally and make equipment changes.

#### Fifth Zone

KGHF—Curtis P. Ritchie, Pueblo, Colo.—Construction permit to make changes in equipment *amended* to request an increase in power from 250 watts night, 500 watts day, to 500 watts day and night.

KGBU—Alaska Radio and Service Co., Inc., Ketchikan, Alaska—Construction permit to move transmitter and studio locally.

NEW—Montana Broadcasting Co., Freda Wessell, Secretary, Helena, Mont.—Construction permit to erect a new station—**1420 kc.**, 100 watts, unlimited time *amended* to request transmitter site to be determined.

KGIX—J. M. Heaton, Las Vegas, Nev.—Modification of 5-P-B-2660 as modified to extend completion date to 7-1-34.

KFBK—James McClatchy Co., Sacramento, Calif.—Construction permit to move transmitter; make equipment changes; change frequency from **1310 kc.** to **1490 kc.**, and increase power from 100 watts to 5 KW. *Amended* re equipment and Rule 6(f).

KGAR—Tucson Motor Service Co., Tucson, Ariz.—Construction permit to make changes in equipment.

NEW—Richard Field Lewis, Del Monte, Calif.—Construction permit to erect a new station to operate on **1210 kc.**, with power of 100 watts, daytime.

### APPLICATIONS RETURNED

NEW—David Wroblewski, Brooklyn, N. Y.—Construction permit to erect a new station to operate on **1500 kc.**, power of 100 watts, S. H. Facilities station WMBQ. (Section 20 and Monitor.)

NEW—The Index Journal, Greenwood, S. C.—Construction permit to erect a new station to operate on **1200 kc.**, 100 watts, unlimited time. (Transmitter site, monitor and Rule 6.)

NEW—Harry C. Lowe and Clara A. Lowe, DuBois, Pa.—Construction permit to erect a new station to operate on **740 kc.**, **1210 kc.** or **1370 kc.**, 100 watts, daytime. (Sec. 14 and Rules 5 and 6.)

NEW—H. O. Solie—A. E. Huepers, Alvin, Tex.—Construction permit to erect a new station to operate on **1310 kc.**, power of 20 watts, unlimited, day, limited time. (Time, power, equipment and transmitter site.)

KLPM—John B. Cooley, Minot, N. Dak.—Construction permit to make equipment changes. (Unnecessary.)

NEW—Norman Baker, Muscatine, Iowa—Construction permit to erect a new station to operate on **850, 830, 780, 920, 1020** or **1170 kc.**, power 5 KW, full or part time. (Rules 5 and 6, equipment and transmitter site.)

WLEY—Albert S. Moffat, Lexington, Mass.—Construction permit to install new equipment. (Unnecessary.)

CNEW—Northern California Amusement Co., Inc., Yreka, Calif.—Construction permit to erect new station to operate on **1500 kc.**, power of 100 watts, unlimited time. (Rule 6, monitor and transmitter site.)

NEW—Dr. J. R. Burgess and George B. Bairey d/b as WHM Broadcasting Co., Helena, Mont.—Construction permit to erect new station to operate on **1420 kc.**, power of 100 watts, specified hours. (Rule 6 and equipment.)

# The National Association of Broadcasters

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

PHILIP G. LOUCKS, Managing Director

## NAB REPORTS

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Vol. 2 - - No. 20  
APRIL 21, 1934

### MEMBERSHIP PASSES 300 MARK

For the first time in the history of the NAB the membership of the Association passed the 300 mark. The actual number of active members on the date of this publication was 310.

The membership drive was started on April 9 with a communication to all non-members from headquarters and on the same date members were requested to contact by correspondence, telephone or personal visit non-members in their respective states.

Almost to a man members jumped into the campaign and cooperated in the effort to enlist 400 members before May 1. It was a splendid example of cooperation and an indication of the effectiveness of organized effort among broadcasters. Only in one instance was there any criticism of the work of the Association. One member felt that the NAB should broaden its program to include more activities for small stations.

Let's keep after the non-members. We must enlist 400 before May 1 and we can do it if we will all work together. And after we enlist 400 members we'll go after the rest.

### TRADE COMMISSION CONFERENCES

Immediately upon his return from a vacation this week the Managing Director conferred with officials of the Federal Trade Commission in connection with a circular letter sent by the Commission to stations requesting copies of all continuities. Another conference will be held within the next few days after which a communication will be addressed to all stations covering the general subject. It is suggested that you await receipt of this memorandum before acting upon the Commission's request.

### CODE AUTHORITY WILL MEET MAY 2

A meeting of the Code Authority for the Radio Broadcasting Industry will be held in Washington, D. C., May 2. The Code Authority will consider the recommendations of the NRA for shorter hours and increased wages. The meeting also will consider the report on broadcast technicians having to do with working conditions, and will further consider the questionnaire relating to radio performers. Complaints of alleged violations of trade practices will also be considered by the Code Authority.

### DILL BILL FAVORABLY REPORTED

The Senate Committee on Interstate Commerce this week reported favorably to the Senate the Dill Communications Commission bill (S 3285). The Committee has adopted several important amendments to the bill as originally introduced by Senator C. C. Dill, chairman of the Committee.

At the present time the report is in the hands of the printer and copies are not available. A memorandum on the bill will be sent to all NAB members within a few days.

"Many of the changes made in the bill are technical and the new bill (S 3285) was introduced to avoid the necessity of detailed amendments for each one of these small changes," Senator Dill said. "In addition, several important changes have been made.

"The definition of 'interstate communication' has been altered so as to permit intrastate regulation of carriers where the line passes incidentally through another state.

"The definitions of 'parent' and 'affiliated person' have been eliminated because of the controversies as to any definition of control. Instead, where it is intended to reach parents, subsidiaries, and affiliated corporations, this bill uses the language 'persons directly or indirectly controlling, or controlled by, or under direct or indirect common control with any such carriers.' This will enable the Commission to determine the existence of such control.

"The Commission is reduced from seven to five members, appointed for six-year terms. This necessitates two divisions, one for

radio and the other for telephone and telegraph, instead of the three divisions originally intended to be created.

"The Sections dealing with valuation and with extension of lines have been modified to meet changes suggested during the hearings. The Commission may authorize temporary or emergency service without regard to the provisions of this section.

"The section dealing with contracts between carriers and subsidiaries and affiliates has been modified so that the Commission is required to investigate all of these contracts and recommend to Congress whether or not the Commission should be given power to modify or declare void such contracts if not in the public interest.

"Likewise the Commission is directed to investigate and report on the desirability of permitting the states to set up independent accounting and depreciation systems; and also the desirability of having Congress allocate by law fixed percentages of radio facilities for educational, charitable, religious, labor and other non-profit organizations.

"Several questions of policy are yet to be decided by the full committee.

"This bill contains a new appeal section which provides for review in three-judge United States District Courts of orders of the Commission which revoke, modify or suspend radio station license. Refusals to grant applications for new stations or renewal of licenses, may be appealed to the Court of Appeals in the District of Columbia.

"The statute of limitation for reparation order has been shortened to one year in accordance with the recommendations of the Interstate Commerce Commission.

"The power of the President to take over communications systems has been limited to war or threat of war."

### RESUME HEARINGS ON RAYBURN BILL

Hearings on the Rayburn Communications Commission bill will be resumed before the House Interstate and Foreign Commerce Committee next Tuesday.

Whether or not a communications commission bill will become law before the end of the present Congress depends upon whether the President will insist upon action. Upon his return from Florida last week the President called Senate and House leaders to the White House to discuss the legislative program for the remainder of the session. He listed six measures which he wants passed before adjournment and suggested May 15 as the adjournment date. The communication commission bill was not mentioned as one of the urgent measures.

Senator Dill is prepared to push his bill in the Senate and Chairman Rayburn has stated that he will press for House action in his measure before adjournment.

### NEW EDUCATIONAL BILL IN HOUSE

Representative Brunner, of New York, has introduced a radio educational bill (H. R. 9121) which has been referred to the House Committee on Merchant Marine, Radio and Fisheries.

The bill provides "that to eliminate monopoly and to insure equality of opportunity and consideration for educational, religious, agricultural, labor, cooperative, and similar nonprofit-making associations, seeking the opportunity of adding to the cultural and scientific knowledge of those who listen in on radio broadcasts, the Commission shall require that all radio broadcasting stations allocate not less than one-fourth of their operating time to educational, religious, agricultural, labor, cooperative, and similar nonprofit-making associations. The facilities so allocated shall be equally desirable as those assigned to profit-making persons, firms, or corporations."

## ANOTHER RADIO BILL INTRODUCED

A bill has been introduced in the House (H. R. 9152) by Representative DeRouen, of Louisiana "to authorize the transfer of the Otter Cliffs Radio station on Mount Desert Island in the State of Maine as an addition to the Acadia National Park." The bill has been referred to the House Committee on Public Lands and is as follows:

"That upon the removal of the Otter Cliffs Radio Station and its relocation on lands within the Acadia National Park as authorized by the Act of April 22, 1932 (47 Stat. 91), the Secretary of the Navy shall be, and he is hereby, authorized and directed to transfer to the control and jurisdiction of the Secretary of the Interior as an additional to the Acadia National Park all that tract of land containing approximately twelve acres on Mount Desert Island in the State of Maine now occupied by and used by the Navy Department for the purposes of the said Otter Cliffs Radio Station."

## FOUR NEW STATIONS AUTHORIZED

The Commission, on Friday of the current week, granted four of the six applications before it for construction permits to erect new experimental high-fidelity broadcasting stations. The applications granted were:

John V. L. Hogan, Long Island City, N. Y., 1550 kc., 1 KW, variable hours, including such part of the full 24-hour day as necessary for conduct of planned research.

American Republican, Inc., Waterbury, Conn., 1530 kc., 1 KW, Unlimited time.

Pioneer Mercantile Co., Inc., Bakersfield, Calif., 1550 kc., 1 KW, Unlimited time.

First National Television, Inc., Kansas City, Mo., 1530 kc., 1 KW, Unlimited time.

The applications of the Unity School of Christianity, Kansas City, Mo. (WOQ), and Christian & Wbiston, Norco, Calif., were denied.

The above applications were filed as a result of the Commission's action on Dec. 23, 1933, making available the frequencies of 1530, 1550, and 1570 kc to experimental broadcasting under severe technical restrictions. Each of the applications granted outlined programs of research in high fidelity broadcasting.

The applications were heard by the Commission en banc on April 4, 1934.

## ENGINEERING COMMITTEE MEETING

The NAB Engineering Committee met in Cincinnati on Saturday, April 14, to discuss methods of increasing the fidelity of broadcast transmission. A tentative report was drawn up for presentation at the next joint meeting of the IRE-RAM-NAB engineering and broadcasting committees.

It was decided to hold an open meeting of the NAB Engineering Committee concurrent with the IRE convention in Philadelphia, May 28, 29 and 30.

The meeting was called to order by J. A. Chambers, WLW, Chairman, and was attended by A. B. Chamberlain, WABC; C. W. Horn, WEA, John E. Fetzer, WKZO, J. H. DeWitt, Jr., WSM; E. L. Gove, WHK; and J. C. McNaary, NAB.

## MO. VALLEY BROADCASTERS' ASS'N

At the first meeting of the newly-organized Missouri Valley Broadcasters' Association, held at the Hotel Cornhusker, Lincoln, Nebraska, April 11, it was recommended that all stations should be members of the NAB.

The MVBA officers are: President, Dietrich Dirks, KFAB; Vice-President, John J. Gillin, Jr., WOW; Secretary-Treasurer, Art Thomas, WJAG; Directors, Dick Dearmont, KFNF; and Harry Johnson, KMMJ. Stations KFAB, KFNF, KFOR, KGBZ, KGKY, KMMJ, KOIL, WJAG and WOW were represented at the first meeting.

## APPEALS MICHIGAN DECISION

Herman Radner this week filed an appeal in the Court of Appeals of the District of Columbia against a decision of the Radio Commission denying him a construction permit for the erection of a proposed new broadcasting station at Lansing, Mich. He asked for a stay order against the Commission for permits granted to other applicants on the frequency of 1210 kilocycles.

## URGES DENIAL PUERTO RICO STATION

Julio M. Conesa, applied to the Radio Commission for the construction of a broadcasting station at Ponce, Puerto Rico to use

1420 kilocycles, specified hours, 100 watts night and 250 watts LS. Ralph L. Walker (e) in Report No. 550 this week recommended that the application be denied.

Says the Examiner, "the applicant has failed to make any showing whatsoever upon which a finding could be made that the granting of his application would serve public interest, convenience or necessity."

## RECOMMENDS FULL TIME FOR WALA

Application was filed with the Commission by the Pape Broadcasting Company, successor to the Mobile Broadcasting Corporation, requesting authority to change the frequency of Station WODX (now WALA) Mobile, Ala., from 1410 to 1380 kilocycles, and to change its hours from sharing with WSFA to unlimited. George H. Hill (e) in Report No. 548 this week recommends that the application be granted.

It was found by the Examiner that granting of the application would not cause "any appreciable increase of interference," and that "Station WALA is the only broadcast station which may be consistently received in the Mobile area." He found also that "the programs broadcast by the station are of a high order and of great value to the area served."

## FAVORS FULL TIME FOR WMBD

Station WMBD, Peoria, applied to the Commission for full time on its present frequency of 1440 kilocycles; it now shares time with WTAD, Quincy Ill., and also asked that its power LS be increased from 500 to 1,000 watts. WTAD asked for license renewal. Ralph L. Walker (e) in Report No. 549 this week recommends that WMBD application be granted and that the renewal application of WTAD be denied but that it be granted full time on 1310 kilocycles with 100 watts power.

The Examiner found that granting full time to WMBD "would permit it to improve and enlarge its present service to the public and at the same time result in an improved economic situation for the licenses." He found further that "it appears that the use of 1310 kilocycles with 100 watts power, unlimited time, at Quincy, Ill., will permit Station WTAD to render the service needed in the Quincy area."

## MISSISSIPPI LAW TAXES ASCAP

The tax bill recently passed by the Mississippi Legislature imposes a tax of \$1,000 annually upon "each person, as agent for another, or as the representative of another in any capacity, collecting, or attempting to collect, or receiving money or other valuable consideration, for rights, royalty, rents, or fees on copyrighted music, books, recorded music for mechanical reproduction, radio programs or patents."

## SECURITIES ACT REGISTRATION

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

Financial Independence Founders, Inc., New York City, N. Y. (2-790).

Dominion Gas & Electric Company, Philadelphia, Pa. (2-791).  
Bowater's Canadian Paper Corporation, Limited, Montreal, Canada (2-792).

Knabb Barrel Company, Inc., Marcus Hook, Pa. (2-793).

Central States Power & Light Corporation, Chicago, Ill. (2-794).

Incorporated Investors Voting Trust, Boston, Mass. (2-795).

Incorporated Investors, Boston, Mass. (2-796).

Winfield P. E. Viering & Others, Boston, Mass. (2-797).

Thirty Federal Street Corporation, Boston, Mass. (2-798).

Bruce Consolidated Mining Company, Denver, Colo. (2-799).

Divid Pinski Books Inc., New York City, N. Y. (2-800).

Hummel-Ross Fibre Corporation, Hopewell, Va. (2-801).

2480 Broadway Corporation, New York City, N. Y. (2-802).

2480 Broadway Corporation, New York City, N. Y. (2-803).

Potomac-Maryland Debenture Corporation, Baltimore, Md. (2-804).

Mary Ann Gold Mines, Inc., Manito, Colo. (2-805).

Joseph Triner Beverage Corporation, Chicago, Ill. (2-806).

Christmann Brewing Company, New Lisbon, Wis. (2-807).

Middle Western Telephone Company, Park Ridge, Ill. (2-808).

Deemer Beach Amusement Associated, New Castle, Del. (2-809).

## INFORMATION WANTED

Information on the whereabouts of Paul T. Gallup, formerly associated with WOL, is desired. Anyone having such information is requested to communicate with NAB Headquarters.

## MADRID TREATY REPORTED

Senator Pittman has favorably reported from the Senate Committee on Foreign Relations "an international telecommunication convention, general radio regulations, and a separate radio protocol."

In making the report the Committee states that:

"The Committee on Foreign Relations, to which was referred an international communication convention, the general radio regulations annexed thereto, and a separate radio protocol, all signed by the delegates of the United States to the International Radio Convention at Madrid December 9, 1932, respectfully recommends the same to the Senate favorably, without amendment." The treaty has gone to the Senate calendar for further action.

## COMMISSION TO MOVE SOON

The Federal Radio Commission will move from its present location at 18th and E streets, northwest, to the new Post Office Department Building, Pennsylvania Ave. and 12th street, northwest. The move will begin on April 28th.

The Commission has moved every year of its existence since 1927. Owing to the fact that it is moving into smaller quarters it is questionable how long it will remain at its new location, especially if a Communication Commission should be legislated into existence during the present session of Congress.

## PLANS FOR FIFTH ANNUAL RADIO INSTITUTE

Plans have been completed for the fifth annual Institute, Education by Radio, which will be held at Columbus, Ohio, April 30 to May 2. Among the speakers are Governor White of Ohio; Dr. George W. Rightmire, Ohio State; H. V. Kaltenborn, news commentator; E. A. Corbett, University of Alberta, Canada; Miss Judith C. Waller, educational director NBC; James E. Pollard, Ohio State; C. H. Milan, American Library Association; Eugene J. Coltrane, National Committee on Education by Radio; A. Lee Henderson, Ohio Emergency Junior Radio College; Joseph F. Wright, president Association of College and University Broadcasting Stations; Dr. Herman S. Hettinger, University of Pennsylvania; Frederic A. Willis, educational director, CBS; H. B. McCarty, Station WHA; W. I. Griffith, Station WOI; Allen Miller, University of Chicago; H. M. Buckley, Cleveland, Ohio; Annas Higgins, Chicago, Ill.; Luther Meyer, San Francisco; Helen Johnson, American School of the Air; Philip G. Loucks, NAB; Grazella P. Shepherd, Cleveland College; Elmer G. Sulzer, University of Kentucky; E. B. Kurtz, University of Iowa.

## FEDERAL RADIO COMMISSION ACTION HEARING CALENDAR

Monday, April 23, 1934

KICK—Red Oak Radio Corp., Carter Lake, Iowa—Voluntary assignment of license; **1420 kc.**, 100 watts, unlimited time.

KICK—The Palmer School of Chiropractic, Carter Lake, Iowa—C. P., **1370 kc.**, 100 watts, unlimited time. (Requests authority to move to Davenport, Iowa.)

Wednesday, April 25, 1934

Hearing Before Commission en banc

WMAQ—National Broadcasting Co., Chicago, Ill.—C. P., **670 kc.**, 50 KW, unlimited time.

NEW—Robert Lowell Burch, Salem, Ore.—C. P., **1530 kc.**, 500 watts; Mon., Wed., Sat., 4:30 a. m. to 2 a. m.; Tues., Thurs., Sat., Sun., 7:45 a. m. to 12:45 a. m.

## APPLICATIONS GRANTED

First Zone

None.

Second Zone

WLW—The Crosley Radio Corp., Cincinnati, Ohio—Granted special experimental authority to operate with 500 KW power, using transmitter of W8XO, for period ending August 1, 1934.

## Third Zone

WSFA—Montgomery Broadcasting Co., Inc., Montgomery, Ala.—Granted special temporary authority to operate simultaneously with Station WALA from 6:15 p. m. to 12 midnight, CST, April 23, 24, 25, 26, 27, 28, 29, and 30, 1934, with 250 watts power.

WALA—Pape Broadcasting Corp., Inc., Mobile, Ala.—Granted special temporary authority to operate simultaneously with WSFA from 6:15 p. m. to 12 midnight, CST, April 23, 24, 25, 26, 27, 28, 29, and 30, 1934, with 250 watts power.

WHEF—J. Niles Boyd Wholesale Grocery Co., J. O. Ashworth, J. R. Smithson, d/b Attala Milling & Produce Co., Kosciusko, Miss.—Granted consent to voluntary assignment of C. P. from J. Niles Boyd Wholesale Grocery Co., J. O. Ashworth, J. R. Smithson, to Attala Broadcasting Corp.

WTOC—Savannah Broadcasting Co., Inc., Savannah, Ga.—Granted C. P. to install new equipment and increase day power to 1 KW, and set for hearing application to increase night power to 1 KW.

## Fourth Zone

KSO—Iowa Broadcasting Co., Des Moines, Iowa—Application to change frequency from **1370 kc.** to **1320 kc.** and increase power from 100 watts night, 250 watts LS, to 250 watts, withdrawn from hearing docket and granted. (Judge Sykes dissented.)

WILL—University of Illinois, Urbana, Ill.—Granted special temporary authority to operate simultaneously with Station KUSD on June 11, from 10:30 a. m. to 12:30 p. m., CST, provided KFNF remains silent.

KUSD—University of South Dakota, Vermillion, S. Dak.—Granted special temporary authority to operate simultaneously with Station WILL on June 11, from 10:30 a. m. to 12:30 p. m., CST, provided KFNF remains silent.

## Fifth Zone

KFPY—Symons Broadcasting Co., Spokane, Wash.—Granted special temporary authority to operate station without an approved frequency monitor for period of not more than 2 weeks from April 20.

KGHF—Curtis P. Ritchie, Pueblo, Colo.—Granted C. P. to make changes in equipment and increase power from 250 watts night, 500 watts day, to 500 watts. (Judge Sykes voted to set application for hearing.)

KNX—Western Broadcast Co., Los Angeles, Calif.—Granted modification of license to increase power from 25 KW to 50 KW, effective April 27, 1934.

## SET FOR HEARING

WAWZ—Pillar of Fire, Zarephath, N. J.—Granted renewal of license on temporary basis subject to such action as the Commission may take on renewal application now pending before it, designated for hearing.

WBNX—Standard Cahill Co., Inc., New York—Granted renewal of license on temporary basis subject to such action as the Commission may take on renewal application now pending before it, designated for hearing.

NEW—Joseph Pappalardo, Methuen, Mass.—C. P. for new station; **1120 kc.**, 500 watts, daytime.

NEW—D. J. Burton and L. C. Davis, Temple, Tex.—C. P. for new station; **990 kc.**, 250 watts, daytime.

WDGY—Dr. Geo. W. Young, Minneapolis, Minn.—C. P. to make changes in equipment, increase day power from 1 KW to  $2\frac{1}{2}$  KW (1 KW night), and change hours of operation from limited to unlimited, to be heard before the Commission en banc on June 6.

WEAN—Shepard Broadcasting Service, Inc., Providence, R. I.—Modification of license to increase power from 250 watts night, 500 watts day, and additional 250 watts night on experimental basis, to 500 watts (to remove experimental clause which expires September 1, 1934).

WBNX—Standard Cahill Co., Inc., New York—Special experimental authority to increase power from 250 watts to 500 watts for 60 days.

WAAT—Bremer Broadcasting Corp., Jersey City, N. J.—Application for renewal of license designated for hearing.

NEW—S. George Webb, Newport, R. I.—Application for new station at Newport redesignated for hearing because application has been amended to request unlimited time on **1200 kc.**

- WBAA—Bay State Broadcasting Corp., Boston, Mass.—Application for modification of license redesignated for hearing on bill of particulars dated December 7, 1933, since amended application involves portion of facilities of WKBF.
- KQV—KQV Broadcasting Co., Pittsburgh, Pa.—Renewal application designated for hearing to see if broadcasts are in the public interest.

### MISCELLANEOUS

- WGBI—Scranton Broadcasters, Inc., Scranton, Pa.—C. P., 880 kc., 1 KW, to share with WQAN, heretofore set for hearing, was dismissed at request of applicant.
- NEW—Victor Beverly Pitts, Raton, N. Mex.—C. P., 1500 kc., 100 watts, daytime, heretofore set for hearing, was dismissed at request of applicant.

### RATIFICATIONS

- WSMK—Stanley M. Krohn, Jr., Dayton, Ohio—Granted extension of special temporary authority to operate simultaneously with KQV from 7:15 p. m. to 12 midnight, for period beginning April 15 and ending not later than May 1, 1934.
- KQV—KQV Broadcasting Co., Pittsburgh, Pa.—Granted extension of special temporary authority to operate simultaneously with WSMK from 7:15 p. m. to 12 midnight, for period beginning April 15 and ending not later than May 1, 1934.

### APPLICATIONS RECEIVED

#### First Zone

- WLEY—Albert S. Moffat, Lowell, Mass.—Construction permit to move transmitter and studio from Lexington, Mass., to Lowell, Mass.
- WEBR—Howell Broadcasting Co., Inc., Buffalo, N. Y.—Construction permit to change frequency from 1310 kc. to 630 kc.; increase power from 100 watts, 250 watts LS, to 500 watts; make changes in equipment; and move transmitter from Larkin Terminal Building, Seneca and Van Rensselaer Streets, Buffalo, N. Y., to Abbott Road, Lackawanna, N. Y.
- WAAT—Bremer Broadcasting Corp., Jersey City, N. J.—License to cover 1-P-B-2450, as modified, to increase power, make changes in equipment, and move transmitter locally.
- WSAR—Doughty & Welch Electric Co., Inc., Fall River, Mass.—License to cover construction permit granted 12-15-33 to move transmitter and studio.

#### Second Zone

- WHP—WHP, Inc., Harrisburg, Pa.—Modification of license to operate additional specified hours (WBAK hours of operation which will expire 5-1-34).
- WIBG—WIBG, Inc., Glenside, Pa.—Construction permit to change equipment; increase power from 100 watts to 500 watts; change time of operation from day to unlimited; move transmitter to Whitpain Township, Washington Square Heights, Pa., and studio to Broad and Walnut Streets, Philadelphia, Pa.
- WHBD—F. P. Moler, Mount Orab, Ohio—Consent to voluntary assignment of license to Veebee Corporation.
- WKZO—WKZO, Inc., Kalamazoo, Mich.—Construction permit to move transmitter, exact site to be determined; change equipment; change hours of operation from daytime to unlimited time and power from 1 KW LS to 500 watts, 1 KW LS. Amended to request power of 250 watts, 1 KW LS.
- WKBO—Keystone Broadcasting Corp., Harrisburg, Pa.—Construction permit to install new equipment and move transmitter and studio locally.

#### Third Zone

- NEW—Virgil V. Evans, Spartanburg, S. C.—Construction permit to erect new station to operate on 920 kc., power of 1 KW, daytime. Amended to request authority to erect new station instead of making changes in Station WSPA.
- WEED—William Avera Wynn, Greenville, N. C.—Construction permit to move transmitter to 528 S. Vyne Street, Rocky Mount, N. C. Amended to move transmitter to 2.3 miles from business center of Rocky Mount, N. C. (Studio: N. E. Main Street, Rocky Mount).

- WROL—Stuart Broadcasting Corp., Knoxville, Tenn.—Special experimental authorization to change frequency from 1310 kc. to 1050 kc. (clear) or 1010 kc. (regional), and to increase power from 100 watts to 250 watts, using directional antenna (contingent upon the decision on Station WIS).
- WDNC—Durham Radio Corporation, Durham, N. C.—License to cover construction permit granted 2-2-34 to move transmitter and studio, make changes in equipment, change frequency from 1370 kc. to 1500 kc., and change corporate name.
- NEW—Ark-La-Tex Radio Corp., Laurel, Miss.—Construction permit to erect new station to operate on 1310 kc., power of 100 watts, S. H. facilities Station WAML.
- NEW—Samuel Nathaniel Morris, Stamford, Tex.—Construction permit to erect a new station to operate on 1420 kc., power of 100 watts, S. H. facilities Station KFPL. Amended re hours of operation and facilities.

#### Fourth Zone

- WBAA—Purdue University, W. Lafayette, Ind.—Modification of license to make changes in specified hours of operation, facilities WKBF. Amended to make additional changes in hours of operation (power 500 watts, 1 KW LS).
- WJJD—WJJD, Inc., Chicago, Ill.—Construction permit to install new equipment.
- WMBH—W. M. Robertson, Joplin, Mo.—Consent to voluntary assignment of license to Joplin Broadcasting Company.
- WCAL—St. Olaf College, Northfield, Minn.—Construction permit to increase power from 1 KW to 1 KW, 2½ KW LS; also make changes in equipment. To be considered under Rule 6 (g).
- WHB—WHB Broadcasting Co., Kansas City, Mo.—Special experimental authorization to operate on 1120 kc. with power of 500 watts, local sunset to midnight, except time when WTAW is operating.

#### Fifth Zone

- KVOS—KVOS, Inc., Bellingham, Wash.—Construction permit to move transmitter and studio locally.
- KVL—KVL, Inc., Seattle, Wash.—License to cover 5-P-B-3139 to move studio and transmitter locally.
- NEW—W. L. Gleeson, Sacramento, Calif.—Construction permit to erect new station to operate on 1490 kc., power of 5 KW, unlimited time. Amended to request transmitter and studio locations to be in Sacramento, Calif., instead of Salinas, Calif.

### APPLICATIONS RETURNED

- KFKA—The Mid-Western Radio Corp., Greeley, Colo.—Construction permit to move transmitter and studio to Cheyenne, Wyo., change operating frequency to 780 kc., and increase power to 1 KW (applicant's request); also change time to unlimited.
- KFPM—Houston Printing Company, Houston, Tex.—Modification of license to increase power to 5 KW. (Sec. 3b.)
- WCNW—Arthur Faske, Brooklyn, N. Y.—License to cover construction permit granted 2-13-34 to move transmitter and install new equipment. (Incomplete.)
- NEW—Ben Parker, Breckenridge, Tex.—Construction permit to erect a new station to operate on 960 kc., power of 10 watts, S. H. (Rule 6, frequency monitor; equipment.)
- WTBO—Associated Broadcasting Corp., Cumberland, Md.—Construction permit to install new equipment. (Improper request.)
- KARK—Arkansas Radio and Equipment Co., Little Rock, Ark.—Modification of license to increase power from 250 watts to 250 watts, 500 watts LS. (Not signed.)
- KGY—KGY, Inc., Olympia, Wash.—Special experimental authorization to operate additional specified hours. (Section 5 (a) and jurat.)
- KFIZ—Reporter Printing Co., Fond du Lac, Wis.—Modification of license to change frequency from 1420 kc. to 1310 kc. (Rule 49.)
- WKZO—WKZO, Inc., Kalamazoo, Mich.—Modification of license to change hours of operation from daytime to unlimited time and change power from 1 KW LS to 500 watts, 1 KW LS. (Applicant's request.)

# The National Association of Broadcasters

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

PHILIP G. LOUCKS, Managing Director

## NAB REPORTS

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### NAB BOARD MEETING MAY 14

President Alfred J. McCosker has called a regular meeting of the Board of Directors of the NAB to be held at Washington, D. C., May 14. The agenda for the meeting will be prepared at a meeting of the Executive Committee to be held next week and will include a number of important problems. Copyright will be one of the principal matters to be discussed at the meeting.

New members who have enrolled since the time of the Convention will be approved by the Board.

The Board also will consider a time and place for the 1934 NAB Convention. Some fifty cities have extended invitations for the 1934 meeting.

### DILL ASKS A. T. AND T. INVESTIGATION

A broad investigation of the American Telephone and Telegraph Company by the Senate Interstate Commerce Committee is sought in a resolution introduced in the Senate on April 26 by Senator Dill, chairman of the Committee. The investigation would extend to the subsidiaries, affiliates and other concerns in which the telephone company has a direct financial interest or exercises control.

The text of the resolution follows:

*Resolved*, That the Committee on Interstate Commerce, or any duly authorized subcommittee thereof is hereby authorized and directed to make a thorough and complete investigation of the operations, relationships, and activities of the American Telephone & Telegraph Co., its subsidiaries, affiliates, and other concerns in which it or they have any direct or indirect financial interest or in which any of its officers or directors hold any office or exert any control and shall report to the Senate the facts as ascertained and make recommendations for such legislation as the committee deems desirable.

In making said investigation, the committee shall, among other things, investigate and report particularly on the following subjects:

(1) The financial structure and relationship of the company and its subsidiaries and affiliates and the extent to which its holding company structure enables it to evade regulation or taxation; the extent of interservice contracts between the American Telephone & Telegraph Co. and its subsidiary companies, and particularly contracts with the Western Electric Co. and other manufacturers of electrical communication equipment, if any; also the sale prices of telephone equipment to telephone operating companies, the profits upon such sales, and the effect of such sales upon the rate base of operating companies when used as a basis for telephone charges in the various states; and the probable savings by telephone operating companies purchasing equipment under a system of competitive bidding;

(2) The activities of and expansion by the company and its subsidiaries and affiliates into fields other than telephone communication, including teletype service, telephoto service, broadcasting, motion-picture distribution, and the manufacture of electrical equipment;

(3) The methods of competition with other companies and industries, with reference to equality of service, reasonableness of rates, both local and long distance, depreciation accounting practices, discriminatory practices, suppression of patents, method of accounting for royalties accruing on patents, sale, and refusal to sell equipment to competing companies, maintenance of exorbitantly high prices because of monopolistic control, and particularly the relationship of the company with Electrical Research

Products, Inc., and its relation to independent motion-picture organizations, and its practices in the interests of the company;

(4) The extent to which local subscribers have borne the cost of the research developments for long-distance appliances, radio, motion-picture, and other inventions not related to the improvement of local service;

(5) The reasons for voluntary reductions in long-distance charges and the failure to reduce local charges during the past few years of generally falling prices;

(6) Its relation as an employer with its employees, and the extent of its reduction in number and wages of employees while maintaining exorbitant salaries for high officials and a continuous high dividend rate; and

(7) The methods whereby the company or its subsidiaries or affiliates or its officers or directors have sought through propaganda, or the expenditure of money, or the control of channels of publicity to influence or control public opinion or elections.

That the said committee is hereby authorized to sit and perform its duties at such times and places as it deems necessary or proper and to require the attendance of witnesses by subpoenas or otherwise; to require the production or inspection of all accounts, books, papers, and documents; and to employ counsel, experts, and other assistants, and stenographers at a cost not exceeding 25 cents per hundred words. The chairman of the committee, or any member thereof, may administer oaths to witnesses and sign subpoenas for witnesses; and every person duly summoned before said committee, or any subcommittee thereof, who refuses or fails to obey the process of said committee, or appears and refuses to answer questions pertinent to said investigation, shall be punished as prescribed by law. The expenses of said investigation shall be paid from the contingent fund of the Senate on vouchers of the committee or subcommittee, signed by the chairman and approved by the Committee to Audit and Control the Contingent Expenses of the Senate, not to exceed \$25,000.

### COPELAND BILL PASSED OVER

The Copeland bill to amend the food and drug act (S. 2800) was reached on the Senate calendar on April 25 but upon objection by Senator Adams, Senator McKellar and several other senators the bill was passed over. Senator Copeland has stated that he intends to call up the bill for the Senate's consideration at the earliest possible date.

### DILL BILL TO BE CONSIDERED

Early consideration of the Dill Communications Commission bill by the Senate was predicted here following announcement by Senate leaders that the bill is one of the measures which will be acted upon by the Senate before adjournment, set tentatively for May 15.

While the bill (S. 3285) includes some of the suggestions offered by the NAB at public hearings on the measure there are additional amendments which should be included in the measure before it is acted upon finally by the Senate. A memorandum setting forth these amendments has been sent by the NAB to each member of the Senate.

The Dill bill was reached on the Senate calendar on April 26 but both Senator McKellar and Senator Dill asked that it go over because time was not available for its consideration. No definite time has been fixed for consideration of the bill but it is expected that Senator Dill will call up the bill at the first convenient time.

## BLAND ASKS RULE FOR S. 2660

Representative Bland, of Virginia, chairman of the House Committee on Merchant Marine, Radio and Fisheries, has introduced a resolution in the House (H. Res. 353) asking that the House take up S. 2660. The resolution has been referred to the House Committee on Rules. The bill (S. 2660) which was introduced by Senator Dill and which has already passed the Senate, deals with the use of studios in the United States when the station transmitter is in a foreign country.

## CUTTING BILL HEARINGS INDEFINITE

Hearings on the Cutting bill to make possible the entrance of the United States into the International Copyright Union are still indefinite. The NAB has asked for hearings on the measure and the request has been referred to a subcommittee of the Senate Foreign Relations Committee which has the bill in charge. Many other industries interested in revision of the copyright laws have also asked to be heard on the measure.

## RAYBURN BILL HEARINGS POSTPONED

No definite date has been fixed by the House Committee on Interstate and Foreign Commerce for resumption of hearings on the Rayburn Communications Commission bill. The bill which would create a Federal Communications Commission and coordinate existing law relating to radio, telephone, telegraph and cable communications is an attempt to follow out the desires of President Roosevelt for consolidation of existing statutes and central administration. Chairman Rayburn intends to complete hearings on the measure, commenced several weeks ago, and may press for House action on his measure before adjournment. The NAB is among the interests to be heard on the measure when hearings are resumed.

## CODE AUTHORITY MEETING, MAY 2

The Code Authority for the Radio Broadcasting Industry will hold a meeting in Washington, D. C., beginning Wednesday, May 2.

## NRA EXEMPTS 24 STATIONS FROM CODE

Because they are not engaged in commercial broadcasting, the NRA, upon recommendation of the Code Authority for the Radio Broadcasting Industry, exempted 24 stations this week. The order was signed on April 24 and provides that "any objections to said order granting exemptions must be filed with Deputy Administrator William P. Farnsworth, Room 4221, Commerce Building, Washington, D. C., prior to March 4, 1934." A list of the exempted stations follows: WKAR, East Lansing, Mich.; KPOF, Denver, Colo.; WAWZ, Zarephath, N. J.; WILL, Urbana, Ill.; WLBL, Stevens Point, Wis.; WOSU, Columbus, Ohio; WMBI, Chicago, Ill.; KUSD, Vermillion, S. Dak.; KFDY, Brookings, S. Dak.; KWLC, Decorah, Iowa; WCAT, Rapid City, S. Dak.; WOI, Ames, Iowa; WTAW, College Station, Texas; WSUI, Iowa City, Iowa; KOAC, Corvallis, Ore.; WLB, Minneapolis, Minn.; WBAK, Harrisburg, Pa.; WCAD, Canton, N. Y.; KSAC, Manhattan, Kan.; KSAJ, Grove City, Pa.; WBAA, LaFayette, Ind.; KFSG, Los Angeles, Calif.; KBPS, Portland, Ore.; KWSC, Pullman, Wash.

## NAB COMMERCIAL MEETING IN JUNE

Arrangements are being made for the open meeting of the NAB Commercial Committee to be held in New York next June in conjunction with the annual meeting of the Advertising Federation of America. All NAB members will be invited to attend the meeting. The program will be announced in the near future.

## MEXICO SHIFTS FREQUENCIES

Advices from Mexico City received this week by the State Department and the Federal Radio Commission this week report a complete re-allocation of broadcasting frequencies in Mexico. The new assignments evidently are designed to end split-channel operation. The re-allocation was to have become effective April 7.

## ENGINEERING COMMITTEE MEETING

In accord with a plan evolved at the last NAB Engineering Committee meeting in Cincinnati, April 14, an open meeting of the committee will be held in conjunction with the IRE convention. The IRE convention is scheduled for May 28, 29, and 30 at the Benjamin Franklin Hotel, Philadelphia, Pa. The open meeting will be held in the LaFayette Room, Benjamin Franklin Hotel, on Monday, May 28, at 4 p. m. Invitations will be sent to all member stations and a large attendance is anticipated.

## ANPA APPROVES RADIO-PRESS PACT

The program of the radio-press bureau was approved by the American Newspaper Publishers Association at its annual meeting held in New York this week. The program was outlined to the association's membership by Ed. Harris of Richmond, Ind., chairman of the National Publishers Radio Committee. The publishers' approval of the program marks an important step in the radio-press cooperative movement.

## RECOMMENDATIONS ON TEXAS STATIONS

Station KRGV, Harlingen, Texas, applied to the Radio Commission to change its hours from sharing equal time with KWWG, Brownsville, Texas, to unlimited time, requesting the facilities of the latter station. KWWG asked for license renewal and also for consent to voluntary assignment of its license to the Port Arthur College. The college asked for authority to move the equipment from Brownsville to Port Arthur, Texas, and requested the facilities of KWWG. George H. Hill (e) in Report No. 552 this week recommended that the application of KRGV be granted for full time; and that the application of KWWG both for license renewal and for voluntary assignment be denied. He also recommended that the college application for a construction permit be denied.

## KSEI APPEALS TO COURTS

Station KSEI, Pocatello, Idaho, this week filed an appeal in the Court of Appeals of the District of Columbia against the Radio Commission because of a decision rendered March 23. The station also filed a motion to stay. The station had operated on a frequency of 900 kilocycles and was granted a construction permit by the Commission to use 890 kilocycles. However, when it came time to issue a license, Station KFPY, Spokane, Wash., intervened, and was granted the use of 890 kilocycles, for which reason KSEI was ordered back on its old frequency of 900 kilocycles. It is against this decision that the station is appealing.

## RECOMMENDATIONS FOR ILLINOIS STATIONS

Station WGES, Chicago, applied to the Commission for the use of unlimited time on its present frequency of 1360 kilocycles instead of 3/7ths time and also asked for special temporary authorization. Station WCBD, Zion, Ill., asked for license renewal. George H. Hill, (e) in Report No. 551 this week recommended that the application of WGES for modification of license "be dismissed with prejudice" and that the application of WCBD for renewal of license be granted. The Examiner states that "no evidence was offered in support of any of the three applications involved in this case when they were called for hearing before the Examiner on April 12, 1934." He points out that the application of Station WGES was granted by the Commission on February 27 for a period not to exceed 28 days.

## RADIO COMMISSION MOVE DELAYED

There has been a delay in moving the offices of the Federal Radio Commission from 18th and E Streets, northwest, to the new Post Office Department Building, 12th Street and Pennsylvania Avenue, northwest. The Commission was to have moved on April 28, but the move was delayed a week because of a misunderstanding about the number of rooms it is to occupy.

## FORWARDS ADDRESS

Recently the NAB REPORTS carried an item asking for the address of Paul T. Gallup. Mr. Gallup immediately replied stating that he can be reached at Hamilton Bank Building, Knoxville, Tenn.

## NBC PROMOTES BILL HEDGES

William S. Hedges, former president of the NAB and at present member of the NAB Board of Directors, has been promoted to the post of manager of all NBC managed and operated stations. Prior to the promotion, Hedges was manager of Station KDKA, Pittsburgh, Pa., and before assuming the latter post he was head of Station WMAQ, Chicago, Ill., which station he founded. The NBC also announced that C. L. McCarthy of the NBC Pacific Coast Division will become manager of NBC affiliated stations section. Both Hedges and McCarthy will make their headquarters in New York and will serve in the department headed by Donald Withycomb.

## STUDENTS ENDORSE AMERICAN SYSTEM

Complete opposition to the adoption of the essential features of the British system of radio operation and control in this country, and the enthusiastic endorsement of the present American system of broadcasting was voiced in the resolutions adopted by the First Annual Conference for Senior High School Students held on the campus of George Washington University, Friday and Saturday, April 13 and 14. Approximately 150 students from Washington and vicinity participated in the conference.

Among the resolutions adopted by the conference were the following:

*Resolved:* That American programs are not generally inferior to British programs.

"That it is not necessary to change our system of radio control in order to develop superior programs.

"That a disproportionate amount of time is not devoted to advertising, either in the sense of the volume of commercially sponsored programs or the amount of time devoted to advertising announcements on commercial programs.

"That advertising over the radio is not objectionable except in minor elements.

"That the commercial broadcasting, by reason of its competitive elements, leads to superior rather than inferior programs.

"That the American system of commercially supported broadcasting does not increase the cost of advertised products, but, insofar as advertising fosters mass sales, lower unit costs and consequent lower prices, and in so far as radio is a particularly effective advertising medium, radio advertising may actually lower the cost of goods to the individual consumer.

"That the adoption of the British system would not eliminate such shortcomings as may exist in the American broadcasting. It would completely destroy its great constructive value, in addition to creating evils even more serious of its own. We feel that the possibility of political control of a government-owned system to be one of the major evils which the British method may entail."

## N. Y. STATE COMMITTEE ACTIVE

The New York State Committee of Broadcasters, headed by Harold E. Smith, WOKO, Albany, N. Y., has been active during the present session of the New York Legislature. A barrage of legislation has faced this Committee and under the able direction of Chairman Smith all New York stations were kept informed of all legislation affecting broadcasting in the state and were asked to cooperate in the committee's legislative program. Among the bills were measures requiring licensing and bonding for booking agencies and limiting such agencies to 5 per cent commission; levying a 2 per cent tax on gross receipts of stations; levying a 10 per cent tax on gross income from all amusement enterprises; providing for removal of public officers who by radio or otherwise dramatize any criminal person or persons; and requiring a specific type of suppressor on neon signs which are detrimental to radio reception.

## CHARLESWORTH TO ADDRESS EDUCATORS

Hector Charlesworth, chairman of the Canadian Radio Commission, will be one of the principal speakers at the conference on the "Use of Radio as a Cultural Agency in a Democracy" to be held in Washington May 7 and 8 under the auspices of the National Committee on Education by Radio. Dr. Arthur E. Morgan, chairman of the TVA, and Dr. John Dickinson, assistant secretary of the Department of Commerce, and Dr. George F. Zook, U. S.

Commissioner of Education, are among the speakers. The chairman of the National Committee on Education by Radio is Dr. Joy Elmer Morgan, editor of the *Journal of the National Education Association*.

## PROPOSE 1,000,000-WATT STATION

The Universal Broadcasting Station COD, to be erected at Havana, Cuba, has circularized stations in the United States asking financial assistance. The station is to have 1,000,000 watts power and to operate on a frequency of 690 kilocycles. It is stated that the proposed owners and operators, J. E. Mojarrieta and associates, have underwritten or invested one-half of the total estimated cost of the proposed station placed at one million dollars. The station is now soliciting advertising contracts at its published basic rate of \$2,000 per hour.

## ADVISES OF COPYRIGHT PRIVILEGES

The Managing Director has received a communication from the Stoner Music Publishers, Cleveland, Ohio, stating that this publisher has sent copies of a song entitled "In The Swing Beneath The Old Oak Tree" to various orchestra leaders and radio artists.

"This song may be played and sung on the networks and independent stations at all times, freely and without the payment of copyright fees," says the letter signed by Frank Stoner.

## CBS ISSUES BROADCASTING BIBLIOGRAPHY

A bibliography of broadcasting has been prepared by John Karol, Director of Market Research of the CBS. It first gives a list of books on radio divided into the following classifications: general radio technic, education, foreign broadcasting, and those books containing articles or chapters devoted to radio. The book also gives a list of radio magazines and periodicals containing radio sections, and also a list of British publications.

## SECURITIES ACT REGISTRATION

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

- International Depositors Corporation, Denver, Colo. (2-810).
- Gold Bell Mining Co., Ltd., Red Rock, Ariz. (2-811).
- Moulded Pulp Corporation, New York City, N. Y. (2-812).
- Great Divide Mining Corporation, New York City, N. Y. (2-813).
- Regent Co., Boston, Mass. (2-814).
- Dayton Keith and Others, Boston, Mass. (2-815).
- Committee for Woods Brothers Corporation 10-year 6 per cent Collateral Trust Sinking Fund Gold Bonds due April 1, 1937, New York City, N. Y. (2-816).
- Bondholders' Protective Committee for First Mortgage 4½ per cent Gold Bonds due March 1, 1934, of Rock Island, Arkansas and Louisiana Railway Company, New York City, N. Y. (2-817).
- Bondholders' Protective Committee of Sierra Railway Company of California, San Francisco, Calif. (2-818).
- Phoenix Gold Mining Corporation, Reno, Nev. (2-819).
- Columbia Mining Corporation of America, Wilmington, Del. (2-820).
- Alaskan Mayfield Mines, Inc., Cordova, Alaska (2-821).
- Bondholders' Committee, Mercantile Arcade Realty Corporation, New York City (2-822).
- National Monthly Income Shares, Inc., New York City (2-823).
- American Boy Recreations, Inc., Buffalo, N. Y. (2-824).
- Limited Bancshares, Inc., New York City (2-825).
- Pennsylvania Investing Company, Philadelphia, Pa. (2-826).
- Durango Gold, Inc., Durango, Colo. (2-827).
- Union Deposit Company, Denver, Colo. (2-828).
- Bondholders' Protective Committee of Alabama Farms Company, San Francisco, Calif. (2-829).
- Managed Estates, Philadelphia, Pa. (2-830).
- Mecca Metals Company, Troy, Mont. (2-831).
- Calton Crescent, Inc., New York City (2-832).

Stephen G. Duncan and others, Philadelphia, Pa. (2-833).  
 Nicholson Terminal & Dock Company, Ecorse, Mich. (2-834).  
 Mining & Development Corporation, Wilmington, Del. (2-835).  
 W. R. Duke, Wichita Falls, Texas (2-836).  
 Llewellyn Laboratories, Inc., Philadelphia, Pa. (2-837).  
 Commodore Point Terminal Corporation, Jacksonville, Fla. (2-838).  
 Sinaloa Premier Mines Company, San Francisco, Calif.

## FEDERAL RADIO COMMISSION ACTION HEARING CALENDAR

Monday, April 30, 1934

WLBW—Broadcasters of Pennsylvania, Inc., Erie, Pa.—Modification of license, 1260 kc., 1 KW, unlimited time. Present assignment, 1260 kc., 500 watts, 1 KW LS.  
 NEW—E. L. Landsberg and K. V. Martin, Las Vegas, Nev.—C. P., 1420 kc., 100 watts, unlimited time (facilities KGIX).  
 KGIX—J. M. Heaton, Las Vegas, Nev.—Renewal of license, 1420 kc., 100 watts, specified hours.

Thursday, May 3, 1934

WLBW—WLBW Broadcasting Co., Kansas City, Kans.—Modification of license, 1310 kc., 100 watts, unlimited time. Present assignment, 1420 kc., 100 watts, unlimited time.

## APPLICATIONS GRANTED

### First Zone

WNBX—WNBX Broadcasting Corp., Springfield, Vt.—Granted C. P. to make changes in equipment and increase power from 250 to 500 watts; no change in frequency (1260 kc.) or hours of operation (daytime).  
 WDRC—WDRC, Inc., Hartford, Conn.—Granted C. P. to make changes in equipment and increase day power to 2½ KW.  
 WFEA—N. H. Broadcasting Co., Manchester, N. H.—Granted special experimental authority to operate on 1430 kc. instead of 1340 kc., unlimited time and simultaneously with WOKO, WHP, WBNS, and WHEC, until July 1, 1934. Also granted modification of C. P. to extend completion date from May 2 to July 1, 1934.

### Second Zone

WHP—WHP, Inc., Harrisburg, Pa.—Granted modification of license for additional time (hours heretofore used by WBAK, which station will be discontinued effective May 1, 1934).  
 WHBD—F. P. Moler, Mt. Orab, Ohio—Granted consent to voluntary assignment of license to Veebee Corp.

### Third Zone

WDBO—Orlando Broadcasting Co., Inc., Orlando, Fla.—Granted special experimental authority to increase day power to 1 KW, and set for hearing the application to increase night power to 500 watts.  
 WBRC—Birmingham Broadcasting Co., Inc., Birmingham, Ala.—Granted authority to determine operating power by direct antenna measurement.  
 WRGA—Rome Broadcasting Corp., Rome, Ga.—Granted C. P. to move transmitter and studio locally.

### Fourth Zone

KSTP—National Battery Broadcasting Co., St. Paul, Minn.—Granted extension of special experimental authority to 11-1-34 to operate with 25 KW daytime only.  
 KSTP—National Battery Broadcasting Co., St. Paul, Minn.—Granted license covering changes in equipment; 1460 kc., 10 KW, unlimited time.

WHBL—Press Publishing Co., Sheboygan, Wis.—Granted license covering changes in equipment; 1410 kc., 500 watts, S-WROK.

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—Granted modification of special experimental authority to operate synchronously with WBBM from 8:30 to 9:30 p. m. until April 29, and 7:30 to 8:30 p. m. from April 29 to August 1, 1934.

WBBM—WBBM Broadcasting Co., Chicago, Ill.—Granted modification of special experimental authority to operate synchronously with KFAB from 8:30 to 9:30 p. m. until April 29, and 7:30 to 8:30 p. m. from April 29 to August 1, 1934.

WJJD—WJJD, Inc., Chicago, Ill.—Granted C. P. to install new equipment.

WDAF—Kansas City Star Company, Kansas City, Mo.—Granted authority to determine operating power by direct antenna measurement.

### Fifth Zone

KPJM—Scott & Sturm, Prescott, Ariz.—Granted license covering changes in equipment and move of transmitter and studio locally; 1500 kc., 100 watts, unlimited time.

KTFI—Radio Broadcasting Corp., Twin Falls, Idaho—Granted license covering local move of transmitter and studio; 1240 kc., 500 watts night, 1 KW day; unlimited time.

KGBU—Alaska Radio & Service Co., Inc., Ketchikan, Alaska—Granted C. P. to move transmitter and studio locally in Ketchikan.

KGAR—Tucson Motor Service Co., Tucson, Ariz.—Granted C. P. to make changes in equipment.

KPCB—Queen City Broadcasting Co., Seattle, Wash.—Granted C. P. to make changes in equipment and increase power from 100 to 250 watts.

KGIX—J. M. Heaton, Las Vegas, Nev.—Granted modification of C. P. extending completion date to July 1, 1934.

## SET FOR HEARING

NEW—Federal Broadcasting Corp., New York City—C. P., 810 kc., 500 watts, limited time (facilities WNYC).

NEW—A. L. Boykin, tr. as Tallahassee Broadcasting Co., Tallahassee Broadcasting Co., Tallahassee, Fla.—C. P., 1310 kc., 100 watts, unlimited time.

NEW—Abraham Shapiro, Astoria, Ore.—C. P., 1370 kc., 100 watts, unlimited time.

KSTP—National Battery Broadcasting Co., St. Paul, Minn.—Modification of license to increase power from 10 KW to 25 KW (station now has special experimental authority to operate with 25 KW day only).

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Modification of license to change hours of operation from limited to unlimited (to be heard by the Commission en banc May 23).

KOL—Seattle Broadcasting Co., Inc., Seattle, Wash.—C. P. to move transmitter locally in Seattle; make changes in equipment; change frequency from 1270 kc. to 660 kc.; increase power from 1 KW night, 2½ KW day, facilities of KGA, Spokane, Wash. Also requests special experimental authority to change frequency from 1270 kc. to 660 kc. for 6 months experimentally (to be heard by the Commission en banc on June 6).

NEW—Charles Henry Gunthorpe, Jr., Nacogdoches, Tex.—C. P. for new station, 1420 kc., 100 watts, daytime hours; exact location to be determined.

WAMC—Raymond C. Hammett, Anniston, Ala.—Modification of C. P. to move transmitter and studio from Anniston to Selma, Ala., and to extend commencement date of C. P. to 10 days after grant and completion date to 60 days after date of grant.

NEW—Clarion Broadcasting Co., Inc., Clarion, Pa.—C. P. for new station to operate on 800 kc., 250 watts, daytime hours. Requests consideration under Rules 6(f) and 44.

KRGV—KRGV, Inc., Harlingen, Tex.—C. P. to move transmitter and studio to 100 So. Mile 5½, Weslaco, Tex., and make changes in equipment.

### ACTION ON EXAMINER'S REPORT

WGAL—Ex. Rept. No. 544: WGAL, Inc., Lancaster, Pa.—Granted modification of license to change frequency and hours of operation from 1310 kc. to 1500 kc. (frequency to be abandoned by WPEN); from sharing with WRAW to unlimited time; 100 watts; effective June 1, 1934. Examiner Ralph L. Walker sustained.

WRAW—Reading Broadcasting Co., Reading, Pa.—Granted modification of license to change time of operation from sharing with WGAL to unlimited time; 1310 kc., 100 watts; effective June 1, 1934. Examiner Walker sustained.

WTEL—Foulkrod Radio Engineering Co., Philadelphia, Pa.—Dismissed application for modification of license to change frequency from 1310 kc. to 1500 kc.; from sharing with WHAT: WTEL 1/3, WHAT 1/3, WTEL and WHAT not permitted to operate when WCAM is operating, to unlimited time; 100 watts. Examiner Walker sustained.

### ACTION BEFORE COMMISSION EN BANC

WMAQ—National Broadcasting Co., Inc., Chicago, Ill.—Granted C. P. to install new 50-KW transmitter, changing site and increasing power from 5 KW to 50 KW; 670 kc., unlimited time; effective May 4, 1934.

### ORAL ARGUMENT GRANTED

The Commission en banc will hear oral arguments May 23, beginning at 10 a. m. in re Examiner's Report No. 541, involving stations KROW, Oakland, Calif., KQW, San Jose, Calif., and KJBS, San Francisco, Calif.

### MISCELLANEOUS

KFBK—Jas. McClatchy Co., Sacramento, Calif.—C. P. to move transmitter locally, make changes in equipment, change frequency from 1310 kc. to 1490 kc., and increase power from 100 watts to 5 KW, was ordered returned to applicant because in conflict with Rule 49 of the Commission.

WESG—Cornell University, Elmira, N. Y.—Effective date of order changing station to new frequency extended to May 8, 1934.

NEW—Robert Lowell Burch, Salem, Ore.—Application for new experimental broadcasting station reinstated. To be heard before Commission en banc June 13, 1934.

WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Granted special temporary authority to operate the following specified hours, instead of sharing with WJKS: Mon., Tues., Wed., Thurs., and Fri., 6 a. m. to 11 a. m. and 5 to 8 p. m.; Sat., 6 to 11 a. m., 5 to 7 p. m., 11 p. m. to 2 a. m.; Sun., 7:30 a. m. to 1 p. m., 3:30 p. m. to 7 p. m., 11 p. m. to 2 a. m., CST, for period May 1 to November 1, 1934.

Virgin Evans, Spartanburg, S. C.—Application for radio station at Greenwood, S. C., remanded to Examiner for additional testimony.

W6AEF—Kenneth S. Kneeder, El Monte, Calif.—Renewal of amateur license, heretofore designated for hearing, was denied because applicant failed to enter appearance within time allowed.

WPFB—Otis P. Eure—C. P. to move transmitter and studio, change frequency and time, heretofore designated for hearing, was dismissed at request of applicant.

## APPLICATIONS RECEIVED

### First Zone

WCNW—Arthur Faske, Brooklyn, N. Y.—Modification of 1-P-B-2790, as modified, and to make equipment changes and increase power from 100 watts to 100 watts, 250 watts LS.

NEW—Arde Bulova and Norman K. Winston, Brooklyn, N. Y.—Construction permit to erect new station to operate on 1400 kc., 1 KW, unlimited time. Amended to request 500 watts power (facilities WARD, WBBC, WLTH, WVFW).

WATR—Harold Thomas, Waterbury, Conn.—Modification of construction permit to change location of transmitter and studio from 30 W. Main Street (Hotel Elton) to 47 Grand Street, Waterbury, Conn.

WFEA—New Hampshire Broadcasting Co., Manchester, N. H.—Special experimental authority to operate on 1430 kc., 500 watts power, unlimited, and simultaneously with WOKO, WHP, WBNS, and WHEC until commencement of program tests on 1340 kc., and in no event later than 11-1-34.

### Second Zone

NEW—Martin C. McIntyre, Bradford, Pa.—Construction permit to erect new station to operate on 1420 kc., power of 100 watts, unlimited time.

### Third Zone

KARK—Arkansas Radio and Equipment Co., Little Rock, Ark.—Modification of license to increase power from 250 watts to 250 watts, 500 watts LS; also to be considered under Rule 6-G.

NEW—Isaac N. Adickes, Jr., and Landon Neal, Huntsville, Tex.—Construction permit to erect new station to operate on 1310 kc., 100 watts, unlimited time.

NEW—The Herald Publishing Co., Denison, Tex.—Construction permit to erect new station to operate on 880 kc., 100 watts, daytime.

WROL—Stuart Broadcasting Corp., Knoxville, Tenn.—Special experimental authority to change frequency from 1310 kc. to 1050 kc.; increase power from 100 watts to 250 watts, using directional antenna.

WNRA—Muscle Shoals Broadcasting Corp., Muscle Shoals City, Ala.—Modification of license to change power and time from 100 watts day to 100 watts unlimited (facilities WAMC).

KBTM—W. J. Beard (Beard's Temple of Music), Jonesboro, Ark.—Modification of C. P. granted 11-21-33 and modifications to extend completion date to 7-15-34.

### Fourth Zone

WBBM—WBBM Broadcasting Corp., Chicago, Ill.—Modification of special experimental authority to allow KFAB and WBBM to operate synchronously from 8:30 to 9:30 p. m. until 4-29-34 and from 7:30 to 8:30 p. m. from 4-29-34 to 8-1-34.

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—Modification of special experimental authority to allow KFAB and WBBM to operate synchronously from 8:30 to 9:30 p. m. until 4-29-34 and from 7:30 to 8:30 p. m. from 4-29-34 to 8-1-34.

WIND—Johnson-Kennedy Radio Corp., Gary, Ind.—Construction permit to install new equipment and increase power from 1 KW to 1 KW, 2 KW LS.

KSD—The Pulitzer Publishing Co., St. Louis, Mo.—Modification of license to increase power from 500 watts to 500 watts, 1 KW LS.

### Fifth Zone

KGHL—Northwestern Auto Supply Co., Inc., Billings, Mont.—Special experimental authority to operate on 780 kc. and make equipment changes.

KMED—Mrs. W. J. Virgin, Medford, Ore.—Construction permit to increase power from 100 watts to 100 watts, 250 watts LS; also install new equipment.

KGY—KGY, Inc., Olympia, Wash.—Special experimental authority to operate additional specified hours.

KUJ—KUJ, Inc., Walla Walla, Wash.—Extension of special experimental authority to operate unlimited time until 1-1-35.

NEW—Oregon Radio, Inc., Salem, Ore.—Construction permit to erect new station to operate on **1370 kc.**, power of 100 watts, daytime. Half facilities assigned to Station KOOS.

KOL—Seattle Broadcasting Co., Inc., Seattle, Wash.—Construction permit to move transmitter from 1326 Second Avenue to 11th W and Florida, Seattle, Wash.; also equipment changes (antenna).

KHJ—Don Lee Broadcasting System, Los Angeles, Calif.—Construction permit to increase power from 1 KW to 1 KW night, 2½ KW LS; also install new equipment.

KFRC—Don Lee Broadcasting System, San Francisco, Calif.—Construction permit to increase power from 1 KW to 1 KW night, 2½ KW LS; also install new equipment.

#### APPLICATIONS RETURNED

NEW—F. L. Whitesell, Forty Fort, Pa.—Construction permit to erect new station to operate on **930 kc.**, 1 KW, daytime. (Rule 6.)

WIBG—WIBG, Inc., Glenside, Pa.—Modification of license to increase power to 500 watts and time to unlimited. (Improper application.)

NEW—W. L. Gleeson, Sacramento, Calif.—Construction permit to erect new station to operate on **1490 kc.**, power of 5 KW, unlimited time. (Section 10 (a and b)).

WROL—Stuart Broadcasting Corp., Knoxville, Tenn.—Special experimental authorization to change frequency from **1310 kc.** to **1050** or **1010 kc.**, increase power from 100 watts to 250 watts, using directional antenna (contingent upon decision on Station WIS). (Rule 5 and signature.)

WHAD—WHAD, Inc., Milwaukee, Wis.—Special experimental authority to operate on **580 kc.**, power of 1 KW, unlimited time, to be used with directional antenna for period ending 4-1-34; also change transmitter site (exact location to be determined), and install new equipment. Amended re equipment. (Applicant's request.)

# The National Association of Broadcasters

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

PHILIP G. LOUCKS, Managing Director

## NAB REPORTS

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### WAGNER AMENDMENT UP NEXT WEEK

Senate action on the Wagner-Hatfield amendment to the Dill Communications Commission bill has been delayed because of a filibuster which developed late during the week over silver legislation. It is expected that the Dill bill will be called up for action next week, immediately after disposal of the stock exchange bill in the Senate.

The Wagner-Hatfield amendment would call for the cancellation of every broadcasting license in the United States within 90 days after the passage of the bill, and require a new reallocation of all frequencies, under which reallocation 25 per cent of all facilities would be given to religious, educational, labor, agricultural and similar non-profit organizations. The text of the bill appears elsewhere in this issue of NAB REPORTS.

Proponents of the amendment have been active in soliciting support for the proposal and all broadcasters have been requested to express their views on the measure to their Senators by the NAB. The NAB is actively opposing the Wagner-Hatfield amendment, but is not opposing the Dill bill provided amendments which have been proposed by the Association are adopted. Copies of these amendments have been sent to every Senator and also to all NAB members.

Senator C. C. Dill, chairman of the Senate Interstate Commerce Committee, and Senator Wallace H. White, member of the same committee, will lead the opposition to the amendment. The Communications Commission bill will be in charge of Senator Dill, and he will explain that the proposal included in the amendment was before his Committee and voted down. Both Senators Dill and White are radio leaders in their respective parties and are looked upon by their colleagues as the best informed members of the upper body on the subject of radio.

When the amendment was introduced, the NAB sent to all members a bulletin setting forth the content of the proposal. This was followed by a statement setting forth the specific objections to the 25 per cent proposal which was sent to all Senators and all NAB members. In addition to this, all NAB members were requested to express their views on the amendment to their Senators.

The Wagner-Hatfield amendment brings to a head a campaign against the present broadcasting set-up which has been smoldering in Congress for several years. From the groups which hope to secure favorable allocations under the proposal there has issued a steady stream of propaganda against the American system of broadcasting for the past several years in an attempt to discredit American broadcasting. The campaign has been built not upon the merit of the case of the proponents but rather upon alleged faults in the present system.

The statement issued by the NAB in opposition to the Wagner-Hatfield amendment follows in part:

"The National Association of Broadcasters, which has been found by the National Recovery Association to be 'truly representative of the Radio Broadcasting Industry,' protests in the name of several hundred broadcasting stations and millions of radio listeners against any such proposal, for the following specific reasons:

"(1) The proposal would impose on the new Commission an enormous task, not only in making the new allocation, but in the hundreds of court actions which would inevitably result therefrom. The new Commission would be so burdened by this tremendous task, involving the complete reorganization of the entire system of American broadcasting, that for at least a year it would be absolutely unable to undertake any other part of its duties.

"(2) The expense, both to the Federal government and the present radio licensees, chiefly for defending and prosecuting court actions, would inevitably amount to millions of dollars.

"(3) The proposal is diametrically opposed to the recommenda-

tion of the President that new legislation should *follow* study and recommendation by the Commission.

"(4) The proposal to make allocations by Congressional enactment rather than by action of the Commission completely revolutionizes the entire theory and structure of allocations set up by the Congress in the Radio Act of 1927, as amended.

"(5) The proposal would reduce, and in some instances perhaps destroy, the service now being rendered to the people of America by over six hundred radio stations, and would jeopardize all the investments made therein.

"(6) At present the sole test of fitness for a license, or for a renewal thereof, is service to the public as a whole. This proposal would set up a new test—service to a special group, class, or denomination.

"(7) The proposal does not, and presumably cannot, indicate any possible way in which the facilities thus set aside are to be allocated as between religion, education, labor, and agriculture, or between different religious organizations, the only possible result being hopeless conflict.

"(8) The associations and groups designated in the proposal are already receiving from broadcasting stations in the aggregate far more extensive facilities for broadcasting than they could possibly have if their activities were thus segregated.

"(9) This same issue has previously come before the Congress, and has never received favorable consideration by the committees which have studied it. The National Association of Broadcasters has placed itself on record, by unanimous action, as opposing any segregation of broadcasting facilities by legislation for special groups of any sort, on the ground that public interest, convenience and necessity require that every broadcasting station shall serve every listener within its normal range.

"(10) At a time when every effort of the Federal government is being directed toward economic recovery, the unstabilizing of a whole industry by such a proposal as this would appear utterly at variance with the national policy.

"(11) The proposal, in specifically authorizing religious, educational and similar stations to sell time, actually would merely transfer facilities from existing commercial stations to other time-selling stations, thereby establishing religious, educational and similar groups as competitive commercial broadcasters.

"For the reasons herein summarized, the National Association of Broadcasters, speaking for the radio broadcasting industry as a whole, urges every Senator to oppose the Warner-Hatfield amendment, and not to destroy the whole structure of American broadcasting by supporting a proposal regarding which the broadcasters have not even had an opportunity to be heard."

### CODE AUTHORITY MEETS

The Code Authority for the Radio Broadcasting Industry convened at Washington, D. C., on May 2 and adjourned May 4. There present were James W. Baldwin, Isaac Z. Buckwalter, John Elmer, James Kiernan, Alfred J. McCosker, Edward N. Nockels, M. R. Runyon, Frank M. Russell and John Shepard, III. Marion H. Hedges was present during discussions relating to broadcast technicians. William P. Farnsworth, Deputy Administrator and Harry Shaw were present and represented the Government. Emily Holt was present and represented the Artists and Performers.

The Code Authority directed the Executive Officer forthwith to cite all commercial radio broadcasting stations to the NRA, who have failed to furnish copies of their rate cards in conformity with the provisions contained in Article VII, Section 1, Paragraph (a) of the Code.

The Code Authority has completed Part II of its report on broadcast technicians, copy of which should be available in the near future.

The Code Authority agreed upon a reply to letters received from Deputy Administrator Farnsworth and General Johnson, concerning a reduction in the hours of labor and an increase in the wages paid employees within the broadcasting industry. Text of the letter was not available as NAB REPORTS went to press.

It is expected that the questionnaire concerning artists and performers, which was the subject of discussion at the meeting, will be sent to stations shortly.

The Executive Officer of the Code Authority will shortly send to all stations a copy of a resolution on the question concerning baseball broadcasts from the scene of action and the broadcasts of baseball résumés, concerning which there has been great confusion.

The Code Authority, by formal vote, ratified various acts of the Executive Officer since the last previous meeting.

### BOARD FACES BUSY SESSION

Copyright, code, legislation, and scores of routine matters face the Board of Directors at its regular meeting to be held in Washington, D. C., May 14. President McCosker, Treasurer Levy and Managing Director Loucks will meet during the coming week-end to draft an agenda for the meeting.

Among the matters to receive consideration will be a time and place for the 1934 NAB Convention. It is the general sentiment among members that the convention should be held in advance of the Fall business rush.

### ALL STATIONS MUST ACT TOGETHER

The Wagner-Hatfield amendment now awaiting action in the Senate would affect all stations now licensed by the Government, from the smallest to the largest. The pressure back of the proposal makes it necessary for all stations to speak and act together. The NAB has taken active leadership in the opposition and is receiving splendid cooperation from all of its members.

### WAGNER-HATFIELD RADIO AMENDMENT

Senators Wagner and Hatfield have introduced a very important amendment to the Dill radio communications commission bill (S. 3285), which will doubtless come to a vote when the bill is taken up on the floor of the Senate. The amendment proposed is as follows:

"(e) To eliminate monopoly and to insure equality of opportunity and consideration for educational, religious, agricultural, labor, cooperative, and similar non-profit-making associations, seeking the opportunity of adding to the cultural and scientific knowledge of those who listen in on radio broadcasts, all existing radio broadcasting licenses issued by the Federal Radio Commission, and any and all rights of any nature contained therein, are declared null and void ninety days following the effective date of this Act, anything contained in this Act to the contrary notwithstanding.

"(f) The Commission shall, prior to ninety days following the effective date of this Act, reallocate all frequencies, power, and time assignments within its jurisdiction among the five zones herein referred to.

"(g) The Commission shall reserve and allocate only to educational, religious, agricultural, labor, cooperative, and similar non-profit-making associations one fourth of all the radio broadcasting facilities within its jurisdiction. The facilities reserved for, or allocated to, educational, religious, agricultural, labor, cooperative, and similar non-profit-making associations shall be equally as desirable as those assigned to profit-making persons, firms, or corporations. In the distribution of radio facilities to the associations referred to in this section, the Commission shall reserve for and allocate to such associations such radio broadcasting facilities as will reasonably make possible the operation of such stations on a self-sustaining basis, and to that end the licensee may sell such part of the allotted time as will make the station self-supporting."

### RAYBURN BILL HEARINGS NEXT WEEK

The House Committee on Interstate and Foreign Commerce will continue hearings on the Rayburn bill to establish a Federal Communications Commission next Tuesday. It is likely that the NAB will be one of the first groups called when hearings are resumed. The bill in its present form does not alter the present radio law but places its administration under the new commission which the bill creates.

Among the witnesses to be heard before the House Committee are proponents of the Wagner-Hatfield proposal in the Senate.

They will undoubtedly request that the 25 per cent provision be included in the Rayburn bill.

It is generally understood here that the Federal Communications Commission bill will receive final action before adjournment of Congress.

### HEARINGS AUTHORIZED ON CUTTING BILL

The Senate Foreign Relations Committee adopted a formal resolution this week authorizing a subcommittee to hold hearings on the Cutting Bill (S. 1928) "to enable the United States to enter the International Copyright Union," which provides for a basic revision of the copyright laws.

The subcommittee consists of Senators F. Ryan Duffy of Wisconsin, Frederick Van Nuys of Indiana, and Simeon D. Fess of Ohio.

The bill provides for "automatic copyright for all authors and composers, alien as well as American, for all their works whether published or unpublished" and "from and after the creation of their work."

With specific reference to broadcasting, the bill also provides:

"The rights granted in Section 1 of the said Act of 1909 (U. S. C., title 17) shall include the exclusive right of the author to communicate his work for profit to the public by any system of broadcasting; and the author of any copyrighted work, even after the assignment of the copyright in such work, shall at all times have the right to claim the authorship of his work, and the right to oppose every distortion, mutilation, or other modification of the said work which might be prejudicial to his honor or to his reputation, as well as the right to restrain the publication and/or the performance of the mutilated work."

The supporters of the bill were heard several weeks ago by the full committee. No date has been set for further hearings. The National Association of Broadcasters has asked the right to be heard and the views of the broadcasting industry will be presented by Oswald F. Schuette, copyright counsel of the NAB.

### STAY ORDER GRANTED KSEI

The Court of Appeals of the District of Columbia this week granted a stay order to KSEI, Pocatello, Idaho. Last week this station filed an appeal in the Court and asked for a stay order against a decision of the Radio Commission. The station was at one time granted a construction permit for 890 kilocycles. However, when KSEI applied for license, Station KFPY, Spokane, Wash., intervened and was granted the frequency by the Commission. KSEI was allowed to use its frequency of 900 kilocycles.

### RADIO COMMISSION MOVING

The Federal Radio Commission began moving its quarters on Friday night from its building at 18th and E Streets, Northwest, to the new Post Office Department building.

The Commission will occupy quarters on the sixth, seventh and eighth floors of the new building. It will not have as much floor space as it has had in its old home. The offices of the members of the Commission will all be on the sixth floor.

### RECOMMENDS COMMISSION REAFFIRM WJJD DECISION

Station WJJD, Chicago, Ill., on application to the Radio Commission for permission to move its main studio from Mooseheart, Ill., to Chicago, was granted the authority, without hearing. Subsequently protests were received against the grant, whereat the Commission suspended its original action and designated the application for hearing. George H. Hill(e) in Report No. 555 this week "accordingly recommended that the Commission affirm its grant of the applicant's application for modification of license."

The Examiner says in his report that "the uncontradicted testimony in behalf of the protestants and by an engineer of the Commission, is to the effect that the location of the studios of Station WJJD would have no effect upon its service area coverage."

### WKBZ RECOMMENDED TO MOVE

Walter B. Stiles, applied to the Radio Commission for a construction permit for a new broadcasting station at Muskegon, Mich., to use unlimited time, 100 watts power and 1310 kilocycles. Station WKBZ, Ludington, Michigan, sought permission to move from Ludington to Muskegon without change in its operating assignment. Ralph L. Walker(e) this week in Report No. 554 recommended that the application of Stiles be denied and that the application of Station WKBZ be granted.

The Examiner found that granting the application of Stiles "would result in increasing to some extent the existing interference conditions on 1310 kilocycles and also increase the facilities of a zone now assigned more than its equal share of broadcast facilities."

#### RECOMMENDS LICENSE RENEWAL TO KFYO

J. H. Squires and A. E. Cullum, Jr., applied to the Radio Commission for a construction permit for a new broadcasting station at Dallas, Texas, using 1200 kilocycles, using part of the facilities of KFYO. Earl M. Nail also applied for a construction permit for a new station to be erected at Lubbock, Texas, to use 1310 kilocycles, while KFYO asked for license renewal. George H. Hill(e) in Report No. 553 this week recommended that the first two applications be denied and that the KFYO station license be renewed. The Examiner found that there is no "showing of need for the service at Dallas and Lubbock, Texas, as would warrant the withdrawal of a part of the facilities of Station KFYO."

#### WLW'S 500-WATT STATION DEDICATED

At 9:02 p. m. on Wednesday of this week President Roosevelt pressed a key at the White House which placed WLW's new 500 kilowatt transmitter on the air. A six-hour dedicatory program followed, in which many notables participated.

Col. Thad H. Brown, vice-chairman of the Federal Radio Commission, suggested that WLW might not be termed the "World's Station in Cincinnati, Ohio, United States of America." Col. Brown, in his address, called attention to economic, sociologic and political phases of the relatively new art of broadcasting, and expressed gratification that the United States continues its unquestioned leadership in the van of progress.

The new WLW, created through the vision of Powel Crosley, Jr., president of the Crosley Radio Corporation, and the genius of Joseph A. Chambers, technical supervisor, operates under a special authority of the Federal Radio Commission.

#### MADRID TREATY RATIFIED

With practically no discussion the Senate this week ratified without change the Madrid radio treaty which was signed by the delegates for the United States on December 9, 1932. No record vote was taken in the Senate.

#### SECURITIES ACT REGISTRATION

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

Pan-American Distilling Corporation, New Orleans, La. (2-840).  
Schuyler Corporation, New York City (2-841).

Protective Committee for Association of the Religious Community of the Company of Jesus of Bethlehem College of Havana, First Mortgage Six Year Gold Bonds due February 1, 1934, St. Louis, Mo. (2-842).

John L. Etheridge, Riverside, Cal. (2-843).

Northampton Brewery Corporation, Northampton, Pa. (2-844).  
Kinner Airplane and Motor Corporation, Inc., Glendale, Cal. (2-845).

Bondholders' Protective Committee for Drainage District No. 31, Cerro Gordo County, Iowa (2-846).

Citizens Discount Corporation, Baltimore, Md. (2-847).

Sacramento Medico Dental Building First Mortgage Bondholders' Committee, San Francisco, Cal. (2-848).

Gold Center Mining and Milling Co., Idaho Springs, Colo. (2-849).

#### EXTORTION BILL REPORTED

Representative Sumners, of Texas, on Tuesday favorably reported from the Judiciary Committee of the House S. 2249, which provides for punishment for the transmission in interstate commerce by any means whatsoever of extortion demands by threats of injury, violence or kidnaping. The bill mentioned the words, "telegraph, radio or oral message" but they have been stricken out and it now reads "by any means whatsoever."

#### NAB MEMBERSHIP REACHES 333

During the last few weeks the NAB has received many requests for an up-to-date list of members and non-members as an aid to members who have been active in enlisting non-member stations. The following list, corrected as of May 5, is offered in response to

these requests. You are requested to follow up the letters you have addressed to non-members in your state at the earliest possible date. The NAB membership roster stands at 333, the highest point in its history. Let's keep the campaign going until we cross the 400 mark. This is not only important but absolutely necessary at a time when forces are at work to destroy the foundation of American broadcasting.

#### Alabama

*Members:* WAPI—Birmingham, WSGN—Birmingham, WSFA—Montgomery, WNRA—Muscle Shoals City, WHET—Dothan.  
*Non-Members:* WAMC—Anniston, WBRC—Birmingham, WJBY—Gadsden, WBHS—Huntsville, WODX—Mobile.

#### Alaska

*Non-Members:* KFQD—Anchorage, KGBU—Ketchikan.

#### Arizona

*Members:* KTAR—Phoenix.  
*Non-Members:* KCRJ—Jerome, KSUN—Lowell, KOY—Phoenix, KPJM—Prescott, KGAR—Tucson, KVOA—Tucson, KUMA—Yuma.

#### Arkansas

*Members:* KFPW—Fort Smith, WTHS—Hot Springs National Park, KBTM—Paragould, KCMC—Texarkana.  
*Non-Members:* KLCN—Blytheville, KUOA—Fayetteville, KARK—Little Rock, KGHI—Little Rock, KLRA—Little Rock, KOTN—Pine Bluff.

#### California

*Members:* KERN—Bakersfield, KRE—Berkeley, KIEM—Eureka, KMJ—Fresno, KFWB—Hollywood, KFOX—Long Beach, KECA—Los Angeles, KFI—Los Angeles, KFSG—Los Angeles, KFVD—Los Angeles, KGFJ—Los Angeles, KHJ—Los Angeles, KFBK—Sacramento, KFSD—San Diego, KGB—San Diego, KFRC—San Francisco, KGGC—San Francisco, KGO—San Francisco, KJBS—San Francisco, KPO—San Francisco, KTAB—San Francisco, KQE—San Jose, KREG—Santa Ana, KDB—Santa Barbara, KWG—Stockton.

*Non-Members:* KMPC—Beverly Hills, KELW—Burbank, KXO—El Centro, KIEV—Glendale, KGER—Long Beach, KFAC—Los Angeles, KMTR—Los Angeles, KNX—Los Angeles, KRKD—Los Angeles, KTM—Los Angeles, KLS—Oakland, KLX—Oakland, KROW—Oakland, KPCC—Pasadena, KFXM—San Bernardino, KYA—San Francisco, KGDM—Stockton, KTRB—Modesto.

#### Colorado

*Members:* KFEL—Denver, KLZ—Denver, KPOF—Denver, KFKA—Greeley, KGHF—Pueblo.

*Non-Members:* KVOR—Colorado Springs, KFXF—Denver, KOA—Denver, KFXJ—Grand Junction, KIDW—Lamar, KGIW—Alamosa, KGEK—Yuma.

#### Connecticut

*Members:* WICC—Bridgeport, WDRG—Hartford, WTIC—Hartford.

*Non-Members:* WCAC—Storrs, WATR—Waterbury.

#### Delaware

*Member:* WDEL—Wilmington.

*Non-Member:* WILM—Wilmington.

#### District of Columbia

*Members:* WMAL—Washington, WOL—Washington, WRC—Washington.

#### Florida

*Members:* WFLA—Clearwater, WSUN—Clearwater, WQAM—Miami, WDBO—Orlando, WCOA—Pensacola, WDAE—Tampa.

*Non-Members:* WIOD—Miami, WMBF—Miami, WRUF—Gainesville, WJAX—Jacksonville, WHBR—Jacksonville.

#### Georgia

*Members:* WSB—Atlanta, WRBL—Columbus, WMAZ—Macon, WTOG—Savannah.

*Non-Members:* WENC—Americus, WTFI—Athens, WGST—Atlanta, WRDW—Augsuta, WKEU—LaGrange, WJTL—Oglethorpe University, WFDV—Rome, WQDX—Thomasville.

## Hawaii

*Member:* KGMB—Honolulu.

*Non-Members:* KWFV—Hilo, KGU—Honolulu.

## Idaho

*Members:* KID—Idaho Falls, KFXD—Nampa, KSEI—Pocatello.

*Non-Members:* KIDO—Boise, KTFI—West Twin Falls.

## Illinois

*Members:* WCAZ—Carthage, WAAF—Chicago, WBBM—Chicago, WCRW—Chicago, WENR—Chicago, WGN—Chicago, WLS—Chicago, WMAQ—Chicago, WMBI—Chicago, WSBC—Chicago, WHFC—Cicero, WEBQ—Harrisburg, WJJD—Chicago, WMBD—Peoria, WHBF—Rock Island, WTAX—Springfield, WDZ—Tuscola.

*Non-Members:* KYW—Chicago, WCFL—Chicago, WEDC—Chicago, WGES—Chicago, WEHS—Cicero, WKBI—Cicero, WJBL—Decatur, WKBB—East Dubuque, WCLS—Joliet, WJBC—La Salle, WTAD—Quincy, WROK—Rockford, WCBS—Springfield, WILL—Urbana, WCBD—Zion.

## Indiana

*Members:* WHBU—Anderson, WTRC—Elkhart, WGBF—Evansville, WIND—Gary, WFBM—Indianapolis, WKBF—Indianapolis, WBOW—Terre Haute.

*Non-Members:* WKBV—Richmond, WGL—Fort Wayne, WOWO—Fort Wayne, WWAE—Hammond, WLBC—Muncie, WFAM—South Bend, WSBT—South Bend, WBAA—West Lafayette.

## Iowa

*Members:* KWCR—Cedar Rapids, KOIL—Council Bluffs, KSO—Des Moines, WOC—WHO—Des Moines, KFJB—Marshalltown, KFNF—Shenandoah, KMA—Shenandoah, WMT—Waterloo.

*Non-Members:* WOI—Ames, KFGQ—Boone, KICK—Carter Lake, KGCA—Decorah, KWLC—Decorah, WSUI—Iowa City, KSCJ—Sioux City.

## Kansas

*Members:* KGGF—Coffeyville, WLBF—Kansas City, WREN—Lawrence, WIBW—Topeka, KFH—Wichita.

*Non-Members:* KFBI—Abilene, KGNO—Dodge City, KFKU—Lawrence, KSAC—Manhattan.

## Kentucky

*Members:* WCKY—Covington, WAVE—Louisville, WHAS—Louisville, WLAP—Lexington, WPAD—Paducah.

## Louisiana

*Members:* WDSU—New Orleans, WSMB—New Orleans, WWL—New Orleans, WTBS—Shreveport, KWEA—Shreveport, KWKH—Shreveport.

*Non-Members:* WJBO—Baton Rouge, KMLB—Monroe, WBBX—New Orleans, WJBW—New Orleans, KRMD—Shreveport.

## Maine

*Members:* WABI—Bangor, WCSH—Portland.

*Non-Members:* WRDO—Augusta, WLBZ—Bangor, WAGM—Presque Isle.

## Maryland

*Members:* WCAO—Baltimore, WFBF—Baltimore, WCBM—Baltimore.

*Non-Members:* WBAL—Baltimore, WTBO—Cumberland, WJEJ—Hagerstown.

## Massachusetts

*Members:* WAAB—Boston, WEEI—Boston, WHDH—Boston, WNAC—Boston, WSAR—Fall River, WLEY—Lexington, WNBH—New Bedford, WMAS—Springfield, WORC—Worcester, WTAG—Worcester.

*Non-Members:* WBZ—Boston, WBZA—Boston, WMEX—Chelsea, WBSO—Needham.

## Michigan

*Members:* WELL—Battle Creek, WBCM—Bay City, WJBK—Detroit, WJR—Detroit, WMBC—Detroit, WWJ—Detroit, WXYZ

—Detroit, WFDF—Flint, WJMS—Ironwood, WIBM—Jackson, WKZO—Kalamazoo, WBEO—Marquette.

*Non-Members:* WHDF—Calumet, WKAR—East Lansing, WASH—Grand Rapids, WOOD—Grand Rapids, WMPC—Lapeer, WKBZ—Ludington, WEXL—Royal Oak.

## Minnesota

*Members:* WCCO—Minneapolis, WDGY—Minneapolis, KFGK—Moorhead, KSTP—St. Paul.

*Non-Members:* KGDE—Fergus Falls, WLB—Minneapolis, WRHM—Minneapolis, WCAL—Northfield.

## Mississippi

*Members:* WFPB—Hattiesburg, WJDX—Jackson, WAML—Laurel.

*Non-Members:* WKFI—Greenville, WHEF—Kosciusko, WCOG—Meridian, WGCM—Mississippi City, WJEM—Tupelo, WQBC—Vicksburg.

## Missouri

*Members:* KFVS—Cape Girardeau, KFUD—Clayton, KMBC—Kansas City, WDAF—Kansas City, WHB—Kansas City, KMOX—St. Louis, KSD—St. Louis, KWK—St. Louis, WEW—St. Louis, WIL—St. Louis, KGBX—Springfield.

*Non-Members:* KFRU—Columbia, KWTO—Springfield, WOW—Jefferson City, WMBH—Joplin, KWKC—Kansas City, WOQ—Kansas City, KFEQ—St. Joseph.

## Montana

*Members:* KGH—Billings, KGIR—Butte, KFBB—Great Falls, KGEZ—Kalispell, KGVO—Missoula, KGCC—Wolf Point.

## Nebraska

*Members:* KGF—Kearney, KFAB—Lincoln, WJAG—Norfolk, WAAW—Omaha, WOW—Omaha.

*Non-Members:* KMMJ—Clay Center, KFOR—Lincoln, KGNF—North Platte, KGKY—Scottsbluff, KGBZ—York.

## Nevada

*Members:* KGIX—Las Vegas, KOH—Reno.

## New Hampshire

*Members:* WLNH—Laconia, WFEA—Manchester, WHEB—Portsmouth.

## New Jersey

*Members:* WPG—Atlantic City, WAAT—Jersey City, WHOM—Jersey City, WNEW—Newark, WOR—Newark, WAWZ—Zarephath.

*Non-Members:* WCAP—Asbury Park, WCAM—Camden, WGCP—Newark, WJBI—Red Bank, WTNJ—Trenton.

## New Mexico

*Non-Members:* KGGM—Albuquerque, KOB—Albuquerque, KICA—Clovis, KGFL—Roswell.

## New York

*Members:* WOKO—Albany, WBNF—Binghamton, WCNW—Brooklyn, WLTH—Brooklyn, WMBQ—Brooklyn, WBN—Buffalo, WEBR—Buffalo, WGR—Buffalo, WKBW—Buffalo, WESG—Elmira, WABC—New York, WBOQ—New York, WBNX—New York, WEA—New York, WEVD—New York, WFAB—New York, WHN—New York, WJZ—New York, WMCA—New York, WHAM—Rochester, WHEC—Rochester, WFBL—Syracuse, WFAS—White Plains, WWRL—Woodside.

*Non-Members:* WMBO—Auburn, WARD—Brooklyn, WBBC—Brooklyn, WBBR—Brooklyn, WVFW—Brooklyn, WSVS—Buffalo, WCAD—Canton, WGN—Chester Township, WGBB—Freeport, WGLC—Hudson Falls, WOCL—Jamestown, WINS—New York, WLWL—New York, WNYC—New York, WOV—New York, WNBZ—Saranac Lake, WGY—Schenectady, WSYR—Syracuse, WSYU—Syracuse, WHAZ—Troy, WHDL—Tupper Lake, WIBX—Utica.

## North Carolina

*Members:* WWNC—Asheville, WBT—Charlotte, WSOC—Charlotte, WBIG—Greensboro, WPTF—Raleigh, WSJS—Winston-Salem, WDNC—Durham.

*Non-Member:* WEED—Greenville.

## North Dakota

*Members:* KFJM—Grand Forks, KFJR—Bismarck, KDLR—Devils Lake, WDAY—Fargo.  
*Non-Members:* KGCU—Mandan, KLPN—Minot.

## Ohio

*Members:* WJW—Akron, WHBC—Canton, WKRC—Cincinnati, WLW—Cincinnati, WSAI—Cincinnati, WGAR—Cleveland, WHK—Cleveland, WJAY—Cleveland, WTAM—Cleveland, WAIU—Columbus, WBNS—Columbus, WADC—Tallmadge, WSPD—Toledo, WKBN—Youngstown.  
*Non-Members:* WFBE—Cincinnati, WOSU—Columbus, WSEN—Columbus, WSMK—Dayton, WHBD—Mount Orab, WALR—Zanesville.

## Oklahoma

*Members:* KTUL—Tulsa, KASA—Elk City, KFXR—Oklahoma City, WKY—Oklahoma City, WBBZ—Ponca City, KVOO—Tulsa.  
*Non-Members:* KCRC—Enid, WNAD—Norman, KGFG—Oklahoma City, KOMA—Oklahoma City, KGFF—Shawnee.

## Oregon

*Members:* KOAC—Corvallis, KFJI—Klamath Falls, KOOS—Marshfield, KMED—Medford, KALE—Portland, KFJR—Portland, KGW—Portland, KOIN—Portland, KXL—Portland.  
*Non-Members:* KORE—Eugene, KBPS—Portland, KEX—Portland, KWJJ—Portland.

## Pennsylvania

*Members:* WCBA—Allentown, WFBG—Altoona, WLBW—Erie, WIBG—Glenside, WHP—Harrisburg, WJAC—Johnstown, WGAL—Lancaster, WKJC—Lancaster, WCAU—Philadelphia, WFI—Philadelphia, WIP—Philadelphia, WLIT—Philadelphia, WPEN—Philadelphia, KDKA—Pittsburgh, KQV—Pittsburgh, WCAE—Pittsburgh, WJAS—Pittsburgh, WEEU—Reading, WGBI—Scranton, WKOK—Sunbury, WBRB—Wilkes Barre, WRAK—Williamsport.  
*Non-Members:* WSAW—Altoona, WLEU—Erie, WSAJ—Grove City, WBAK—Harrisburg, WKBO—Harrisburg, WAZL—Hazleton, WDAS—Philadelphia, WHAT—Philadelphia, WRAX—Philadelphia, WTEL—Philadelphia, KYW—Philadelphia, WWSW—Pittsburgh, WRAW—Reading, WQAN—Scranton, WNBO—Silver Haven, WBAX—Wilkes Barre, WORK—York.

## Puerto Rico

*Non-Members:* WKAQ—San Juan, WNEL—San Juan.

## Rhode Island

*Members:* WEAN—Providence, WJAR—Providence, WPRO—Providence.

## South Carolina

*Members:* WFBC—Greenville.  
*Non-Members:* WCSC—Charleston, WIS—Columbia, WSPA—Spartanburg.

## South Dakota

*Members:* KSOO—Sioux Falls, WNAX—Yankton.  
*Non-Members:* KFDY—Brookings, KGDY—Huron, KGFX—Pierre, WCAT—Rapid City, KUSD—Vermillion, KGCR—Watertown.

## Tennessee

*Members:* WOPI—Bristol, WDOD—Chattanooga, WROL—Knoxville, WMC—Memphis, WNBR—Memphis, WREC—Memphis, WLAC—Nashville, WSM—Nashville.  
*Non-Members:* WTJS—Jackson, WNOX—Knoxville, WHBQ—Memphis, WSIX—Springfield.

## Texas

*Members:* KGRS—Amarillo, WDAG—Amarillo, KFDM—Beaumont, KWWG—Brownsville, KGFI—Corpus Christi, WFAA—Dallas, KFPL—Dallas, KFJZ—Fort Worth, KTAT—Fort Worth, KLUF—Galveston, KRGV—Harlingen, KPRC—Houston, KMAC—San Antonio, KONO—San Antonio, WOAI—San Antonio.  
*Non-Members:* KNOW—Austin, WTAW—College Station, KRLD—Dallas, WRR—Dallas, KTSM—El Paso, WDAH—El Paso, WBAP—Fort Worth, KFPM—Greenville, KTRH—Houston, KXYZ—Houston, KFYO—Lubbock, KGKL—San Angelo, KABC—San Antonio, KTSA—San Antonio, KGKB—Tyler, WACO—Waco, KGKO—Wichita Falls.

## Utah

*Members:* KDYL—Salt Lake City, KLO—Ogden, KSL—Salt Lake City.

## Vermont

*Members:* WCAX—Burlington, WSYB—Rutland.  
*Non-Members:* WQDM—St. Albans, WNBX—Springfield, WDEV—Waterbury.

## Virginia

*Members:* WJSV—Alexandria, WBTV—Danville, WEHC—Charlottesville, WLVA—Lynchburg, WGH—Newport News, WTAR—Norfolk, WMBG—Richmond, WRVA—Richmond, WDBJ—Roanoke.  
*Non-Members:* WPHR—Petersburg, WBBL—Richmond, WRBX—Roanoke.

## Washington

*Members:* KXRO—Aberdeen, KVOO—Bellingham, KJR—Seattle, KOL—Seattle, KOMO—Seattle, KRSC—Seattle, KVL—Seattle, KXA—Seattle, KFPY—Spokane, KGA—Spokane, KHQ—Spokane, KMO—Tacoma, KVI—Tacoma, KUJ—Walla Walla, KPQ—Wenatchee, KIT—Yakima.  
*Non-Members:* KFBL—Everett, KGY—Olympia, KWSC—Pullman, KPCB—Seattle, KTW—Seattle, KFIO—Spokane.

## West Virginia

*Non-Members:* WHIS—Bluefield, WCHS—Charleston, WMMN—Fairmont, WSAZ—Huntington, WWVA—Wheeling.

## Wisconsin

*Members:* WHBY—Green Bay, WCLO—Janesville, WIBA—Madison, WHAD—Milwaukee, WKBH—La Crosse, WTMJ—Milwaukee, WRJN—Racine, WHBL—Sheboygan, WEBC—Superior.  
*Non-Members:* WTAQ—Eau Claire, KFIZ—Fond du Lac, WHA—Madison, WOMT—Manitowoc, WISN—Milwaukee, WIBU—Poynette, WLBL—Stevens Point.

## Wyoming

*Members:* KDFN—Casper.

## FEDERAL RADIO COMMISSION ACTION HEARING CALENDAR

Tuesday, May 8, 1934

NEW—Tri-State Radio, Inc., Washington, Pa.—C. P., 1200 kc., 100 watts, S-WHBC (facilities WNBO).  
WNBO—John Brownlee Spriggs, Silver Haven, Pa.—Renewal of license; 1200 kc., 100 watts, S-WHBC.

Wednesday, May 9, 1934

### Oral Argument Before Commission en banc

KFAC—Los Angeles Broadcasting Co., Inc., Los Angeles, Calif.—Modification of license, 1300 kc., 1 KW, unlimited time (facilities KGEF, deleted). Present assignment: 1300 kc., 1 KW, half time.

### APPLICATIONS GRANTED

WEED—Wm. Avera Wynne, Greenville, N. C.—Granted C. P. to move transmitter and studio from Greenville to Rocky Mount, N. C.  
WSGN—R. B. Broyles Furniture Co., Birmingham, Ala.—Granted modification of C. P. extending commencement date to May 1 and completion date to June 19, 1934.  
WLAP—American Broadcasting Corp. of Kentucky, Lexington, Ky.—Granted license covering move of transmitter and studio from Louisville to Lexington, Ky., and change frequency from 1200 kc. to 1420 kc.  
WCHS—WOBV, Inc., Charleston, W. Va.—Granted modification of license to change corporate name from WOBV, Inc., to Charleston Broadcasting Corp.  
WHET—Trov Broadcasting Co., Dothan, Ala.—Granted consent to voluntary assignment of license to John T. Hubbard and Julian C. Smith, d/b as Dothan Broadcasting Company.

### SET FOR HEARING

WBRE—Louis G. Baltimore, Wilkes Barre, Pa.—Application for renewal of license designated for hearing.  
WMPC—First Methodist Protestant Church, Lapeer, Mich.—Ap-

plication for change of frequency from 1500 kc. to 1200 kc., granted by Commission on April 13, set for hearing because of protest of Capital City Broadcasting Co.

WJBK—Jas. F. Hopkins, Detroit, Mich.—Application to operate full time on 1500 kc. set for hearing. Grant of April 13, 1934, suspended.

WIBM—WIBM, Inc., Jackson, Mich.—Application for full time on 1370 kc. set for hearing. Grant of April 13, 1934, suspended.

### MISCELLANEOUS

KRGV—KRGV, Inc., Harlingen, Tex.—Granted application to move transmitter and studio to Weslaco, Tex. Formerly designated for hearing.

KXA—American Radio Tel. Co., Seattle Wash.—Granted regular renewal of license to expire August 1, 1934. Formerly set for hearing because KOL, Seattle, applied for its facilities. Latter application withdrawn.

WWVA—West Virginia Broadcasting Corp.—C. P. to make changes in equipment and increase power, heretofore set for hearing, was dismissed at request of applicant.

WNBH—New Bedford Broadcasting Co.—Modification of license to change frequency, heretofore set for hearing, was dismissed at request of applicant.

NEW—C. G. Phillips and Frank Hill, d/b Boise Broadcasting Station—C. P. to erect new station, heretofore set for hearing, was dismissed at request of applicants.

### RATIFICATIONS

KTRH—KTRH Broadcasting Co., Houston, Tex.—Granted extension of special temporary authority to operate with 250 watts power night, 1 KW daytime, on frequency of 630 kc., for period beginning May 1 and ending October 1, 1934.

WQBC—Delta Broadcasting Co., Inc., Vicksburg, Miss.—Granted special temporary authority to operate from 7 to 7:15 p. m., CST, for period beginning 3 a. m., EST, May 1, and ending May 31, 1934.

WJDX—Lamar Life Insurance Co., Jackson, Miss.—Granted special temporary authority to operate with 250 watts power for period May 1 to May 10.

WIBA—The Badger Broadcasting Co., Inc., Madison, Wis.—Granted extension of special experimental authority to operate with additional 500 watts power during nighttime for period May 1, pending action on application for special experimental authority, but no later than October 1.

WCBC—Capital City Broadcasting Co., Lansing, Mich.—Granted modification of C. P. to extend commencement date from 4-30-34 to 5-21-34.

WSAI—The Crosley Radio Corp., Cincinnati, Ohio—Granted extension of special experimental authority to use 1 KW night, 2½ KW day, for 90 days, with directional antenna.

KFPY—Symonds Broadcasting Co., Spokane, Wash.—Granted modification of license to change frequency from 1340 kc. to 890 kc., 1 KW, unlimited time.

KSEI—Radio Service Corp., Pocatello, Idaho—Granted modification of C. P. to change frequency from 900 kc. to 890 kc., 250 watts, 500 watts LS, unlimited time. Also modification of license to change frequency from 900 kc. to 890 kc., 250 watts, 500 watts LS, unlimited time.

KGIR—KGIR, Inc., Butte, Mont.—Granted modification of license to change frequency from 1360 kc. to 1340 kc., 500 watts, 1 KW LS, unlimited time.

### APPLICATIONS RECEIVED

#### First Zone

WTAG—Worcester Telegram Publishing Company, Inc., Worcester, Mass.—License to cover construction permit granted 2-6-34 for authority to move transmitter from 52 Front Street to 20 Franklin Street, Worcester, Mass.

WTBO—Associated Broadcasting Corp., Cumberland, Md.—Construction permit to install new equipment; change frequency from 1420 kc. to 800 kc., and time from unlimited to day (sunset of dominant station).

WHN—Marcus Loew Booking Agency, New York, N. Y.—Modification of license to increase power from 250 watts to 1 KW.

WHN—Marcus Loew Booking Agency, New York, N. Y.—Extension of special experimental authority to operate with power of 1 KW from 1 a. m. to local sunset for period ending 5-31-34.

WLNH—Northern Broadcasting Co., Laconia, N. H.—Modification of construction permit (1-P-B-2946) to locate transmitter at 97 Morrill and studio at 523 Main, Laconia, N. H.; make equipment changes, and extend completion date to 9-2-34.

WCNW—Arthur Faske, Brooklyn, N. Y.—Modification of 1-P-B-2790 for extension of commencement and completion dates to 5-1-34 and 7-14-34, respectively.

#### Second Zone

WCBC—Harold F. Gross, M. B. Keeler, and L. A. Versluuis, d/b as Capital City Broadcasting Co., Lansing, Mich.—Modification of 2-P-B-2763A to extend commencement date to 5-21-34.

WSAI—The Crosley Radio Corp., Cincinnati, Ohio—Extension of special experimental authority to operate with power of 1 KW, 2½ KW LS, using directional antenna, for period ending 8-1-34.

NEW—Gino Amatucci, Latrobe, Pa.—Construction permit to erect new station to operate on 1210 kc., 50 watts power, specified hours. Transmitter and studio: First National Bank Building, Latrobe, Pa.

WMMN—A. M. Rowe, Inc., Fairmont, W. Va.—Construction permit to install new equipment.

#### Third Zone

WPTF—WPTF Radio Company, Raleigh, N. C.—Modification of construction permit granted 6-9-33 for extension of completion date to 8-17-34.

WHET—Joe K. Jernigan, Cyril W. Reddoch, Julian C. Smith, and John T. Hubbard, d/b as Troy Broadcasting Co., Dothan, Ala.—Voluntary assignment of license to John T. Hubbard and Julian C. Smith, d/b as Dothan Broadcasting Co.

KPRC—Houston Printing Co., Houston, Tex.—Special experimental authority to increase power to 5 KW for period ending 9-1-34.

WDAE—Tampa Times Co., Tampa, Fla.—Special experimental authority to use 2½ KW daytime for period ending 10-1-34; also make equipment changes.

#### Fourth Zone

KGCU—Mandan Radio Association, Mandan, N. Dak.—Construction permit to move studio and transmitter to III I Avenue, N. W., Mandan, N. Dak., and install new equipment.

NEW—Aberdeen Broadcast Co., Aberdeen, S. Dak.—Construction permit to erect new station to operate daytime on 1420 kc. with power of 100 watts, half facilities KGCR.

#### Fifth Zone

KRKD—Fireside Broadcasting Co., Los Angeles, Calif.—Consent to voluntary assignment of license to Radio Broadcasters, Inc.

KQW—Pacific Agricultural Foundation, Ltd., San Jose, Calif.—Construction permit to move transmitter from San Jose, Calif., to Hunters Point on the Bay, San Francisco, Calif. Amended to move transmitter and studio to corner Market and San Fernando Streets, San Jose, Calif.

NEW—W. L. Gleeson, Salinas, Calif.—Construction permit to erect new station to operate on 1210 kc., power of 100 watts, unlimited time.

### APPLICATIONS RETURNED

WHDF—Upper Michigan Broadcasting Co., Calumet, Mich.—Construction permit to move station to village of Laurium, Mich., and change equipment. (Incomplete.)

WPFB—Otis Perry Eure, Hattiesburg, Miss.—Consent to voluntary assignment of license to James Glenn Crouch. (Applicant's request.)

KGHI—Lloyd Judd Company, Little Rock, Ark.—Special experimental authority to use power of 250 watts, night. (Rules 6 and 121.)

NEW—Raymond L. Hughes, Midland, Tex.—Construction permit to erect new station to operate on 610 kc., 50 watts, day or limited time. (Rules 5 and 6; frequency; monitor; transmitter site.)

NEW—Richard Austin Dunlea, Wilmington, N. C.—Construction permit to erect a new station to operate daytime on 1370 kc. with power of 100 watts. (Rule 6, equipment and transmitter site.)

# The National Association of Broadcasters

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

PHILIP G. LOUCKS, Managing Director

## NAB REPORTS

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### BROADCAST ADVERTISING IN MARCH

#### Developments of the Month

Broadcast advertising in March showed marked gains over the preceding month and presented the most encouraging picture exhibited by the industry since the peak period of 1931-32. Gross sales of time amounted to \$7,020,744, a gain of 11.8% over February. National network volume was 32.7% greater than in March 1933, practically equalled April 1932 time sales and was materially exceeded only by March of that year. Non-network volume rose 28.2% as compared with the previous month and was higher than any time since the Statistical Service was established.

Stations of more than five kilowatts in power experienced important gains in non-network volume, as did those in the 100 watt class. Marked increases in business occurred in the New England-Middle Atlantic Area, all sections of the country showing gains as compared with the previous month. Live talent volume rose appreciably, national spot business of this type increasing 48% during the month. Electrical transcription and spot announcement volume also rose materially.

Practically all industrial groups using radio advertising showed important increases during the month. Clothing advertising rose 43.1% as compared with February, due principally to local sponsorship. Marked gains were recorded in national network and national spot food advertising. Drug and pharmaceutical advertising increased materially, household equipment advertising doubled, while soap, kitchen supplies and financial advertising also increased considerably. Advertising by the paint and wallpaper industry also increased greatly during the month.

#### Trend in General Advertising

The trend in general radio advertising is found in Table I:

TABLE I

#### TOTAL BROADCAST ADVERTISING VOLUME

Class of Business	1934 Gross Receipts		Cumulative Jan.-March
	February	March	
National networks..	\$3,585,270.00	\$4,000,698.00	\$11,365,157.00*
Regional networks..	54,932.00	66,516.00	175,026.00
Individual stations	2,303,618.00	2,953,530.00	7,608,586.00
Total .....	\$5,943,820.00	\$7,020,744.00	\$19,148,769.00

\* It has been necessary to revise the cumulative total due to corrections by Publishers' Information Bureau.

National network time sales during March rose 11.5% as compared with February, being exceeded materially by but one month, namely, March, 1932. Marked gains were experienced in the non-network field, advertising volume of this type mounting to 10.9% above the peak month of November, 1933. The current month's non-network volume was 28.2% greater than in February. Regional network time sales increased 21.1% as compared with the previous month, but still were considerably short of the December high point.

#### Comparison with Other Media

National magazine advertising increased 24.4% as compared with February. Advertising revenues of monthly magazines was 3%

greater than for the same month of the preceding year, while the advertising volume in weekly periodicals rose 43% as compared with 1933. National farm paper advertising increased 7.1% as compared with February and 13% as against March, 1933. Newspaper advertising rose 22.2% above the previous month's level, and was approximately 38% greater than during the same period of 1933.

A comparison of the relative volume of broadcast and other advertising is found in Table II:

TABLE II

#### ADVERTISING VOLUME BY MAJOR MEDIA

Advertising Medium	1934 Gross Receipts		
	February	March	Cumulative Jan.-March
Radio Broadcasting.	\$5,943,820.00	\$7,020,744.00	\$19,162,655.00
National magazines <sup>1</sup>	8,806,253.00*	10,955,396.00	25,695,372.00
National farm papers .....	464,621.00	496,892.00	1,257,590.00
Newspapers .....	33,470,300.00	41,011,500.00	108,743,250.00
Total .....	\$48,684,994.00	\$59,484,532.00	\$154,858,867.00

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

\* Corrected by Publishers' Information Bureau on basis of later data. January corrected total for national magazines is \$6,372,637.00.

The first quarter of the current year has been uniformly encouraging in the advertising field. National network advertising, for which complete figures alone are available, was 32.7% greater than during the same period of 1933. Monthly magazine advertising volume was 3% more than in the first quarter of last year, while weekly magazine advertising increased by 9%. Farm paper advertising rose 13%, and newspaper advertising approximately 18%.

#### Non-Network Advertising by Power of Station

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

TABLE III

#### NON-NETWORK BROADCAST ADVERTISING BY POWER OF STATION

Power of Station	1934 Gross Receipts		
	February	March	Cumulative Jan.-March
Over 5,000 watts.....	\$887,690.00	\$1,205,383.00	\$3,001,363.00
2,500-5,000 watts.....	182,614.00	183,000.00	592,085.00
250-1,000 watts .....	959,056.00	1,163,819.00	3,072,552.00
100 watts and under...	274,258.00	401,328.00	942,586.00
Total .....	\$2,303,618.00	\$2,953,530.00	\$7,608,586.00

There was a 35.9% increase in non-network advertising over stations of more than 5 kilowatts in power and a rise of 39.9% in the revenues of 100-watt stations. Stations in the 250-1,000-watt group experienced a 21.0% growth in revenues. There was little change in the 2,500-5,000-watt group.

## Advertising by Geographic Districts

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

TABLE IV

### NON-NETWORK BROADCAST ADVERTISING BY GEOGRAPHICAL DISTRICTS

Geographical District	1934 Gross Receipts		Cumulative Jan.-March
	February	March	
New England-Middle Atlantic Area.....	\$623,429.00	\$975,167.00	\$2,240,608.00
South Atlantic-South Central Area.....	353,940.00	403,100.00	1,147,130.00
North Central Area...	923,748.00	1,127,583.00	2,966,217.00
Pacific and Mountain Area .....	402,501.00	447,680.00	1,254,631.00
<b>Total .....</b>	<b>\$2,303,618.00</b>	<b>\$2,953,530.00</b>	<b>\$7,608,586.00</b>

All sections of the country experienced gains in the volume of non-network advertising during the month of March. Time sale revenues in the New England-Middle Atlantic Area rose approximately 50% as compared with February. There was a slight gain in the South, though the volume in this section still remained below the December high. Middle Western volume rose 22.1% as compared with February and reached a point slightly above the previous peak of November, 1933. Non-network advertising in the Pacific and Mountain Area showed a gain of 11.0% as compared with February.

### Spot and Local Advertising

The relative volume of spot and local non-network advertising is found in Table V:

TABLE V

### COMPARISON OF NATIONAL SPOT AND LOCAL BROADCAST ADVERTISING

Class of Business	1934 Gross Receipts		Cumulative Jan.-March
	February	March	
National spot.....	\$1,079,658.00	\$1,509,643.00	\$3,664,591.00
Local .....	1,223,960.00	1,443,887.00	3,943,995.00
<b>Total .....</b>	<b>\$2,303,618.00</b>	<b>\$2,953,530.00</b>	<b>\$7,608,586.00</b>

National spot advertising increased approximately 40% as compared with the previous month, reaching the high point of the season. Local advertising rose approximately 18%, and also attained the peak figure of the season.

National advertising over the radio has shown the greatest resiliency from previous depression lows, analysis of the composition of broadcast advertising volume during the first quarter of 1934 reveals. Whereas during the last half of 1933 55.1% of total advertising volume was accounted for by national networks, 59.4% of the advertising volume for the first quarter of 1934 was similarly accounted for. Regional networks accounted for .8% and .9% of total advertising volume, respectively, during the two periods; national spot advertising for 17.5% and 19.1% of total volume; and local advertising for 26.6% and 20.6% of total radio time sales during the periods in question. The rather marked decline in importance of local advertising during the first quarter of the current year may be partly due to seasonal factors, since local advertising does not experience the same fluctuations as does national advertising. It seems doubtful, however, that this is the complete explanation of the situation.

### Advertising by Type of Rendition

The trend with regard to electrical transcription, live spot, record and spot announcements business during the month is found in Tables VI and VII:

TABLE VI

### NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION

Type of Rendition	1934 Gross Receipts		Cumulative Jan.-March
	February	March	
Elec. transcriptions ..	\$542,507.00	\$686,317.00	\$1,774,254.00
Live talent programs..	1,063,466.00	1,389,598.00	3,510,395.00
Records .....	39,745.00	48,777.00	126,699.00
Spot announcements..	657,900.00	828,838.00	2,197,238.00
<b>Total .....</b>	<b>\$2,303,618.00</b>	<b>\$2,953,530.00</b>	<b>\$7,608,586.00</b>

TABLE VII

### COMPARISON OF LOCAL AND NATIONAL SPOT ADVERTISING BY TYPE OF RENDITION

(March 1934)

Type of Rendition	Gross Receipts for Month		
	National Spot	Local	Total
Elec. transcriptions ..	\$568,260.00	\$118,057.00	\$686,317.00
Live talent programs..	657,864.00	731,734.00	1,389,598.00
Records .....	11,311.00	37,466.00	48,777.00
Spot announcements..	272,208.00	556,630.00	828,838.00
<b>Total .....</b>	<b>\$1,509,643.00</b>	<b>\$1,443,887.00</b>	<b>\$2,953,530.00</b>

Electrical transcription volume increased 26.7% as compared with February. The rise was due almost entirely to increased national spot advertising of this nature. Live talent volume increased 30.5% as against the preceding month, national spot advertising rising 48.0% and local advertising 18.4%. Records increased slightly during the month. Spot announcement volume experienced a 26.0% gain, national spot announcement sales increasing 38.0% and local sales 21.2%.

The relative volume of national spot and local advertising by type of rendition during the first quarter of 1934 is found in Table VII (A):

TABLE VII (A)

### NATIONAL SPOT AND LOCAL ADVERTISING (FIRST QUARTER 1934)

Type of Rendition	Gross Receipts		
	National Spot	Local	Total
Elec. transcriptions...	\$1,439,825.00	\$334,429.00	\$1,774,254.00
Live talent programs..	1,510,498.00	1,999,897.00	3,510,395.00
Records .....	22,910.00	103,789.00	126,699.00
Spot announcements..	691,358.00	1,505,880.00	2,197,238.00
<b>Total .....</b>	<b>\$3,664,591.00</b>	<b>\$3,943,995.00</b>	<b>\$7,608,586.00</b>

A comparison of the importance of the various types of rendition in the advertising volume of the current quarter is found in the following summary:

Type of Rendition	Percent Total Volume of Business (Jan.-Mar., 1934)		
	National Spot	Local	Total
Electrical transcriptions ....	39.0%	8.7%	23.3%
Live talent programs.....	41.3%	50.7%	46.1%
Records .....	.6%	2.6%	1.7%
Spot announcements.....	20.1%	38.0%	28.9%
<b>Total .....</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>

### Participations

Participations over individual stations showed a marked decrease as compared with the past several months, though still remaining considerably above the level of the earlier part of the season. Data regarding this type of business are found in Table VIII:

**TABLE VIII  
PARTICIPATIONS OVER INDIVIDUAL  
STATIONS**

Type of Rendition	1934 Gross Receipts		Cumulative Jan.-Mar.
	February	March	
Electrical transcriptions.....	\$147.00	\$214.00	\$670.00
Live talent programs.....	134,700.00	70,490.00	333,490.00
Records.....	6,720.00	8,070.00	23,644.00
Total.....	\$141,567.00	\$78,774.00	\$357,804.00

**Radio Advertising Sponsors**

Marked gains were experienced in practically all fields during the past month. Principal gains included a 43.1% increase in clothing advertising, a 26.1% rise in food advertising volume, a rise of 19.1% in drug and pharmaceutical advertising, a 35.0% gain in financial advertising, a doubling of the volume in the soap and kitchen supply field, and a marked gain in paint and wallpaper advertising. The volume of broadcast advertising sponsored by various types of business is found in Tables IX and X:

**TABLE IX  
RADIO BROADCAST ADVERTISING VOLUME BY TYPE OF SPONSORING BUSINESS  
(March 1934)**

Type of Sponsoring Business	National Networks	Gross Receipts for Month		Total
		Regional Networks	Individual Stations	
1a. Amusements.....	—	—	\$38,820.00	\$38,820.00
1-2. Automobiles and Accessories:				
(1) Automobiles.....	\$266,712.00	—	84,870.00	351,582.00
(2) Accessories, gas and oils.....	334,018.00	\$28,934.00	147,326.00	510,278.00
3. Clothing and apparel.....	33,965.00	1,000.00	174,650.00	209,615.00
4-5. Drugs and toilet goods:				
(4) Drugs and pharmaceuticals.....	383,811.00	1,472.00	525,732.00	911,015.00
(5) Toilet goods.....	844,452.00	—	116,230.00	960,682.00
6-8. Food products:				
(6) Foodstuffs.....	786,439.00	16,782.00	609,890.00	1,413,111.00
(7) Beverages.....	289,834.00	7,939.00	139,590.00	437,363.00
(8) Confections.....	125,352.00	200.00	70,478.00	196,030.00
9-10. Household goods:				
(9) Household equipment and furnishings.....	80,623.00	848.00	157,500.00	238,971.00
(10) Soap and kitchen supplies.....	190,375.00	—	33,580.00	223,955.00
11. Insurance and financial.....	63,922.00	—	72,750.00	136,672.00
12. Radios.....	45,236.00	—	9,390.00	54,626.00
13. Retail establishments.....	—	—	110,715.00	110,715.00
14. Tobacco products.....	416,331.00	—	7,465.00	423,796.00
15. Miscellaneous.....	139,628.00	9,341.00	654,544.00	803,513.00
Total.....	\$4,000,698.00	\$66,516.00	\$2,953,530.00	\$7,020,744.00

**TABLE X  
NON-NETWORK ADVERTISING VOLUME BY TYPE OF SPONSORING BUSINESS  
(March 1934)**

Type of Sponsoring Business	National Spot	Gross Receipts for Month	
		Local	Total
1a. Amusements.....	\$650.00	\$38,170.00	\$38,820.00
1-2. Automobiles and Accessories:			
(1) Automobiles.....	44,359.00	40,511.00	84,870.00
(2) Accessories, gas and oils.....	68,596.00	78,730.00	147,326.00
3. Clothing and apparel.....	21,140.00	153,510.00	174,650.00
4-5. Drugs and toilet goods:			
(4) Drugs and pharmaceuticals.....	381,532.00	144,200.00	525,732.00
(5) Toilet goods.....	97,040.00	19,190.00	116,230.00
6-8. Food products:			
(6) Foodstuffs.....	380,090.00	229,800.00	609,890.00
(7) Beverages.....	55,963.00	83,627.00	139,590.00
(8) Confections.....	67,138.00	3,340.00	70,478.00
9-10. Household goods:			
(9) Household equipment and furnishings.....	41,827.00	115,673.00	157,500.00
(10) Soap and kitchen supplies.....	27,180.00	6,400.00	33,580.00
11. Insurance and financial.....	17,225.00	55,525.00	72,750.00
12. Radios.....	380.00	9,010.00	9,390.00
13. Retail establishments.....	3,125.00	107,590.00	110,715.00
14. Tobacco products.....	4,478.00	2,987.00	7,465.00
15. Miscellaneous.....	298,920.00	355,624.00	654,544.00
Total.....	\$1,509,643.00	\$1,443,887.00	\$2,953,530.00

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

1a. Amusements: Advertising in the amusement field declined approximately 10.0% during the month, a drop in local advertising being the reason for the decline.

1. Automobiles: There was a slight increase in this field, due to a 6.0% rise in national network automotive advertising. Spot and local advertising showed slight decreases during the month.

2. Accessories, gasoline and oil: Total radio advertising volume in this field increased 6.5% during the month. National network advertising rose 6.8%, regional network volume increased approxi-

mately 50.0%, while local gains were offset by equal declines in the national spot field.

3. Clothing: Clothing advertising rose 43.1% as compared with February, practically the entire increase taking place in the local field.

4. Drugs and pharmaceuticals: Total advertising of this type increased 19.1% as against the preceding month. National spot drug and pharmaceutical advertising rose 24.4%, local advertising mounted appreciably, while there was a slight decrease in the regional network field.

5. Toilet goods: Volume in this field increased 11.6% as com-

pared with the previous month, due principally to a 13.4% rise in national network volume. National spot increases were offset by declines in the local field.

6. Foodstuffs: Food advertising over the air rose 26.1% during the month. National network volume increased 12.8%, national spot advertising more than double, while local food accounts showed slight gains. Regional network advertising showed little change from the preceding month.

7. Beverages: Beverage advertising is up 15.2% as compared with February, due principally to increased spot and local advertising.

8. Confectionery: Confectionery advertising showed similar gains to those in the beverage field. National spot volume rose 31.3%, network volume 9.0%, while local volume declined slightly.

9. Household appliances: Household equipment advertising over the air more than doubled during March. The greatest gains were recorded in the national network field, though considerable increases were experienced in the spot and local fields. Local advertising of this type rose 23.5% as compared with February, while national spot volume gained 57.0%.

10. Soap and kitchen supplies: An increase of 26.7% was experienced in this field, national network volume rising approximately 35.0%

11. Insurance and financial: Financial advertising gained approximately 35.0% during the month. Network advertising of this type increased 10.0%, while local financial volume practically doubled as compared with February.

12. Radio: Volume in this field increased 29.0%, local advertising almost tripling the February figure.

13. Retail: Advertising by department and general stores rose 13.8% as compared with the previous month, though still remaining considerably below the December figure for this class of business.

14. Tobacco products: There was a slight increase in this field due principally to network advertising volume.

15. Miscellaneous: There was an increase of 24.7% in miscellaneous national spot advertising, 12.0% in local advertising of this nature, and a slight rise in the national network field.

#### Supplementary Data (Jan.-Mar., 1934)

Supplementary information in the field of radio advertising sponsorship during the first quarter of 1934 is to be found in Tables IX (A), and X (A):

**TABLE IX (A)**  
**RADIO BROADCAST ADVERTISING BY TYPE OF SPONSORING BUSINESS**  
(First Quarter 1934)

Type of Sponsoring Business	National Networks	Regional Networks	Individual Stations	Total
1a. Amusements	—	—	\$127,159.00	\$127,159.00
1-2. Automobiles and Accessories:				
(1) Automobiles	\$708,321.00	\$5,058.00	410,856.00	1,124,235.00
(2) Accessories, gasoline and oil	949,083.00*	69,088.00	472,795.00	1,490,966.00
3. Clothing and apparel	80,124.00*	3,000.00	420,962.00	504,086.00
4-5. Drugs and toilet goods:				
(4) Drugs and pharmaceuticals	1,174,216.00*	6,683.00	1,250,929.00	2,431,828.00
(5) Toilet goods	2,390,716.00*	—	322,750.00	2,713,466.00
6-8. Food products:				
(6) Foodstuffs	2,214,271.00*	49,317.00	1,412,014.00	3,675,602.00
(7) Beverages	873,958.00	14,313.00	304,949.00	1,193,220.00
(8) Confectionery	370,797.00	780.00	186,817.00	558,394.00
9-10. Household goods:				
(9) Household equipment and furnishings	174,125.00	848.00	383,138.00	558,111.00
(10) Soap and kitchen supplies	477,619.00	—	91,312.00	568,931.00
11. Insurance and financial	186,064.00	—	162,914.00	348,978.00
12. Radios	131,008.00	—	23,340.00	154,348.00
13. Retail establishments	—	—	275,328.00	275,328.00
14. Tobacco products	1,245,503.00	—	21,621.00	1,267,124.00
15. Miscellaneous	389,352.00	25,939.00	1,741,702.00	2,156,993.00
<b>Total</b>	<b>\$11,365,157.00*</b>	<b>\$175,026.00</b>	<b>\$7,608,586.00</b>	<b>\$19,148,769.00</b>

\* It has been necessary to revise monthly figures and therefore quarterly totals for these classes due to corrections by Publishers' Information Bureau, Inc.

**TABLE X (A)**  
**NON-NETWORK ADVERTISING VOLUME BY TYPE OF SPONSORING BUSINESS**  
(First Quarter 1934)

Type of Sponsoring Business	National Spot	Gross Receipts for Month	
		Local	Total
1a. Amusements	\$12,923.00	\$114,236.00	\$127,159.00
1-2. Automobiles and Accessories:			
(1) Automobiles	226,713.00	184,143.00	410,856.00
(2) Accessories, gasoline and oil	246,988.00	225,807.00	472,795.00
3. Clothing and apparel	39,206.00	381,756.00	420,962.00
4-5. Drugs and toilet goods:			
(4) Drugs and pharmaceuticals	891,741.00	359,188.00	1,250,929.00
(5) Toilet goods	235,482.00	87,268.00	322,750.00
6-8. Food products:			
(6) Foodstuffs	734,378.00	677,636.00	1,412,014.00
(7) Beverages	107,675.00	197,274.00	304,949.00
(8) Confectionery	177,165.00	9,652.00	186,817.00
9-10. Household goods:			
(9) Household equipment and furnishings	105,931.00	277,207.00	383,138.00
(10) Soap and kitchen supplies	63,624.00	27,688.00	91,312.00
11. Insurance and financial	45,405.00	117,509.00	162,914.00
12. Radios	1,892.00	21,448.00	23,340.00
13. Retail establishments	12,758.00	262,570.00	275,328.00
14. Tobacco products	14,971.00	6,650.00	21,621.00
15. Miscellaneous	747,739.00	993,963.00	1,741,702.00
<b>Total</b>	<b>\$3,664,591.00</b>	<b>\$3,943,995.00</b>	<b>\$7,608,586.00</b>

A number of interesting comparisons may be made as to the relative importance of various industries during the current and preceding periods. Food and allied industries still take the lead in the national network field, though whereas food advertising amounted to 33.0% of total network advertising in 1933, it merely constituted 30.4% of network volume during the first quarter of the current season.

Cosmetic advertising over national networks during the first three months of 1934 accounted for 21.3% of total volume as compared with 16.8% during the previous year; tobacco advertising for 10.8% as against 9.2% in the previous year. Gasoline and

lubricant advertising dropped in importance from 12.3% in 1933 to 8.2% in the first quarter of 1934. Some of these shifts undoubtedly are due to seasonal factors, as in the case of the gasoline field. Others, such as tobacco, are due to increased business stability in the industries in question.

Food and drug advertising increased in importance in the national spot field, while clothing rose slightly in importance in the local field.

Further information regarding the relative importance of national network, magazine, and national farm paper advertising is found in Table IX (B);

**TABLE IX (B)**  
**COMPARISON OF NATIONAL MAGAZINE, NATIONAL NETWORKS, AND NATIONAL FARM PAPERS**  
**(First Quarter 1934)**

<i>Type of Sponsoring Business</i>	<i>National Magazines</i>	<i>National Networks</i>	<i>Nat'l Farm Papers</i>
1-2. Automobiles and Accessories:	\$2,560,310.00	\$708,321.00	\$36,805.00
(1) Automobiles .....			
(2) Accessories, gas and oils .....	1,194,807.00	949,083.00	143,780.00
3. Clothing and apparel .....	761,752.00	80,124.00	41,417.00
4-5. Drugs and toilet goods:			
(4) Drugs and pharmaceuticals .....	3,770,979.00	1,174,216.00	78,804.00
(5) Toilet goods .....	2,140,873.00	2,390,716.00	84,797.00
6-8. Food products:			
(6) Foodstuffs .....	4,178,573.00	2,214,271.00	95,109.00
(7) Beverages .....	1,362,432.00	873,958.00	10,320.00
(8) Confectionery .....	188,116.00	370,797.00	2,250.00
9-10. Household goods:			
(9) Household equipment and furnishings .....	1,340,840.00	174,125.00	32,160.00
(10) Soap and kitchen supplies .....	1,526,948.00	477,619.00	117,950.00
11. Insurance and financial .....	718,399.00	186,064.00	5,248.00
12. Radios .....	286,129.00	131,008.00	38,062.00
13. Retail establishments .....	221,330.00	—	—
14. Tobacco products .....	1,429,479.00	1,245,503.00	60,495.00
15. Miscellaneous .....	4,014,305.00	389,352.00	510,393.00
<b>Total .....</b>	<b>\$25,695,372.00</b>	<b>\$11,365,157.00</b>	<b>\$1,257,590.00</b>

In a number of fields radio advertising seems to be becoming increasingly important. Automotive advertising during the first quarter of 1934 was 26.0% as great as magazine advertising volume, and showed an appreciably more favorable position than in 1933. Automotive accessory advertising on the radio was 79.0% as great as in magazines and was increasing. Drug radio advertising was 30.0% as great as drug magazine advertising, food approximately 50.0% as great, beverage advertising on the air 48.0% as much as in magazines, tobacco 87.0% as great, and soaps and kitchen supplies 31.4%. In the case of toilet goods radio advertising volume exceeded magazine volume by 7.0%.

**Retail Advertising**

The volume of retail advertising over individual stations is found in Table XI:

**TABLE XI**  
**RETAIL ADVERTISING OVER INDIVIDUAL STATIONS**  
**(March 1934)**

<i>Type of Sponsoring Business</i>	<i>Gross Receipts for Month</i>
Automobiles and accessories:	
Automobile agencies and used car dealers .....	\$37,270.00
Gasoline stations, garages, etc. ....	29,030.00
Clothing and apparel shops .....	148,610.00
Drugs and toilet goods:	
Drug stores .....	8,370.00
Beauty parlors .....	5,410.00
Food products:	
Grocery stores, meat markets, etc. ....	53,534.00
Restaurants and eating places <sup>1</sup> .....	20,090.00
Beverage retailers .....	117.00
Confectionery stores, etc. ....	1,265.00

**TABLE XI (Continued)**

<i>Type of Sponsoring Business</i>	<i>Gross Receipts for Month</i>
Household goods:	
Household equipment retailers <sup>2</sup> .....	\$37,538.00
Furniture stores .....	50,385.00
Hardware stores .....	3,150.00
Radio retailers .....	9,010.00
Department and general stores .....	110,715.00
Tobacco shops .....	700.00
Miscellaneous .....	52,300.00
<b>Total .....</b>	<b>\$567,494.00</b>

<sup>1</sup> Exclusive of hotels.

<sup>2</sup> Such as electric refrigerators, oil burners, sweepers, furnaces and the like.

General retail advertising rose 20.7% as compared with February. Automotive accessory advertising increased 24.0%, and clothing advertising 32.0%. Household appliance and equipment retail advertising rose 37.0%, while radio retail volume almost tripled the preceding month's figure. Gains also were experienced in the drug, restaurant, furniture, tobacco, and miscellaneous lines.

**General Business Conditions**

Business still continues upwards in spite of minor recessions here and there in the general field. The New York Times Index of Business Activity stood at 84.6 on April 19, one point below the level of March 24. Commodity prices showed slight recessions during the past several weeks. Car loadings declined slightly as compared with the end of March though showing general steadiness. Automobile production continues upwards, as does steel mill operation. Electric power consumption fell off slightly during the month. In all, the business situation has changed little since the publication of the preceding report. The same positive and negative factors are still in operation with approximately the same force.



# The National Association of Broadcasters

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

PHILIP G. LOUCKS, Managing Director

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MAY 12, 1934

### NAB BOARD MEETS MONDAY

A meeting of the Board of Directors of the NAB will be held at the Willard Hotel, Washington, D. C., at 10 A. M., Monday, May 14.

### SENATE TO PASS DILL BILL

As this issue of NAB REPORTS goes to press, the Senate is concluding consideration of the stock exchange regulation bill and there is every indication that the Dill Communications Commission bill will be made the unfinished business of the Senate. This means that the bill will probably be acted upon by the Senate next Monday or Tuesday, May 14 or 15.

Indications are that the bill will be passed by the Senate but that the Wagner-Hatfield amendment will be defeated. The vote on the Dill bill will probably follow party lines, while the Wagner-Hatfield amendment vote, if its proponents permit it to come to a vote, will be overwhelmingly against its adoption.

The Wagner-Hatfield amendment, which constituted a serious threat to the broadcasting industry and which was supported by a powerful lobby, drew opposition from all but a few educational and religious stations that had hoped to improve their positions with its adoption. Speaking through the NAB, these stations, from the smallest to the largest, promptly informed their Senators of the purpose of the Wagner-Hatfield amendment and supported the specific objections filed with individual Senators by the NAB.

The fate of several other NAB amendments to the Dill bill hangs in the balance. Action on these was overshadowed by the Wagner-Hatfield controversy, although it is expected that some, if not all of them, will be adopted.

Senator Dill, D., Washington, chairman of the Senate Interstate Commerce Committee, will oppose the Wagner-Hatfield amendment on the floor, and it is indicated that he will have the support of more than two-thirds of the Senate. Senator White, R., Maine, former chairman of the House Merchant Marine, Radio and Fisheries Committee, also will oppose the amendment. Senators Dill and White are regarded as outstanding leaders in all radio matters in the Senate.

### 25 PER CENT FIGHT IN HOUSE

While it appears that the Wagner-Hatfield amendment will be beaten in the Senate, the fight to cancel all licenses in 90 days and force a reallocation under which 25 per cent of all channels would be given to educational, religious, labor, agricultural and similar groups, has been opened in the House.

The amendment, similar to the Wagner-Hatfield proposal, was laid before the House Committee on Interstate and Foreign Commerce by Father John B. Harney, superior, Paulist Missionary Society, WLWL, New York, during hearings on the Rayburn bill this week. Father Harney argued for nearly an hour in support of the proposal making charges against the present structure which compelled the NAB to file a supplementary statement with the Committee. A copy of the NAB statement is enclosed with this issue of NAB REPORTS for information of members. Asked how he arrived at the 25 per cent figure, Father Harney said that if 25 per cent did not prove adequate the interests he represented would come back and ask for additional legislation for more channels.

Father Harney took the stand after Henry A. Bellows, NAB Legislative Committee Chairman, had presented a statement on behalf of the measure. At the time Mr. Bellows made his statement the Harney proposal was not before the Committee.

"We protest most earnestly against any proposal for the repeal of the Radio Act of 1927, as amended," Mr. Bellows said.

"The President's message does not even suggest any such drastic action, nor does there appear to be any instant necessity which

warrants it. The Radio Act of 1927, as amended, may not be perfect. Most of us could suggest ways in which we think it might be improved, though there would be wide disagreement among us as to those improvements, but the fact remains that for seven years it has stood the tests of administration and of court action. If changes in it are desirable, we believe they should be made, as the President indicates, only after investigation and study by the new Commission.

"That there has been no urgent demand for any such changes appears from the history of recent bills to amend the Radio Act. There was no general outcry when, a year ago, H. R. 7716, the omnibus amending bill, failed of enactment. Congressman Bland reintroduced that same bill in the House on March 9, 1933, as H. R. 1735, and there has not been enough general interest manifested for his committee as yet to consider it. In the Senate the bill was not even reintroduced at all. Almost every one recognizes that, despite minor defects, the Radio Act of 1927, as amended, and the court decisions under it, have established a solid, workable and sound basis for government regulation of radio.

"And what is to be gained by repealing the Radio Act? Either it is incorporated bodily and unchanged in the new law, in which case nothing is accomplished by repealing it, or else the new law alters its provisions, in which case the bill not only goes counter to the President's suggestion, and legislates before investigation by the Commission instead of after it, but also launches the new Commission on a sea whereon there has been raised an artificial and a wholly needless storm.

"No one can possibly foretell at this time what form this tremendously significant legislation now before you will ultimately assume. No one can possibly, in advance, draft legislation which will adequately and fully define the activities, powers and methods of this new Commission. The Commission itself must, after careful study and investigation, help in determining its legislative needs.

"If it is suggested to you that Title III of the Senate bill as introduced is really the Radio Act of 1927, with only a few minor changes, we want to urge upon you, from our years of practical experience in radio, that the changes are neither few nor minor; that one of them seems to us to undermine the whole legal structure which seven years of work have painstakingly built up; that another converts an administrative commission with quasio-judicial functions into a criminal court with wide powers of summary punishment, while a third tends to deny to the Commission the right of solving technical problems on the strength of technical evidence. But even if the changes proposed were less drastic, we would still contend that this is no time to repeal the Radio Act, that repeal is absolutely unnecessary, that it is contrary to the advice of the President, and that it means the imposition of a serious and needless handicap on the new Commission."

Representatives of the telegraph and telephone companies appeared before the Rayburn Committee and it is expected that testimony will be completed next week. It is the plan of the Rayburn Committee to report out the bill at an early date and press for its passage in the House before adjournment.

### CONGRESSMEN SUPPORT HARNEY PROPOSAL

Congressman Stephen A. Rudd of New York, stated before the Rayburn Committee this week that 22 Congressmen had pledged their support to the Harney proposal in the House. He stated for the record that the following Congressmen were supporting the proposal:

Edward W. Goss of Connecticut; John J. McGrath of California; Francis B. Condon of Rhode Island; J. W. McCormack of Massachusetts; B. M. Jacobsen of Iowa; Michael J. Hart of Michigan; William F. Brunner of New York; James M. Fitzpatrick of New York; William P. Connery, Jr., of Massachusetts; Martin A. Brennan of Illinois; George W. Lindsay of New York;

Kent E. Keller of Illinois; Arthur D. Healey of Massachusetts; William Rogers of New Hampshire; W. D. McFarland of Texas; Theodore A. Peyser of New York; John J. Boylan of New York; John J. Douglass of Massachusetts; William J. Granfield of Massachusetts; Fred A. Hartley of New Jersey; Mary T. Norton of New Jersey; and Kathryn O'L. McCarthy of Kansas.

### HOUSE COMMITTEE MEMBERS

Members of the House Committee on Interstate and Foreign Commerce, headed by Congressman Sam Rayburn of Texas, now considering the Harney proposal, are as follows: George Huddleston, Ala.; Clarence F. Lea, Calif.; Robert Crosser, Ohio; Parker Corning, N. Y.; Jacob L. Milligan, Mo.; Alfred L. Bulwinkle, N. C.; Virgil Chapman, Ky.; Paul H. Maloney, La.; William P. Cole, Jr., Md.; Samuel B. Pettengill, Ind.; Edward A. Kelly, Ill.; E. W. Marland, Okla.; Edward A. Kenney, N. J.; George G. Sadowski, Mich.; Joseph P. Monaghan, Mont.; Francis T. Maloney, Conn.; John G. Cooper, Ohio; Carl E. Mapes, Mich.; Charles A. Wolverton, N. J.; James Wolfenden, Pa.; Pehr G. Holmes, Mass.; Schuyler Merritt, Conn.; B. Carroll Reece, Tenn.; James W. Wadsworth, Jr., N. Y.

### TRADE COMMISSION ASKS COOPERATION

This week the Special Board of Investigation of the Federal Trade Commission addressed a letter to radio stations, networks and transcription companies requesting that all cooperate in a general survey of radio advertising which the Board has undertaken at the direction of the Commission.

The Special Board was created five years ago and has been devoting its time primarily to newspaper and magazine advertising. The inclusion of radio advertising is simply an extension of the Board's work.

On April 14 the Board sent out to a small number of stations the first of a series of letters requesting that these stations supply the Board with copies of all commercial continuities for the month of March, 1934. Your Managing Director conferred with members of the Board and explained that stations generally do not keep duplicate copies of continuities and that fulfillment of the request, if made general, would result in great expense to stations. The Board accepted this explanation and suggested that June 1, 1934, be fixed as the date to begin the survey.

It was explained during the conferences that the Board was directed to include radio advertising in its survey of all advertising by the Commission and was eager to commence work at the earliest possible date. It was pointed out that two courses were open to the Board in undertaking the investigation: either it could employ stenographers in all parts of the country to take down commercial announcements or it could ask stations to cooperate in the work by voluntarily sending in copies of all continuities. The Board decided that it would proceed by requesting cooperation of the broadcasters and resort to other means only in the event cooperation was not forthcoming.

It is the desire of the Board to approach its work in a spirit of friendly cooperation with the industry and expressed the hope that such cooperation would be extended.

It was explained that the network headquarters would be asked to supply announcements on network programs rather than stations affiliated with networks. The same rule will be applicable to transcription companies.

The jurisdiction of the Federal Trade Commission extends to false and misleading advertising and has nothing to do with the length or form of the advertising announcements. The same general rules which have been applied to other forms of advertising since 1914 will be applied to radio advertising. In fact a number of radio cases have already been disposed of by the Commission.

The continuities sent in by stations will be reviewed by the Board and in cases where statements in advertising copy appear to be false and misleading, notices will be sent both to the advertiser and the station carrying his advertising. Along with the notice to the station will be sent a form which the station may execute and upon execution be dropped from the proceedings. This form provides that the station agrees to abide by any agreement, stipulation or order promulgated by the Commission in the case to which the notice refers.

After the station has agreed to observe the order entered by the Board, informal conferences between the advertiser and the Board commence and the advertiser is asked to correct the false and misleading statements in his copy. If he agrees to do this, the case is at an end. If not, the case proceeds through a public hearing, argument before the Commission, decision by the Commission, and perhaps appeal to the Courts.

It is pointed out that the power of the Federal Trade Commission is preventive rather than punitive. It is approaching the radio field in a spirit of friendly cooperation rather than in a spirit of hostility. Furthermore, the survey is not a campaign against radio advertising nor is it in any way the result of agitation by groups unfriendly to broadcasting. The Commission has simply decided to include radio in its routine investigation of all advertising in the future. Naturally, the agitation for passage of the Tugwell bill was responsible for extending its work at this time as one of the arguments made by the proponents of that bill was that the Federal Trade Commission was not exercising its jurisdiction with respect to false and misleading radio advertising.

The Federal Radio Commission has been informed of the Federal Trade Commission's action and there is no prospect of conflict of authority.

After reviewing the situation carefully from all angles, it is believed that stations generally will cooperate with the Special Board by complying with its request for copies of advertising announcements and thereby make unnecessary the work of monitoring stations. Stations who desire to extend such cooperation should see to it that extra copies of commercial announcements in programs to be broadcast after June 1, 1934, are made and kept on file in order to comply with the Board's request.

### "FRITZ" MORENCY IMPROVING

Paul W. Morency's many friends will be happy to learn that he is improving in health and is now on the road to recovery after months of serious illness. We know that "Fritz" will be glad to hear from his friends. His address is 1 Kingswood Road, West Hartford, Conn.

### CODE AUTHORITY ASKS FOR DELAY

The following is the text of a letter addressed to General Hugh S. Johnson on the subject of increased wages and reduced hours in reply to the proposal made recently by the NRA:

"The Code Authority for the Radio Broadcasting Industry has given consideration to the proposal contained in the letters received from Mr. William P. Farnsworth, Deputy Administrator, dated March 21, 1934, and your letter dated March 28, 1934, concerning a reduction in the hours of labor and an increase in the wages paid employees in the Radio Broadcasting Industry, and submits the following report:

"A recent survey concerning the technical employees within the Radio Broadcasting Industry discloses:

1. That the employment of broadcast technicians has increased 11.9%.
2. That the weekly hours of labor for broadcast technicians have been reduced 9.8%.
3. That the weekly payrolls for broadcast technicians have increased 21.1%.

"A copy of the report disclosing these facts is hereto attached and marked Exhibit A.

4. The true effects of the labor and trade practice provisions contained in the Code of Fair Competition for the Radio Broadcasting Industry cannot be accurately determined within the period of approximately five months, during which our Code has been effective.
5. Commercial programs which furnish the only revenue to sustain the operation of Radio Broadcasting Stations fluctuates materially. It is a general practice of advertisers to curtail radio advertising during the so-called summer months which in this case include the months of May to September, inclusive.
6. The Radio Broadcasting Industry today employs a greater number of employees than have been employed at any other period within the life of the Industry.
7. Although the Code Authority does not have specific data available, it is confident that the percentages referred to in No. 1 above apply with equal force to all classes of employees within the Industry.
8. Any reduction in the hours of labor or any increase in the wages paid, in the opinion of the Code Authority, will oppress and eliminate small Radio Broadcasting Enterprises and promote monopolies.

"The Code Authority, therefore, recommends that no action be taken within a period of one year from the effective date of the Code to change or alter any of the provisions affecting the hours of labor or wages of employees within the Radio Broadcasting Industry."

## RADIO BILL GOES OVER

Working on its regular calendar the House of Representatives this week reached S. 2660, the bill regarding stations having studios in the United States and transmitters in foreign countries, which has already been passed by the Senate and favorably reported by the House Committee on Merchant Marine, Radio and Fisheries. The bill was "passed over without prejudice" at the request of Representative Zioncheck of Washington.

## CONSIDER COPELAND BILL AMENDMENTS

An indication that the Copeland bill to revise the food and drugs laws will come up for consideration in the Senate before adjournment was gleaned from the statement made in the Senate Monday by Senator Royal Copeland of New York.

"May I remind Senators that a few days ago I spoke of the food and drugs bill and asked that any Senators who have amendments to offer to present them in advance of the consideration of the bill," the Senator told the Senate. "Some Senators have offered certain amendments, and the committee has given them consideration. The committee is very anxious to have before it any other amendments which may be in the minds of Senators, because we hope that when the bill shall be finally presented for action its consideration may take a very short time, indeed, and we feel that to be possible if we may have the amendments before us for consideration in advance of the action on the bill."

## DILL INTRODUCED AMENDMENT

On May 9, Senator Dill introduced in the Senate an amendment to the Communications Commission bill. The amendment follows:

"In granting applications for licenses or renewals of licenses for frequencies to be used for broadcasting, the Commission shall so distribute such licenses that no one licensee nor organization of licensees, whether effected by purchase, lease, chain broadcasting or other method, shall be able to monopolize or exercise dominant control over the broadcasting facilities of any community, city or state, or over the country as a whole, and the Commission shall, so far as possible, by its distribution of licenses, provide for broad diversification and free competition in broadcast programs to be presented to radio listeners."

## EDUCATORS ASK GOVERNMENT OWNERSHIP

The National Committee on Education by Radio, headed by Joy Elmer Morgan, editor of the *National Education Association Journal*, held a two-day conference in Washington this week. The meeting went on record as favoring government ownership of broadcasting and endorsing all of the other things this Committee has stood for. The meeting was another step in this Payne-fund-supported Committee's propaganda campaign against commercial radio.

## DENTISTS' ADVERTISING UNLAWFUL

The Rhode Island Legislature has enacted a law under which certain forms of advertising by dentists by means of the press, radio, display signs, or otherwise is made unlawful.

## LANSING, MICH., APPEAL DISMISSED

The Court of Appeals of the District of Columbia this week dismissed the appeal of Herman Radner, who appealed to the Court against a decision of the Radio Commission denying him a construction permit for a new broadcasting station at Lansing, Mich., and granting a permit to the Capital Broadcasting Company at the same place. The appeal was dismissed at the request of the appellant.

The Court this week also refused to reconsider its action in granting stay orders in cases filed by Stations KSEI and WLBW. In the cases of both of these stations stay orders were granted by the Court, while intervenors asked that the Court reconsider its action, which it has refused to do.

## NOTICE!

A publication styled "Commerce and Industry," 112 East 19th Street, New York, recently informed a mid-western station that it was publishing a story about its growing importance in its terri-

tory and then shipped express collect a batch of the magazines to the stations. If other stations are solicited, it is suggested that they contact NAB and the Association will put them in touch with the mid-west station.

## SECURITIES ACT REGISTRATION

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

- Crown Consolidated Mines Co., Reno, Nev. (2-850).
- San Diego Dome Drilling Fund, Inc., Las Vegas, Nev. (2-851).
- Froedtert Grain & Malting Co., Inc., Greenfield, Wis. (2-852).
- Arcady Apartment Hotel First Mortgage Bondholders' Committee, Los Angeles, Calif. (2-853).
- Bondholders' Protective Committee of the Pittsburgh Water Heater Co., Pittsburgh, Pa. (2-854).
- 2100 Pacific Avenue First Mortgage Bondholders' Committee, San Francisco, Calif. (2-855).
- The Bradley Trust, Boston, Mass. (2-856).
- Distributors Group, Inc., New York City (2-857).
- Rutter Fund, Inc., Philadelphia, Pa. (2-858).
- Iowa Electric Co., Cedar Rapids, Iowa (2-859).
- Iowa Electric Company, Cedar Rapids, Iowa (2-860-Form D-2).
- Fred Krug Brewing Company, Omaha, Nebr. (2-861-Form A-1).
- Mines Financing, Inc., Denver, Colo. (2-862-Form A-1).
- Insurance Exchange Building, Inc., San Francisco, Calif. (2-862-Form D-2).
- Edwin D. Witter and Others, San Francisco, Calif. (2-864-Form F-1).
- Little May Mining Company, Salt Lake City, Utah (2-865-Form A-1).
- New Tatum Building Corporation, St. Louis, Mo. (2-866-Form D-2).
- Milwaukee Terminal Buildings First Mortgage Bondholders' Committee, Chicago, Ill. (2-867-Form D-1).
- Harry B. Hall and Others, Milwaukee, Wis. (2-868-Form F-1).
- First Mortgage Corporation, Richmond, Va. (2-869-Form D-1).

## FEDERAL RADIO COMMISSION ACTION

### APPLICATIONS GRANTED

- KRKD—Fireside Broadcasting Co., Los Angeles, Calif.—Granted consent to voluntary assignment of license to Radio Broadcasters, Inc.
- WLBW—WLBW Broadcasting Co., Kansas City, Mo.—Granted C. P. to install new transmitter.
- WMAZ—Southeastern Broadcasting Co., Macon, Ga.—Granted special temporary authority to operate unlimited time during June.
- WJDX—Lamar Life Ins. Co., Jackson, Miss.—Granted extension of special temporary authority to operate with 250 watts power for period beginning May 11 and ending not later than May 15, 1934.
- KPCB—Queen City Broadcasting Co., Seattle, Wash.—Granted special temporary authority to change frequency from 650 kc. to 710 kc.
- WKBO—Keystone Broadcasting Co., Harrisburg, Pa.—Granted C. P. to move transmitter and studio locally and make equipment changes.
- KBTM—Beard's Temple of Music, Jonesboro, Ark.—Granted modification of C. P. to extend completion date from May 2 to July 15, 1934.
- KSOO—Sioux Falls Broadcast Assn., Inc., Sioux Falls, S. Dak.—Granted license covering move of transmitter locally and changing equipment.
- KGHL—Northwestern Auto Supply Co., Inc., Billings, Mont.—Granted special experimental authority to make changes in equipment and to change frequency from 950 kc. to 780 kc.
- WAAT—Bremer Broadcasting Corp., Jersey City, N. J.—Granted temporary license to operate on 940 kc., 500 watts, daytime, pending outcome of hearing on application for license renewal.

## SPECIAL AUTHORIZATIONS

- WOI—Iowa State College of Agriculture and Mechanical Arts, Ames, Iowa—To remain silent on May 30 and July 4.
- WBBZ—James F. Kyler, Ponca City, Okla.—Extension of special temporary authority to operate on **1200 kc.**, 100 watts, unlimited time, for period June 1 to September 1, pending action on application for consent to involuntary assignment of license.
- WPTF—WPTF Radio Co., Raleigh, N. C.—To use RCA Crystal Control, that is part of the proposed RCA-Victor, Type 1005-B transmitter, as authorized by C. P. as stand-by for present Western Electric transmitter.

## SET FOR HEARING

- WINS—American Radio News Corp., New York City—Special experimental authority for period ending August 1, 1934, to increase power to 5 KW and make changes in equipment, to be heard by Commission en banc June 6.
- WLEY—Albert S. Moffat, Lexington, Mass.—C. P. to move transmitter and studio to Lowell, Mass.
- NEW—H. E. Sudebaker, Lewiston, Idaho—C. P. for new station; **1420 kc.**, 100 watts, unlimited time (consideration under Rule 6-g).

## ORAL ARGUMENT JUNE 13

Oral arguments are scheduled for June 13 on Examiner's Report No. 545 (WJBW, New Orleans, for unlimited time on **1200 kc.**, and WBBX, New Orleans, for voluntary assignment of license and renewal of license), and Report No. 546 (John L. Hopkins, Hammond, Ind., for C. P. for new station; WSBC, Chicago; WHBY, Green Bay, Wis.; WBOW, Terre Haute, Ind.; WGES, Chicago; WSBT, South Bend, Ind.; and WFBM, Indianapolis, Ind., for increased facilities on **1360 kc.**).

## MISCELLANEOUS

The applications of WMPC, LaPeer, Mich., for frequency change from **1500 kc.** to **1200 kc.**; WJBK, Detroit, Mich., for full time on **1500 kc.**; and WIBM, Jackson, Mich., for full time on **1370 kc.**, heretofore set for hearing, were removed from the hearing docket and granted as result of withdrawal of protest of Capital City Broadcasting Co., Lansing, Mich.

## APPLICATIONS RECEIVED

### First Zone

- WQDM—A. J. St. Antoine and E. J. Regan, St. Albans, Vt.—Consent to voluntary assignment of license to E. J. Regan and F. Arthur Bostwick, d/b as Regan and Bostwick.
- WAAB—Bay State Broadcasting Corp., Boston, Mass.—Modification of license to use the transmitter of Station WNAC.
- WNAC—Shepard Broadcasting Service, Inc., Boston, Mass.—Construction permit to increase power from 1 KW to 1 KW night and  $2\frac{1}{2}$  KW LS; also make changes in equipment (transmitter of WAAB).
- WNEL—Juan Piza, San Juan, P. R.—Modification of construction permit granted 12-15-33 to move transmitter to Brau and Tanca Streets, San Juan, P. R., and extend completion date to 90 days after grant.
- WESG—Cornell University, Elmira, N. Y.—Modification of license to change frequency from **1040 kc.** to **1090 kc.**, daytime operation until local sunset at Hot Springs, Ark.
- WORC—Alfred Frank Kleindienst, Worcester, Mass.—Extension of special experimental authority to operate on **1280 kc.**, power 500 watts, unlimited time, for period of three months; directional antenna to be used.
- WNBH—Irving Vermilyea, tr/as New Bedford Broadcasting Co., New Bedford, Mass.—Consent to voluntary assignment of license to E. Anthony & Sons, Inc.

### Second Zone

- WIBM—WIBM, Inc., Jackson, Mich.—License to cover construction permit granted 2-29-34 to move studio and transmitter locally and make equipment changes.

- NEW—F. L. Whitesell, Forty Fort, Pa.—Construction permit to erect new station to operate on **930 kc.**, power of 1 KW, daytime. Amended to be considered under Rule 6.
- NEW—William George Darrall, New Kensington, Pa.—Construction permit to erect new station to operate on **1420 kc.**, power of 50 watts, S. H.
- WPEN and WRAX—Wm. Penn Broadcasting Company, Philadelphia, Pa., and WRAX Broadcasting Company, Philadelphia, Pa.—Modification of construction permit (2-P-B-2509) for extension of completion date to 8-1-34.
- WRAK—WRAK, Inc., Williamsport, Pa.—Construction permit to move transmitter to 244 W. 4th Street, Williamsport, Pa., and make equipment changes.
- WORK—York Broadcasting Co., York, Pa.—Special experimental authority to change frequency from **1000 kc.** to **1320 kc.**; change time from day to unlimited; make changes in equipment, using directional antenna for period ending 8-1-34, with power of 1 KW.

### Third Zone

- WENC—Americus Broadcast Corp., Albany, Ga.—Modification of construction permit granted 12-5-33 to move station and install new equipment for extension of completion date to 6-5-34.
- NEW—F. N. Pierce of F. N. Pierce & Co., Taylor, Tex.—Construction permit to erect new station to operate on **1340 kc.**, power of 250 watts, unlimited time.
- WREC—WREC, Inc., State Line (Desoto Co.), Miss.—Construction permit to increase power from 500 watts, 1 KW LS, to 1 KW,  $2\frac{1}{2}$  KW LS; move transmitter from Whitehaven, Tenn., to location 5 miles north of Memphis, Tenn., exact location to be determined; move studio from Hotel Peabody to U. S. Highway No. 51, State Line (Desoto Co.), Miss.; also make changes in antenna system.
- KGHI—Lloyd Judd Company, Little Rock, Ark.—Special experimental authorization to use power of 250 watts, night.
- WCSC—South Carolina Broadcasting Co., Inc., Charleston, S. C.—Modification of license to increase power from 500 watts to 500 watts, 1 KW LS.
- WJEM—Britt A. Rogers, Jr., Tupelo, Miss.—Modification of construction permit for extension of commencement and completion dates to immediately and 8-1-34, respectively.
- KXYZ—Harris County Broadcast Co., Houston, Tex.—Special experimental authority to increase power from 250 watts to 500 watts; also make changes in equipment.
- WPTF—WPTF Radio Company, Raleigh, N. C.—Extension of special experimental authorization to operate until 8 p. m., PST, for period ending 2-1-35.

### Fourth Zone

- KWCR—Cedar Rapids Broadcast Co., Cedar Rapids, Iowa—License to cover construction permit granted 1-16-34 and modifications.
- WIND—Johnson-Kennedy Radio Corp., Gary, Ind.—Construction permit to install new equipment and increase power from 1 KW to 1 KW, 2 KW LS. Amended re equipment and increase power to 1 KW,  $2\frac{1}{2}$  KW LS.

### Fifth Zone

None.

## APPLICATIONS RETURNED

- WQAM—Miami Broadcasting Co., Inc., Miami, Fla.—Construction permit to move transmitter locally. (Applicant's request.)
- WQAM—Miami Broadcasting Co., Inc., Miami, Fla.—Construction permit to move auxiliary transmitter locally. (Applicant's request.)
- WKBO—Keystone Broadcasting Corp., Harrisburg, Pa.—License to cover construction permit (2-P-B-3188) to make equipment changes and move station locally. (Jurat and geographical location.)
- WRAK—WRAK, Inc., Williamsport, Pa.—Construction permit to move transmitter to 244 W. 4th Street, Williamsport, Pa., and make changes. (Sections 14 and 15.)

# The National Association of Broadcasters

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

PHILIP G. LOUCKS, Managing Director

## NAB REPORTS

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### WAGNER AMENDMENT LOSES IN SENATE

By a vote of 42 to 23 the Wagner-Hatfield amendment to the Dill Communications Commission bill was defeated in the Senate on Tuesday. The Dill bill, however, with a number of amendments was adopted by the Senate. The bill now goes to the House.

In the meantime the House Interstate Commerce Committee concluded public hearings on the Rayburn Communications Commission bill and began consideration of the Rayburn measure in executive session. The Rayburn bill, in its original form, does not affect the present radio law and has the support of the broadcasters. Whether or not the Rayburn Committee will accept the amendments inserted in the Dill bill by the Senate was problematical. The NAB is taking the position that the Rayburn bill should be passed in its original form with such perfecting amendments as may be necessary and that the Senate amendments should be dropped from consideration in the House.

The Rayburn Committee has had three executive sessions and will undoubtedly continue its sessions next week with a view to reporting a bill some time next week.

Among the proposals before the Rayburn Committee is the amendment offered by Father Harney of WLWL to cancel all licenses within 90 days after passage of the act and reallocate all frequencies, giving 25 per cent to educational, religious and similar institutions. The NAB has protested against the adoption of the Harney amendment by the Committee and if adopted will carry the fight to the House floor.

In order that NAB members may be informed of the debate on the Dill bill which took place in the Senate last Tuesday, a report of the debate and vote, taken from the *Congressional Record*, is reproduced in this bulletin. All stations are urged to read every line of the debate carefully.

Stations are asked to keep in readiness for action in the event the Harney amendment is reported by the Rayburn Committee. The question is still a live one in the House and is being watched carefully.

As this issue of NAB REPORTS went to press, the complete text of the Dill bill was not available.

### REPORT OF DEBATE ON DILL BILL

The report of the debate on the Dill bill taken from the *Congressional Record* follows:

### REGULATION OF COMMUNICATIONS BY WIRE OR RADIO

The Senate resumed the consideration of the bill (S. 3285) to provide for the regulation of interstate and foreign communications by wire or radio, and for other purposes.

Mr. DILL. Mr. President, the communications bill is a bill of 104 printed pages. That, of course, is rather a large legislative document. I call attention, however, in the beginning to the fact that probably 70 to 75 pages of it comprise a rewriting of existing radio law and its amendments and of the Interstate Commerce Act and its amendments, and that the other parts of the bill which are new are the parts which create the new commission and provide for certain additional powers which the committee thought were necessary for the newly created commission to have for effective regulation.

There are a few sections in the bill which adapt certain provisions of the Interstate Commerce Act heretofore applying only to railroads, making them applicable to telephone and telegraph regulation. There are some sections in regard to radio regulation which were in H.R. 7716, a bill passed by both Houses of Congress in 1933,

which did not receive the signature of the President and died with the end of the session.

Briefly, the bill creates a new commission to be known as the "Communications Commission." It abolishes the Radio Commission and transfers all radio regulation to one division of the Communications Commission. It also repeals the radio laws which now exist and substitutes the provisions of this bill. It also transfers all powers over telephone and telegraphic communications from the Interstate Commerce Commission and the Postmaster General to the Communications Commission.

I invite attention to why it seemed important to us that we should enact new legislation rather than merely transfer the existing powers in existing law. The Interstate Commerce Act has been evolved over a period of about 50 years. I have in my hand a book of 242 pages and a supplement of 59 pages comprising the Interstate Commerce Act and amendments to it written primarily for the control of transportation. In 1910 an amendment was adopted which applied certain provisions of the then Interstate Commerce Act to telephone and telegraph companies and added certain new provisions. Since that time the Interstate Commerce Commission has given what might be called cursory attention to the regulation of telephone and telegraph matters, but in practical operation the regulation of the telephone and telegraph companies has been really nothing effective. It has amounted to very little. The Interstate Commerce Commission has been so busy with railroad questions that it has never given much attention to telephone and telegraph companies, and the latter business has grown only recently to such proportions that there have been sufficient complaints on the part of the public to seem to justify a separate organization to regulate and control them.

The Radio Act had in it certain provisions which have become obsolete. When written it referred to the Commerce Department certain powers for certain purposes. It also had a number of amendments made to it, and it seemed desirable to collect all those provisions in the new bill.

Then, too, there should be a regulation of the rates of radio telephone and radio telegraph if we are to have regulation of the rates of wire telephone and wire telegraph. I shall not today take the time of the Senate to enlarge at any length upon the size of the industry or all that it involves. I do want to call attention, however, to just a few facts.

The telephone monopoly and associated corporations have a capitalization and a tentative valuation of more than \$5,000,000,000. There are more than 20,000,000 individual telephones in the United States. Last year it was reported there were 27,000,000,000 individual telephone calls made by the people of the United States and more than 200,000,000 written messages over telegraph and cable. That is the largest use of communications service of any part of the world; in fact, I think it is as large as all the rest of the world combined.

Before I attempt to analyze the bill in detail permit me to say that the bill has been prepared with great care. After rather lengthy hearings a subcommittee of five members was appointed. I then secured the assistance of a representative of the Interstate Commerce Commission, Mr. Stough, who is an examiner; a representative of the Radio Commission; the acting chief counsel, Mr. Porter; and a representative from the State Department, Mr. Stewart, who handles communications. We had also Mr. Boots, of the legislative counsel of the Senate. In addition I had assisting me in connection with the legislation Mr. Stephan, who is an examiner of the Interstate Commerce Commission, and who was loaned to the committee for this work. These gentlemen went over the bill, not once but again and again, line by line, to see that it covered so far as possible all the existing law that is in the statutes which we are proposing to repeal, and also to see that it did not seriously conflict. I am safe in saying, therefore, it is one

of the most carefully prepared bills that has been reported for some time, at least by this committee.

After the subcommittee had gone over it with great care and revised it repeatedly, it was reported to the full committee and given some consideration there. Like any other piece of legislation, it may have its mistakes and weaknesses; but from a drafting standpoint, I maintain it is a very carefully prepared bill.

Mr. COUZENS. Mr. President—

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Michigan?

Mr. DILL. I yield.

Mr. COUZENS. May I ask if my understanding is correct that there is no authority in the bill to permit any consolidation of radio, telegraph, and telephone companies?

Mr. DILL. There is not. The bill reenacts section 17 of the present radio law of 1927, which specifically prohibits any merging of radio, telegraph, and cable services. It reenacts, however, that provision of the Interstate Commerce Act which permits the continuation of the merging of telephone companies which has been going on for many years.

Mr. COUZENS. But it would not permit the consolidation of the Postal and the Western Union?

Mr. DILL. No; it would not permit that, primarily because of the fact that the Postal and the Western Union are tied up with radio and cables in such a manner that a union of their subsidiary corporations would bring about a union which is forbidden by section 17 of the existing radio law.

Mr. COUZENS. Mr. President, will the Senator yield further?

Mr. DILL. I yield to the Senator.

Mr. COUZENS. Assuming that all these holding companies and consolidations and affiliations should be segregated, and the Postal and the Western Union should become separate entities, would they, under the proposed law, be permitted to consolidate?

Mr. DILL. No; I think not. There is no special statute permitting it, and therefore the antitrust statute probably would apply.

Now, taking up the bill, title I, containing the general provisions of the bill, creates a commission for the regulation of all radio and telephone and telegraph communications. We have attempted in title I to reserve to the State commissions the control of intrastate telephone traffic. We have kept in mind the fact that the Interstate Commerce Commission, through the Shreveport decision and the decisions in other similar cases, has gone so far in the regulation of railroads that the so-called "State regulation" amounts to very little.

We have attempted, in this proposed legislation, to safeguard State regulation by certain provisions to the effect that where existing intrastate telephone business is being regulated by a State commission, the provisions of the bill shall not apply. We have in mind, for instance, cases where a city has telephone service connecting into a number of States, such as we have right here in Washington, running out into Maryland and out into Virginia, and in New York the service runs into New Jersey, and I think perhaps into Connecticut, though I am not sure about that. There are many cases in the country where, without some saving clause of that kind, the State commissions might be deprived of their power to regulate; and the State commission representatives were jealous, in the preparation of this bill, that those rights should be protected, and we have attempted to do that.

Most of the definitions—and there are a considerable number of definitions—are taken from the present radio act, from the Interstate Commerce Act, and from the International Convention on Radio that is in force throughout the world.

This bill creates a Commission of five members. They are appointed for terms of 2, 3, 4, 5, and 6 years, and then are to be appointed for terms of 6 years, the salary being \$10,000 per year. I think the usual provisions relating to commissions are pretty well followed in the bill, with one exception. The bill sets up in the Commission two divisions—one the radio division, the other the telephone and telegraph division—and attempts to prescribe the jurisdiction of these divisions, and provides that the action of a division shall be the action of the Commission; each division to have two members, with the chairman acting as the chairman of each division when it is necessary for him to serve in that capacity.

That is a variation from the method that has been previously used, and I desire to say frankly that some members of the committee were doubtful about the wisdom of the provision; but it was kept in the bill, I think, because of this fact: When the Commission is created, if the action of a division is allowed to be appealed to the full Commission, as is the case in the Interstate Commerce Act, so many applications for changes of power and frequency and allotments of time by radio stations are likely to

come to the Commission, and whatever may be the decision of a division those decisions will be appealed to the full Commission, that the danger is that the full Commission will become a body giving all its time or the major part of its time to radio only, and that the regulation, study, and investigation of telephones and telegraphs will not receive the full time and attention that is believed necessary if there is to be any effective regulation.

It may be that the jurisdictional provision which attempts to say what each division shall handle will prove unworkable, or prove somewhat inflexible in operation; but, if that be the case, the Commission is specifically directed to report back to the Congress next February any recommendations it may desire to make for new legislation, and the Congress can easily remove the provision that sets up the divisions as I have stated.

I desire to say that the subcommittee and the full committee gave considerable consideration to this provision, recognizing that it is a departure from the ordinary method. It was adhered to in the report of the bill primarily in the hope that a certain number of members of the Commission would give their entire time to a study of the telephone and telegraph question, which never has been studied, and because of which there never has been any effective regulation.

I call attention in that connection to the report of Dr. Splawn, who was employed by the Committee on Interstate and Foreign Commerce of the House of Representatives to study the tariff question. His report indicated that there is a tremendous amount of work to be done if the facts are to be secured that are necessary to effective telephone regulation.

Title II—

Mr. COUZENS. Mr. President, before the Senator reaches that title, I should like to ask him a question. I was not able to follow the bill all through the committee. May I ask why the committee left out all reference to civil service as it appears on page 9?

Mr. DILL. I think the bill provides for civil service with the exception of certain employees.

Mr. COUZENS. That is what I wanted to draw to the Senator's attention. There is a very long list of exceptions, much longer than usually appears where exceptions are made to civil-service regulations.

Mr. DILL. I think not, with the exception that we have provided for a director of each division, and for a clerk to each commissioner. I think one of the weaknesses of the commission system in the civil service is that a commissioner is not able to pick his own clerk; and it seemed to the committee that a commissioner ought to have the right to select one confidential clerk outside the civil service.

Mr. COUZENS. I am not out of harmony with the committee's view in that respect, but I wish to draw the Senator's attention to the particular language at the top of page 9, which says:

Without regard to the civil-service laws or the Classification Act of 1923, as amended, (1) the commission may appoint and prescribe the duties and fix the salaries of a secretary, a chief engineer and one or more assistant chief engineers, a general counsel and one or more assistants, experts, and special counsel—

It seems to me the word "experts" includes the whole category. Mr. DILL. No; those are the provisions, I think, that are now in the Radio Act and, I think, to a limited extent in the Interstate Commerce Act. The second provision, providing for a clerk, is new, and also the provision for a director of the division. The director of the division was provided for the reason that it was believed that a great many purely administrative acts requiring no particular discretion can be performed by a director if he is authorized by the commission to perform them, his acts, of course, always being subject to revision, modification, reversal, or appeal to the Commission. That is especially true in the radio division, where there are so many thousand amateur applications presented and licenses to be issued; and I think there will be a great deal of work in the telegraph and telephone division that can be done in that way.

Title II is the common-carrier section, and provides for the regulation of telephones and telegraphs, both wire and wireless. Under this title most of the sections are taken from the Interstate Commerce Act; but section 201 is an adaptation of a provision of the Interstate Commerce Act now applying to railroads. It provides that the Commission may set up through routes by physical connections if it finds it necessary to do so, just as may be done now with railroads. The committee believed that was a power the Commission should have if it was to be effective in its regulation.

Section 202, paragraph (b), is new, and covers the regulation of the charges for chain broadcasting. That section was thought

to be desirable because the charges for the use of wires for chain broadcasting have been without any control whatsoever.

Section 203 is a requirement for the publication and filing of schedules and is taken from the Interstate Commerce Act, which at the present time applies only to railroads. It was the thought that that provision should be applied to telephone and telegraph schedules.

Section 204 gives power to suspend new rates, just as is done by section 15 of the Interstate Commerce Act, relating to railroads.

Section 211 expands the interstate commerce provisions so that the Communications Commission may require copies of all contracts by communication companies instead of only contracts with other carriers, as the law now requires. This was recommended by the Radio Commission.

Section 212 extends the prohibition against interlocking directorates to the communication companies—that is, extends it to the point that the directorates must be approved by the Commission.

Mr. BLACK. Mr. President, will the Senator yield?

Mr. DILL. I yield to the Senator.

Mr. BLACK. The Senator has passed over section 207.

Mr. DILL. That section is copied from the Interstate Commerce Act. The sections I am not mentioning have been copied from the Interstate Commerce Act practically verbatim.

Mr. BLACK. Section 207 provides that a suit can be filed either before the Commission or before any district court of the United States of competent jurisdiction. That is not intended to deprive the State court of jurisdiction?

Mr. DILL. I do not know that it deprives it of jurisdiction, but it provides specifically that the suit may be brought in that way. The section is copied from the Interstate Commerce Act now applying to telephones and telegraphs. It is the existing law.

Section 213 makes the valuation of communication company properties permissive instead of mandatory, as section 19 (a) of the Interstate Commerce Act does as to railroads.

Section 214 provides for certificates of necessity for communication companies, such as are required for railroads, although there are inserted provisions giving the Commission power to be quite liberal in its interpretation of the section.

Section 215 is the investigation section; and I desire to say something about that.

When the bill was originally introduced, we provided that the Commission should have control over what are known as "inter-service contracts" between the parent and the subsidiary company. The language was quite broad. Mr. Gifford, of the telephone company, was insistent that it would wreck the telephone company's business and make it impossible for the company to do business, and painted a very black picture.

In light of the fact that it was an entirely new power, the committee struck out that provision and substituted, instead, a direction to the Commission to make a study of these interservice contracts, and report to Congress regarding them, and to recommend to Congress whether there should be legislation controlling the contracts between the parent and its subsidiaries and affiliates.

I think it is generally well known by those who know anything about the set-up of the telephone monopoly, that under the present arrangement the parent telephone company, the American Telephone & Telegraph, not only owns the operating companies in the principal cities in the United States—I understand there are some 71 companies—but it owns the manufacturing company, the Western Electric, which supplies the operating companies with the equipment of the telephone business, and there is no competitive bidding on the part of those who would sell equipment to the operating companies.

Charges have been made—and they have been quite free and quite broad—that there is a tremendous spread of profit between the cost to the Western Electric of manufacturing the equipment and the prices paid by the operating companies which buy the equipment from Western Electric, the result being not only that there is an enormous profit on the operating equipment but the investment of the operating companies in equipment becomes part of the rate base in the various States, upon which the subscribers must pay a sufficient amount to give a return of a reasonable percentage.

How much of these charges are true I cannot say, but it seemed to the committee that it was highly desirable that the Commission should investigate that whole situation and report back to Congress as to whether or not the Commission should be given authority to control such contracts and to control competitive bidding.

It is a policy which has developed not only in the telephone business, but we are all familiar with the way it has worked with all corporations which own subsidiaries and affiliates. Particularly

is that true in the power business, where they build bridges, dams, and plants through the means of subsidiaries, and pad the costs of the projects.

On page 32 the committee added an amendment providing that the Commission should investigate the methods by which the wire-telephone companies are furnishing wire-telegraph service and wire-telephone companies are furnishing wire-telephone service. In the code bearings recently many charges have been made back and forth as to the practices of these companies. The committee, not knowing the facts, felt that this was something the Commission should investigate, and that it should make a report to Congress with its recommendations.

Mr. BLACK. Mr. President, will the Senator yield?

Mr. DILL. I yield.

Mr. BLACK. Looking at section 215, which the Senator was just discussing, does the Senator construe that section as giving authority to the Commission to investigate the profits, for instance, of the company which supplies the equipment?

Mr. DILL. That is the intent. It may be that it is not broad enough. If the Senator thinks the language needs broadening, I should be very glad to have him suggest an amendment. The intent is to give the Commission power to find all the facts and report back to the Congress as to whether the Commission should be given power to control the contracts.

Mr. BLACK. I assumed that was the intent, and I doubt whether the language is broad enough.

Mr. DILL. I shall be very glad to have the Senator offer an amendment, if he thinks it is not sufficiently broad, and I will be glad to consider it.

The sections I am not reading are sections which are copied practically verbatim from the Interstate Commerce Act, and are existing law. Section 219 provides for the reports of subsidiaries and affiliates and requires the naming of stockholders who own more than 5 percent of the stock. Whether that will be particularly effective or not is doubtful. I understand that there is nobody who owns 5 percent of the stock in the telephone business. The telephone company has put on a campaign to have its subscribers buy a share of stock, and in that way make them interested, of course, in the perpetuation of the financial system of the telephone company. But certainly it is not a burdensome requirement, to say the least. We also require reports on the salaries and bonuses of the officers and directors, and that is new as compared with the existing law, as it is provided in the Interstate Commerce Act.

Title III refers to the radio division, and is largely a rewriting of the provisions of the radio law of 1927, which are, in effect, of amendments which have been adopted, and of provisions of H.R. 9716, which passed both Houses, but was not signed by the President, and did not become a law because of the expiration of the Congress on March 4, 1933.

There are one or two new sections in that title which I desire to mention. Section 307 provides for a study of the question of the allocation of facilities for educational and religious broadcasting. I think perhaps every Senator here has had one or more telegrams or letters urging support for an amendment which is pending, offered by the Senator from West Virginia [Mr. HATFIELD] and the Senator from New York [Mr. WAGNER], seeking to allocate by statute 25 percent of the radio facilities to those engaged in broadcasting on a non-profit basis.

I may say that the committee considered that amendment, voted on it, and rejected it, but felt that this question was of such importance, and that there was so much public sentiment in this country for a larger use of radio facilities for educational and religious and other nonprofit purposes, for broadcasting on a nonprofit basis, that it would be well to have the Commission make a study of the subject and report to Congress as to whether or not Congress should actually legislate on it, or whether the Commission should handle it, and what its plans might be. I shall not discuss that further at this time but will probably have something to say about it when the amendment is presented to the Senate.

Mr. BONE. Mr. President, will the Senator yield?

Mr. DILL. I yield.

Mr. BONE. I have in my hand a copy of the so-called "Wagner-Hatfield amendment," and I gather from a hasty reading of it that it provides for the allocation of a certain percentage of licenses to be issued to broadcasting stations. Is that to be confined to new stations, or is it to apply to old stations to be set over to that type of work, or is it to apply to part of the time on present stations?

Mr. DILL. The Senator will have to judge that language, and I would rather not discuss the amendment now, because it will be offered at a later time.

Mr. BONE. I have not had time to read it carefully.

Mr. DILL. We will have time to discuss it later.

I call attention also to section 310, which considerably changes the present law relating to foreign ownership of communication companies and makes these requirements apply to the holding companies.

The holding company system has made such legislation necessary. A private corporation comes to the Radio Commission and secures a license to do business, and then we find that that private corporation is merely a subsidiary of some big company that is interested in a great many other organizations, perhaps communication companies and organizations of another nature, and is in reality the power that determines what use shall be made of those radio facilities.

The committee gave very careful consideration to this provision. It is a controversy which is not new. It has been before the committee and has been brought up on the floor of the Senate repeatedly. No doubt Senators who have given any study to the subject are familiar with the fact that the officials of the Navy Department insist that we should have 100-percent-owned foreign communications, and that there should be 100-percent American directorates. At first thought, that appeals to many who study the question, but in practical operation, it is found that it is too rigid a requirement, and that it would not be necessary to have such a provision in order to protect our communications system in case of trouble with a foreign country. So, after much consideration and study, the committee has written into the bill a provision that none of the officers of the company shall be foreigners, that not more than one-fifth of the capital stock shall be owned and voted by foreigners, and that not more than one-fourth of the directors shall be foreigners, and have extended the time for these requirements to go into operation until June 1, 1935.

We did that for the reason that one of the companies thinks it is necessary to go to the legislature of the State in which it was incorporated and secure some change of law in order that it may change its charter. I personally do not think that is necessary, but not desiring to be unjust in any manner to any of these companies, we agreed to this provision.

I think we have amply safeguarded the protection of the American communications service, because, after all, if an emergency shall arise and the country shall go to war, the President will have power under the law to seize all communication companies, and have absolute control of all communication companies with facilities in the United States. So that really I think the law fully protects American rights, and, at the same time, will permit our international communication companies to compete with companies in foreign countries with whom they must compete to establish facilities in those countries.

Title IV is the procedural and administrative section. Most of this title is taken from the existing law, but I wish to speak particularly of section 402, which is the section relating to appeals.

Before I do that, however, I think I ought to say something about sections 313 and 314, which relate to the prohibition against monopoly and to conviction by courts.

We change the law slightly there, so that if the court which has the power to take away the license of a licensee because it has violated the antitrust law, finds the licensee guilty but does not take away that license, then the Commission will not be compelled to revoke the license, but, of course, if the court takes away the license, the Commission will be prohibited from granting another license. The change was one which was insisted upon by certain organizations, and it seemed fair to the committee to do that.

Section 402, concerning which I started to speak, is what is known as the appeals section relating to the courts. There was considerable difference of opinion in the committee, and especially in the subcommittee, regarding this appeals section. We were confronted with a difficult problem. The Interstate Commerce Act provides for appeals from its orders and appeals from its actions in what are known as the "three-judge" district courts of the country. The Radio Act provides for all appeals under that act in the courts of the District of Columbia.

If we shall have one commission handling the entire wire and wireless system, it would seem rather incongruous to have two systems of appeal. In any case it would hardly be proper that the appeals from the decisions of the Commission relating to the common carriers engaged in wire communications should go to one set of courts and those relating to common carriers engaged

in wireless communications should go to another set of courts. So we wrote this provision providing that certain of the decisions of the Commission should be appealed to the three-judge district courts and that certain exceptions should be made relating to decisions of the Commission affecting radio. It provides that the three-judge court appeal provision may apply to orders of the Commission "applicable to suits to enforce, enjoin, set aside, annul, or suspend any order of the Commission under this act (except any order of the Commission granting or refusing an application for a constructive permit for a radio station, or for a radio station license, or for renewal of an existing radio station license, or for modification of an existing radio station license)."

Those exceptions are to be prosecuted in the district courts as under the existing Radio Act, and we have followed the language of the appeal section of existing radio law as to those particular appeals.

I desire to call attention to what I think is an important fact to consider in this appeal provision. Those owners of radio broadcasting stations living long distances from the District of Columbia should not be required to come to Washington to prosecute an appeal from a decision for which they were not responsible. When I say "were not responsible" I mean a decision which was granted against them or affecting them when they did not bring the case into court. A station owner who lives in the Rocky Mountain area, or who lives in the far West, and who is compelled to come to the District of Columbia to prosecute his appeal, finds himself faced with an expense of from \$400 to \$500 for the mere trip of coming here, an equal amount for his attorney, if he brings one, and then the attorney fees in addition. I say of personal knowledge that some of the station owners have found it almost impossible to finance appeals in that way. So we provide that where the decisions of the Commission are made in cases wherein the stations took no part in beginning the suits, appeal may be taken in the three-judge district courts in the jurisdictions where the stations are located. But in the case where the applicant for the license or the permit, or whatever it may be, comes to the Commission and asks for a change in his license or asks for a new license, or asks for something to be done by the Commission, then if the Commission makes a decision from which he desires to appeal he must make his appeal in the courts of the District of Columbia.

In other words, if the station owner has money enough to come here in the beginning to prosecute his case before the Commission, it is fair to assume that he has money enough to continue the appeal here. Not only that, but the refusal of the Commission to grant an application is a decision from which no appeal can be taken in the Federal district courts. It must be taken in the courts of the District of Columbia. So we have worked out this amendment, which is not satisfactory to all members of the committee, but which I think is fair, and which I believe will be found to be practicable and to work in a satisfactory manner.

Title V is the penal section, and combines the provisions of the Interstate Commerce Act and of the Radio Act as to penalties and forfeitures, although we have reduced the amounts of the penalties and the forfeitures considerably from that they are in the Interstate Commerce Act, for the reason that we felt that not so much money being involved and not so large interest being involved it was not fair to make the penalties so severe.

In title VI will be found the miscellaneous provisions which are to provide for the transfer of employees and the records and the property of the Radio Commission, and the unexpired appropriations, and the provisions that the new Commission may change, of course, the compensation and classification of the employees.

I have made this general statement. I have omitted discussing many parts of the bill for the reason that they are copied directly from existing law or acts which have been previously passed by both Houses. If any Senator desires to ask any question I should be glad to answer them. If not I shall ask to take up the committee amendments first.

Mr. President, I ask unanimous consent that the bill may be read and that the amendments of the committee may first be considered.

The PRESIDING OFFICER (Mr. MURPHY in the chair). Is there objection? The Chair hears none, and it is so ordered.

The first amendment was, in section 3, paragraph (r), page 6, line 15, after the word "exchange," to insert a comma and the words "and which is covered by the exchange service charge," so as to make the paragraph read:

(r) "Telephone exchange service" means service within a telephone exchange, or within a connected system of telephone

exchanges within the same exchange area operated to furnish to subscribers intercommunicating service of the character ordinarily furnished by a single exchange, and which is covered by the exchange service charge.

The amendment was agreed to.

The next amendment was, in section 5, paragraph (c), on page 14, line 4, after the word "exceed," to strike out "\$8,000" and to insert in lieu thereof "\$7,500," so as to make the paragraph read:

(c) Each division may (1) appoint a director, without regard to the civil service laws or the Classification Act of 1923, as amended, at an annual salary which shall not exceed \$7,500 per annum; and (2) hear and determine, order, certify, report, or otherwise act as to any matter under its jurisdiction, and in respect thereof the division shall have all the jurisdiction and powers conferred by law upon the Commission, and be subject to the same duties and obligations. Any action so taken by a division and any order, decision, or report made or other action taken by either of said divisions in respect of any matters assigned to it shall have the same force and effect, and may be made, evidenced, and enforced in the same manner as if made or taken by the Commission. The secretary and seal of the Commission shall be the secretary and seal of each division thereof.

The amendment was agreed to.

The next amendment was, in section 5, paragraph (d), on page 14, line 16, after the word "prescribe," to insert a comma and—

And may be affirmed, modified, or reversed: *Provided, however,* That the authority of a director to make orders shall not extend to investigations instituted upon the Commission's own motion nor, without the consent of the parties thereto, to contested proceedings involving the taking of testimony at public hearings.

So as to make the paragraph read:

(d) The director for each division shall exercise such of the functions thereof as may be vested in him by the division, but any order of the director shall be subject to review by the division under such rules and regulations as the Commission shall prescribe, and may be affirmed, modified, or reversed: *Provided, however,* That the authority of a director to make orders shall not extend to investigations instituted upon the Commission's own motion nor, without the consent of the parties thereto, to contested proceedings involving the taking of testimony at public hearings.

The amendment was agreed to.

The next amendment was, in section 202, paragraph (a), page 16, line 8, after the word "discriminate," to insert the word "unjustly"; and on line 10, after the word "with," to strike out the word "such" and to insert in lieu thereof the word "like," so as to make the paragraph read:

SEC. 202. (a) It shall be unlawful for any common carrier to discriminate unjustly in charges, practices, classifications, regulations, facilities, or services for or in connection with like communication service, directly or indirectly, by any means or device, or to make or give any undue or unreasonable preference or advantage to any particular person, class of persons, or locality, or to subject any particular person, class of persons, or locality to any undue or unreasonable prejudice or disadvantage.

Mr. COUZENS. May I ask just why the word "unjustly" is inserted? Will the Senator from Washington please interpret that?

Mr. DILL. There was some thought on the part of some members of the committee that possibly the word "unjustly" was necessary so that there could not be any doubt as to discrimination. I do not think it is particularly important. Has the Senator any objection to it?

Mr. COUZENS. It seems to me that it would put a restriction on the Commission which is hardly necessary in the act.

Mr. DILL. There might be minor variations which it was felt ought to be overlooked and that it would make the provision a little stronger.

Mr. COUZENS. I have always assumed that a discrimination was unjust per se.

Mr. DILL. I presume that is true.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The next amendment was, in section 214, paragraph (a), on page 29, line 7, after the word "service," to insert "or the supplementing of existing facilities," so as to make the paragraph read:

SEC. 214. (a) No carrier shall undertake the extension of any line, or the construction of a new line, or shall acquire or operate any line, or extension thereof, or shall engage in transmission over or by means of such additional or extended line, unless and until there shall first have been obtained from the Commission a certificate that the present or future public convenience and necessity require or will require the construction, or operation, or construction and operation, of such additional or extended line: *Provided,* That the authority conferred upon the Commission by this section shall not extend to the construction, operation, or extension of (1) a line within a single State, unless said line constitutes part of an interstate line, or (2) local, branch, or terminal lines not exceeding 10 miles in length: *Provided further,* That the Commission may, upon appropriate request being made, authorize temporary or emergency service, or the supplementing of existing facilities, without regard to the provisions of this section.

The amendment was agreed to.

The next amendment was, in section 215, on page 32, line 9, to insert a new subsection, as follows:

(h) The Commission shall investigate the methods by which and the extent to which wire telephone companies are furnishing wire telegraph service and wire telegraph companies are furnishing wire telephone service, and shall report its findings to Congress, together with its recommendations as to whether additional legislation on this subject is desirable.

The amendment was agreed to.

The next amendment was, in section 307, paragraph (h), on page 50, line 11, after the word "located," to strike out "*Provided further,* That no frequency used for broadcasting shall be reserved for the use of one station for a distance of more than 2,200 miles, airline, if any person, capable of rendering radio service in the public interest, make application to operate broadcasting apparatus on any frequency so reserved, at a point beyond the distance of 2,200 miles, airline, from the station or stations already licensed and operating on said frequency, and all applications and licenses considered and granted under this provision shall not be counted as a part of the quota of the zone in which said additional stations are located"; on line 23, after the word "may," to strike out "without regard to quota restrictions"; and on line 25, after the word "exceeding," to strike out "250" and to insert in lieu thereof "100," so as to make the paragraph read:

(b) It is hereby declared that the people of all the zones established by this title are entitled to equality of radio broadcasting service, both of transmission and of reception, and in order to provide said equality the Commission shall as nearly as possible make and maintain an equal allocation of broadcasting licenses, of bands of frequency, of periods of time for operation, and of station power, to each of said zones when and insofar as there are applications therefor; and shall make a fair and equitable allocation of licenses, frequencies, time for operation, and station power to each of the States and the District of Columbia, within each zone, according to population. The Commission shall carry into effect the equality of broadcasting service hereinbefore directed, whenever necessary or proper, by granting or refusing licenses or renewals of licenses, by changing periods of time for operation, and by increasing or decreasing station power, when applications are made for licenses or renewals of licenses: *Provided,* That if and when there is a lack of applications from any zone for the proportionate share of licenses, frequencies, time of operation, or station power to which such zone is entitled, the Commission may issue licenses for the balance of the proportion not applied for from any zone, to applicants from other zones for a temporary period of 90 days each, and shall specifically designate that said apportionment is only for said temporary period. Allocations shall be charged to the State or District wherein the studio of the station is located and not where the transmitter is located: *Provided further,* That the Commission may also grant applications for additional licenses for stations not exceeding 100 watts of power if the Commission finds that such stations will serve the public convenience,

interest, or necessity, and that their operation will not interfere with the fair and efficient radio service of stations licensed under the provisions of this section,

The amendment was agreed to.

Mr. WHITE. Mr. President, I think I appreciate the strength of the sentiment in favor of an amendment of this sort. Certainly that sentiment was indicated in the last Congress. Yet I think we are making a serious mistake when we undertake in this respect to depart from the practice which has heretofore been followed and from the spirit of the present law.

The so-called "Davis allocation amendment" provided for an equal distribution of these facilities among the zones which were set up in the 1927 act, and provided for their distribution among the States within the zone according to the population thereof. This proposal lifts out from under that equalization amendment stations of 100 watts.

I myself have felt very strongly that the wise thing for us to do was either to adhere to the "Davis amendment," so-called, adopted in 1930, which provides for equality among the zones and for equality of service among the States, based on population, or that we should repeal the Davis amendment in its entirety and lodge in the licensing authority the jurisdiction and power to make allocations wherever it might seem possible to do it technically without undue interference with other services.

I simply want these views of mine to be a matter of record at this point. I think we are doing an unwise thing.

Mr. DILL. Mr. President, I want to say in justification of the amendment, especially for the benefit of some Senators who were not here at the time the Radio Act was passed, that the provision is designed to make it possible to have small stations, not exceeding a hundred watts in power, located in small communities far removed in many cases from existing stations. It is especially needed in those zones of large area, particularly in the western section of the country. We have found that a station of a hundred watts is heard only a short distance, and the Commission has established the policy of requiring most of the hundred-watt stations to be of the same frequency, because they cannot interfere with one another at very far distances.

Yet when applicants from different small communities have come to Washington and made application for a hundred-watt station to supply service to their particular communities, while the evidence might show that such a station could not possibly interfere with the service of any other station, yet because of the quota restriction, that State or that zone having exhausted its quota facilities so that a new station would exceed what is called the "quota" of the zone or State, the application must be denied.

So it seemed to the committee in the bill that was passed a year ago, and it seemed to the committee, I think, again that no serious harm could result in the equality of service by permitting the Commission, in its discretion, when it would not interfere with existing facilities, to violate that equality provision to the extent of a hundred watts, and allow many of the lonely communities of the country to have a radio station which could never have it otherwise. That is why the provision was put in the amendment.

Mr. O'MAHONEY. Mr. President, may I ask the Senator why the language in lines 23 and 24 on page 50, "without regard to quota restrictions," is stricken out?

Mr. DILL. Primarily because the law has never mentioned quotas. That is a device of the Radio Commission. The law says "equality of service and facilities," and we did not think it wise to give legal sanction to the word "quota." Many of us believe that the method of the present Radio Commission in arriving at this equality is not a sound method, and we did not want to give legal sanction to that method.

Mr. O'MAHONEY. Is not the word "quota" used to denominate the restrictions imposed by the Davis amendment?

Mr. DILL. No; it is not. It says "equality of radio service and radio facilities." The Commission invented the quota system and arbitrarily set up a certain value. I shall not go into that, for it would take too long; but it set up certain values for certain stations with certain power, and proceeded to charge, according to their own arbitrary figures, districts or zones and States and communities with what they called a "quota." We do not want by this legislation to bind the new Commission to that kind of an interpretation of "equality of service and facilities" provided by law.

Mr. O'MAHONEY. Did the Senator explain why, in the judgment of the committee, it was wiser to make a limitation of a hundred watts instead of 250 watts?

Mr. DILL. I think it was because the bill that passed in 1933 had that provision, and then I think that a 250-watt station might be so large as seriously to interfere with service.

Mr. O'MAHONEY. Would we not be safe in giving the Commission complete discretion?

Mr. DILL. That was what the Senator from Maine [Mr. WHITE] suggested. We debated in committee the wisdom of abolishing the Davis amendment and as to whether or not the whole matter should not be left to the Commission. I think I speak for the Senator from Maine as well as for myself when I say that neither of us felt strongly enough about it to propose a change or to make much of a fight. So we just concluded that this legislation should be enacted, and then later if the new Commission thinks it ought to be changed or Congress thinks it ought to be changed, we can consider that question.

Mr. O'MAHONEY. It is a fact, is it not, that under the Davis amendment there are certain western States which are in areas not overquoted, so to speak, and which cannot receive any new licenses although they themselves have very few licenses.

Mr. DILL. The Senator's statement is correct. I think it may be said in justification of those of us who wrote the original radio law that when we created the zones we did not create them with any thought of the division of facilities, but we created them for the purpose of representation on the then radio commission. Later we found there was such a tremendous concentration of radio stations in a few centers of population that the wisest way to meet that situation was to use the zones and provide for equality of service.

The Senator from Wyoming was not in the Senate at that time, but there was a very strong feeling about it, and the fight was rather heated. So the creation of the zones was made not on the basis of radio facilities but on the basis of having a representation largely by the population of the country.

I think there is much to be said for the abolition of zones, and yet our experience with the concentration of great stations in a few communities was so unsatisfactory and aroused such bitter feeling that I have hesitated to move at this time to strike it out. It was my thought, and the thought of the committee, I think, that we might experiment to the extent of 100 watts and see whether or not it would cause and serious interference, and that possibly that would result in a sentiment to abolish the entire Davis provision.

Mr. O'MAHONEY. As I understand the Senator, the language which is now proposed is such that it will clothe the Commission with the power to establish new stations of 100 watts regardless of zones?

Mr. DILL. Yes; if the Commission finds that they will not interfere with other services.

Mr. NORRIS. Mr. President, I should like to ask the Senator how close in miles two stations of 100 watts may be located without interference?

Mr. DILL. I think generally they try to separate them by a hundred miles, and certainly not much more than that is required, although they might interfere with one another, but the service range of a 100-watt station is quite small; it is only a few miles.

Mr. NORRIS. How many miles?

Mr. DILL. Five, ten, or fifteen miles, at most, and it is not reliable at all beyond that distance. Probably 5 miles is all that it can actually be counted upon, although, in many cases, such a station can be heard for longer distances, and may oftentimes be heard for 15 or 20 miles.

Mr. WHITE. Mr. President, the interfering effect of these 100-watt stations, however, may be very great. It is the carrier wave which interferes and this may extend over a very appreciable distance, whereas the receptive quality of the transmission may be very much limited.

Mr. DILL. The Commission, however, tried to remedy that by placing these 100-watt stations with a view to wave lengths, letting them interfere with one another if they interfere at all.

The PRESIDING OFFICER. The clerk will state the next amendment reported by the committee.

The next amendment was, in section 307, paragraph (c), page 51, line 8, after the word "of," to insert the word "nonprofit"; in line 10, after the word "of," to insert "nonprofit"; and at the beginning of line 11 to insert "not later than February 1, 1935," so as to make the paragraph read:

(c) The Commission shall study the proposal that Congress by statute allocate fixed percentages of radio broadcasting facilities to particular types or kinds of nonprofit radio programs or to persons identified with particular types or kinds of nonprofit activities, and shall report to Congress, not later than February 1, 1935, its recommendations, together with the reasons for the same.

The amendment was agreed to.

The next amendment was, in section 310, page 55, line 22, after the word "foreign," to strike out "country: *Provided, however,* That nothing herein," and insert the word "country"; and at the beginning of line 24, to insert "nothing in this subsection," so as to make the section read:

#### LIMITATION ON HOLDING AND TRANSFER OF LICENSES

SEC. 310. (a) The station license required hereby shall not be granted to or held by—

- (1) Any alien or the representative of any alien;
- (2) Any foreign government or the representative thereof;
- (3) Any corporation organized under the laws of any foreign government;
- (4) Any corporation of which any officer or director is an alien or of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representatives thereof, or by any corporation organized under the laws of a foreign country.

(5) Any corporation directly or indirectly controlled by any other corporation of which any officer or more than one-fourth of the directors are aliens, or of which more than one-fourth of the capital stock is owned of record or voted, after June 1, 1935, by aliens, their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country.

Nothing in this subsection shall prevent the licensing of radio apparatus on board any vessel, aircraft, or other mobile station of the United States when the installation and use of such apparatus is required by act of Congress or any treaty to which the United States is a party.

(b) The station license required hereby, the frequencies authorized to be used by the licensee, and the rights therein granted shall not be transferred, assigned, or in any manner either voluntarily or involuntarily disposed of, or indirectly by transfer of control of any corporation holding such license, to any person, unless the Commission shall, after securing full information, decide that said transfer is in the public interest, and shall give its consent in writing.

The amendment was agreed to.

Mr. WAGNER. Mr. President, may I inquire whether under the procedure adopted in connection with the consideration of this bill the committee amendments are first to be disposed of, and that then we will be at liberty to offer individual amendments to the bill?

The PRESIDING OFFICER. The Senator is correct in his understanding. The clerk will state the next amendment reported by the committee.

The LEGISLATIVE CLERK. In section 311, page 56, line 15, after the word "station," it is proposed to strike out "to any person, or to any person directly or indirectly controlled by such person" and to insert "to any person (or any person directly or indirectly controlled by such person) whose license has been revoked under section 313, and is hereby authorized to refuse such station license and/or permit to any other person (or to any person directly or indirectly controlled by such person)," so as to make the section read:

SEC. 311. The Commission is hereby directed to refuse a station license and/or the permit hereinafter required for the construction of a station to any person (or to any person directly or indirectly controlled by such person) whose license has been revoked by a court under section 313, and is hereby authorized to refuse such station license and/or permit to any other person (or to any person directly or indirectly controlled by such person) which has been finally adjudged guilty by a Federal court of unlawfully monopolizing or attempting unlawfully to monopolize, after this act takes effect, radio communication, directly or indirectly, through the control of the manufacturer or sale of radio apparatus, through exclusive traffic arrangements, or by any other means, or to have been using unfair methods of competition. The granting of a license shall not estop the United States or any person aggrieved from proceeding against such person for violating the law against unfair methods of competition or for a violation of the law against unlawful restraints and monopolies and/or combinations, contracts, or agreements in restraint of trade, or from instituting proceedings for the dissolution of such corporation.

The amendment was agreed to.

The PRESIDING OFFICER. That completes the committee amendments.

Mr. WAGNER. Mr. President, I offer an amendment which I ask the clerk to read.

The PRESIDING OFFICER. The amendment will be stated. The LEGISLATIVE CLERK. It is proposed, on page 51, to strike out lines 6 to 12, inclusive; on page 51, line 13, to strike out "(d)" and insert in lieu thereof "(c)"; on page 52, line 1, to strike out "(e)" and insert in lieu thereof "(d)"; and on page 52, after line 3, to insert the following:

(e) To eliminate monopoly and to insure equality of opportunity and consideration for educational, religious, agricultural, labor, cooperative, and similar non-profit-making associations, seeking the opportunity of adding to the cultural and scientific knowledge of those who listen in on radio broadcasts, all existing radio broadcasting licenses issued by the Federal Radio Commission, and any and all rights of any nature contained therein, are declared null and void 90 days following the effective date of this act, anything contained in this act to the contrary notwithstanding.

(f) The Commission shall, prior to 90 days following the effective date of this act, reallocate all frequencies, power, and time assignments within its jurisdiction among the five zones herein referred to.

(g) The Commission shall reserve and allocate only to educational, religious, agricultural, labor, cooperative, and similar non-profit-making associations one fourth of all the radio broadcasting facilities within its jurisdiction. The facilities reserved for, or allocated to, educational, religious, agricultural, labor, cooperative, and similar non-profit-making associations shall be equally as desirable as those assigned to profit-making persons, firms, or corporations. In the distribution of radio facilities to the associations referred to in this section, the Commission shall reserve for and allocate to such associations such radio broadcasting facilities as will reasonably make possible the operation of such stations on a self-sustaining basis, and to that end the licensee may sell such part of the allotted time as will make the station self-supporting.

Mr. WAGNER. Mr. President, the amendment is a very simple one. I believe that it is in accord with the sentiment of Congress and I am sure that it is in accord with the sentiment of the country. It simply provides that when the new communications commission reallocates time, power, and frequencies among the different stations 25 percent shall be allotted to cultural, educational, religious, agricultural, labor, cooperative, and similar non-profit-making organizations.

The PRESIDING OFFICER. Seventy-nine Senators have answered to their names. A quorum is present. The question is on agreeing to the amendment of the Senator from New York [Mr. WAGNER].

Mr. WAGNER. Mr. President, as I was about to state when I yielded for a quorum call, we must consider that the privilege to use the air is allotted to radio stations without any compensation being paid the Federal Government. Commercial stations enjoying the free use of the air have captured 98 percent of the broadcasting today, while non-profit-making stations, devoted to educational, religious, cultural, agricultural, and labor purposes have secured only 2 percent.

This amendment does not in any way interfere with the larger stations. They may continue to use all their time for purely profit-making purposes. But when they have these great privileges certainly we ought to insure that a part of radio time shall be used for the public purposes I have indicated. To me the proposition that at least 25 percent should be allocated to nonprofit ventures seems so fair that I cannot understand the opposition to it. I desire to emphasize that at present they get only 2 percent of the time while 98 percent is allotted by our Government, without charge or tax or regulation, to the large stations which have secured a practical monopoly of the air.

I do not need to go into the question of the power of radio stations to disseminate information and to influence opinion, because that is something which we all understand.

Unless there are questions to be asked, that is all I have to say about the amendment.

Mr. BORAH. Mr. President—

Mr. WAGNER. I yield to the Senator from Idaho.

Mr. BORAH. I am very much in sympathy with the objective which the Senator's amendment contemplates; but the amendment provides:

All existing radio broadcasting licenses issued by the Federal Radio Commission, and any and all rights of any nature contained therein, are declared null and void 90 days following the

effective date of this act, anything contained in this act to the contrary notwithstanding.

Is there nothing in these radio licenses in the way of a right that must be respected when we come to terminate them?

Mr. WAGNER. Not so far as I know, Mr. President. Let me indicate to the Senator the conditions upon which frequencies are now allotted. They are allotted for a period of 6 months, at the end of which time the Government can say to them, "Your license is at an end, and we are going to give the use of the air on this frequency to some other station."

Mr. BORAH. Yes; I understand that, and I think that is a wise thing to do; but prior to that time have the stations holding licenses no rights which the Government is bound to respect in any way when it comes to terminate them?

Mr. WAGNER. None, except that I suppose termination must be in accordance with public convenience and necessity. I know of no other rights which the stations acquire. Let me read to the Senator the condition of the application:

Applicant waives any claim to the use of any particular frequency, or of the ether, as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests a station license in accordance with this application.

Mr. BORAH. It is true that the stations get no vested right; but during the time the license is in existence do they not enter into obligations with people for the use of the stations?

Mr. WAGNER. Yes; but they cannot make their obligations for longer than a period of 6 months, because that is the limit of their grant from the Government.

Mr. BORAH. If this provision were to the effect that upon the termination of the several contracts, and so forth, the time should be allotted differently, it would be perfectly clear to me that it was a proper thing to do. It seems rather extraordinary that Congress shall declare null and void contracts which have been let under authority of Congress.

Mr. WAGNER. The Senator does not mean the contracts between these commercial stations and individuals whom they serve. He has in mind, rather, the length of the license granted to the stations by the Government.

Mr. BORAH. Certainly.

Mr. WAGNER. As a matter of fact, no license extends beyond a period of 6 months; so, if the time prescribed in this amendment were lengthened to 6 months, perhaps that would take care of the situation.

Mr. BORAH. I think it would.

Mr. DILL. Mr. President, will the Senator yield?

Mr. WAGNER. Yes.

Mr. DILL. There is not any doubt at all in my mind that Congress does not have the power to cut off these licenses. The decision of the Supreme Court, written by Chief Justice Hughes last year, while it is broad and sweeping in its declarations that there were no rights beyond the date of the expiration of the license, was equally decisive, I think, that the Commission could not take away the license unless it could be shown that the station had violated the terms of the license, or had violated the law, and a hearing had been held and that license revoked. I think there is no question at all about that.

Mr. WAGNER. Does the Senator mean that the Government which gives a license to a station for a period of 6 months, cannot revoke it at the end of the 6 months?

Mr. DILL. Oh, no; but the Senator is saying "3 months."

Mr. WAGNER. Very well. I will consult the co-author of the amendment upon that proposition. If there is any fear that 90 days is too short a time, I am quite willing to make it extend to the expiration of the particular license in existence when the act takes effect. May I ask the co-author of the amendment his view in that respect?

Mr. HATFIELD. Mr. President, I think that adjustment should be made. I agree with the Senator.

Mr. WAGNER. Yes; I am quite willing to have that done, and I thank the Senator for the suggestion.

Mr. FESS. Mr. President, I do not like the kind of legislation that the amendment carries, and yet at the same time it seems to me that it is quite essential that something of this sort should be done.

Ever since the radio has been an agency of communication there has been complaint about the slight attention given to matters of an educational character, cultural, as well as religious. I very much dislike to write into the law any compulsion. It is rather antagonis-

tic to my way of thinking of things; and yet I believe everyone must be impressed with the pollution of the air for commercial purposes until it is actually nauseating. The practice is to turn off the radio about as quickly as one gets to it, because so much of the matter broadcast is offensive. Whether or not the extent to which we are going here is justifiable is still a question in my mind.

The Senator from New York probably will recall that some time ago I offered an amendment to the Radio Act allocating not less than 15 percent of the time for educational purposes. I never could get any reaction in favor of it. As soon as it was offered, the stations began a propaganda against it; just why I do not know; and the same thing would be true here.

Whether or not this is the way to place a greater emphasis on the things that are really worth while than merely matters of trade and barter is still a matter of doubt in my mind. I like the suggestion that the Commission shall be authorized to make a study of the subject, but I rather feel inclined to vote for this amendment.

Mr. DILL and Mr. WAGNER addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Ohio yield; and if so, to whom?

Mr. FESS. I yield to the chairman of the committee.

Mr. DILL. Mr. President, I call the attention of the Senator to the fact that this amendment does not propose at all what the Senator proposed in the amendment to which he refers. He proposed that the time allotted should be used by educational stations, presumably for educational purposes; but subsection (g) of this amendment provides that the so-called "religious, educational, or agricultural nonprofit stations" are to sell time in the commercial field sufficient to pay for the maintenance of the stations.

I am informed by those who ought to know about the radio business that probably two thirds of the existing radio stations are notable to do more than pay for their own maintenance now. Thus, it is proposed by this amendment to grant 25 percent of the radio facilities to those who call themselves educational, religious, nonprofit stations, but who in reality are planning to enter the commercial field and sell a tremendous amount of their time for commercial purposes. That is not what the people of this country are asking for.

Mr. FESS. That is not quite what I had in mind.

Mr. DILL. That is not what the Senator from Ohio proposed; but this amendment is in effect a proposal to transfer the control of 25 percent of the radio facilities to organizations or individuals who say that they desire to broadcast for nonprofit purposes, but who are allowed to sell time to commercial purchasers; and if time is sold to a commercial purchaser, he is going to advertise. He is not going to pay for time unless he does advertise.

In my judgment, therefore, this amendment falls of its own weight.

Mr. COUZENS and Mr. CLARK addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Ohio yield; and if so, to whom?

Mr. FESS. I yield to the Senator from Michigan.

Mr. COUZENS. Mr. President, may I point out that section (g) of this amendment does not require any one of these stations to broadcast any religious or educational programs at all. After having once gotten a license under the provisions of this amendment, the whole time allotted to the station can be used for commercial purposes. That is permissible under the provisions of the last few lines on page 2 of the amendment.

Mr. FESS. I could hardly support a proposition of that kind.

Mr. WAGNER. Mr. President, of course, I deny that statement. There certainly is a difference. I think we must be candid about that—between being able to use for commercial purposes a sufficient time to have the station self-sustaining and making a profit out of it. There is a tremendous difference between the two things.

I am willing that the matter should be safeguarded in any other way, except that I think it is fair that the station should be permitted to do sufficient business to make it self-sustaining. We might put in the amendment, if desired, a stipulation that shall not include wages and salaries paid to anybody, because the people who are interested in this proposal represent the type of station which was in existence earlier in this whole adventure, people who used the air for educational and religious purposes, and who time after time since then—because I myself know something about one instance—made application to the Radio Commission for a little more time to use for such purposes. Instead of that, however, they were set aside, and the large commercial stations, as we know, practically secured a monopoly of the air, because apparently they were more persuasive than the small stations conducted by churches and religious institutions.

It is those institutions which I say we should help. If the Senator wants to safeguard the amendment in any other way, I am quite

willing to accept an amendment; but I have had some experience in this matter, and I know exactly what I am talking about.

Let us not be too solicitous for the large stations, commercial stations, which, through the favor of the Government, without giving to it a dollar in return, have secured practically a monopoly of the air. This is just an entering wedge to have the Congress declare that at least part of the time shall be used for other purposes. If there is any safeguard the Senator wants to provide, I am sure that my colleague, who is offering this amendment with me, and I will be glad to accept it.

Mr. CLARK. Mr. President, will the Senator from Ohio yield?

Mr. FESS. I yield.

Mr. CLARK. I am familiar with the instance to which the Senator from New York has referred, and in which I think an injustice was done by the Federal Radio Commission to a very worthy radio station operated by a religious order. But the Senator from New York has drawn an amendment, having in mind that one particular case, which would open the door and allow many stations, under the guise of religious and educational enterprises, to come in to compete with commercial companies. I happen to know something about that matter myself, as the Senator from New York says he knows about the case of the Paulist Fathers.

In Missouri there were several stations ostensibly organized for religious purposes or for educational purposes, but which, as a matter of fact, were profit-making institutions. As the Senator from Washington said a moment ago, they were simply organized under the guise of religious or educational institutions for the purpose of competing with ordinary radio stations.

Mr. WAGNER. Mr. President, will the Senator from Ohio yield to me?

Mr. FESS. I yield.

Mr. WAGNER. The Radio Commission would have power to inquire whether a station represented a profit-making or a non-profit-making institution, and the former would be denied the privileges granted by the amendment. I am quite willing to accept any language which any Senator might offer to insure that only non-profit-making organizations would be encompassed. I hold no brief against the commercial stations, but I do not believe they are entitled to 98 percent of the time. Under the amendment, they will still have 75 percent of it.

Mr. COPELAND. Mr. President, will the Senator from Ohio yield?

Mr. FESS. I yield.

Mr. COPELAND. I take it that this matter never would have reached the floor of the Senate if there had been some elasticity and yielding on the part of the Radio Commission. I tried, and I have no doubt my colleague has tried, from what he said here today, to get the Commission to make certain concessions which, it seems to me, might have been done; but those concessions were not made. So this particular station has no other means of relief except to come here.

Mr. WAGNER. Mr. President, will my colleague permit me to say a word?

Mr. COPELAND. I yield.

Mr. WAGNER. I hope my colleague will not create the impression that this amendment is offered to help one particular station. I believe thoroughly in the principle underlying the amendment. I am one of those public officials who is tired of a few radio stations having a complete monopoly of the air, and using it purely for commercial purposes.

Mr. DILL. Mr. President—

Mr. FESS. I have yielded to the senior Senator from New York.

Mr. COPELAND. Mr. President, I venture to say that this matter would not have reached the floor of the Senate except for the need of the particular station at the moment, but, nevertheless, the need of that station has emphasized the need of other stations.

I can see no reason why we should not pass a general law which would make it possible for these educational and religious radio stations to broadcast the material they have to broadcast. Why should they not be given the opportunity to sell a part of their time in order to pay the costs of the station? Of course, the commercial stations are making tremendous sums out of the sale of radio time, and, personally, I am glad of that; nevertheless, there is no reason why church hodies and educational institutions should not have the opportunity of taking some of the channels and making use of them for educational and religious purposes primarily, and, incidentally, selling some of the time in order that they may recoup the great expenses involved, because the cost of radio broadcasting is very high. Certainly, as I view it, the amendment offered by my colleague is a perfectly proper one, and should be adopted.

Mr. HATFIELD. Mr. President, will the Senator from Ohio yield?

Mr. FESS. I yield.

Mr. HATFIELD. I may say to the Senator from New York that the amendment is here, in my judgment, because of the support given it by the National Education Association of America.

Mr. FESS. Mr. President, I must confess that no particular institution, outside of the educational movement, actuated me in introducing the amendment 4 years ago, and in pressing it, though not unduly, because I had the hope that the reform would ultimately be made without any legislation. Nothing that has been said in reference to any particular interest has had any effect upon my mind. My only concern is that the air should not be polluted, as is permitted to be done, and when we know that it is the profit element that is back of that pollution and makes it possible, it occurs to me that we ought to correct the situation, if that is injurious to the public thinking of the country.

I should hesitate to have Congress do anything that would lead to prescribing what could go over the radio and what could not go over the radio. I would not vote for anything of that sort; I would not want to censor the air; but I do think that there ought to be some assurance that there should be some reform of the present situation, with which everybody is now acquainted. For that reason I have been more or less inclined to vote for some measure that will insure to the country some relief along the line that has been urged so long by the National Education Association. The amendment which I offered was to carry out the wishes of a great body of our people. As I said, I have not pressed it, because I had hoped that under pressure of public opinion the correction would be made without any legislation.

Mr. DILL. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Washington?

Mr. FESS. I yield to the chairman of the committee.

Mr. DILL. I wish to call the attention of the Senator in that connection to a resolution adopted by the Committee on the Use of Radio as a Cultural Agency in a Democracy, which met here in Washington on May 7 and 8 under the auspices of the National Committee on Education by Radio at the Interior Building. Among the various paragraphs they adopted in their resolution I call attention to one. I may say that this amendment was called to the attention of that body. I read:

#### IMPARTIAL STUDIES

Thorough, adequate, and impartial studies should be made of the cultural implications of the broadcasting structure to the end that specific recommendations can be made for the control of that medium to conserve the greatest social-welfare values. These studies should also include an appraisal of the actual and potential cultural values of broadcasting; the effective means for the protection of the rights of children, of minority groups, of amateur radio activities, and of the sovereignty of individual States; the public services rendered by broadcasting systems of other nations; international relationships in broadcasting.

In other words, they do not recommend the adoption of this amendment. They recommend, rather, a study. While they set out some things which are not in the provision of the bill as to studies, it is clear that they are not ready to recommend that 25 percent of the facilities be set aside for educational and religious institutions.

Let me call to the attention of the Senator why what they say is so. It costs a tremendous amount of money to build large radio stations. The religious and educational and cultural organizations do not have the money necessary, and they are trying to work out some system whereby existing stations may be used, probably in addition to the 63 stations which already are in operation, of an educational and nonprofit nature, and still not be burdened with the great expense of building stations.

Mr. WAGNER. Mr. President, will the Senator from Ohio yield to me?

Mr. FESS. For a moment.

Mr. WAGNER. May I suggest that the Radio Commission has been studying this question since its formation. And while all this study has been going on application after application for educational purposes has been denied, while the commercial radio stations have kept growing, growing, growing, growing until they have obtained 98 percent of the total facilities. What is the good of this kind of study, and how much more of it do we need? It seems to me it is now time for a congressional declaration of policy.

Mr. FESS. Mr. President, the Senator from New York makes rather a strong statement, and it is very impressive. He states that during all the period when there was opportunity for study, we end up with a slight 2 percent of the use of the time for culture. That is a very strong statement, and it is persuasive on the minds of us all.

Since we are creating a specific commission which has to deal with this problem, along with others, and this one it seems to me is commanding, I still am concerned about whether it would not be better for the Congress to definitely instruct the proposed commission to report, on this particular subject, rather than for us to write the provision into statute law at this time. In fact, Mr. President, it was my thought that in reporting the bill we ought to confine the bill to the recommendations of the President. It was thought in the committee that we would have to go further than that. My thought was that if we confined the bill to the recommendations of the President, then the commission could go into all these subjects and make their recommendations as a commission to Congress for any needed legislation, in the same way as we look to the Interstate Commerce Commission for recommendations for such amendments to the transportation act as they deem wise.

I should have much preferred to have limited the legislation in such manner. I could have voted for it with much more freedom than I will vote for this provision, because it goes considerably further than I wanted to go.

My only purpose in rising is to state that I am disgusted, as I know a great portion of our people are disgusted, with the pollution of the air for mere commercial purposes. How to correct the situation is a problem. I should prefer to leave it to the study of a select group, which ought to be able to tell us the possibilities of correcting the situation, rather than to write it into the law at the present time, and yet I have an open mind on this subject.

Mr. HATFIELD. Mr. President, as a member of the Interstate Commerce Committee, I join with Senator WAGNER in the presentation of the amendment which directs the communication commission created by this bill to allocate and assign to educational, religious, labor, farm, fraternal, cooperative, and other institutions dedicated to human welfare and higher education, 25 percent of the radio facilities under control of the Government.

Mr. President, this amendment is offered with the hope that Members of the Senate interested in retaining private initiative in business, with a greater knowledge of the past than is indicated by those in control of commercial radio stations of today, will benefit by past experiences.

Education has been carried to a greater degree in our country than any country in the world. The aim and the object of almost every family is to secure a better education for the children than the parents themselves were permitted to secure. Untold sacrifices have been made by millions of parents of our country to provide a higher education for their offspring.

My State, as many others, provides a State university, at the expense of the taxpayer, for higher education for those who will give the time to secure it.

Despite, Mr. President, the \$636,000,000 which the citizens of our country give toward education privately, despite the \$2,822,000,000 spent by the National, State, and other political subdivisions of government, at the expense of the taxpayer, for education, we find that radio is today so commercialized that less than 2 1-5 percent of radio time is controlled by educational institutions.

The annual report of the Federal Commissioner of Education indicates that there are some 30,000,000 of our people attending day schools and colleges. These schools employ more than 1,300,000 teachers.

Yearly we spend some \$3,000,000,000 on education, 88 percent of which is raised by taxation and the balance is contributed for the support of private schools and colleges in the form of tuition and donations.

Education is, or was, a State function, but is supported chiefly by local taxation. Education was a State function until our schools developed extension courses and radio became an interstate rather than a State or a local matter.

Education is defined in Webster's International Dictionary as—

The process of developing mentally or morally; to cultivate, develop, or expand the mind; the impartation of or acquisition of knowledge, skill, or discipline of character.

The Federal Commissioner of Education states:

Human education is a process of individual growth and development beginning with birth and ending only with death, requiring at the outset much effort on the part of others in discovering, nourishing, and directing inherent potentialities, but,

at every stage, demanding increasing self-reliance and self-control.

The interest of the American people in education may be judged from the fact that the value of public-school properties in 1920 was less than \$3,000,000,000, while in 1930 our schools carried a value of more than \$6,000,000,000, or an increase in 10 years of more than 100 percent. These figures do not include colleges or schools for higher education.

The question has been raised as to who is interested in promoting the adoption of the amendment offered by Senator WAGNER and myself. The answer could well be that every parent, every one of our 1,300,000 teachers, every one of the 30,000,000 attending our schools and colleges seeking an education is interested. And, we might well add, every thoughtful American who realizes that an educated people is an asset of more value than either wealth or physical power.

Indeed, Mr. President, the boys and girls of today are the greatest assets that the American people possess for America.

Naturally, were it possible for all of these many millions to make their demands heard, there would be but little, if any hesitancy in the speedy adoption of the amendment which has been presented.

The educational, religious, labor, and other groups, however, realizing how this wonderful instrument for education—radio—has been monopolized for private profit, have organized, and they have unanimously demanded legislation whereby the Radio Commission will be directed to assign a fair portion of the radio facilities to educational and other non-profit-making bodies be enacted by the Congress.

The National Education Association, the National Association of State Universities, the National University Extension Association, the National Association of Parents and Teachers, the National Association of Land Grant Colleges and Universities, among others, have petitioned for this legislation through which the radio can be made available for the purpose of spreading education and culture among our millions of radio listeners.

The Reverend John B. Harney, superior general of the Paulist Fathers, appeared before the Interstate Commerce Committee and made a valiant plea for radio facilities to be assigned to educational institutions and other human-welfare, non-profit-making groups.

The National Committee on Education by Radio, sets forth the following:

That colleges and universities, with radio broadcasting stations, have in their possession one of the most powerful and effective tools for popular education which exists at the present time.

That the broadcasting activities of educational institutions should be looked upon as major educational enterprises within these institutions, comparable in service and importance with other major departments.

That the officers of these institutions, their boards of control, and legislative bodies to which they look for appropriations should regard their services to individual students and the general public rendered by means of radio as an important and appropriate extension and supplement to similar services rendered within the classrooms of the institution.

That such services have a valid claim to public support and justify expenditure for equipment and personnel.

That the use of radio broadcasting as a constructive educational procedure is in its infancy, and, Mr. President, education by radio will remain in its infancy unless the Congress of the United States takes a hand and apportions a part of the vast radio opportunity, supposedly controlled by the Government, which can be sent broadcast throughout the country.

That the radio channels which are now in the possession of institutions are immensely valuable; that they should be retained and their use further developed, looking toward the growth of adult education which is now taking place throughout the country.

That this development of programs of adult education by radio stations associated with educational institutions will help to offset the present tendency toward centralization and network monopoly.

The National Committee on Education by Radio looks upon the service of radio stations associated with educational institutions as a service of the whole people. Such service is one of the highest uses to which this national resource can be put. Because such service concerns the entire body of citizens, it should be given first place when the question of assigning radio channels is before legislative bodies, the Federal Radio Commission, or the courts.

I have been reading from the report on Education by Radio, volume 2, nos. 1-27, inclusive, January 7-December 8, 1932, National Committee on Education by Radio.

Mr. President, it may be contended that commercial radio stations present educational programs or offer their facilities to educational institutions and other bodies for the presentation of such programs. The graciousness of these commercial stations may well be gaged by the time allotted such organizations as the American Farm Bureau Federation, the National Grange, the 4-H Clubs, and several other farm groups who collectively receive 1 hour each Saturday noon from the National Broadcasting Co. or the American School of the Air, promoted by the Columbia Broadcasting System, on weekdays about noon. A recent survey reveals that of the time assigned by commercial stations to educational or cultural programs, 80 percent is known as "sustaining time," when these stations would be presenting some programs at their own cost because of the inability to sell this time for advertising programs. Such is the attitude of those who are in control of the radio stations of this country toward those who are interested in educational movements by use of the air.

Educational institutions possessing radio stations are assigned mainly daytime operation, when it is common knowledge that the great mass of our people listen in after 6 o'clock at night.

The United States possesses 444 radio quota units, and the Federal Radio Commission has graciously assigned 9.61 units to educational institutions, or less than 2.2 percent of the radio facilities at their disposal.

As an example of how the Federal Radio Commission has treated our educational institutions that wish to operate radio stations, I might add that one of the pioneer educational institutions found itself on a channel with 51 stations broadcasting advertising and amusements.

The Senator from Washington [Mr. DILL], one of the radio experts of the Congress, is quoted in Education by Radio, issue of February 4, 1932, on his return from Europe, in part as follows:

American radio is weakest on the educational side. Education over the radio should be free from commercial interests.

It should be independent and free, just as our systems of public education are free and independent.

Mr. President, when, may I ask, are we going to have freedom for the educational institutions of America in the use of the radio, unless the Congress of the United States shall undertake at this time to direct the commission which is soon to be in control of radio to do something that will give educational opportunities to the boys and girls who are now suffering from the lack of such opportunities.

Representative E. L. Davis, at the time Chairman of the House Committee on Merchant Marine, Radio, and Fisheries, is quoted in the CONGRESSIONAL RECORD of February 10, 1932, as stating:

All the broadcasting stations in America combined only have \$28,000,000 invested in their stations and all of their equipment and apparatus, whereas the great listening public of America has \$100,000,000 invested in receiving sets.

Mr. President, if this amendment should be rejected, it would simply mean that the educational institutions of our country, and those who seek programs of a cultural type, will be forced to support government ownership and control of all radio facilities which will be their only means of providing the people of this country with the type of programs which the average man or woman will welcome into his or her home.

I think, Mr. President, that those who control the radio industry, if we may call it such, are short-sighted. I think they ought to be willing to concede to the educational institutions of America an opportunity to go upon the air and at seasonable hours which will give those who wish to listen in an opportunity to hear what some of our great educators have to say.

Mr. President, we are the only important country in the world that places control of radio facilities in the hands of those who seek private profit. Canada and England, as well as most other countries, own and control their radio facilities, and, unless this amendment, or some legislation of similar type shall soon be enacted into law, the Congress of the United States will find it essential and necessary to possess and to operate all radio facilities for the benefit of the people as a whole. The retort of those who now operate commercial radio stations to this suggestion may be that we would be placing a tremendous power politically in the administration which happens to be in power. I admit that such may be true, but I do not know of any administration which might be in power which would have a greater control over the radio facilities of this country than is possessed at the present time

by an administration which is not held responsible for its own acts.

What I stand for is the placing of responsibility in the administration of radio facilities and fixing that responsibility so that those who represent our educational system may know where to go in order to get what they are entitled to in the way of recognition on the air.

Mr. President, I have no criticism to make of the personnel of the Radio Commission, except that their refusal literally to carry out the law of the land warrants the Congress of the United States writing into legislation the desire of Congress that educational institutions be given a specified portion of the radio facilities of our country.

As was pointed out so ably by my colleague from New York [Mr. WAGNER], the Radio Act and the amendments thereto specifically provide that the holder of a broadcasting franchise shall obtain no property or vested right in the air. Yet the rules of the Radio Commission are such that those who possess clear channel stations under the rules of the Radio Commission are vested with the right to prevent the Radio Commission itself from placing any other broadcasting station, no matter how many hundreds or thousands of miles apart any of these clear channel stations may be, on the same wave length. This is a clear violation of the letter and the intent of the Radio Act and the amendments thereto.

When the radio trusts sought to deprive the Chicago Federation of Labor, which operate Station WCFL, about a year and a half ago, of the right to operate after 6 p. m. days, I had no hesitancy in introducing a bill in this body compelling the Radio Commission to respect the rights of the representatives of the American Federation of Labor and the Chicago labor organization. Before the committee was through hearing the evidence which was presented by the representatives of the American Federation of Labor and the Chicago labor organization a concession was made, and WCFL, the broadcasting station which had been erected by that organization at an expense to the labor group of some four hundred or five hundred thousand dollars, was allowed to broadcast and is now being operated and enjoyed by the American Federation of Labor and the Chicago labor movement.

This amendment, presented jointly by Senator WAGNER and myself, is not at all cumbersome, as it simply directs the new Communications Commission to allocate 25 percent of the radio facilities to stations devoted to education and human welfare. As my colleague, in offering this amendment, pointed out a while ago, if there is any thought upon the part of anyone in this body that these groups may undertake to over commercialize their stations we will agree to an amendment which will safeguard for all time what this amendment proposes, which is that this 25-percent allocation shall be made for the sole purpose of providing educational facilities and permitting the radio stations to be self-sustaining only.

This is not class legislation as no one class of our people will secure any gain by this legislation. The gain will be that of all our people, as I believe all of our people are interested in education and human welfare.

Mr. President, during the past 3 years education has suffered more acutely as a result of the depression than has any other department or activity of our Government. Many thousands of our schools have been closed and many hundreds of our colleges have been forced to continue on greatly curtailed appropriations. In many sections of my own State teachers went for months, almost for a period of a year, without any compensation for the services rendered by them in instructing the boys and girls of different communities.

Time after time have representatives from outstanding institutions come to Washington and insisted that those who had the authority to negotiate loans should grant them a loan, but so far as I know, up to the present time, no relief has been granted to any such institution.

Radio broadcasting reaches many millions of our people daily. The educators and others in our country who are seeking to build a higher standard for all Americans are denied opportunities which they should have. To my mind, these worthy organizations should be accorded the facility which they can so effectively use for the common good, and, I sincerely trust that the Senate will insist on the adoption of the pending amendment which is beneficial to so many and which is harmful but to few. And I might add that unless legislation of this type is soon enacted the few who might be injured by the amendment may find themselves bereft of the business they are now engaged in as the Congress will find it essential and necessary to take over all radio facilities and operate them for the common good.

Mr. COPELAND. Mr. President, as the Senate well knows, for the past year I have been acting as chairman of a special

committee on the investigation of crime. If one thing has been brought home to me more than any other, it is the problem of juvenile delinquency. There can be no question, I believe, that every effort in the direction of the prevention of juvenile delinquency is in the interest of good government, good citizenship, and the progress of the Nation.

I have been distressed at the failure of certain branches of the moving-picture industry, and I do not say this in general, because when we regard the moving-picture industry by and large, we must conclude, I am sure, that it has done well in its self-censorship. But in some quarters there is a lamentable failure to appreciate the high place the moving pictures might hold in American life.

So, too, I have been impressed with the importance of the various agencies like the Boy Scouts, the Girl Scouts, and other similar organizations which have to do with the improvement of the life of American youth. As I view the problem we must find ways, too, to make more effective and direct the religious training of our children. Here it is, in my opinion, that the radio can do a much larger part than it has done in the past. I would not wish to disturb the radio industry as it is now organized. But if there is such failure as has been indicated here, to make use of the educational and religious instruction which might be given through this agency, certainly it is time the Senate gave consideration to the subject.

I cannot see why the amendment offered by my colleague the junior Senator from New York [Mr. WAGNER] and the Senator from West Virginia [Mr. HATFIELD] may not be appropriate for adoption by the Senate. I think it would be wise for us to adopt it. If there had been greater readiness on the part of the Radio Commission to deal with the problem it would not have reached us.

The Radio Commission have done a fine job. They have done a splendid work. My sympathies are with them. But there are certain activities which somehow or other have not been taken care of by that body, and this is one of them. If there is no other or better way to deal with it than by the adoption of the amendment, I think the matter should be given this consideration. This appears necessary in order that there may be such use of the radio as to impress upon the American public those ideas in education and religion which are so important to the building of character and to the development of good behavior.

Mr. DILL. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Washington?

Mr. COPELAND. I yield.

Mr. DILL. I wish to call the Senator's attention to the fact that from the organization of the Radio Commission down to January 1, 1932, only 81 applications were presented to the Commission for educational stations. Of this number 32 were granted in full, 27 in part, 10 were denied, and 10 dismissed at the request of the applicants. Thus there were only 71 who would have taken a license if they could have gotten it. Has the Senator stopped to consider the fact that it is financially impossible for these institutions actually to build and operate these stations without becoming commercial and advertising stations?

Mr. COPELAND. Yes; I may say I realize that to be a fact. To operate a radio station costs a lot of money. But if we find a religious or educational body willing to take the chance of disposing of certain commercial time in order that the main objective may be reached, which is the dissemination of religion or education, I think certainly we should give consideration to their willingness to do so.

Mr. DILL. Does not the Senator think a much more practical result might be obtained by working out some system of requiring stations to permit a certain part of their time to be used for these purposes and requiring that in the licenses of existing stations?

Mr. COPELAND. No; I do not think so.

Mr. DILL. That is the only way the religious and educational broadcasts can ever be gotten out to the people generally, because they are the only stations which can get those broadcasts out in that way.

Mr. COPELAND. There is no question that the existing stations have done a great work along the line suggested by the Senator from Washington. For example, in disseminating the sermons which are broadcast every Sunday, there is no doubt that very great good has been done and much happiness brought to the American people. But there are institutions which have definite programs of character building and definite programs in educational development or progress where it is not possible for the casual use of a station now and again to accomplish what the originators of the various programs have in mind. Therefore I believe that where there are educational and religious bodies willing

to assume the responsibility of carrying on the work we might well give consideration to permitting them to have the radio channels in order that they may do the work in question.

Mr. DILL. Mr. President, I shall not detain the Senate at any great length, but in light of the statements which have been made by the proponents of the amendment I feel that I should make some explanation of the reason why this amendment was rejected.

The amendment was presented by Father Harney, of the Paulist Fathers, representing station WLWL in New York. Full hearings were had, and the committee considered it carefully and rejected the amendment by an overwhelming vote, but adopted instead a provision in the bill requiring the Commission to make a study of the question of educational broadcasting, and to submit recommendations to Congress.

It might be concluded from the arguments made here by those who propose this amendment that the committee and I are not anxious for educational and religious broadcasts. I think the record of my activities in radio will show that I have always been one of the most insistent among those who wanted to see a larger use of radio for educational, religious, and fraternal purposes and for non-profit purposes generally. I am extremely anxious now that some plan may be worked out for a larger use of radio for educational and religious purposes; but the amendment presented by the Senators from New York and West Virginia does not suggest the proper method, in my judgment, to bring about such a result.

In the first place, the amendment proposes to wipe out all existing allocations. It did propose to allow 3 months, which now has been changed, I understand, to 6 months, because it would be impossible under the law to wipe out the licenses before they had expired except for violation of the law.

In the second place, it compels a reallocation by the new commission of all the stations in the United States within a period, as the amendment has been changed, of 6 months. I think that is impracticable. I do not believe the new commission will be able to reallocate all the stations in that short period of time.

The third and strongest objection which I have is that these stations are not to be what we understand as educational and religious stations merely, but they are to be stations that are to sell time on the air to advertisers who will make use of the stations for advertising purposes. Thus we are simply changing the ownership of these stations from the present commercial owners to owners who call themselves nonprofit organizations.

The records show that a large percentage of stations are not making any money as it is. It is safe to say that even if these nonprofit organizations could borrow money—and I do not know where they could borrow it, but if they could borrow money with which to build these stations and maintain them, it would require the sale of between 60 and 75 percent of their valuable time to maintain the stations and pay back the money which it would cost to build the new stations.

I remind the Senate that it costs a large sum of money to build a high-power radio station and to employ the engineers that may be necessary, and so to handle the station that its broadcasts may be heard throughout the country.

Mr. LOGAN. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. THOMAS of Utah in the chair). Does the Senator from Washington yield to the Senator from Kentucky?

Mr. DILL. I yield.

Mr. LOGAN. The Senator says it requires a large sum of money to build and operate a radio station. For my own satisfaction, I should like to know approximately what one of these large radio stations costs?

Mr. DILL. Anywhere from one hundred to two hundred thousand dollars.

Mr. LOGAN. So an educational or religious or nonprofit association would have to provide some such sum as that in order to establish a station?

Mr. DILL. They would have to, if they established a high-powered station. I am told that it costs practically as much each year to operate and maintain a station as it does to build it in the first place.

This is not a new subject. I myself, with the Senator from Michigan, in 1931 induced the Senate to pass a resolution to investigate the question, particularly of educational stations. A series of questions was propounded to the Radio Commission. I have here the answers to some of those questions, and I particularly call attention to the reply to the question—

What applications by public educational institutions for increased power and more effective frequencies have been granted since the Commission's organization? What refused?

Answer. In the period—

Since the organization of the Commission—

from February 23, 1927, to January 1, 1932, the Commission considered 81 applications from educational institutions for additional and more effective radio facilities, 52 of which were from public educational institutions and 29 from private educational institutions.

\* \* \* Thirty-two of these applications were granted in full; 27 were granted in part; 10 were denied; \* \* \* 10 were dismissed at the request of the applicant.

So, out of 71, all but 10 were granted either in full or in part.

There are today some 63 stations operated in the United States by educational, agricultural, religious, or nonprofit organizations, but none of them exceeds 5,000 watts. There is one 5,000-watt station, and I think there are one or two 1,500-watt stations and one or two 1,000-watt stations, but the large percentage of them are small stations. They are used only for a few hours a day and some of them for only a few hours a week.

It is the conviction on the part of those who have made a study of this subject that this question must be solved in some other way. I am not prepared to say what is the best method. I may say, however, that the owners of large radio stations now operating have suggested to me that it might be well to provide in the license grant that a certain percentage of the time of a radio station shall be allotted to religious, educational, or nonprofit users by their paying the actual cost of operation for the hours which they actually use such station.

Mr. LOGAN. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Washington yield further to the Senator from Kentucky?

Mr. DILL. I yield.

Mr. LOGAN. I should like to ask the Senator who is going to determine how much of the total time allotted shall be allocated to labor, how much to education, and how much to religion?

Mr. DILL. I was coming to that very point in just a moment and I will answer it now. If we should provide that 25 percent of time shall be allocated to nonprofit organizations, someone would have to determine—Congress or somebody else—how much of the 25 percent should go to education, how much of it to religion, and how much of it to agriculture, how much of it to labor, how much of it to fraternal organizations, and so forth. When we enter this field we must determine how much to give to the Catholics probably and how much to the Protestants and how much to the Jews.

Mr. LOGAN. And to the Hindus.

Mr. DILL. Yes; and probably the infidels would want some time.

Mr. LOGAN. Yes; there is a national association of atheists. They perhaps would want their part of the time.

Dr. DILL. Yes; and when we go into the field of the educational institutions, it must be determined how much time shall be given to State institutions, how much to private institutions, how much to land-grant colleges, and so forth. So we find ourselves right back in the same maze of difficulties in which we now are. We must go to the Commission to subdivide the time; so that the difficulty today is not in the law; the difficulty probably is in the failure of the present Commission to take steps that it ought to take to see to it that a larger use is made of radio facilities for education and religious purposes. However, it should be said in defense of the Commission that religious and educational institutions do not have the money with which to build and maintain radio stations. The Senator from North Dakota [Mr. FRAZIER] said to me a few moments ago that the educational radio station in his State has been compelled to close, not because the commission took away its time or restricted it, but because it did not have the money with which to operate. I myself have long believed that we ought to charge fees from commercial stations for the use of these frequencies and that such fees might well be put into a fund and used to establish a Government educational station. I hope something of that kind may be done, but just in what direction we should go, or how we should solve the problem, I am unable to say. I feel certain, however, that it would be a mistake for Congress by statute to fix absolutely 25 percent, 20 percent, 15 percent, 10 percent, or any other fixed percentage; but rather this discussion and this provision should cause the new commission to realize the importance of some serious, careful study of this question with a view to submitting recommendations to the Congress as to what, if anything, should be done by Congress.

Mr. OVERTON. Mr. President—

Mr. DILL. I yield to the Senator from Louisiana.

Mr. OVERTON. What is considered to be educational? Has

that term any well-defined meaning? Is music educational; is song educational; is the drama educational?

Mr. DILL. Undoubtedly there is an element of education in all of them. I want to say in that connection, in answer to the Senator from New York, who said that only 2 percent of our radio time is used for educational and religious purposes, that he was speaking of the 63 stations which I have mentioned and not of the 550 or 600 other stations that continually put on educational and religious programs. I dare say that many of the speeches of the Senator from New York, as well as those of other Senators, would be considered partly educational, at least. They are put out by the large radio chains which furnish the American people the great radio programs.

I recognize the objection on the part of educational organizations to accepting free time from a commercial station. That objection is that they feel themselves handicapped; they feel themselves limited in the freedom they would like to have to present educational subjects because they may be offensive to the station from which they receive time. I recognize that as an objection, and because of that I think some plan should be worked out which would enable them to make some payment and have the free right to the use of the air; but I cannot believe, with the present financial status of the educational and religious organizations of this country, that there is any hope of their using 25 percent of our radio facilities effectively, even if we gave them the right under this bill. They have not the money and there is nowhere they can secure money except they go into the commercial field and themselves become commercial stations.

Mr. WAGNER. Mr. President—

Mr. DILL. I yield to the Senator from New York.

Mr. WAGNER. I should like to ask the Senator whether the Commission, in granting licenses to any of the larger purely commercial stations, ever made it a condition for granting the license that any part of the time he used for religious, cultural, or educational purposes?

Mr. DILL. I think not; and I suggest that that is one of the possibilities that might be worked out.

Mr. WAGNER. They have had a long time in which to think about it.

Mr. DILL. I am not defending the Radio Commission; Heaven knows, I do not hold any brief for the present Radio Commission; I am glad it is going to be abolished and that new policies will be established by the Radio Commission.

Mr. BORAH. Mr. President—

Mr. DILL. I yield to the Senator from Idaho.

Mr. BORAH. I understood the Senator to state some time ago that his construction of this amendment was to the effect that those taking the allocation for religious, agricultural, and education and labor, and so forth, could turn the station into a commercial one.

Mr. DILL. The amendment specifically so provides, as the Senator will see if he will read subsection (g).

Mr. BORAH. I have read it.

Mr. DILL. Beginning in line 16, it reads:

The facilities reserved for, or allocated to, educational, religious, agricultural, labor, cooperative, and similar non-profit-making associations shall be equally as desirable as those assigned to profit-making persons, firms, or corporations. In the distribution of radio facilities to the associations referred to in this section, the Commission shall reserve for and allocate to such associations such radio broadcasting facilities as will reasonably make possible the operation of such stations on a self-sustaining basis.

The only way they could be "self-sustaining" would be by selling time; the only people to whom they could sell time would be advertisers, and the only use advertisers could make of the time would be to advertise their products on the air, just as they now do.

Mr. BORAH. The Senator then construes "self-sustaining" to mean that they must necessarily become "self-sustaining" from the commercial field?

Mr. DILL. I do not see any other method. Why would they sell time if they were self-sustaining?

Mr. BORAH. There would not be a sufficient demand from the religious, educational, and other uses to utilize all the time.

Mr. DILL. I will read the remainder of the subsection (g)—

And to that end the licensee may sell such part of the allotted time as will make the station self-supporting."

Mr. BORAH. Is that the construction of the Senator from New York?

Mr. WAGNER. I do say that organizations which exist for the purpose of making a profit are distinctly excluded from the use of this time.

Mr. DILL. But they do not make a profit until they make enough to more than pay for the cost of the station and the maintenance of the station. There would be no profit until they have paid those expenses.

Mr. HATFIELD. The Senator is now proposing an amendment, is he not?

Mr. WAGNER. I am quite willing to add, so there may be no question about it, "educational, religious, agricultural, labor, and cooperative associations which are not organized for profit and which do not directly or indirectly provide a source of profit for their members or employees or anyone else." That is as all-embracing as I can make it.

Mr. DILL. But the Senator proposes to leave the right to sell time and make the station self-supporting.

Mr. WAGNER. That is quite a different thing from profit. Such patronage may come, and undoubtedly will come, from the very educational institutions which will ask for time on these stations.

Mr. DILL. If the Senator is going to limit it to selling time to educational and religious organizations who will buy it, that is a different proposition. I do not know of more than one or two religious organizations which buy time. They are all given the time free.

Mr. WAGNER. They have their own stations.

Mr. DILL. A few of them have, but they have not the money with which to buy time. I feel that it would be absolutely impracticable, if we do not allot the time to commercial stations, to hope for them to raise any money.

Mr. BONE. Mr. President, will my colleague yield?

The PRESIDING OFFICER. Does the Senator from Washington yield to his colleague?

Mr. DILL. I yield.

Mr. BONE. As I read the proposed amendment, it would require the Radio Commission arbitrarily to destroy, or what would amount to destroying, 25 percent of the radio facilities now existing in any community where anyone else sought to take advantage of the facilities. They simply would be permitted to use the wave length or the power in watts of existing stations. Is that correct?

Mr. DILL. At the end of the license period they would have a right to allocate to new stations, but they have that right under existing law.

Mr. BONE. I understand; but it is a right which, I assume, has not been exercised.

Mr. DILL. Yes; it has been exercised.

Mr. BONE. I am trying to get some light on the matter. Suppose in the State of Washington the Radio Commission should decree that out of 100,000 watts of power now employed by radio stations there should be a reduction to 75,000 watts. That would mean, if I understand the amendment aright, that stations now operating with 25,000 watts of power would be summarily cut off and, of course, that value would be destroyed.

Mr. DILL. The Commission would decide whether it would reduce all stations or certain stations, or would delete and take out of operation certain stations. There is no limit as to the method. Under the law, of course, the public interests would have to be considered in that connection.

Mr. President, I do not want to take the time of the Senate any further. I hope the amendment will be defeated. I believe it would be an extremely bad policy for Congress to begin the allocation of wave lengths. I believe we will do more for educational and religious progress by having the new commission study the matter and let it come back to Congress with some practical plan that will make use of existing facilities, rather than attempt to grant an arbitrary 25 percent and then allow those stations to be turned into commercial stations.

Mr. WAGNER. Mr. President, I should like to perfect my amendment in this manner: On page 2, line 5, strike out the words "90 days" and substitute therefor "6 months", and in line 8, strike out "90 days" and insert in lieu thereof "6 months."

The PRESIDING OFFICER. The Senator has the right to modify his amendment.

Mr. WHITE. Mr. President, the pendency of the amendment and the discussion to which we have listened confirm me in the view I have always had as to the unwisdom of offering this legislation in its entirety at this time. I have felt strongly that the wise thing for us to have done would have been to follow the recommendation of the President, as I understood it to be, to enact legislation creating a new commission, to transfer to that commission the present au-

thorities of law, and to enjoin upon the commission the obligation to study the problem of communications during the summer and fall, and to report to the Congress of the United States, when we convene in January next, its recommendations as to comprehensive communications legislation.

I believed when the legislation was first suggested, and I believe now that that is the sound course for Congress to pursue. A majority of the committee were decidedly of the contrary opinion, and I bowed to the judgment of the majority.

One of the particular things to which it seems to me the commission might have given its attention during the summer is the study of the precise problem presented by the pending amendment. The amendment in its substance basically is not new, for even back in 1927, when the present radio law was written, there was pending before the committees of Congress and before the Congress itself and before the conferees the question of giving legislative preference or legislative priority to some particular user of radio communication.

I recall very well when the bill passed the Senate in 1927 there was embodied in it a provision that land-grant colleges should have a preference or priority in the use of frequencies. That provision was dropped in conference. It was dropped because depending upon that provision was a string of applications for special recognition in the law. At that time, when it was being urged that special recognition should be given to land-grant colleges, there were religious organizations or institutions asking that they be given the same legislative preference which was proposed to be given to the land-grant colleges. There were all sorts of groups and organizations throughout the United States asking that if we gave statutory preference to land-grant colleges, we should accord similar recognition to them.

At that time it was the judgment of the Congress that we had to adopt one of two courses. We either had to strike from the legislation special consideration for land-grant colleges and grant to the regulatory body full power and authority with respect to the granting of licenses, or the Congress faced the obligation of making a complete allocation to services.

I object to the pending amendment for the considerations suggested by the Senator from Washington [Mr. DILL]. I object also more strongly because it seems to me it flies in the face of a sound principle. We must, as I said, do one of two things. We must here in the Congress make a complete allocation of the radio spectrum to services, or we must leave it entirely alone. I have long been a believer, and I believe now, that commercial activities occupy too much of the time and use too many of the radio facilities of the country.

I recall very definitely I urged, in legislation which I introduced in the House a number of years ago, that we should give to the regulatory body the power, and we should lay upon them the express duty of establishing priorities in the character of service. That is precisely what the pending proposal is, but it only takes one step in that direction. It proposes that we shall take only 25 percent of the radio facilities, and that we shall give them to a somewhat indefinite group, religious, educational, non-profit-making organizations. They are indefinite almost in number. How many of them there are I do not know. As a practical result, we have all of these non-profit-making organizations contending among themselves not for a place in the entire radio spectrum but for a part of only 25 percent of the radio spectrum. If that shall be granted the controversy will be intensified, and the situation will not be cured at all.

Manifestly, we should either go ahead as a Congress and divide up the entire spectrum among persons and organizations for uses here in the United States or we should leave it alone in its entirety and place the responsibility of allocation where it already is—upon the Federal Radio Commission.

It seems to me that if this amendment should be adopted it would go through the entire radio structure of the United States like a tornado, leaving destruction and chaos in its wake.

I join with the Senator from Washington [Mr. DILL] in expressing the earnest hope that the amendment may not have the approval of this body.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from New York [Mr. WAGNER] and the Senator from West Virginia [Mr. HATFIELD].

Mr. WAGNER. I ask for the yeas and nays on the amendment. The yeas and nays were ordered.

Mr. WAGNER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Copeland	Johnson	Pope
Ashurst	Couzens	Keyes	Robinson, Ark.
Austin	Cutting	King	Schall
Bachman	Dill	La Follette	Shipstead
Bailey	Duffy	Lewis	Smith
Bankhead	Erickson	Logan	Steiwer
Barkley	Fess	Lonerган	Stephens
Black	Fletcher	McCarran	Thomas, Utah
Bone	Frazier	McGill	Thompson
Borah	George	McKellar	Townsend
Brown	Gibson	McNary	Tydings
Bulkley	Goldsborough	Metcalf	Vandenberg
Bulow	Hale	Murphy	Van Nuys
Byrd	Harrison	Norris	Wagner
Byrnes	Hastings	Nye	Walcott
Capper	Hatch	O'Mahoney	Walsh
Clark	Hatfield	Overton	Wheeler
Connally	Hebert	Patterson	White

Mr. LEWIS. I announce the absentees as announced by me upon the previous roll call.

The PRESIDING OFFICER. Seventy-two Senators have answered to their names. A quorum is present.

The question is on the amendment offered by the Senator from New York [Mr. WAGNER] and the Senator from West Virginia [Mr. HATFIELD]. On that question the yeas and nays have been demanded and ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BULKLEY (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. CAREY], who is absent from the city on official business. He has advised me that if present he would vote as I intend to vote. Therefore I am at liberty to vote, and vote "nay."

Mr. McNARY (when his name was called). On this question I have a pair with the junior Senator from Oklahoma [Mr. GORE]. Not knowing how he would vote, I withhold my vote. If at liberty to vote, I should vote "nay."

Mr. STEPHENS (when his name was called). I have a general pair with the Senator from Indiana [Mr. ROBINSON], who is absent. I therefore withhold my vote.

Mr. VANDENBERG (when his name was called). On this question I have a pair with the senior Senator from Nevada [Mr. PITTMAN]. Not knowing how he would vote, I withhold my vote.

Mr. WALCOTT (when his name was called). I have a general pair with the Senator from California [Mr. McADOO], who is detained from the Senate by sickness. Not knowing how he would vote, I withhold my vote. If at liberty to vote, I should vote "nay."

Mr. BONE. I wish to announce the unavoidable absence of the Senator from West Virginia [Mr. NEELY].

The roll call was concluded.

Mr. LOGAN. I have a pair with the junior Senator from Pennsylvania [Mr. DAVIS], who is absent. I transfer that pair to the junior Senator from North Carolina [Mr. REYNOLDS], and will vote. I vote "nay."

Mr. ROBINSON of Arkansas. I transfer my general pair with the Senator from Pennsylvania [Mr. REED] to the Senator from Illinois [Mr. DIETERICH], and will vote. I vote "nay."

Mr. FESS (after having voted in the negative). I have a general pair with the senior Senator from Virginia [Mr. GLASS], who is detained from the Senate; but I am advised that if he were present he would vote as I have already voted. Therefore I shall permit my vote to stand.

Mr. BARKLEY (after having voted in the negative). I have a general pair with the senior Senator from Iowa [Mr. DICKINSON], who is absent. I transfer that pair to the junior Senator from Georgia [Mr. RUSSELL], and will allow my vote to stand.

Mr. LEWIS. I announce the absence of my colleague [Mr. DIETERICH], and desire to state that were he present and voting he would vote "yea" on this question.

I beg to announce the absence of Senators as previously announced by me on previous roll calls.

I announce the following special pairs on this question:

The Senator from Arkansas [Mrs. CARAWAY] with the Senator from New Jersey [Mr. BARBOUR];

The Senator from Texas [Mr. SHEPPARD] with the Senator from New Jersey [Mr. KEAN]; and

The Senator from Texas [Mr. CONNALLY] with the Senator from South Dakota [Mr. NORBECK].

I am not advised how these Senators would vote if present.

I also announce a special pair on this question between the Senator from Massachusetts [Mr. COOLIDGE] and the Senator from South Carolina [Mr. BYRNES]. If present the Senator from Massa-

chusetts would vote "yea" on this question, and the Senator from South Carolina would vote "nay."

I also announce that the Senator from South Carolina [Mr. BYRNES], the Senator from Texas [Mr. CONNALLY], the Senator from Colorado [Mr. COSTIGAN], the Senator from Virginia [Mr. GLASS], the Senator from Oklahoma [Mr. THOMAS], and the Senator from Arizona [Mr. HAYDEN] are detained from the Senate on official business.

Mr. HEBERT. I wish to announce that the Senator from New Jersey [Mr. BARBOUR], the Senator from Wyoming [Mr. CAREY], the Senator from South Dakota [Mr. NORBECK], the Senator from Pennsylvania [Mr. DAVIS], the Senator from Iowa [Mr. DICKINSON], the Senator from New Jersey [Mr. KEAN], the Senator from Pennsylvania [Mr. REED], and the Senator from Indiana [Mr. ROBINSON] are necessarily detained from the Senate.

The result was announced—yeas 23, nays 42, as follows:

YEAS—23

Ashurst	Frazier	McCarran	Shipstead
Borah	Hatfield	Metcalf	Townsend
Copeland	Hebert	Norris	Wagner
Cutting	La Follette	Nye	Walsh
Duffy	Lewis	Patterson	Wheeler
Erickson	Lonerган	Schall	

NAYS—42

Adams	Byrd	Hastings	Pope
Austin	Clark	Hatch	Robinson, Ark.
Bachman	Couzens	Johnson	Smith
Bailey	Dill	Keyes	Steiwer
Bankhead	Fess	King	Thomas, Utah
Barkley	Fletcher	Logan	Thompson
Black	George	McGill	Tydings
Bone	Gibson	McKellar	Van Nuys
Brown	Goldsborough	Murphy	White
Bulkley	Hale	O'Mahoney	
Bulow	Harrison	Overton	

NOT VOTING—31

Barbour	Davis	McAdoo	Russell
Byrnes	Dickinson	McNary	Sheppard
Capper	Dieterich	Neely	Stephens
Caraway	Glass	Norbeck	Thomas, Okla.
Carey	Gore	Pittman	Trammell
Connally	Hayden	Reed	Vandenberg
Coolidge	Kean	Reynolds	Walcott
Costigan	Long	Robinson, Ind.	

So the amendment of Mr. WAGNER and Mr. HATFIELD was rejected.

Mr. CLARK. Mr. President, I offer an amendment, which I send to the desk.

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. It is proposed, on page 2, to strike out lines 20 to 25, inclusive, and to insert in lieu thereof the following:

(b) Nothing in this act shall be construed to apply or to give the Commission jurisdiction with respect to charges, classifications, practices, or regulations for or in connection with intrastate communication service of any carrier, or to any carrier engaged in interstate or foreign communication solely through physical connection with the facilities of another carrier not directly or indirectly controlling or controlled by such carrier, or under direct or indirect control with such other carrier.

Mr. CLARK. Mr. President, the only purpose of this amendment is to clarify the language contained in the original bill with regard to small independent telephone companies. These independent telephone companies are located in small communities. They are entirely local affairs. I know there are nearly 700 in Missouri, and in a great many instances they are family enterprises; that is, a man will own the local independent telephone company, have the central office located in his own home, and the plant will be operated by the man and his family.

There are 700 independent telephone companies in Missouri. I think that without exception they are located in towns of less than 1,500 inhabitants. Nevertheless, under the terms of the bill, they probably would be subjected to the jurisdiction of the Interstate Commerce Commission, because nearly invariably they have a physical connection with a toll line, for long-distance calls, which would make them engage in interstate commerce.

Every one of these independent telephone lines throughout the United States is already subjected to local regulation by the State public service commissions, and to subject them to further regulation, with a duplication of a system of accounting, would

simply mean an intolerable burden on these little companies, who have had a hard time existing anyway.

Mr. DILL. Mr. President, I am familiar with the Senator's proposed amendment. I do not believe the amendment is necessary, but I do not think it would do any harm, because its purpose is to accomplish that which we have tried to do throughout the bill; that is, to protect the independent companies. I have no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WHEELER. Mr. President, on page 56, section 311, I notice this language is used:

SEC. 311. The Commission is hereby directed to refuse a station license and/or the permit hereinafter required for the construction of a station to any person (or to any person directly or indirectly controlled by such person) whose license has been revoked by a court under section 313, and is hereby authorized to refuse such station license and/or permit to any other person (or to any person directly or indirectly controlled by such person) which has been finally adjudged guilty by a Federal court of unlawfully monopolizing, or attempting unlawfully to monopolize, after this act takes effect.

I move to strike out the words "after this act takes effect." Otherwise it would bring it down, in my judgment, to the present date, and if they have been monopolizing up to the present time, the Commission would not be able to act.

Mr. DILL. Mr. President, this wording, "after this act takes effect," was copied from existing law, and I think there may be some merit in the Senator's contention. At first I did not think there was, but on further consideration I believe there may be. I do not see that it would do any good to keep the language in, and I have no objection to it being stricken out, because there might be some question, it seems to me, of relieving somebody violating the law at this time.

Mr. WHITE. Mr. President, will the Senator from Montana yield?

Mr. WHEELER. I yield.

Mr. WHITE. I was in the far reaches of the Chamber and I could not hear the amendment as the Senator stated it.

Mr. WHEELER. I am moving to strike out, on line 24, page 56, section 311, the words "after this act takes effect."

Mr. WHITE. Will not the Senator explain just what the effect of the amendment would be?

Mr. WHEELER. Assuming that someone has been violating the provisions set forth up to the present time, the Commission may want to go ahead and act, and it seems to me that they could not act if that language remained in the measure. The purpose of this section is simply to reenact the present law.

Mr. DILL. In other words, as I understand, the Senator's contention is that this might exempt those who had been convicted between 1927 and this time. I cannot see that it would do any harm, and I have no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WALSH. Mr. President, I request the Senator to turn to page 9, line 1, where the bill reads, "Without regard to the civil-service laws or the Classification Act of 1923, as amended, (1) the Commission may appoint," and so forth; and again on page 14, where it reads, "Each division may (1) appoint a director, without regard to the civil-service laws or the Classification Act of 1923."

I should like to ask the Senator the reason for exempting the operations of the Classification Act in the payment of salaries of these officials, other than the commissioners.

Mr. DILL. Mr. President, it is because practically all of the commissions now do that.

Mr. WALSH. It is true that all of the emergency commissions which were created do that, but the fact is that the Federal Trade Commission and the Interstate Commerce Commission and other permanent departments comply with the provisions of the Classification Act. I, for one, protest against these new permanent commissions being allowed to fix salaries outside of the stipulations of the Classification Act, and exempt themselves from the general policy fixed.

Mr. DILL. We have fixed a maximum above which they may not go.

Mr. WALSH. That does not meet the situation. The same question is before the Committee on Education and Labor, of which I am chairman, in connection with the Wagner labor bill.

A very similar provision was drafted, leaving employees out of the Classification Act and the civil service. It is one thing leaving them out of the civil service, where experts are needed, but it is an entirely different thing to put lawyers and other various employees outside of the Classification Act. It means that they may get any salary the Commission may see fit to fix. Let us have a uniform policy. Let us have all these positions under the Classification Act.

Mr. DILL. The Radio Commission has been operating under this kind of a provision, and I think they have found it reasonably satisfactory.

Mr. WALSH. It is time to stop it if they have been operating under it. One of the criticisms we hear generally as to the N.R.A. and some of the temporary commissions is that the salaries are out of all proportion to salaries in other fixed bureaus.

Mr. DILL. That would not apply in this case.

Mr. WALSH. Lawyers and experts doing exactly the same work which is being performed by lawyers and other employees in the permanent commissions are underpaid in comparison with the salaries being paid by the new commissions.

Mr. DILL. I remind the Senator that there is a limit fixed for salaries to be paid by this commission; they cannot go above a certain amount.

Mr. WALSH. Why should they be taken from under the Classification Act, anyway?

Mr. DILL. Because I think there ought to be a specific amount in the case of the chief counsel of a great Commission like this. I think he ought to have a substantial salary.

Mr. WALSH. That may be so of the chief counsel; but how about these other lawyers?

Mr. DILL. I think the same should apply to the chief engineer. It applies only to the chief counsel and the chief engineer. The special counsel are not included.

Mr. WALSH. It provides for one or more assistants, experts, and special counsel. It means that the assistant counsel may receive \$7,500 per annum. I think that is excessive salary for attorneys today, in view of conditions in this country.

I am not one who favors low salaries. I have the same question coming up in connection with a bill that will be before us in a few weeks, and if such a policy is to be adopted in regard to the commission to be created under this bill, I want it to apply to the one to be created in the bill to come up later. I am against designating salaries in these bills because I think these employees and officials should be under the Classification Act. I cannot see any reason for exempting in this case.

Mr. DILL. I think one of the worst things about the civil service today in regard to these commissions is the fact that a commissioner cannot choose his own confidential clerk, that he must take someone who is on the civil-service list. If I were the member of a commission I would want my own confidential clerk, and I think the Senator from Massachusetts would want his, and I have purposely inserted in this bill a provision that each Commissioner might have one clerk. I think that is a provision that is highly desirable. I think every man has a right to have one clerk in an organization of this kind.

Mr. COUZENS. Mr. President, will the Senator from Massachusetts yield to me?

Mr. WALSH. I yield.

Mr. COUZENS. Let me ask the Senator whether this would be satisfactory to him. I intend to offer an amendment on page 9, beginning with line 4, to cut out the words "and one or more assistant chief engineers and one or more assistants, experts, and special counsel." That would leave free the secretary, the general counsel and the chief engineer.

Mr. DILL. I would have no objection to that amendment.

Mr. WALSH. As I understand the Senator's amendment it would strike out of this bill the provision "Without regard to the Classification Act of 1923."

Mr. COUZENS. Only as applied to the chief engineer and secretary and the general counsel. All the rest would be under Civil Service.

Mr. WALSH. If that is the purpose which the Senator from Michigan has in mind, I would agree to it.

Mr. COUZENS. I move, Mr. President, that that amendment be agreed to.

Mr. DILL. I have no objection to it.

Mr. WALSH. Let us see if we understand it. I understand that with the exception of the few positions named in the amendment, every other employee of this commission shall be subjected to the Classification Act. Am I correct?

Mr. DILL. That still leaves this one clerk, about whom I have made explanation, and I appeal to the Senator not to strike him.

Mr. WALSH. Who?

Mr. DILL. I provided that each commissioner should have one clerk.

Mr. COUZENS. On what page?

Mr. DILL. Page 9, lines 6 to 8.

Mr. WALSH. At a salary of \$7,500 per annum?

Mr. KING. No, Mr. President; a salary of \$4,000 per annum.

Mr. DILL. That "each commissioner may appoint and prescribe the duties of an assistant at an annual salary not to exceed \$4,000 per annum."

Mr. KING. I think that ought to go out.

Mr. DILL. I think the Senator from Utah, if he were a commissioner, would desire to have his own clerk.

Mr. WALSH. It is quite easy to get one's own clerk from the civil-service list. All that is necessary is to write to the Civil Service Commission asking for a clerk of the type that one designates, who would answer the qualifications, and one can be assigned.

Mr. President, I object to this promiscuous fixing of salaries outside the Classification Act. I gather that the Senator from Michigan is in accord with my views. In connection with these new commissions we are running wild in the matter of salaries, and it is not fair to the old, steady employees in commissions like the Federal Trade Commission, the Post Office Department, or the Interstate Commerce Commission, or other departments. If lawyers and experts are entitled to these substantial salaries in the new commission, those in the old departments and commissions are entitled to the same salaries, and we will have a move here to boost their salaries to a level with the new high salaries.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. WALSH. I yield.

Mr. O'MAHONEY. It has been my experience that the remarks of the Senator from Massachusetts are fully borne out by conditions in the various departments. Even the assistants in the Post Office Department and the Assistant Secretaries in the Department of Commerce and the Department of Labor are governed by the Classification Act. I know of no reason why, for example, an Assistant Secretary of the Treasury or an Assistant Secretary of Labor should be under the Classification Act while an assistant in any new commission should be exempt from it. It would mean, just as the Senator from Massachusetts has said, that these commissions could fix the salaries as they pleased for their particular assistants, with no more responsibility, nor no greater amount of work to be performed than those in the old departments and commissions. I believe the objection is very well founded.

Mr. DILL. The salary can be limited.

Mr. WALSH. I am pleased the Senator from Wyoming agrees with me.

Mr. O'MAHONEY. I am in perfect accord in limiting the salary.

Mr. WALSH. May I ask the Senator if the Assistant Secretary of Labor and the assistant secretaries of the major departments are under the Classification Act?

Mr. O'MAHONEY. Yes, certainly.

Mr. WALSH. Then if the assistant secretary to a Cabinet Officer is under the Classification Act, why put experts and attorneys and lawyers and other people outside the Classification Act?

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. WALSH. I yield.

Mr. BARKLEY. I think it must be inaccurate to say that all the Assistant Secretaries of Labor and so forth are under the Classification Act.

Mr. O'MAHONEY. That is another matter.

Mr. BARKLEY. I recall at least one Assistant Secretary of Labor whom I happen to have known for many years, whose name was sent here and who was confirmed by the Senate. I do not know of any Assistant Secretary of Commerce or State or Labor who is in the classified service.

Mr. O'MAHONEY. Mr. President, I think the Senator is laboring under a misapprehension. This had no reference whatever to the classified service. This refers only to the Classification Act, which as I understand, fixes the salaries. This is not a question of exempting persons from the civil service.

Mr. WALSH. It is not exempting them from high salaries. It is putting their salaries above the salaries of those doing comparable work in other departments.

Mr. BARKLEY. I am entirely in sympathy with that, but I understand we are talking here about a provision which allows each one of these new commissioners to appoint a private secretary at a salary not to exceed \$4,000 a year. I think the real test in a matter of this sort is whether we would be willing to go to the civil-service list and pick our private secretary from that list. I am frank to say that I would not.

Mr. WALSH. I am not requiring that this be under the civil

service, but I am asking that the classified salary be the salary which is received by those performing the same class of work in other departments, whether it be \$3,500 or \$4,000. I am not asking that the commissioner go to the civil service, but I am asking that the salary be under the classified act, in order that the secretaries to these Commissioners will be paid the same salary as paid to the secretary to the Postmaster General and the Secretary of Labor.

Mr. O'MAHONEY. I might call the attention of the Senator from Kentucky to the language of this section, page 9, line 1:

Without regard to the civil-service laws, or the Classification Act of 1923, as amended.

Those are two different laws. The Senator from Massachusetts is objecting to eliminating the provisions of the Classification Act from this special commission, and I think he is correct.

Mr. WALSH. It is an attempt to deceive us for those who are drafting these new acts to come here and sneak in exemptions of this type. I would not have discovered it, and no member of my committee would have discovered it except for the Secretary of Labor's Department calling our attention to what that classification elimination would mean. We did not realize that by using that exception to the Classification Act they were leaving employees in this new commission out of the regular classified act, and I want to protest and ask the Senators, when these proposals are brought before us, to watch for such things as I have indicated.

Mr. BARKLEY. To what extent does the Classification Act conflict with the provision here limiting the salary of secretaries of two commissioners to \$4,000?

Mr. WALSH. The Classification Act, I understand, fixes the salary of every Government employee, except those salaries which are fixed by law, and it is fixed on the basis of duties performed in the various departments, so that there shall be relationship in the salary of an employee of one department to the salary received by an employee in another department performing the same duty.

Mr. BARKLEY. So, if the same language is retained in the bill, then the Commissioner could pick his own private secretary, and could fix the salary the same as the salary of an employee engaged in similar work in any other department.

Mr. WALSH. The point I am making is, why should the status of the secretary of a member of this new commission be different from that of the secretary to the Postmaster General, for example, so far as his relationship to the Classification Act is concerned.

Mr. BARKLEY. I am making no contention about that, but I am asking whether the retention of this language in the bill, while giving the commissioner a right to appoint his own secretary, would mean that the secretary would get the same salary as other employees engaged in the same line of duty would get?

Mr. LOGAN. Mr. President, will the Senator yield?

Mr. WALSH. I yield.

Mr. LOGAN. It is not often that I disagree so emphatically with the Senator from Massachusetts, but I draw his attention to the fact that, in view of the difference in the situation between the civil-service employee under the classification service and the secretary who is brought in from the outside, who is not on the Civil Service, there ought to be recognition by a difference in salary. The civil-service employee, subject to the Classification Act, has a lifetime job, or cannot be removed except upon charges. He is safe in the position which he has. When an official goes out to employ someone as his secretary, who is not under Civil Service, that employee gives up his work, goes home and comes to Washington. He has no fixed tenure of office. He can be told to take his hat and coat and leave at any time. When the official goes out, he goes out. And if we undertake to classify him as a civil-service employee and require him to accept the same salary, we are not treating him fairly.

Mr. WALSH. I agree with what the Senator says, but I understand that the Classification Act fixes the salary of other than civil-service employees.

Mr. LOGAN. That is very true.

Mr. WALSH. I think it fixes the salary of the secretary, for example, to the Secretary of Labor, the secretary to the Secretary of Commerce, and the secretary to the Postmaster General. Such secretary is subject to all the conditions we fix, and his salary is fixed by the Classification Act. Why should the secretaries to these new commissioners have a different status as far as their relationship to the Classification Act is concerned?

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. WALSH. I yield.

Mr. O'MAHONEY. Perhaps I may add a word of explanation. The system which is now in vogue permits most of the heads of departments, and most of the assistants, and, I believe, most of the commissioners, to appoint their own personal secretaries free from the civil-service laws, and the salaries paid to those secretaries, occupying what are known as exempt positions, are somewhat greater than the salaries paid similar persons in the civil service, under the circumstances which the Senator has referred to.

Mr. WALSH. Are they fixed under the Classification Act?

Mr. O'MAHONEY. They are.

Mr. WALSH. Why should these secretaries be treated any different than the other secretaries of whom the Senator spoke?

Mr. O'MAHONEY. It is one thing to exempt certain positions from the Civil Service Act. That may and should properly be done in many cases. But to exempt them also from the Classification Act would result in great discrimination between the departments.

Mr. WALSH. Even the important officials and experts in the Interstate Commerce Commission, one of the most important independent organizations in the Federal Government, are subject to the Classification Act, every one of them. And yet here we are proposing to exempt certain employees in this new department.

I call attention to what is proposed on page 14.

Each division may (1) appoint a director, without regard to the Civil Service laws or the Classification Act of 1923, as amended, at an annual salary that shall not exceed \$7,500 per annum.

Why should not that director be subject to the classification act the same as a director in the Interstate Commerce Commission?

Mr. DILL. For the reason that this is the creation of a new kind of position. We do not know exactly what he is going to do, and we have made the limit of salary \$7,500.

I think the Senator from Massachusetts is unduly exercised about these limitations of salary for the reason—

Mr. LOGAN. Mr. President, will the Senator yield?

Mr. DILL. I should like first to answer the question of the Senator from Massachusetts. For the reason that we are providing for the creation of a new kind of position and we do not know exactly what the officer is going to have to do, but we have provided a limit of \$7,500. I think the Senator is unduly exercised about these limitations of salaries. They are not fixed; they are limitations.

Mr. WALSH. I am exercised simply because a bill banded to my committee contains exactly the same provisions in the same language, and that all these bills are now being drafted with the idea of lifting these employees out of the civil service in some cases and in all cases out of the Classification Act. There may be some justification for it in the N.R.A. and the Public Works Administration, but in the case of a permanent board such as the one now proposed or the labor board such as is proposed in the bill pending before my committee, I propose that the salaries shall be uniform, that they shall be subject to the terms of the general Classification Act, and that the same salaries shall be paid for the same kind of work performed as are paid in other departments, no more and no less. If that is not a fair proposition, then I do not know what is fair.

Mr. WHEELER. Mr. President—

Mr. WALSH. I yield.

Mr. WHEELER. It seems to me also that the language that is used on page 9 places no limitation on the amount the Commission might pay its secretary, for it is there provided:

(f) Without regard to the civil-service laws or the Classification Act of 1923, as amended, (1) the Commission may appoint and prescribe the duties and fix the salaries of a secretary, a chief engineer and one or more assistant chief engineers, a general counsel and one or more assistants, experts, and special counsel.

Mr. WALSH. What do the words "and one or more assistants" mean? They may mean a hundred, to be appointed without regard to the Classification Act.

Mr. WHEELER. In addition to that, there is no limitation on the salary of the secretary. The commission may fix the salary of the secretary at \$10,000 or \$5,000, or any other sum that it sees fit, without any limitation of any kind or character.

Mr. WALSH. I suggest to the Senator from Washington, who, I know, is desirous of conforming to the usual practice, and who, undoubtedly, has not had this matter called to his attention, because it was called to the attention of my committee only by

mere chance, that this is an attempt to lift a large number of employees out of the salary groups of the Classification Act. The salaries under the Classification Act run up to eight or nine thousand dollars in some cases. I will ask the Senator from Wyoming [Mr. O'MAHONEY] if that is not a correct statement?

Mr. LOGAN. Mr. President, some salaries may reach that figure in the course of time, but what salaries are paid when the employees enter the service? If the Senator were to be appointed a member of this commission, which, of course, he will not be, because he is not eligible under the Constitution, and he wanted to take his secretary with him and his secretary had to come under the Classification Act, what would he get on going into the service in the beginning? He would probably get \$1,600 a year, with a reduction on account of the economy act.

Mr. WALSH. The Senator is mistaken. He would get the same salary that is paid to the secretary of the Secretary of Labor; he would get the same salary as paid to the secretary to the Attorney General.

Mr. LOGAN. Unless he had been in the service for a number of years he could not get the same salary. I had this experience with the Classification Act in Kentucky, as my colleague will bear me witness: Deputy collectors had been receiving \$2,200, \$2,400, and \$2,600 up to \$3,000, because they had been in the service a good while under a previous administration. New ones were appointed recently; every one of them, under the ruling of the Department, had to go in at \$1,800, less 15-percent reduction under the economy act; and that is what the Senator's secretary would receive if the Senator were appointed a member of the Commission and he selected his present secretary to be his secretary in the new office. Unless he were placed in grade 8 or grade 9, or something of that kind, he would go in at grade 4, and would not be able to get the salary which should be paid. I do not know much about the civil-service laws now, and do not expect to know much about them, but that is my idea of what would happen.

Mr. WALSH. I am sure the Senator from Kentucky does not want this bill to provide for salaries for employees of this commission that are different from the salaries paid by other commissions. The only difference between the Senator and me is that he is willing to have all the subordinate employees, all the clerks and stenographers and filing clerks, and all the lesser employees come under the Classification Act, but he is not willing to let the attorneys, the experts, the directors, and those who are under the Classification Act in other bureaus of the Government come in under the Classification Act under the new commissions. That is the only difference between us.

Mr. LOGAN. I should have no objection to their going under the Classification Act if there were not a rule in the classification law which requires that a new employee shall be appointed in a certain grade and which provides a salary that will not enable the commission to get the best men to do the work. I think it would be a mistake to make the salaries so low that the commission would have to take incompetent persons.

Mr. O'MAHONEY. Mr. President—

Mr. WALSH. I yield to the Senator from Wyoming.

Mr. O'MAHONEY. I may say to the Senator from Kentucky that that is not the way the law operates. To cite my own case, on the 6th of March 1933 I became First Assistant Postmaster General and I appointed my own secretary. She assumed her office at the same salary as that which was paid to the secretary of my predecessor, except that she suffered the reduction that was required of all employees under the economy act, which, of course, has nothing whatever to do with the question now being considered.

Mr. LOGAN. I will say to the Senator that perhaps many of us have not been so fortunate as he has been. I have not been able to secure anything of that kind. I do know that in Kentucky when new employees are appointed they have to go in at a certain grade, and they do not get very much salary. That may be just a discrimination against my State.

Mr. DILL. Mr. President, I want to say to the Senator from Massachusetts that this provision is not drawn by accident; it is not here without consideration. The only point raised in this connection here today which I overlooked is that the bill fails to limit the salary of the secretary. I think that ought to be limited, and I am also entirely willing to strike out the provision relating to the assistants; but I submit that when a commission of this kind is being created the majority party, having 3 of the 5 members, should have the right, without regard to the civil-service law, to change its chief counsel.

Mr. WALSH. I am not objecting to that.

Mr. DILL. Or to change its chief engineer.

Mr. WALSH. I am not objecting to that, either.

Mr. DILL. And to appoint their individual assistants and have them paid a proper salary. If \$4,000 is too much, make it \$3,600. I do not see anything to be gained by taking advantage of civil-service methods by which one clerk is dismissed and another clerk is appointed who, it is thought, may be a little better. I think that is just a matter of juggling. We ought to be frank about this matter and say that the members of the Commission should appoint their own clerks; I think they are entitled to do so; I think we will thereby get better results from the Commission.

Mr. WALSH. Does the Senator suggest that the only office created in this bill that leaves the salary unsettled is that of the secretary of the Commission?

Mr. DILL. I say the one which I had overlooked was the salary of the secretary.

Mr. WALSH. I call attention to what the Senator from Montana stated, quoting from page 9 of the bill, which provides that—

The Commission may appoint and prescribe the duties and fix the salaries of a secretary, a chief engineer, and one or more assistant chief engineers, a general counsel, and one or more assistants, experts, and special counsel.

Mr. DILL. And the general counsel and the chief engineer are limited with regard to salaries to \$9,000; their assistants and experts to \$7,500.

Mr. WALSH. Yes; but why limit them to that? I want to have them all come under the Classification Act as to employees doing comparable work in other departments.

Mr. DILL. For the simple reason that I do not believe it possible always to get the kind of men required under the salaries provided by the classification act.

Mr. WALSH. Then let us agree that in the case of all future bills we will put the same language in and leave to the commissioners all questions of salary, and take that power away from Congress which has fixed the policy in adopting the classification act.

Mr. DILL. The Senator from Michigan has suggested an amendment which I think meets reasonably the objections of the Senator from Massachusetts, and which I think will not seriously interfere with the purpose of the Commission.

Mr. WALSH. Mr. President, I should like to have the amendment of the Senator from Michigan stated.

Mr. COUZENS. Mr. President, I have not written it out, but I should like, with the consent of the chairman of the committee, to amend what I think ought to be amended in paragraph (f). What I suggested, I think, does not go far enough, and I have since talked to the assistant to the chairman of the committee, pointing out to him the part that I thought ought to be amended; and, without having written it out, if he will follow me, I will read what I offer as an amendment. It will read in this way:

(f) With regard to the civil-service laws or the Classification Act of 1923, as amended, (1) the Commission may appoint and prescribe the duties and fix the salaries of a secretary, a chief engineer, and a general counsel, and (2) each commissioner may appoint and prescribe the duties of an assistant and pay him in accordance with the Classification Act of 1923, as amended.

Then on line 9:

The general counsel, the secretary, and the chief engineer shall receive an annual salary of not exceeding \$7,500.

Then I eliminate the following language:

And no assistant or expert shall receive an annual salary in excess of \$7,500.

That is eliminated because those officers will come under the Classification Act of 1923, as amended.

Mr. DILL. Does the Senator think that \$7,500 is a sufficient salary for the chief counsel of a great commission such as this?

Mr. COUZENS. I put that provision in largely at the suggestion of the Senator from Utah, but I did not intend to amend that; and if there is any objection to that particular suggestion, I will leave it at \$9,000. Then, we may discuss that later. But I should like to have the other provisions of my amendment agreed to.

Mr. DILL. It seems to me that \$7,500 is a pretty low salary for a general counsel.

Mr. WALSH. Is not that the salary of the Assistant Attorneys

General? Is not that the salary the chief counsels get for every bureau and department of the Government?

Mr. DILL. A good many of them get \$10,000.

Mr. COUZENS. I think that is true. I will withdraw that provision; and then, if the Senate wants to amend my amendment, and adopt it, we can discuss the other matter separately.

Mr. WALSH. The amendment of the Senator from Michigan is infinitely better than the bill as drafted. Yet he adheres to the belief that certain officers should be taken out of the Classification Act. If the Classification Act did not allow substantial salaries, I would agree with what he says, but under that act salaries may be paid up to eight or nine thousand dollars. It does not provide merely for salaries of \$2,000, \$3,000, \$4,000, or \$5,000, but provides for the very salaries that are proposed to be paid by this bill. Why make a distinction? Why let the bars down in this case? If we do it in this case, why not do it in other cases and let the various departments and bureaus fix the salaries of those they employ?

Mr. O'MAHONEY. Mr. President, I might add that the President within a few months past delegated to the Director of the Budget the duty of examining all the new bureaus and attempting to classify all the salaries there in accordance with the Classification Act for the purpose of maintaining a uniform system throughout the Government service.

Mr. WALSH. Yes; and we are proposing, by passing this bill, to undo what the President is trying to do, namely, to create a uniform system. Why not, I will ask the Senator from Michigan, merely strike out the exempting words "the Classification Act of 1923, as amended"?

Mr. DILL. Mr. President, I think there are some other amendments to be offered, and I therefore suggest that we pass over this amendment and consider the other amendments, and we may recur to this question later, and, in the meantime, the amendment may be perfected.

Mr. COUZENS. I withdraw my amendment for the time being.

Mr. WHITE. Mr. President, I desire to offer two amendments to which I think there will be no objection and which will lead to no controversy. The first amendment is, on page 43, in line 11, before the word "of", to insert the words "within the jurisdiction"; so as to read:

Or (e) upon any vessel or aircraft within the jurisdiction of the United States.

That simply harmonizes the language with similar language appearing elsewhere.

Mr. DILL. Mr. President, I have no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Maine.

The amendment was agreed to.

Mr. WHITE. I offer another amendment, on page 58, at the end of line 8, to insert the following—and probably I had better read the amendment, because it is in my own handwriting:

(b) Any station license hereafter granted under the provisions of this act, or the construction permit required hereby and hereafter issued, may be modified by the Commission either for a limited time or for the duration of the term thereof, if in the judgment of the Commission such action will promote the public interest, convenience, and necessity, or the provisions of this act or of any treaty ratified by the United States will be more fully complied with: *Provided, however,* That no such order of modification shall become final until the holder of such outstanding license or permit shall have been notified in writing of the proposed action and the grounds or reasons therefor, and shall have been given reasonable opportunity to show cause why such an order of modification should not issue.

I may say to the Senator from Washington that the only purpose of the amendment is to put affirmatively into the bill the express authority for modification. We have referred in various places to modification of licenses, but I fail to find any definite and express and affirmative authority to make a modification. I suggest that if this amendment be adopted and is found not to be in proper form, it may be worked out in conference.

Mr. DILL. Mr. President, I may say that the Senator from Maine previously called my attention to the amendment. It simply is a method of harmonizing differences that may arise and, as I understand, it provides for hearing before action. I have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Maine.

The amendment was agreed to.

Mr. DILL. Mr. President, the Senator from Alabama [Mr. BLACK] asked me to offer in his behalf an amendment, to which I have no objection. I now offer the amendment.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. It is proposed on page 31, line 14, before the period to insert the following:

And in order to fully examine into such transactions the Commission shall have access to and the right of inspection of all accounts, records, and memoranda, including all documents, papers, and correspondence now or hereafter existing, of persons furnishing such equipment, supplies, research, services, finances, credit, or personnel.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Washington in behalf of the Senator from Alabama [Mr. BLACK].

The amendment was agreed to.

Mr. DILL. I have another amendment of my own which I should like to offer and which I think is desirable.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. It is proposed, on page 52, after line 3, to insert the following new paragraph:

(f) In granting applications for licenses or renewal of licenses for frequencies to be used for broadcasting, the Commission shall so distribute such licenses that no one licensee nor organization of licensees, whether effected by purchase, lease, chain broadcasting, or other method, shall be able to monopolize or exercise dominant control over the broadcasting facilities of any community, city, or State, or over the country as a whole; and the Commission shall, so far as possible, by its distribution of licenses, provide for broad diversification and free competition in broadcast programs to be presented to radio listeners.

Mr. DILL. The purpose of the amendment is to make it impossible for any one man or organization to have control of the broadcasting facilities of a community, State, or the country if there are other applications from responsible applicants. At the present time there is growing up in many cities the practice of the owner of an important station leasing the facilities of another important station and then organizing a corporation to control a third station, and as a result the one station gets complete control of the broadcasting of the community. The purpose of the amendment is to give the Commission a reason, if there be a suitable applicant, for granting a license to another applicant and to break up that kind of practice if the Commission shall find it necessary. It is a permissive amendment.

Mr. FESS. Mr. President, may I ask the Senator a question?

Mr. DILL. Certainly.

Mr. FESS. This would not interfere with WLW?

Mr. DILL. Only if WLW reached out and undertook to get control of all the other stations in Cincinnati.

Mr. FESS. After that station has been given the frequency it would not be interfered with if operating within the law?

Mr. DILL. No; but if it went out and secured all the other stations in Cincinnati, then someone else might get a license.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Washington.

The amendment was agreed to.

Mr. DILL. Mr. President, that is all the amendments I have to offer.

Mr. KING. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. It is proposed, on page 50, line 23, after the first comma, to strike out the remainder of the paragraph and to insert in lieu thereof the following:

That the Commission may, without regard to the requirements of this subsection, grant applications for additional licenses for stations if the Commission finds that such stations are required in order to furnish adequate radio broadcasting service and that their operation will not interfere with the fair and efficient radio service of licensed stations.

Mr. KING. Mr. President, this follows practically the language of the bill, striking out "250 watts" and leaving it in the discretion of the Commission to grant a license if the needs of the public so require.

Mr. DILL. Mr. President, this is an amendment which has been much discussed. I do not have any strong opposition to it, though

I hardly feel that I want to endorse it. I will leave it to the Senate to vote upon it.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Utah.

The amendment was agreed to.

Mr. COUZENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Cutting	Keyes	Robinson, Ind.
Ashurst	Dickinson	King	Schall
Austin	Dill	La Follette	Shipstead
Bachman	Duffy	Lewis	Smith
Bailey	Erickson	Logan	Steiwer
Bankhead	Fess	Loneragan	Stephens
Barkley	Fletcher	McCarran	Thomas, Okla.
Black	Frazier	McGill	Thomas, Utah
Bone	George	McKellar	Thompson
Borah	Gibson	McNary	Townsend
Brown	Glass	Metcalf	Tydings
Bulkley	Goldshorough	Murphy	Vandenberg
Bulow	Hale	Norbeck	Van Nuys
Byrd	Harrison	Norris	Wagner
Byrnes	Hastings	Nye	Walcott
Capper	Hatch	O'Mahoney	Walsh
Clark	Hatfield	Overton	Wheeler
Connally	Hayden	Patterson	White
Copeland	Hebert	Pope	
Couzens	Johnson	Robinson, Ark.	

The PRESIDING OFFICER. Seventy-eight Senators having answered to their names, a quorum is present.

Mr. WALSH. Mr. President, carrying out the views expressed by the Senator from Michigan [Mr. COUZENS], myself, and other Senators upon the floor, we have agreed to the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. It is proposed to strike out from line 1, page 9 to the words "per annum" on line 12, and in lieu thereof to insert the following:

(f) Without regard to the civil-service laws or the Classification Act of 1923, as amended, the Commission may appoint and prescribe the duties and fix the salaries of a secretary, a chief engineer, and a general counsel; and each Commissioner may, without regard to the civil-service laws, appoint and prescribe the duties of an assistant whose compensation shall be fixed in accordance with the Classification Act of 1923, as amended. The general counsel and the chief engineer shall each receive an annual salary of not to exceed \$9,000. The secretary shall receive an annual salary not to exceed \$7,500.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Massachusetts.

Mr. WALSH. Mr. President, in explanation of the amendment, I desire to state that I have obtained the published pamphlet of the Civil Service retirement and salary classification laws. I find on page 19 of that pamphlet, among the various employees who are classified for the purpose of fixing salaries, a group known as "professional and scientific service." The classification board has classified this group into seven grades; and it is provided that the annual rate of compensation for positions in grade 7 "shall be \$7,500, unless a higher rate is specially authorized by law."

I find that all through this compilation of laws an attempt is made by the Classification Board to establish various classifications of salaries, in some instances salaries which reach as high as \$9,000, providing for every official in the Government other than those designated by law.

I understand that this amendment is acceptable to the Senator from Washington.

Mr. DILL. I have no objection to the amendment.

Mr. KING. Mr. President, I should like to inquire as to the meaning of the word "assistant." That may mean much, and it may mean little. It may mean that an assistant is to have a grade slightly below the principal, at a very large salary.

If the assistant is to fall within the category of secretary, that is one thing.

Mr. COUZENS. Mr. President, will the Senator yield?

Mr. KING. I yield.

Mr. COUZENS. In drafting this amendment in cooperation with the Senator from Massachusetts, it was understood that the assistant in this case means a commissioner's secretary, and the assistant falls within the salary fixed by the Classification Act.

Mr. KING. If it is understood that the word "assistant" does not mean an assistant commissioner, or an "under secretary", such as it is now so common to call officials, or some other high position in the Government, that is one thing. However, I shall accept the explanation made by the able Senator from Michigan and give to the word "assistant" the meaning ascribed to it; but I am afraid that when the Commission attempt to interpret the word "assistant" they will attribute to it quite a different meaning and insist that it calls for one who has large experience and has ability to deal with practical questions in connection with radio, and so forth, and claim for the "assistant" compensation greatly in excess of that indicated or which would be required for a secretary.

If the Senator understands that it is really a secretary who is meant, that is a different matter.

Mr. DILL. It is really a secretary.

Mr. KING. I ask the clerk to read again the compensation provided for the attorney and the engineer. Meanwhile I may say, Mr. President, that I think we have been unwise in fixing the salaries and compensation for many of these new organizations. I think we have gone wild, to use the language of the street, and I know that we are bringing upon ourselves considerable criticism by reason of the fact that some of these new agencies, new bureaus, and new organizations are permitted to pay compensation in excess of many of that given to employees in regular organizations and departments of the Government. That common policy results in discontent. When persons working in the Treasury Department or in some other department who have been there for many years, receiving four, five, or six thousand dollars per annum, find that individuals, perhaps with less ability and less qualifications, in some of these new organizations are getting two or three or four thousand dollars more per annum than they get, obviously there will be resentment and a feeling of discrimination.

Mr. President, I think we have gone too far in providing the large salaries in new organizations which have been set up. Notwithstanding the speech made by the Senator from Kentucky, these new organizations ought to come within the Classification Act. We ought to treat all alike. There is no trouble in getting individuals to come here and accept jobs. They come here in myriads seeking them. I have from 25 to 50 callers every day from various parts of the United States who are here seeking positions—lawyers, engineers, accountants, men who have received large salaries and have been employed in responsible positions, and who would be glad now to get \$150 or \$200 a month; yet when we come to fix the compensation of officials in some of these new organizations we do not take into account the condition of the country, the burdens imposed upon the Government, and the demands made upon the Treasury of the United States.

Mr. WALSH and Mr. DILL addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Utah yield; and if so, to whom?

Mr. KING. I yield to my friend from Massachusetts.

Mr. WALSH. Mr. President, as I understand the amendment that has been offered, when we get through setting up this commission we shall have 5 commissioners, 5 assistant commissioners, and 5 private secretaries.

Mr. KING. Yes.

Mr. DILL. Oh, no!

Mr. WALSH. We shall have a private secretary to each commissioner.

Mr. DILL. But not five assistants.

Mr. WALSH. Each commissioner is to have an assistant.

Mr. DILL. That is his clerk or secretary.

Mr. COUZENS. That is what it is intended for.

Mr. WALSH. There is quite a difference between an assistant to the commissioner and a secretary to the commissioner.

Mr. ROBINSON of Arkansas. Mr. President, this employee has been dignified with the title of assistant commissioner, but he is expected to serve as secretary.

Mr. DILL. There will be no assistant commissioners.

Mr. KING. May I ask the chairman of the committee what is meant by the provision on page 14—

Each division may \* \* \* appoint a director, without regard to the Civil Service laws or the Classification Act \* \* \*, at an annual salary—

It was \$8,000, and it has been reduced to \$7,500. What is a director?

Mr. DILL. A director is a man to be appointed to try to carry out the administrative work of these divisions, to save the Commissioners from doing the detail work they now have to do. It

is believed that they can avoid employing a great deal of additional help which otherwise would have to be chosen if these directors can be provided. I do not know how the plan will work; it is an experiment; but there are 17,000 amateur licenses in this country, and they are renewed every 6 months. There ought to be somebody handling that work besides the chairman of the Commission.

Mr. KING. Mr. President, we find the engineer and the other assistants—

Mr. DILL. The Senator was talking about the salary of the engineer and the attorney.

Mr. KING. Yes.

Mr. DILL. The present chief counsel of the Radio Commission gets \$10,000.

Mr. KING. That is too much.

Mr. DILL. The chief engineer gets \$10,000.

Mr. KING. That is too much.

Mr. DILL. We are cutting it to \$9,000, and I think that when we are putting both the great telephone monopoly and the radio, with all the ramifications, under one commission, \$9,000 is not an exorbitant salary. Certainly as to the engineer, with the responsibility on him that is coming with the development of radio, \$9,000 is not an exorbitant salary.

Mr. KING. I will ask that the clerk read the salary to be paid the engineer and the salary to be paid the counsel.

The PRESIDING OFFICER. The clerk will read.

The LEGISLATIVE CLERK (reading):

The chief engineer shall receive an annual salary not to exceed \$9,000, and the secretary shall receive an annual salary not to exceed \$7,500.

Mr. KING. Mr. President, I move to strike out "\$7,500" and to insert in lieu thereof "\$6,000." I think that is sufficient for the secretary of the Commission.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Utah to the amendment offered by the Senator from Massachusetts.

The amendment to the amendment was rejected.

Mr. FESS. Mr. President, I am in favor of the movement that is being made to require, so far as possible, that the civil-service law shall be followed, although I do agree, and have agreed all along, that in the case of experts we really ought to keep the way open, so that special talent may be selected without the requirement of an examination, which would not be the best method for getting the highest talent.

On the question of salaries, I do not see how we can very well classify this Commission with other commissions. It will have a duty to perform probably as complicated as that of most of the other commissions. As to the counsel, we ought to realize that where the counsel of this Commission will be called in to prosecute a case he will be up against the best talent money can buy, and while I believe legal talent could be found which would lend itself to the service of the Government at a smaller salary, I doubt very much whether it would be wise to cut the salary below what the bill has suggested, for the legal counsel at least. I do not care so much about the engineer or the examiners, but as to the legal counsel, I think that is quite essential.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts as modified.

The amendment as modified was agreed to.

Mr. WHEELER. Mr. President, there is a provision on page 14 with reference to directors. I am frank to say that I feel it is absolutely wrong to appoint two directors. I think it would result in dividing up the responsibility of the Commission. The Commissioners are to be appointed, and they are to be paid good salaries, and there are to be lawyers and engineers and assistants and secretaries, and then they are to appoint directors. When those directors are appointed the responsibility which ought to be placed upon the Commissioners will be divided.

Mr. DILL. Mr. President, I call attention to the fact that in the Interstate Commerce Commission there are nine directors, their salaries ranging from \$7,500 to \$10,000 a year. The Interstate Commerce Commission has found that they are so important and so valuable that they have nine of them. I do not think it is unreasonable, in a commission of the kind to be appointed under this measure, that there should be two directors, and that their salaries should be \$10,500.

Mr. WHEELER. My own view about the matter is, as I said a moment ago, that we are loading these commissions up with many high-salaried employees who are not necessary. We talk

about getting experts in these commissions, and every Senator knows that, as a matter of fact, they are not experts at all; that we are filling some of the commissions with politicians.

Mr. WALSH. May I inquire of the Senator, or, through him, of the Senator from Washington, whether the bill contains a provision taking over the present Radio Commission?

Mr. DILL. Yes.

Mr. WALSH. So that, in addition to the present personnel of the Radio Commission, we are creating all these new jobs. Has the Senator any conception of what the pay roll will be?

Mr. DILL. There is no requirement to keep the employees of the Radio Commission. The new commission are simply empowered to take it over.

Mr. WALSH. Those who are now employed in the Radio Commission are under the Civil Service?

Mr. DILL. Not all of them. Quite a number of them are. The assistants who are to be stricken out are not under the Civil Service today.

Mr. WALSH. Does the Senator know what the salaries of the present employees are?

Mr. DILL. In the Radio Commission the chief engineer gets \$10,000, the chief counsel gets \$10,000, and the salaries range below that. I do not know the salaries of the assistants.

Mr. WALSH. What are the salaries of the directors?

Mr. DILL. There are no directors in the Radio Commission.

Mr. WALSH. The Senator is proposing to provide for directors?

Mr. DILL. Two are provided for. The Interstate Commerce Commission has nine, and has found it necessary to have that number of directors; so I do not think it is unreasonable to ask for two in this bill.

Mr. KING. Mr. President, what information does the Senator expect the Government to get that will be of any benefit based upon the information which we have respecting the activities of the I.C.C., where the duty is devolved upon the Commission to ascertain the value of the property?

Mr. DILL. The Commission is given permissive power, not mandatory power, to determine valuations, if it finds it advantageous to do so in the determination of the returns and rates.

Mr. KING. The Senator knows that many years ago the so-called "La Follette Act" was passed under which we have expended more than \$50,000,000.

Mr. DILL. It is to avoid that sort of thing that we have made this permissive.

Mr. KING. The Interstate Commerce Commission was to determine the valuation of the railroads. The valuation of the railroads 10, or 20, or 25 years ago furnishes no information or data now satisfactory as a basis for the fixing of rates. I was just wondering what value there would be if we are to duplicate the work of the Interstate Commerce Commission with respect to a different subject.

Mr. DILL. The Senator realizes that there must be some power somewhere to find out what the valuation is, if they are to fix rates; but it is not mandatory.

Mr. WHEELER. Mr. President, I call attention to the fact that in the paragraph providing for the two directors is this language:

Any action so taken by a division and any order, decision, or report made or other action taken by either of said divisions in respect of any matters assigned to it shall have the same force and effect, and may be made, evidenced, and enforced in the same manner as if made or taken by the Commission.

In other words, they will appoint two directors, who will have the same force and effect as Commissioners.

Mr. DILL. No; anything a director does may be set aside on objection.

Mr. WHEELER. But, unless it is set aside—

Mr. DILL. If it is satisfactory to everybody, there is no reason why it should be set aside.

Mr. WHEELER. The bill provides that—

The director for each division shall exercise such of the functions thereof as may be vested in him by the division, but any order of the director shall be subject to review by the division under such rules and regulations as the Commission shall prescribe.

Mr. DILL. It may be affirmed, or set aside. The duties of the directors are merely routine.

Mr. COUZENS. There are dozens of them in the Interstate Commerce Commission.

Mr. WHEELER. Even if there are, it seems to me it is foolish to provide for a number of directors, and a number of other officers, on this Commission. I shall not move to strike the provision out, however, although I think it is unnecessary.

Mr. WALSH. Mr. President, I do not mean anything personal toward the Senator from Washington [Mr. DILL] in what I am about to say, but, in view of what I myself have observed before the Committee on Education and Labor, of which I have the honor to be chairman, as to the agitation for new commissions, and in view of the discussion here today, I wish to say that in the future I intend to inquire, when a bill is reported creating a new commission, whether or not the salary list and the number of employees and the amounts to be paid have been referred to the Budget for report. Let the administration take the responsibility of piling up these big salary lists.

Mr. KING. Mr. President, will the Senator yield?

Mr. WALSH. I yield.

Mr. KING. I hope the Senator is not prophesying that there are to be new commissions created. I hope the day has come when we will not create any more.

Mr. WALSH. There are four of five in sight, developed here during the last few days.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and read the third time.

The PRESIDING OFFICER. The question now is, Shall the bill pass?

Mr. McNARY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Couzens	Johnson	Robinson, Ark.
Ashurst	Cutting	Keyes	Robinson, Ind.
Austin	Dickinson	King	Schall
Bachman	Dill	La Follette	Shipstead
Bailey	Duffy	Lewis	Smith
Bankhead	Erickson	Logan	Steiner
Barkley	Fess	Loneragan	Stephens
Black	Fletcher	McCarran	Thomas, Okla.
Bone	Frazier	McGill	Thomas, Utah
Borah	George	McKellar	Thompson
Brown	Gibson	McNary	Townsend
Bulkley	Glass	Metcalf	Tydings
Bulow	Goldsbrough	Murphy	Vandenberg
Byrd	Hale	Norbeck	Van Nuys
Byrnes	Harrison	Norris	Wagner
Capper	Hastings	Nye	Walcott
Clark	Hatch	O'Mahoney	Walsh
Connally	Hatfield	Overton	Wheeler
Copeland	Hayden	Patterson	White
Costigan	Hebert	Pope	

The VICE PRESIDENT. Seventy-nine Senators having answered to their names, a quorum is present.

The question is, Shall the bill pass?

The bill was passed.

## NAB CONVENTION IN SEPTEMBER

The Board of Directors of the NAB at its meeting this week selected Cincinnati, Ohio, as the place for the 1934 membership meeting. The dates were fixed at September 16, 17, 18 and 19. The Board considered numerous invitations during its meeting and finally agreed upon the Ohio city which has actively campaigned for an NAB meeting since 1929.

President McCosker announced the appointment of Ed Spence of WPG as chairman of the Convention Committee with the authority to name his own committee members. Plans for the meeting will go forward immediately.

## NAB BOARD MEETS IN WASHINGTON

A regular meeting of the NAB Board of Directors was held in Washington on May 14. President McCosker presided. Those present were: President McCosker, Leo Fitzpatrick, John Shepard III, William S. Hedges, H. K. Carpenter, I. R. Lounsberry, Frank M. Russell, Arthur B. Church, J. Thomas Lyons, I. Z. Buckwalter, J. T. Ward, C. W. Myers, Henry A. Bellows, E. B. Craney, Walter J. Damm, W. W. Gedge, Philip G. Loucks, Joseph C. Hostetler and Oswald F. Schuette.

The Managing Director presented membership applications from the following stations: WEHC, WSJS, WDEL, KXA, KOH, WAVE, WSGN, WHDH, KWKH, KWEA, KTUL, KQW,

WHAM, KTHS, WTAR, WHET, WFAS, WSYB, WFAB, WJJD, WBIG, WDBO, WDAE, WDAG, KTET, KONO, WRNA, WROL, KFDM, KRGV, KGHF, KFXR, KREG, KXL, KGFI, WIBG, KOOS, KFJI, KFJB, KFH, WLEY, WWNC, WKOK, WJW, KFOX, KXRO, KRE, KMA, KIEM, WHEC, KALE, KFXD, KVI, WCAZ, KMO, KIT, KVL, WPFB, WNEW, WAML, WPAD, KASA, KGIX, WDSU, KLO, WKBH, KMMJ, KGKO, KIEV, KFJM, WWAE, KNX, KIDO. All of the above applications were approved.

The Managing Director reported on the financial condition of the Association, pointing out that current income was barely sufficient to meet current expenditures and suggested that the Executive Committee be authorized to draft a suggested amendment to the by-laws, to be acted upon at the next annual meeting, grouping stations in income classes and assessing fixed amounts of dues for each class. The recommendation was adopted.

Mr. Hostetler and President McCosker told of meetings which they had with representatives of ASCAP during which it was indicated that the ASCAP was ready to enter into negotiations looking to a revision of the present copyright contract. It was the thought of the Board that such negotiations should be continued and as instructions to the negotiators the Board reaffirmed its previous resolution urging that any new contract should be based upon the use actually made of ASCAP contract. The Board adopted a resolution appointing President McCosker, Treasurer Levy, Walter J. Damm, I. Z. Buckwalter, Frank M. Russell and the Managing Director as a committee to advise with Mr. Hostetler in connection with copyright matters.

Mr. Hostetler reported that the suit against ASCAP was now awaiting trial in the federal court and that preparations for trial are going forward. Mr. Schuette reported that there was little hope for copyright legislation during the present session of Congress and reported progress in the investigations being conducted by the Federal Trade Commission and the Department of Justice. He also reported that he was endeavoring to get a satisfactory provision in the music publishers code.

The Board, after reaffirming its previous position in the copyright matter adopted a resolution authorizing its copyright counsel, acting with the Copyright Committee of the Board, to take such steps as in his opinion will result in the negotiation of a contract under which the broadcasters will pay for the use which he makes of such music as is controlled by ASCAP.

Looking toward the enactment of a new Communications Commission bill and the creation of a new Communications Commission to replace the Federal Radio Commission, the Board adopted a motion that the President be urged to appoint at least two and preferably three men to the new Commission who are thoroughly conversant with the broadcasting industry either through administration of the radio law or through active work in the broadcasting industry itself.

The Board then adopted a motion approving of the action taken in the name of the NAB in opposing the enactment of the Wagner-Hatfield amendment to S. 3285 and the so-called McFadden bill, and in insisting on material amendments to S. 3285 and S. 2800.

Mr. Bellows reviewed the legislative situation in the present Congress, discussing the McFadden bill, Communications Commission bills, the Wagner-Hatfield amendment, the Cutting bill and the Copeland bill.

The Board adopted a resolution authorizing the President to appoint a committee to study the relationship between the radio and the press. It was agreed that for the present the NAB should not accept the place tendered to it by the administrative committee of the radio-press bureau.

The Board directed the Managing Director to file a protest against certain provisions proposed to the telegraph companies code under which certain charges to broadcasters would be increased.

#### F. T. C. ANNOUNCEMENT ON RADIO

The following announcement was made this week by the Federal Trade Commission:

"Radio advertising is to be subjected to the scrutiny of the Federal Trade Commission, according to an announcement made by that Commission today. This announcement means simply that the Federal Government will extend to radio advertising the same principle that for many years has been applied to newspaper, periodical, and other forms of advertising, under Section 5 of the Federal Trade Commission Act, which gives the Commission jurisdiction over unfair methods of competition in interstate commerce. This the courts have uniformly held to embrace false

and misleading advertising. The Federal Trade Commission has handled thousands of such cases.

"Anticipating a fine spirit of cooperation from the radio industry, as already manifested by some of the leading executives, the Commission is approaching the radio field in a spirit of friendly cooperation. Consequently, instead of adopting a plan of monitoring broadcasting programs, the Commission is asking for copies of advertising announcements to be furnished by the networks and broadcasting stations. Pursuant to that plan, the Commission has addressed letters to the broadcasting stations requesting them, beginning July 1 next, to mail weekly copy of commercial continuities, which will be checked to determine whether or not any of them are in violation of the Federal Trade Commission Act.

"Copy of the letter is as follows:

"Gentlemen:

"This Commission has directed that hereafter more attention shall be given to the subject of commercial representations by radio broadcast. This is in response to a general demand that the same rules for advertising be observed in radio broadcasts as those enforced by the Commission with respect to periodical advertising.

"It is anticipated that the radio industry will display the same cooperative spirit as the publishing industry has, to the end that unfair, false and misleading advertising shall be eliminated from interstate commerce.

"Commencing July 1, 1934, and until further notice, you are respectfully requested to procure copies of all commercial continuities (other than network programs and electrical transcriptions) issued through your facilities, and forward these, with dates of broadcasts and addresses of advertisers, to the Special Board of Investigation, Federal Trade Commission, Washington, D. C.

"For convenience these may be mailed once a week, to be filed and reviewed by the Board.

"Government franks are enclosed for your use in transmitting such copies. Additional franks will be supplied as needed.

"Your cooperation will be appreciated by the Commission.

"Yours sincerely,

"FEDERAL TRADE COMMISSION.

"OTIS B. JOHNSON,

"Secretary."

"Whenever statements occur in commercial announcements which appear to be false and misleading, or otherwise constitute an unfair method of competition in commerce, notices will be sent both to the advertiser and the radio station broadcasting the advertising, with the view of effecting a stipulation under which the advertiser and the broadcaster agree to cease and desist from the practices complained of. Execution of such a stipulation would end the case. However, should such compliance not be effected, the case would then proceed through a public hearing, with argument before the Commission, decision by the Commission, and perhaps appeal to the courts."

#### RADIO COMMISSION QUERIES PRESS

While the Federal Radio Commission continues to ignore resolutions adopted by the NAB membership relating to electrical transcriptions and longer licence terms, it has taken cognizance of an editorial published in a New York newspaper. On Friday, May 18, the following resolution was adopted by the Commission:

"WHEREAS on May 12, 1934, the *New York Herald Tribune*, Ogden Mills Reid, President and Editor, in its editorial column, published the following:

"The radio, controlled by the Administration through its licensing power, was made the spokesman of the New Deal and largely restricted to government propaganda," and

"WHEREAS the Federal Radio Commission, pursuant to the provisions of the Radio Act of 1927, is the 'licensing power,' and

"WHEREAS the Federal Radio Commission, consistent with the prohibition contained in Section 29 of the Radio Act of 1927, as follows:

"Nothing in this act shall be understood or construed to give the licensing authority the power of censorship over the radio communications or signals transmitted by any radio station, and no regulation or condition shall be promulgated or fixed by the licensing authority which shall interfere with the right of free speech by means of radio communications. \* \* \*

has never 'controlled' or 'restricted' radio programs to 'government propaganda,' or attempted in any way so to do;

"NOW, THEREFORE, BE IT RESOLVED that Mr. Ogden Mills Reid, the President and Editor of the *New York Herald Tribune*, be and is hereby, requested to furnish the Commission any facts or other material, including the names of parties furnish-

ing the same, which would support, or tend to support, the statements made in the editorial column of said newspaper."

## RADIO CODE NOT AFFECTED

The Code of Fair Competition for the Radio Broadcasting Industry will continue in full force and effect. This statement is made on good authority after statements in the press that Service Industries may be excluded from Codes of Fair Competition.

The Code Authority this week mailed to all radio broadcasting stations copies of Code Authority Bulletins Nos. 6 and 7.

Code Authority Bulletin No. 6 represents Part Two of the Code Authority report on Wages, Hours, Working Conditions, etc., of broadcast technicians required by Article VI, Section 4 of the Code. The Code Authority recommends that no changes be made in the wage and hourly provisions of the Code. The full text of the recommendations is as follows:

### "SECTION D

#### "Recommendations

"The questionnaire on broadcast technicians discloses the following changes in the number of employees, hours of labor, and total weekly payrolls between the weeks ending July 1, 1933, and December 16, 1933:

1. During the week ending December 16, 11.9 per cent more technicians were employed than during the week ending July 1.
2. The average weekly hours of labor were 9.8 per cent less on December 16 than as of July 1.
3. The total weekly payrolls for the week ending December 16 were 21.1 per cent above the weekly payrolls for the week ending July 1.

"It should be noted that the broadcasting code became effective on December 11, 1933, and that the survey covered wages and number of employees during the first week the Code was in effect. The questionnaire disclosed that in some 135 stations the Code provisions apparently had not been made fully effective during this first week of the Code's operation. Most of these instances have since been cleared up with resulting increases in wages at 37 stations (see Section C of this Report). Nevertheless, the tabulation given above was based on results as they actually were during the week ending December 16, 1933. Had all of the adjustments since effected with the 37 stations been reflected in the answers to the questionnaire the percentage increase in total weekly payrolls would have been greater.

"It should further be noted that the increase in number of broadcast technicians employed between July, 1933, and December, 1933, is an increase not from a materially reduced level of employment but from a level not materially below the all time peak of employment of technicians in the Industry. The Industry at the present time employs more technicians than ever before in its history.

"It should further be noted that the effect of the Code so far as employment of Broadcast Technicians is concerned is practically identical with the forecast made by the National Association of Broadcasters at the Public Hearing last September.

"Therefore, since:

1. The effect of the Code has been to materially increase the employment of broadcast technicians, to materially shorten their hours, and increase their pay;
2. The full effect of this increase was not disclosed in the report but has been augmented by subsequent adjustments.
3. The Industry is now employing more technicians at greater aggregate salaries than ever before in the Industry's history.

"And since any further reduction in the hours of labor or any increase in the minimum wages paid broadcast technicians, in the opinion of the Code Authority, will oppress and may eliminate small radio broadcasting enterprises and will tend to promote monopolies, we recommend that no changes be made in the wage and hour provisions of the Code.

"(Approved by vote of 6 to 2. Voting yea—Baldwin, Buckwalter, Elmer, Runyon, Russell, Shepard 3rd. Voting nay—Nockels, Hedges. Absent—Kiernan, McCosker.)

"Respectfully submitted,

"CODE AUTHORITY FOR THE RADIO  
BROADCASTING INDUSTRY.

"By JAMES W. BALDWIN,

"Executive Officer."

Bulletin No. 7 contains additional interpretations of the trade practice provisions contained in Article VII.

The National Recovery Administration announced this week the appointment of Emily Holt to represent Radio Artists and Performers before the Code Authority for the Radio Broadcasting Industry.

The Executive Officer of the Code Authority reports that approximately two hundred stations have not yet supplied the information called for in Code Authority Bulletin No. 5. This information should be furnished to the Code Authority at once in order that final tabulation may be made for the National Recovery Administration. It is also reported that approximately two hundred stations have not yet supplied the information called for in the questionnaire concerning the admission of visitors to radio program performances. This matter is one which is receiving careful study by the Code Authority and complete information should be furnished promptly.

## COPELAND BILL DEBATED

The Senate on Wednesday debated for a brief period the Copeland bill (S. 2800) to revise the food and drug act. The debate was brief and ended with a statement by Senator Copeland that he intended to exert every effort to have the Senate pass his bill before adjournment. At the present time it is impossible to predict when the bill will again come up in the Senate.

## NO HEARINGS SET ON COPYRIGHT BILL

The subcommittee of the Senate Foreign Relations Committee in charge of the Cutting Bill to revise the copyright laws so the United States may enter the International Copyright Convention has not set a date for a hearing.

The subcommittee consists of Senators J. Ryan Duffy of Wisconsin, Frederick Van Nuys of Indiana and Simeon D. Fess of Ohio.

In the meantime, the proponents of this radical revision of the copyright laws have made public a letter from President Roosevelt to Robert Underwood Johnson as part of their campaign for the Cutting Bill. The President's letter follows:

"The White House, Washington

"April 25, 1934.

"My Dear Mr. Johnson:

"This is to acknowledge and to express appreciation for your letter of April 16, 1934, in which you advocate the ratification of the convention for the protection of literary and artistic works, which I sent to the Senate requesting advice and consent to adherence thereto on the part of the United States, on Feb. 19 of the present year.

"Needless to say, I fully concur in your sentiments and assure you that it would be most pleasing to me if, early in my administration, I should be empowered to make the United States a party to this convention.

"Sincerely yours,

"FRANKLIN D. ROOSEVELT."

Besides establishing an automatic copyright in all published and unpublished works—including musical compositions—of American and foreign authors and composers, the Cutting Bill extends the copyright laws to "include the exclusive right of the author to communicate his work for profit to the public by any system of broadcasting; and the author of any copyrighted work, even after the assignment of the copyright in such work, shall at all times have the right to claim the authorship of his work, and the right to oppose every distortion, mutilation, or other modification of the said work which might be prejudicial to his honor or to his reputation, as well as the right to restrain the publication and/or the performance of the mutilated work."

The National Association of Broadcasters has asked the right to be heard in opposition to this measure and the views of the industry will be presented by Oswald F. Schuette, copyright advisor of the NAB.

## PROGRESS IN ASCAP INVESTIGATIONS

The report of the Federal Trade Commission's investigation of the American Society of Composers, Authors and Publishers is now in the course of preparation, but no time has been fixed for its presentation to the Commission. The ASCAP investigations of the Departments of Justice are being continued. These inquiries

took a new turn as a result of the dismissal of ASCAP infringement suits by two Federal judges in Wisconsin and the abolition of the Baltimore officers of ASCAP. The ASCAP defeats in Wisconsin and Maryland were largely due to vigorous campaigns waged in those states by organizations of music users outside the ranks of the broadcasters.

The Maryland organization is the Music Users Protective Association of America, Inc., 110 East Lexington Street, Baltimore, Maryland.

The Wisconsin work was done by The American Society for the Advancement of Public Music, Inc., 739 N. Broadway, Milwaukee, Wisconsin.

The National Association of Broadcasters has filed a formal request with the NRA for the inclusion of provisions in the Music Publishers Code which will forbid unfair copyright practices.

Deputy John E. Williams has promised that the broadcasters will have an opportunity to present their complaint at the code hearing.

### USE OF RICORDI MUSIC INCREASES

The program departments of the largest broadcasting stations, as well as of the networks, are making increased use of compositions by Puccini and other stars of the Ricordi catalogue, according to reports received by the Radio Program Foundation. This is the cooperative organization of the NAB created to obtain the right to perform music not heretofore available. The number of broadcasting stations now holding Ricordi sublicenses from the RPF stands at the 200 mark and the growing use of this music should increase the number of stations on the RPF list. Applications for licenses, by members as well as non-members of the NAB, should be sent to Oswald F. Schuette, President of the Radio Program Foundation, National Press Building, Washington, D. C.

### NAB PROTESTS INCREASED WIRE COSTS

At the direction of the Board of Directors of the NAB, the Managing Director on May 16 addressed a letter to Deputy Administration Peebles of the NRA protesting against the inclusion in the telegraph communications code of a provision under which certain telegraph charges to business would be increased. Hearings on the telegraph code were held during the week.

### ENGINEERING COMMITTEE MEETING

Managers and engineers of member stations of NAB are invited to attend an open meeting of the NAB Engineering Committee to be held at 4 P. M., Monday, May 28, in the LaFayette Room of the Benjamin Franklin Hotel, Philadelphia, Pa. The meeting is being held concurrently with the ninth annual convention of the Institute of Radio Engineers, May 28 to May 30.

The meeting, which will be informal, will include a review of the state of the art, and a discussion, open to all who attend, on the subject of High Fidelity Transmission of broadcast programs.

High Fidelity Transmission is of particular interest to broadcasting stations at the present time, in view of the plans of certain receiving set manufacturers to market high fidelity receiving sets next autumn.

### COMMERCIAL SECTION MEETING JUNE 19-20

All NAB members are invited to attend the third annual meeting of the NAB Commercial Section to be held in connection with the Advertising Federation of America convention in New York, June 19-20. The meetings will be held at Hotel Pennsylvania.

The program for the meeting, as announced by Arthur B. Church, chairman of the Section, follows:

June 19.—10:00 a.m.—Open meeting with AAAA, ANA. 1:00 p.m.—Luncheon with Radio Committee AAAA. 3:00 p.m.—Executive session Commercial Committee.

June 20.—10:00 a.m.—Open meeting.

June 19.—10:00 a.m.—“Standardizing Units of Sale and Rate Practices Under the Code,” James W. Baldwin.

“Studying Listener Habits,” Walter J. Damm, WTMJ.

“What We Have Learned About Station Coverage,” C. M. Jansky.

Discussion to be led by Martin Campbell.

Address by representative of AAAA Radio Committee on subject of a Cooperative Bureau for the Study of Station Coverage and Listener Interest.

“Suggested Standard Forms for Local Contracts,” Roy Harlow, Yankee Network.

“The Present Trend of Station Relations with Advertising Agencies,” Roy Harlow, Yankee Network.

June 20.—10.00 a.m. (Open Meeting). “Making a Program Work,” Francis D. Bowman, Advertising Manager, Carborundum Company.

“Station Merchandising and the Radio Program,” Harry C. Howlett, WHK.

“The Market for Radio Advertising,” Dr. Herman S. Hettinger.

“Pertinent Problems in Radio Sales,” Leslie Fox, WMCA.

“Studio Audiences—Yes or No?,” Roy Witmer, WJZ.

“Are You Making a Profit and How Do You Know?,” H. K. Carpenter, WPTF.

“Solving Relations of the Station and the Network,” John Pratt, WGAR.

### LICENSE RENEWAL NOTIFICATIONS

During the past week the Federal Radio Commission sent a letter to broadcasting stations stating that notifications of impending licenses expirations will no longer be mailed, as in the past, approximately 60 days in advance of expiration date. According to FRC rules, application for renewal license must be filed 60 days in advance of the expiration of the existing license.

The NAB has rendered a notification service to its members for the past several years, and will continue to do so.

### THOMAS PATRICK CONVEY DIES

It is with profound regret that the NAB learned on Friday of the death of Thomas Patrick Convey, president of Thomas Patrick Inc., owner and operator of Station KWK, St. Louis, Mo. Convey expired at 5 a. m. Friday, May 18. He had been active in NAB affairs for a number of years and was one of the pioneers of radio broadcasting. His many friends in the industry will always remember “Tom” for his genial smile, his affable manner, his frankness in discussion and his unbounded energy in the position which he so capably filled.

### RECOMMENDS NEW PA. STATION

The Pittsburgh Radio Supply House, applied to the Radio Commission for a construction permit for the erection of a new broadcasting station at Greensburg, Pa., to use 620 kilocycles, 250 watts power and to operate 7 a. m. to local sunset. Ralph L. Walker(e) in Report No. 557 this week recommended that the application be granted.

The Examiner found that there is need for radio service in the community which the applicant proposes to serve “that the applicant is qualified in all respects to render that service; and that the service which it proposes will meet the need.”

### NAB MEMBERSHIP REACHES 341

With the approval of 73 new members by the Board of Directors at its meeting in Washington this week the NAB membership reached 341, the largest membership enrollment in the history of the Association.

### GRAND ISLAND BILL PASSES HOUSE

The House of Representatives this week passed H. R. 9394 which authorizes the Federal Radio Commission to purchase and enclose additional land at the radio station at Grand Island, Nebr. The bill passed without discussion and, as it passed, reads as follows:

*Be it enacted, etc.,* That the Federal Radio Commission is authorized to purchase an additional tract of land containing approximately 10 acres adjacent to that now owned by the United States at Grand Island, Nebr., and to enclose the same for use in connection with the constant-frequency monitoring station located at said place. There is hereby authorized to be appropriated the sum of \$1,200 to carry out the purposes of this act.

### CHICAGO TRIBUNE SERIES ON F. R. C.

The Chicago Tribune is publishing a series of stories written by Arthur Sears Henning, chief of the Tribune Washington Bureau, reviewing a number of cases decided by the Commission and alleging that political pressure has played an important part in rulings.

## FRC COMPLETES MOVING

The Radio Commission now has its offices in the new Post Office Building, Pennsylvania Ave. at 12th Street N. W. The room numbers of some of the Commission officials are: Judge E. O. Sykes—6205 (sixth floor); Commissioner Thad Brown—6211; Commissioner Harold Lafount—6215; Commissioner James Hanley—6233; Hergert L. Pettey, Secretary—7115 (seventh floor); Dr. C. B. Jolliffe, Chief Engineer—7233; George B. Porter, General Counsel—7242; W. D. Terrell, Chief Radio Inspector—7338; William P. Massing, Chief, License Division—7213; Frank Wisner, Information and Press Service—7215.

The telephone number remains the same: District 1654.

## MISSOURI VALLEY GROUP SUPPORTS NAB

The Missouri Valley Broadcasters Association held a meeting on May 9 which was attended by Stations KFAB, WOW, KMMJ, KFOR and WJAG. President Dirks presided.

A constitution and by-laws was read, discussed and accepted, first section by section, and then as a whole. Copies will be mailed later to all members. The only important change from last month's meeting was that monthly dues are to be one-fourth of the price of fifteen minutes' time over the member station, for one time, at the lowest rate, as printed in Standard Rate and Data.

President Dietrich Dirks reported having written the code authority asking for relief on technical salaries. He reported that Managing Director Loucks of the NAB had offered to attend one of our meetings at some future time.

John Henry, chairman, reported for the Committee on Preparation of Data. His first bulletin to agencies was read and approved. All members were asked to furnish the secretary with a list of the agencies they wished this bulletin to be mailed. The secretary is to prepare a master list and mail the bulletins and furnish each member with a copy of the master list.

John J. Gillin, Jr., chairman of the Legislation Committee, called attention to the Wagner-Hatfield Amendment to the Dill Bill. On motion made by Gillin, seconded by Harry Johnson, and carried, President Dirks was authorized to wire the Senators from Nebraska, Iowa and Kansas approving the stand of the NAB in protesting this amendment.

The next meeting will be held at the Hotel Cornhusker in Lincoln, on the second Wednesday in June, that is, June 13, at 10:30 a. m.

## WESTERN BROADCASTERS URGE NAB AID

The Western Broadcasters Association annual meeting was held May 3rd, 4th, and 5th, at the Washington Athletic Club in Seattle.

A survey taken disclosed that a majority of members belonged to NAB and a suggestion was brought up that all members apply for enrollment under the National Association of Broadcasters.

Officers chosen for the new year included R. T. Evans, president; Rogan Jones and Harry Read; vice-presidents; Robert Priebe, secretary-treasurer, and Frank Hill, chairman executive committee.

The Association is composed of independent stations operating on 500 watts or less, in the Northwest territory. Hosts for the convention were the three Seattle stations, KPCB, KXA, and KRSC. Stations represented included KOOS, Marshfield, Ore.; KORE, Eugene, Oregon; KXL, Portland, Oregon; KIT, Yakima, Washington; KMO, Tacoma, Washington; KVOS, Bellingham, Washington; KXRO, Aberdeen, Washington; and KGBU, Ketchikan, Alaska.

## FOREIGN STATIONS LISTED

A list of foreign radio broadcasting services on frequencies between 150 and 1500 kilocycles, as of May 1, 1934, has been compiled by the Bureau of Foreign and Domestic Commerce of the Department of Commerce. Copies are available for 25 cents, and may be obtained from the Electrical Division, Bureau of Foreign & Domestic Commerce, Department of Commerce, Washington, D. C.

The list specifies the old, rather than the new, frequencies for Mexican stations. It is interesting to note that of the 103 stations listed as operating in the U. S. S. R., 44 of them use 10 kilowatts or more. Many of them operate on frequencies less than 550 kilocycles.

## SECURITIES ACT REGISTRATION

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

- Yosemite Valley Railroad Company Second Mortgage Bondholders' Reorganization Plan and Agreement Committee, San Francisco, Calif. (2-870, Form D-1).
- W. R. Duke, Wichita Falls, Texas (2-871, Form A-1).
- Bob Tough Gold Mines, Ltd., Hamilton, Ontario (2-872, Form A-1).
- Bondholders' Protective Committee Ohio Building Realty Company, Cleveland, Ohio (2-873, Form D-1).
- Jones Cold Storage Corporation, Norfolk, Va. (2-874, Form D-2).
- Milwaukee-Kimball Business Block Building Corporation, Chicago, Ill. (2-875, Form D-2).
- American Participations, Inc., Atlanta, Ga. (2-876, Form A-1).
- Trinidad International Petroleum, Limited, Los Angeles, Calif. (2-877, Form A-1).
- Gold Lode Mines, Inc., Los Angeles, Calif. (2-878, Form A-1).
- Protective Committee, 257 West Thirty-ninth Street Building, New York City (2-879, Form D-1).

## FEDERAL RADIO COMMISSION ACTION HEARING CALENDAR

Wednesday, May 23, 1934

Oral Argument Before Commission En Banc

Examiner's Report No. 541

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

## APPLICATIONS GRANTED

### First Zone

- WHDL—Tupper Lake Broadcasting Co., Inc., Tupper Lake, N. Y.—Granted modification of C. P. extending commencement date to May 15 and completion date to June 30, 1934.
- WMEX—The Northern Corp., Chelsea, Mass.—Granted modification of C. P. to extend completion date to July 20.
- WQDM—A. J. St. Antoine and E. J. Regan, St. Albans, Vt.—Granted C. P. to move transmitter and studio locally.
- WNEL—Juan Piza, San Juan, P. R.—Granted modification of C. P. to change authorized location of transmitter locally in San Juan, and extend completion date to 90 days after this date.
- WNBH—Irving Vermilya, d/b as New Bedford Broadcasting Co., New Bedford, Mass.—Granted consent to voluntary assignment of license to E. Anthony & Sons, Inc.
- WHN—Marcus Loew Booking Agency, New York—Granted modification of license to make changes in equipment and increase power from 250 to 1 KW.
- WATR—Harold Thomas, Waterbury, Conn.—Granted modification of C. P. to change transmitter and studio locally in Waterbury, Conn.

### Second Zone

- WKZO—WKZO, Inc., Kalamazoo, Mich.—Granted C. P. to move transmitter to Kalamazoo Township Michigan; make changes in equipment increase power from 1 KW day only to 1 KW day, 250 watts night, and increase hours of operation from daytime to unlimited. (Comr. Lafount voted to set application for hearing.)

### Third Zone

- KLRA—Arkansas Broadcasting Co., Little Rock, Ark.—Granted C. P. to install new equipment and increase daytime power from 1 KW to 2½ KW.

- KARK—Arkansas Radio and Equipment Co., Little Rock, Ark.—Granted modification of license to increase daytime power from 250 to 500 watts.
- WPTF—WPTF Radio Company, Raleigh, N. C.—Granted modification of C. P. to extend completion date to August 17, 1934.
- WDNC—Durham Radio Corp., Durham, N. C.—Granted license covering move of station from Wilmington, to Durham; changes in equipment and change in frequency from 1370 to 1500 kc.; 100 watts, unlimited.

#### Fourth Zone

- WHAD—Marquette University, Milwaukee, Wis.—Granted consent to voluntary assignment of license to American Radio News Corp.
- WCAL—St. Olaf College, Northfield, Minn.—Granted C. P. to change equipment and increase day power from 1 KW to 1½ KW.

#### Fifth Zone

- KFBL—Leese Brothers, Everett, Wash.—Granted consent to voluntary assignment of license to Lee E. Mudgett.
- KVL—KVL, Inc., Seattle, Wash.—Granted license 1370 kc., 100 watts, S-KFBL, covering local move of transmitter and studio.
- KGY—KGY, Inc., Olympia, Wash.—Granted special experimental authority for additional specified hours during the period of existing license.
- KQW—Pacific Agricultural Foundation, Ltd., San Jose, Cal.—Granted C. P. to move transmitter and studio locally in San Jose.
- KMED—Mrs. W. J. Virgin, Medford, Ore.—Granted C. P. to install new equipment and increase daytime power from 100 to 250 watts.

#### SPECIAL AUTHORIZATIONS GRANTED

- WKBV—Knox Battery & Electric Co., Richmond, Ind.—To operate from 10 a. m. to 12 noon; 6 to 10 p. m., Central Daylight Saving Time, instead of CST, daily, except Sunday, for the period beginning May 13 and during the period Daylight Saving Time applies but in no event later than 3 a. m., EST, July 1, 1934.
- WSGN—R. B. Broyles Furniture Co., Birmingham, Ala.—To operate station without approved frequency monitor for a period not to exceed 15 days.
- WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—To operate simultaneously with station WJBI from 8:30 to 11 p. m., EDST, May 18.
- WTAQ—Gillette Rubber Co., Eau Claire, Wis.—To remain silent from 2 to 4:30 p. m., CST, during months of June, July and August.
- WJJD—WJJD, Inc., Mooseheart, Ill.—To operate with reduced power of 10 KW using 4 instead of 8 RCA-UV-207 vacuum tubes in last radio stage, for period May 18 to May 25.
- WEBR—Howell Broadcasting Co., Inc., Buffalo, N. Y.—To remain silent May 30, 1934.
- WEW—The St. Louis University, St. Louis, Mo.—Authorized to discontinue operation, with exception of broadcasting all government reports, for period beginning June 15, and ending August 1.
- KWSC—State College of Washington, Pullman, Wash.—Authorized to reduce hours of operation to specified as follows: daily, except Sundays, Thursdays and holidays, from 6 to 10 p. m., and Thursdays from 6 to 7:30 p. m., PST, for period beginning June 1, and ending September 30, 1934.
- KFJB—Marshall Electric Co., Inc., Marshalltown, Ia.—Authorized to operate from 9 a. m. to 12 noon; 3 to 6 p. m., and 9 p. m. to 12 midnight, CST, on June 1, 2, 3 and 4.

#### ACTION ON EXAMINERS' REPORTS

- KOIN—Ex. Rep. No. 523: KOIN, Inc., Portland, Ore.—Granted C. P. to increase power from 1 KW day and night to 1 KW night, 2½ KW LS, on 940 kc., reversing Examiner Ralph L. Walker. Order effective May 25, 1934.
- KFAC—Ex. Rep. No. 537: Los Angeles Broadcasting Co., Inc., Los Angeles, Cal.—Granted modification of license to increase hours of operation from one-half time to unlimited on 1300 kc., 1 KW power, sustaining Examiner Geo. H. Hill. Order effective June 1, 1934.
- WALA—(Formerly WODX)—Ex. Rep. No. 548: Pape Broadcasting Corp., Inc., Mobile, Ala.—Granted modification of license

to change frequency from 1410 kc. to 1380 kc.; change hours of operation from simultaneous day with WSFA, sharing night with WSFA, to unlimited; 500 watts. Examiner Geo. H. Hill, sustained. Order effective June 8, 1934.

#### ORAL ARGUMENTS GRANTED

The Commission, en banc, will hear oral arguments on June 13, 1934, beginning at 10 a. m., in re Ex. Rep. No. 551, involving Stations WGES, Chicago, and WCBD, Zion, Ill., and arguments on June 20, 1934, in re Ex. Rep. 549, involving stations WMBD, Peoria, Ill., and WTAD, Quincy, Ill.

#### SET FOR HEARING

- WMMN—A. M. Rowe, Inc., Fairmont, W. Va.—Renewal of license.
- NEW—Arde Bulova and Norman K. Winston, Brooklyn, N. Y.—C. P. for new station, exact transmitter location to be determined; studio—376 Fulton St., Brooklyn; frequency 1400 kc., 500 watts; unlimited time. Facilities WARD, WBBC, WLTH and WVFW.
- NEW—Martin C. McIntyre, Bradford, Pa.—C. P. for new station at Bradford, Pa. 1420 kc., 100 watts; unlimited time.
- NEW—The Herald Publishing Co., Denison, Tex.—C. P. for new station at Denison, Tex; 880 kc., 100 watts; daytime.
- KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Tex.—Special experimental authority to change frequency from 570 to 1380 kc., and increase power from 250 watts night, 500 watts LS, to 500 watts night 1 KW-LS, experimentally.

#### MISCELLANEOUS

- KSO—Iowa Broadcasting Co., Des Moines, Ia.—Set for hearing application for modification of license to authorize full time operation on 1320 kc., 250 watts, and suspended grant made April 20, 1934, because of protest filed May 8, by Allen T. Simmons, Station WADC, Akron, Ohio.
- KFGG—Boone Biblical College, Boone, Ia.—Set for hearing application for modification of license to operate on 1370 kc., 100 watts, specified hours, and suspended grant made April 20, 1934, because of protest filed May 8, 1934, by WADC, Akron, Ohio.
- WHAD—Marquette University, Milwaukee, Wis.—Application for voluntary assigning of license to WHAD, Inc., heretofore designated for hearing, was dismissed at request of applicant.
- WKZO—WKZO, Inc., Kalamazoo, Mich.—Reconsidered action taken on May 15, granting C. P. to move transmitter to Kalamazoo Township, Michigan; make changes in equipment, increase power from 1 KW day only, to 1 KW day, 250 watts night, and increase hours of operation from daytime to unlimited, and designated application for hearing.

#### RATIFICATIONS

(Action taken May 14)

- WOR—Bamberger Broadcasting Service Inc., Newark, N. J.—Granted modification of C. P. approving transmitter location at Carterat, N. J.
- KTRH—KTRH Broadcasting Co., Houston, Tex.—Granted modification of license to change frequency from 1120 kc. to 1330 kc.; increase power from 500 watts to 1 KW, and change hours of operation from sharing with WTAW to unlimited.

(Action taken May 16)

- WHET—John T. Hubbard and Julian C. Smith, d/b, Troy Broadcasting Co., Dothan, Ala.—Granted special temporary authority to operate from 6:30 p. m. to 12 midnight, CST, May 16, and from 6:45 to 12 midnight, CST, June 6 and 11.

#### APPLICATIONS DISMISSED

- WJBI—Monmouth Broadcasting Co., Red Bank, N. J.—Special experimental authority heretofore designated for hearing, was dismissed at request of applicant.
- WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—Special experimental authority heretofore designated for hearing, was dismissed at request of applicant.
- KOL—Seattle Broadcasting Co., Inc., Seattle, Wash.—C. P., heretofore set for hearing, was dismissed at request of applicant.
- KGA—Louis Wasmer, Spokane, Wash.—Renewal of license designated for hearing, was dismissed because KOL withdrew its application for KGA's facilities.

## APPLICATIONS RECEIVED

### First Zone

- WTBO—Associated Broadcasting Corp., Cumberland, Md.—Construction permit to install new equipment; change frequency from 1420 to 800 kc.; change power and time from 100 watts, 250 watts-LS, unlimited to 250 watts, day.
- NEW—Plattsburg Broadcasting Corp., Plattsburg, N. Y.—Construction permit to erect new station to operate on 1310 kc., 100 watts, power, daytime; to be considered under Rule 6(g).

### Second Zone

None.

### Third Zone

- WNRA—Muscle Shoals Broadcasting Corporation, Muscle Shoals City, Ala.—Modification of license to change time and power from 100 watts, day, to 100 watts (day and night), unlimited. Facilities Station WAMC. *Amended* to omit request for facilities WAMC; now requests consideration under Rule 6.
- KTRH—KTRH Broadcasting Co., Houston, Tex.—Modification of license to change frequency from 1120 to 1330 kc., and increase power from 500 watts to 1 kw. and S-WTAW to unlimited time.

### Fourth Zone

- WHAD—Marquette University, Milwaukee, Wis.—Consent to voluntary assignment of license to American Radio News Corporation.

### Fifth Zone

- KALE—Kale, Inc., Portland, Ore.—Authority to install automatic frequency control equipment.
- KGER—Consolidated Broadcasting Corp., Ltd., Long Beach, Calif.—Construction permit to make equipment changes and move transmitter locally to northwest corner 31st & San Francisco Sts., Long Beach, Calif.
- KGB—Don Lee Broadcasting System, San Diego, Calif.—Construction permit to increase power from 1 KW to 1 KW, 2½ KW LS; also install new equipment; request consideration under Rule 6 (g).

## APPLICATIONS RETURNED

- NEW—Isaac N. Adickes, Jr. and Landon, Neal., Huntsville, Tex.—Construction permit to erect new station to operate on 1310 kc., power of 100 watts, unlimited time (Rule 6; Sections incomplete; transmitter site).
- NEW—W. L. Gleeson, Salinas, Calif.—Construction permit to erect new station to operate on 1490 kc.; power of 5 kw., unlimited time; *amended* to request 1210 kc., 100 watts (Rule 6, transmitter site, jurat).
- NEW—Lucien R. Gruss, Cleveland, Ohio—Construction permit to erect new station to operate unlimited time with power of 100 watts, but failed to specify frequency desired. (Rule 6; antenna; transmitter site.)
- WIBW—Topeka Broadcasting Assn., Inc., Topeka, Kans.—Authority to install automatic frequency control equipment. (Signature.)
- WWAE—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Construction permit to install new equipment. (Incomplete.)
- NEW—W. L. Gleeson, Sacramento, Calif.—Construction permit to erect new station to operate on 1490 kc., power of 5 kw, unlimited time, on an experimental basis (Incomplete).

# The National Association of Broadcasters

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

PHILIP G. LOUCKS, Managing Director

## NAB REPORTS

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MAY 26, 1934

### RAYBURN BILL CONSIDERED

The House Committee on Interstate and Foreign Commerce will resume consideration of the Rayburn bill (H. R. 8301) in executive session next Monday. Prospects are that the Committee will report the measure Monday or Tuesday in the hope that it can come up for action by the House at an early date.

The Rayburn bill, in the form introduced, does not change the present radio law but places its administration under the Communications Commission which the bill would create. In this respect the bill differs from the Dill bill, which has already passed the Senate. The Dill bill contains several undesirable amendments and it is probable that these will be considered in the conference on the measure.

An amendment, similar to the Wagner-Hatfield proposal which was defeated in the Senate, has been submitted to the House Interstate Committee and is being considered by that body. Should the Committee refuse to act favorably on the 25 per cent amendment it is very probable that a fight to have it adopted by the House will be made by either Congressman Rudd of New York or Congressman Maloney of Connecticut.

The NAB has favored the Rayburn bill in its original form but is opposed to any broadcasting amendments. The danger that amendments might be adopted caused the NAB to send a telegram to all members asking that they contact their Congressmen and make known the fact that the industry opposed any change in the present radio law.

The NAB will keep its members advised of every development in the legislative situation and all have been urged to act immediately upon telegraphic information.

### DILL TO OPPOSE COPYRIGHT BILL

The Duffy subcommittee of the Senate Committee on Foreign Relations has set Monday and Tuesday, May 28-29, for hearings on the question of adherence by the United States, in the International Copyright Union—better known as the Rome Convention. At the same time the Committee will consider the Cutting bill—S. 1928—which contemplates a fundamental revision of the Copyright Law to enable the United States to become a party to that Convention.

Chairman Duffy's announcement of the hearing follows:

"A Sub-Committee of the Senate Foreign Relations Committee, consisting of Senators Simeon D. Fess, Frederick Van Nuys and F. Ryan Duffy, has been selected to consider the question of the adherence by the United States to the International Convention of the Copyright Union as revised and signed at Rome on June 2, 1928, together with a bill by Senator Cutting, S. 1928.

"A hearing will be held on these matters in the Committee Room of the Senate Foreign Relations Committee at the Capitol, on May 28th and 29th, 1934, from 10 a. m. until 12 noon on each day.

"The proponents of adherence to this treaty and to the enabling legislation will be heard on May 28th, and the opponents on May 29th.

"Those appearing should by agreement among themselves make an allotment of time. In case of a disagreement the Committee will arbitrarily allot same among those present and desiring to be heard."

The chief speaker in opposition to the proposal will be Senator Dill, Chairman of the Senate Interstate Commerce Committee and a member of the Senate Patents Committee.

Oswald F. Schuette, copyright advisor of the National Association of Broadcasters, will also be one of Tuesday's witnesses against the bill which—in addition to establishing automatic copyright in unpublished as well as published works—provides an important extension of copyrights in the broadcasting field. Before the Cutting bill can become a law, it has to pass both Houses of

Congress—an unlikely prospect at the present stage of the session. Should the bill not be passed by both Houses before the end of the present session, it would have to be re-introduced when Congress convenes in January, 1935.

The resolution to adhere to the Rome Convention, however, requires passage by the Senate only, but must receive a two-thirds majority in that body.

If such a resolution of adherence is passed, it will not change the Copyright laws, but will impose a moral obligation of the Congress of the United States to adopt the necessary amendments to these statutes to provide for automatic copyright.

### ARE YOU MAKING A PROFIT?

"Are You Making a Profit and How Do You Know?" will be the subject of a talk to be given by H. K. Carpenter, WPTF, Raleigh, N. C., chairman of the NAB Cost Accounting Committee, at the annual meeting of the NAB Commercial Section to be held at Hotel Pennsylvania, New York, N. Y., June 19 and 20 in connection with the annual meeting of the Advertising Federation of America. Arthur B. Church, KMBC, Kansas City, Mo., chairman of the Committee, will preside.

"Standardizing Units of Sale and Rate Practices Under the Code" will be the subject of a talk to be given by James W. Baldwin, executive officer of the Code Authority for the Radio Broadcasting Industry.

The meeting is open to all NAB members and all who can be invited to attend the meeting.

### ENGINEERS MEET MONDAY

Many broadcasting station engineers have planned to attend the open meeting of the NAB Engineering Committee to be held, concurrently with the I. R. E. Convention, in the LaFayette Room of the Benjamin Franklin Hotel, Philadelphia, Monday, May 28, 1934.

The session will be devoted to an open discussion of problems confronting the broadcasting stations in the transmission of high fidelity programs.

### NRA NEWS SERVICE RESUMED

W. B. Dolph, chief, radio division of the Bureau of Public Relations of the NRA, announced this week that the NRA radio news service recently discontinued has been resumed. Numerous requests for continuance of the service had been received and the service was resumed on the basis of these requests.

### ORDER PROTECTS INFORMERS

President Roosevelt has issued an executive order giving complete protection in their jobs to employees who make complaints or give information concerning alleged code violations on the part of their employers.

The order decrees that no employer subject to a code shall dismiss or demote any employee for making a complaint or giving evidence with respect to code violations under penalty of a \$500 fine or six months imprisonment, or both.

In numerous cases before the National Labor Board, employees have charged that their employers have demoted or otherwise penalized them for making complaints or giving testimony regarding alleged code violations.

The President's order reads as follows:

#### EXECUTIVE ORDER

"By virtue of and pursuant to the authority vested in me under title I of the National Industrial Recovery Act of June 16, 1933 (ch. 90, 48 Stat. 195), and in order to effectuate the purposes of said title, I hereby prescribe the following rule and regulation:

"No employer subject to a code of fair competition approved under said title shall dismiss or demote any employee for making a

complaint or giving evidence with respect to an alleged violation of the provisions of any code of fair competition approved under said title.

"All persons are hereby informed that section 10(a) of the National Industrial Recovery Act prescribes a fine not to exceed five hundred dollars (\$500) or imprisonment not to exceed six (6) months, or both, for the violation of any rule or regulation prescribed under the authority of said section 10(a).

(Signed) FRANKLIN D. ROOSEVELT."

The White House,  
May 15, 1934.

### BROADCASTING CONTROL DISCUSSED

Supporters of the American system of broadcasting had the better of the discussion of the question "To What Extent Does Radio Broadcasting in the United States Need Public Regulation?" at the ninth annual meeting of the American Association for Adult Education held in Washington this week. The discussion was led by Harry A. Overstreet, professor of philosophy of the College of the City of New York. Those who participated in the panel discussion were Lucy Wilcox Adams, acting director, California Association for Adult Education; Henry Adams Bellows, vice president, Columbia Broadcasting System; William Hard, journalist; Joy Elmer Morgan, editor of the Journal of the National Education Association; Felix Morley, editor, Washington, D. C., Post; and Levering Tyson, director of the National Advisory Council on Radio in Education.

### SECURITIES ACT REGISTRATION

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

- Haddam Distillers Corporation, Moodus, Conn. (2-880, Form A-1)
- Naybob Gold Mines, Ltd., Rochester, N. Y. (2-881, Form A-1)
- Pacific Investors, Inc., Los Angeles, Cal. (2-882, Form A-1)
- Republic Distillers, Inc., Cincinnati, Ohio (2-883, Form A-1)
- Canal & Royal Realty Corp., New Orleans, La. (2-884, Form D-2)
- Sam Tavalin and others, Chicago, Ill. (2-885, Form D-1)
- Atascadero Mining Company, Atascadero, Cal. (2-886, Form A-1)
- Ozark Shoe Company, Webb City, Mo. (2-887, Form A-1)
- W. W. Whitecotton Realty Corp. Bondholders Committee, San Francisco, Cal. (2-888, Form D-1, Part II.)
- Superior-Boulevard Apartments First Mortgage Bondholders' Committee, Chicago, Ill. (2-889, Form D-1)
- Salmon P. Halle and others, Cleveland, Ohio. (2-890, Form F-1)
- Landowners' Oil Association, Tulsa, Okla. (2-891, Form A-1)
- Bill-O-Type Corporation, St. Louis, Mo. (2-892, Form A-1)
- Bondholders' Protective Committee of Stockton Medico-Dental Building, San Francisco, Cal. (2-893, Form D-1)
- Contract & Investment Company, Detroit, Mich. (2-894, Form D-2)
- Protective Committee for Holders of Hebrew Benevolent Congregation First Lien Serial Bonds, New Orleans, La. (2-895, Form D-1)
- Bondholders' Protective Committee of Canadian Rail and Harbor Terminals, Ltd., Toronto, Canada (2-896, Form D-1)
- Pacific Northwest Company, Portland, Ore. (2-897, Form A-1)
- Poundmaker Gold Mines, Ltd., Ottawa, Canada (2-898, Form A-1)
- Mancos Gold Mining Company, Denver, Colo. (2-899, Form A-1)

### FEDERAL RADIO COMMISSION ACTION

#### HEARING CALENDAR

Thursday, May 31, 1934

- WBAA—Purdue University, West Lafayette, Ind.—Modification of license, 1400 kc., 500 watts, 1 KW LS, S. H. (facilities WKBF). Present assignment: 1400 kc., 500 watts, S. H.
- WKBF—Indianapolis Broadcasting, Inc., Indianapolis, Ind.—Renewal of license, 1400 kc., 500 watts, S. H. Also modification of license to acquire unlimited time (facilities WBAA).

Friday, June 1, 1934

- NEW—S. George Webb, Newport, R. I.—C. P., 1200 kc., 100 watts, 250 watts LS, unlimited time.
- NEW—Rev. C. C. Morris, Ada, Okla.—C. P., 1200 kc., 100 watts, daytime.

### APPLICATIONS GRANTED

#### First Zone

- WSAR—Doughty & Welch Electric Co., Inc., Fall River, Mass.—Granted license covering move and changes in equipment; 1450 kc., 250 watts, unlimited time.
- WCNW—Arthur Faske, Brooklyn, N. Y.—Granted modification of C. P. extending commencement date to May 1, 1934, and completion date to July 14, 1934.
- WLNH—Northern Broadcasting Co., Laconia, N. H.—Granted modification of C. P. for approval of transmission and studio sites in Laconia, changes in equipment, and extension of completion date to September 2, 1934.
- WQDM—A. J. St. Antoine and E. J. Regan, St. Albans, Vt.—Granted consent to voluntary assignment of license to E. J. Regan and F. Arthur Bostwick, d/b as Regan and Bostwick

#### Second Zone

- WIBM—WIBM, Inc., Jackson, Mich.—Granted license covering local move and changes in equipment; 1370 kc., 100 watts, specified hours.
- WJIM—Capital City Broadcasting Co., Lansing, Mich.—Granted modification of C. P. to extend commencement date to June 20 and completion date to August 22, 1934.

#### Third Zone

- WSFA—Montgomery Broadcasting Co., Inc., Montgomery, Ala.—Granted modification of license to change hours of operation from simultaneous day with WODX, sharing night, to unlimited.
- WJEM—Britt A. Rogers, Jr., Tupelo, Miss.—Granted modification of C. P. extending commencement date to immediately and completion date to August 1, 1934.
- WENC—Americus Broadcast Corp., Albany, Ga.—Granted modification of C. P. extending completion date to July 5, 1934.

#### Fourth Zone

- WMBH—W. M. Robertson, Joplin, Mo.—Granted consent to voluntary assignment of license to Joplin Broadcasting Co.

#### Fifth Zone

- NEW—Oregon Radio, Inc., Salem, Ore.—Granted C. P. for new station; 1370 kc., 100 watts, daytime. Facilities: half of those assigned to Station KOOS.
- KOL—Seattle Broadcasting Company, Seattle, Wash.—Granted C. P. to move transmitter locally in Seattle, and make changes in equipment. Application to increase day power from 1 KW to 2½ KW set for hearing.
- KWYO—Big Horn Broadcasting Co., Sheridan, Wyo.—Granted modification of C. P. to make changes in equipment.
- KFXD—Frank E. Hurt, Nampa, Idaho—Granted renewal of license, 1200 kc., 100 watts, unlimited time. Application for this station's facilities was dismissed at request of applicant.

### SET FOR HEARING

- WBNX—Standard Cahill Co., Inc., New York—Renewal of license set for hearing to determine the nature and character of services rendered and the programs broadcast; and to determine if the continued operation of this station would serve public interest, convenience, and necessity.
- NEW—General Television Corp., Boston, Mass.—C. P. (Exp. Exp.-Broadcast Service), 1570 kc., 500 watts, unlimited time. To be heard before Commission en banc on June 27.
- WEBR—Howell Broadcasting Co., Buffalo, N. Y.—C. P. to move transmitter and studio to Lackawanna, N. Y., make changes in equipment, change frequency from 1310 kc. to 630 kc., and increase power from 100 watts night, 250 watts day, to 500 watts.
- NEW—Delbert E. Replogle, in Boston area—C. P. (Exp. Broadcast), 1570 kc., 1 KW. To be heard by the Commission en banc on June 27.
- NEW—Samuel Nathaniel Morris, Stamford, Tex.—C. P., 1420 kc., 100 watts, specified hours: 6 to 8 a. m., 10 a. m. to 12:15 p. m., 2 to 4 p. m., 7:30 to 9:45 p. m.; facilities of KFPL.
- WCNW—Arthur Faske, Brooklyn, N. Y.—Modification of C. P. to make changes in equipment and increase day power from 100 to 250 watts.

- WDAE—Tampa Times Co., Tampa, Fla.—Special experimental authority to make changes in equipment and increase day power to 2½ KW for period ending October 1, 1934.
- WHB—WHB Broadcasting Co., Kansas City, Mo.—Special experimental authority to change frequency from 860 kc. to 1120 kc., and operate from sunset to midnight (except when WTAW is operating) with 500 watts power. (Normally licensed 860 kc., 500 watts, daytime.)

### ACTION ON EXAMINER'S REPORT

- KROW—Ex. Rep. No. 541: Educational Broadcasting Corp., Oakland, Calif.—Granted modification of license to change hours of operation from sharing with KFWI to unlimited. To operate on 930 kc., 500 watts night, 1 KW day. Order effective June 1, 1934. Examiner R. L. Walker sustained.
- KWQ—Pacific Agricultural Foundation, Ltd., San Jose, Calif.—Dismissed application for C. P. to make changes in equipment and increase daytime power from 500 watts to 500 watts night, 1 KW day; 1010 kc., unlimited time; sustaining Examiner Walker.
- KJBS—Julius Brunton & Sons Co., San Francisco, Calif.—Granted C. P. to make changes in equipment and increase power from 100 watts day to 500 watts day, 1070 kc., 12:01 a. m. to LS. Order effective June 1, 1934. Examiner Walker reversed. (KFWI's facilities in quota units.)

### SPECIAL AUTHORIZATIONS

- WHDF—The Upper Michigan Broadcasting Co., Calumet, Mich.—To operate from 6:30 to 9:30 p. m., CST, May 24, and from 6:30 to 8:30 p. m., CST, June 5, 1934.
- KFJB—Marshall Electric Co., Inc., Marshalltown, Iowa—To operate from 9 p. m. to 12 midnight, CST, May 27.
- KFDY—South Dakota State College, Brookings, S. Dak.—To remain silent May 30, 1934.
- WCAT—South Dakota State School of Mines, Rapid City, S. Dak.—To remain silent from June 1 for a period ending not later than September 10, 1934.
- KWWG—Frank P. Jackson, Brownsville, Tex.—Extension of special temporary authority to remain silent for period beginning June 2 and pending decision of the Commission upon certain applications affecting the status of KWWG, but not later than August 1, 1934.
- KGFF—KGFF Broadcasting Co., Inc., Shawnee, Okla.—To reduce hours of operation to specified, as follows: 7:30 a. m. to 1:15 p. m., and 5 to 9:15 p. m., CST, daily, for period ending July 1, 1934.
- WAAF—Drovers Journal Publishing Co., Chicago, Ill.—To remain silent pending rebuilding of transmitter and studios which were destroyed by fire, for period ending not later than September 1, 1934.
- WSFA—Montgomery Broadcasting Co., Inc., Montgomery, Ala.—To operate simultaneously with Station WALA from 6:45 p. m. to 12 midnight, CST, May 25, with power of 250 watts.
- WALA—Pape Broadcasting Corp., Inc., Mobile, Ala.—To operate simultaneously with WSFA from 6:45 p. m. to 12 midnight, CST, May 25, with power of 250 watts.
- KFDY—South Dakota State College, Brookings, S. Dak.—To operate from 8:15 to 9:15 p. m., CST, May 28 and June 4.
- WMBH—W. M. Robertson, Joplin, Mo.—To operate from 2:30 to 3:30 p. m., CST, June 3, 10, 17, and 24.
- WCAC—Connecticut State College, Storrs, Conn.—To operate from 9:30 to 10:45 a. m., EST, June 11, provided WICC remains silent; also to remain silent beginning 10:45 a. m., EST, June 11, and ending not later than 3 a. m., EST, September 1, 1934.
- WBNO—Coliseum Place Baptist Church, New Orleans, La.—Extended special temporary authority to operate on 1200 kc., 100 watts, sharing time equally with WJBW for period beginning 3 a. m., EST, June 1, and ending pending hearing and decision on applications now pending affecting said station, but not later than 3 a. m., EST, December 1, 1934.
- KFDY—South Dakota State College, Brookings, S. Dak.—To operate from 2 to 2:30 p. m., CST, June 16, in order to broadcast speech by President of Farm Bureau Federation; and from 2 to 3 p. m., CST, June 29; denied authority to operate from 7 to 9 p. m., CST, June 3 and 8.
- WILL—University of Illinois, Urbana, Ill.—To operate simultaneously with KFNF from 5 to 5:15 p. m., CST, June 10; also granted authority to remain silent for period beginning 3 a. m., June 1, and ending in no event later than 3 a. m.,

- EST, September 1, 1934, except from 11 p. m. to 12 midnight, CST, June 4; from 4 to 5:15 p. m., CST, June 10; and from 9 a. m. to 12:30 p. m., CST, June 11.
- WSYB—Philip Weiss Music Co., Rutland, Vt.—To operate from 11 a. m. to 12 noon, EST, June 3, 10, 17, and 24; and from 1 to 1:30 p. m., EST, June 2, 9, 16, 23, and 30.
- WSUI—State University of Iowa, Iowa City, Iowa—To operate from 10 p. m. to 12 midnight, CST, June 1, and from 10 to 11 a. m., CST, June 4.
- WALA—Pape Broadcasting Corp., Inc., Mobile, Ala.—To operate station without approved frequency monitor for period not to exceed 4 weeks.
- WICC—Southern Connecticut Broadcasting Corp., Bridgeport, Conn.—To operate Monday to Friday, inclusive, from 12:30 to 1 p. m.; Wednesday, 4:30 to 5 p. m., EST, for period June 11 to July 11, 1934.
- WFBM—Indianapolis Power & Light Co., Indianapolis, Ind.—Extended temporary authority to use 50-watt portable transmitter between 12 midnight and 6 a. m., CST, for period beginning May 30 and ending July 9, 1934.
- WSMK—Stanley M. Krohn, Jr., Dayton, Ohio—Extended special temporary authority to operate simultaneously with KQV from 8 p. m. to 12 midnight, EST, for period June 1 to June 30, 1934.
- KQV—KQV Broadcasting Company, Pittsburgh, Pa.—Extended special temporary authority to operate simultaneously with Station WSMK from 8 p. m. to 12 midnight, EST, for period June 1 to June 30, 1934.
- WSFA—Montgomery Broadcasting Co., Inc., Montgomery, Ala.—To operate simultaneously with Station WALA from 7 p. m. to 12 midnight, CST, June 3 to 8, 1934, with reduced power of 250 watts.
- WALA—Pape Broadcasting Corp., Inc., Mobile, Ala.—To operate simultaneously with WSFA from 7 p. m. to 12 midnight, CST, June 3 to 8, with reduced power of 250 watts.
- WSFA—Montgomery Broadcasting Co., Inc., Montgomery, Ala.—To operate from 7 p. m. to 12 midnight, CST, June 8 to 12, inclusive.

### MISCELLANEOUS

- Mayor and Board of Aldermen, Newport, R. I.—Granted petition to intervene and be a party to hearing of application of S. George Webb for C. P. for new station at that place.
- KFH—Radio Station KFH, Inc., Wichita, Kans.—Ordered modification of license to increase hours of operation from sharing with WOQ to unlimited, effective June 14, 1934, in keeping with mandate of Court of Appeals of D. C. affirming decision of Commission of June 23, 1933.
- WOQ—Unity School of Christianity, Kansas City, Mo.—Notified it must cease operation at 3 a. m., EST, June 14, 1934, in keeping with mandate of Court of Appeals of D. C. affirming decision of Commission of June 23, 1933.

### RULE 419b AMENDED

Primarily to provide additional frequencies for point-to-point radio telephone service in Alaska, at the request of the Chief Signal Officer the Commission amended Rule 419b to read as follows:

"Primarily for short-distance communication between Government and non-Government stations, provided the maximum power shall not exceed 100 watts and upon the condition that no interference will result to other services, types A-1, A-2, and A-3 emission:

2616 kc.	2994 kc.	5137.5 kc. day only
2632 kc.	3092.5 kc.	5167.5 kc. day only
2912 kc.	3190 kc.	5207.5 kc. day only
2986 kc.	3263 kc."	

The Commission believes this change in the rules will not adversely affect any other station or service.

### APPLICATIONS DISMISSED

- KOL—Seattle Broadcasting Co., Inc., Seattle, Wash.—Special experimental authority, 660 kc., 1 KW, unlimited time, heretofore set for hearing, was dismissed at request of applicant.

## APPLICATIONS RECEIVED

### First Zone

- WHDL—Tupper Lake Broadcasting Co., Inc., Tupper Lake, N. Y.—Modification of construction permit granted 3-21-34 for extension of commencement and completion dates to 5-15-34 and 6-30-34, respectively.
- NEW—Joseph Pappalardo, Methuen, Mass.—Construction permit to erect new station to operate on **1120 kc.**, with power of 500 watts, daytime. *Amended* to request power of 100 watts, unlimited time, and station to be located at Lawrence instead of Methuen, Mass.
- WGLC—O. T. Griffin and G. F. Bissell, Hudson Falls, N. Y.—Consent to voluntary assignment of license to Adirondack Broadcasting Co., Inc.
- WTAG—Worcester Telegram Publishing Co., Inc., Worcester, Mass.—Authority to determine operating power by direct antenna measurement.
- WOKO—WOKO, Incorporated, Albany, N. Y.—Modification of license to increase power from 500 watts to 500 watts, 1 KW LS.
- NEW—J. David Stern, New York, N. Y.—Construction permit to erect new station to operate on **810 kc.**, power of 500 watts, daytime. *Amended* to request operation from 6 a. m. to sunset of Station WCCO.
- NEW—Frank Lyman, Jr., Boston, Mass.—Construction permit to erect new station to operate on **680 kc.**, power of 250 watts, limited time.

### Second Zone

- WKBN—WKBN Broadcasting Corporation, Youngstown, Ohio—Construction permit to change frequency from **570 kc.** to **610 kc.**, power of 500 watts, to 500 watts, 1 KW LS, with directional antenna after sunset Youngstown, and S. H. to unlimited time; make equipment changes and move transmitter locally, exact location to be determined.
- WAIU—Associated Radiocasting Corp., Columbus, Ohio—Modification of license to change frequency from **640 kc.** to **570 kc.**, and power from 500 watts to 750 watts, 1 KW LS, and time from limited to S. H., now being used by Station WKBN.
- WJAY—Cleveland Radio Broadcasting Corporation, Cleveland, Ohio—Modification of license to change frequency from **610 kc.** to **640 kc.**, power from 500 watts, daytime, to 1 KW, S. H.
- WBNS—WBNS, Incorporated, Columbus, Ohio—Modification of construction permit granted 2-6-34 to move transmitter for extension of completion date to 9-1-34.
- KDKA—Westinghouse Electric and Manufacturing Company, Pittsburgh, Pa.—License to cover construction permit to install new equipment (alternate main transmitter).
- KDKA—Westinghouse Electric and Manufacturing Company, Pittsburgh, Pa.—Construction permit to install new equipment (alternate main transmitter).
- WJIM—Harold F. Gross, M. B. Keeler, and L. A. Versluis, d/b as Capital City Broadcasting Company, Lansing, Mich.—Modification of construction permit (2-P-B-2763A) to extend commencement and completion dates to 6-20-34 and 8-22-34, respectively.
- WJR—WJR, The Goodwill Station, Detroit, Mich.—Construction permit to erect temporary station to operate on **750 kc.**, with power of 1 KW, unlimited time.
- WKBO—Keystone Broadcasting Corp., Harrisburg, Pa.—License to cover construction permit (2-P-B-3188) to make equipment changes and move station locally.
- WJBK—James F. Hopkins, Inc., Detroit, Mich.—Modification of license to increase power from 50 watts to 100 watts.

### Third Zone

- WGCM—Grace Jones Stewart, under the trade name Great Southern Land Co. (not inc.), Mississippi City, Miss.—Modification of license to move studio from Mississippi City, Miss., to Great Southern Hotel, Gulfport, Miss.
- WSMB—WSMB, Inc., New Orleans, La.—Special experimental authority to operate with power of 1 KW.
- KTRH—KTRH Broadcasting Co., Houston, Tex.—Construction permit to make equipment changes and increase power from 1 KW to 1 KW,  $2\frac{1}{2}$  KW LS.
- WMBR—F. J. Reynolds, Inc., Jacksonville, Fla.—Consent to voluntary assignment of license to Florida Broadcasting Company.
- WSMB—WSMB, Inc., New Orleans, La.—Modification of license

to increase power from 500 watts to 1 KW; to be considered under Rule 6g.

- NEW—Richard Austin Dunlea, Wilmington, N. C.—Construction permit to erect new station to operate on **1370 kc.**, power of 100 watts, daytime. *Amended* re equipment and to request consideration under Rule 6(g).

### Fourth Zone

- WDGY—Dr. George W. Young, Minneapolis, Minn.—Construction permit to increase power from 1 KW to 1 KW,  $2\frac{1}{2}$  KW LS; change time of operation from limited to unlimited, and make equipment changes. *Amended* to make changes in antenna system and move transmitter, exact site to be determined.
- KWCR—Cedar Rapids Broadcast Co., Cedar Rapids, Iowa—Modification of construction permit granted 1-16-34 for extension of completion date for six months.
- WIBW—Topeka Broadcasting Assn., Inc., Topeka, Kans.—Authority to install automatic frequency control equipment.
- KMBC (Aux.)—Midland Broadcasting Co., Kansas City, Mo.—License to cover construction permit granted 12-5-33 to move auxiliary transmitter.
- KGA—Louis Wasmer, Spokane, Wash.—Modification of license to change frequency from **1470 kc.** to **900 kc.**; change power from 5 KW to 1 KW,  $2\frac{1}{2}$  KW LS.

### Fifth Zone

- KGIR—KGIR, Incorporated, Butte, Mont.—Modification of license to increase power from 500 watts, 1 KW LS, to 1 KW (day and night).
- KOA—National Broadcasting Co., Inc., Denver, Colo.—License to cover 5-P-B-1577 to install new equipment, increase power, and move transmitter locally.
- KWYO—R. E. Carroll tr/as Big Horn Broadcasting Co., Sheridan, Wyo.—Modification of construction permit granted 3-2-34 to make equipment changes.
- KGVO—Mosby's, Incorporated, Missoula, Mont.—Special experimental authority to operate on **950 kc.**, with power of 500 watts, for period ending 10-1-34, while Station KGHL is on **780 kc.**; to move transmitter to exact location to be determined, Missoula, Mont., and make equipment changes; to be considered under Rule 6(g).
- KOA (Aux.)—National Broadcasting Co., Inc., Denver, Colo.—Modification of license to use old main transmitter of Station KOA as auxiliary transmitter.
- NEW—Montana Broadcasting Co., Freda Wessell, Sec'y, Helena, Mont.—Construction permit to erect new station to operate on **1420 kc.**, power of 100 watts, unlimited time. *Amended* to request S. H.
- KOL—Seattle Broadcasting Co., Inc., Seattle, Wash.—Construction permit to make equipment changes and move studio locally. *Amended* re equipment and to request increase of power from 1 KW to 1 KW,  $2\frac{1}{2}$  KW LS.
- KUJ—KUJ, Incorporated, Walla Walla, Wash.—Construction permit to make equipment changes; change frequency from **1370 kc.** to **1340 kc.**; increase power from 100 watts to 1 KW and time of operation from day to unlimited (facilities Station KFPY).

## APPLICATIONS RETURNED

- WBIG—North Carolina Broadcasting Co., Inc., Greensboro, N. C.—Construction permit to install new power supply unit. (Unnecessary.)
- WGST—Georgia School of Technology, Atlanta, Ga.—Modification of license to change power from 250 watts, 1 KW LS, to 500 watts, 1 KW LS. (Improper application form.)
- NEW—W. Wright Esch, Daytona Beach, Fla.—Construction permit to erect new station to operate on **1420 kc.**, power of 100 watts, unlimited time. (Rule 6, Sections 14, 16, 23; transmitter site.)
- WMMN—A. M. Rowe, Inc., Fairmont, W. Va.—Construction permit to install new equipment. (Unnecessary.)
- WSMB—WSMB, Incorporated, New Orleans, La.—Special experimental authority to operate with power of 1 KW. (Applicant's request.)

## CORRECTION

In the May 12 issue of NAB REPORTS, WMAZ was listed as having been granted full-time operation. The Federal Radio Commission has since indicated an error in the initial release from which the information was obtained. The application of WMAZ has, instead, been set for hearing, tentatively scheduled for June 6, 1934.

# The National Association of Broadcasters

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

PHILIP G. LOUCKS, Managing Director

## NAB REPORTS

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### RAYBURN BILL IS REPORTED

The House Committee on Interstate and Foreign Commerce on Tuesday reported favorably the Rayburn Communications Commission bill without amendments affecting broadcasting. The bill in the form in which it has been reported leaves the radio act intact but places its administration under a new Communications Commission of seven men.

By rejecting the proposals to amend the radio act and the proposal to set aside 25 per cent of all channels for religious, educational, and similar organizations, the Committee followed the recommendations made by the NAB during hearings on the bill.

The House Rules Committee later in the week granted a rule for consideration of the bill, limiting debate to one hour on the rule and two hours of general debate on the bill. This means that the bill will come up in the House within the next day or two.

Since the House bill does not include any of the provisions contained in Title III of the Dill bill, if passed in its reported form, this Title III would become the subject of a conference between managers of the Senate and House. Whether any or all of the Dill bill provisions would be accepted by the conference is problematical. Several of the Dill bill provisions have been vigorously opposed by the NAB and this opposition will be carried into the conference.

There is a likelihood that the 25 per cent amendment will be introduced from the floor of the House when the bill comes up. NAB stations which have not contacted their Congressmen on this possibility are urged to do so by the Legislative Committee.

Should the House pass the Rayburn bill and the differences between the two measures harmonized in conference, it is believed the President will approve the bill forthwith. This would mean abolition of the Federal Radio Commission which has had jurisdiction over broadcasting since 1927.

At the time this issue of NAB REPORTS goes to press, copies of the Rayburn bill as reported and the report are not available although their contents have been explained by Chairman Rayburn.

### HEARINGS ON COPYRIGHT BILL

The subcommittee of the Senate Foreign Relations Committee this week held hearings on the Cutting copyright bill. The bill was introduced for the purpose of enabling the United States to enter the International Copyright Union and carried the support of the Department of State.

The representative of the State Department stated that the treaty, being self-executing, would, if ratified, supersede the present copyright laws of the United States and provide automatic copyright for foreign authors and composers.

Entrance into the Union was advocated by William H. Osborn, speaking for the Authors League of America although the League was opposed to the Cutting bill in its present form.

F. G. Melcher, speaking for the National Association of Book Publishers, took the position that the United States should first pass copyright legislation before ratifying the treaty, pointing out that if the treaty were ratified in advance of copyright legislation chaos would result during the intervening period.

Other witnesses who appeared in support of the measure, some with reservations, were James L. Brown, chief of trademark and patent section of the Department of Commerce; John McRae, book publisher; Lela Mechlin, former secretary of the American Federation of Artists; John H. MacCracken, associate director of the American Council on Education; and William W. Tufts, representing the map publishers.

Thorvald Solberg, former register of copyrights, made a lengthy plea for entrance into the Union and reviewed the lengthy agitation for such action on the part of the United States.

Senator C. C. Dill of Washington, led the opposition to the Cutting bill and also to ratification of the treaty at this time. He explained to the subcommittee that copyright touches the lives of more people than any other legislation pending before Congress except tariff legislation. The purpose of the bill, he said, was to wipe out 140 years of consistent legislation in the United States on the subject of copyright. This is a foreign law, he said, and if we are to join we must scrap our law and take the foreign law. The Washington Senator, one of the best informed members of the Senate on the subject of copyright, reviewed our copyright legislation pointing out that all of our laws required registration and notice while the present bill would do away with such formalities. The bill should be before the Senate Patents Committee and not the Foreign Relations Committee, he said, and urged the subcommittee to urge this change of reference in its report.

Our copyright laws need revision, he said, adding that under the present law "one organization in New York holds a club over users so that they can charge whatever they ask." He said that it was impossible to pass the law at this session of Congress and urged the subcommittee to report to the full committee that the bill go to the Patents Committee and that the convention should not be ratified until after enabling legislation has been passed.

Edward T. Kilgore, attorney for the Fox Film Corporation and for the Hays organization, in opposing the bill and the treaty said that if we entered the Union without reservation we would do so on an unequal basis since other countries have made reservations. He raised a constitutional objection to the "oral" copyright provision stating that our constitution granted copyright only in writings. The public domain of music would become scrapped, he said.

Julian Brylawski, of the Motion Picture Theaters Owners of America, read a resolution which was adopted at the meeting of his organization protesting against the bill. He said if the treaty were ratified there would spring up numerous organizations similar to the American Society of Composers, Authors and Publishers. Where we have one society now, we would have numerous societies under the bill.

Chairman Duffey, of the subcommittee, said that out in his state of Wisconsin the society we have here is considered a "racket."

Oswald F. Schuette represented the NAB at the hearings and opposed both the bill and the treaty.

"The broadcasting industry favors a revision of the copyright laws," he said. "But we are opposed to the bill before this committee because we do not believe it would achieve the purpose for which it is intended and that its passage in its present form would lead to confusion and chaos. The broadcasting industry favors the protection of copyright by international treaties, but we are opposed to the ratification of this treaty until Congress shall have revised the copyright laws to protect not only the rights of foreign and domestic authors and composers, but of the user of literary and musical works and of the rights of the public in the public domain.

"Even under the restrictions of the present law, the broadcasters find themselves at the mercy of an organization which claims to control the public performance rights to a million or more copyrighted musical compositions that, at least, have actually been registered in the Copyright Office. Under the present law a single innocent infringement of any one of these compositions entails a minimum statutory damage of \$250, plus attorney's fees. The mere threat of such a suit is so strong a club that the American Society of Composers, Authors and Publishers has found it possible to exact arbitrary licenses not only in practically every broadcasting station in the country, but from thousands of other users.

"To show the extent to which this organization has gone in

wielding this club, I have in my possession a letter which it sent to a broadcasting station in Oklahoma, which had refused to yield to its terms. In that case, Mr. Chairman, instead of suing the station for infringement, as it might have done, the American Society sent threats to each of the advertisers of that station threatening to sue these advertisers as 'joint tort feors'.

"If this organization can deal thus ruthlessly with copyrights that are registered under the present laws, how much more sweeping would its power be if it were to be given control over automatic copyrights, both domestic and foreign.

"Properly safeguarded, the broadcasters have no objection to any extension of copyright which may be necessary to protect works against unlicensed broadcasting. But the proposal of Section 4 of the Cutting bill, which seeks to carry out one of the provisions of the Rome Convention, would give to the author—even after he has parted with his copyright or granted a license for the use of his works—the right to prevent the broadcast of any modification which might be deemed prejudicial to his honor or reputation. This would create a serious situation for broadcasters because there are few literary or musical works that can be presented on the air in exactly the original form created by the author. Such works must be cut, condensed, expanded, dramatized or non-dramatized or translated. This is particularly necessary because the work in the form originally created by the author was not generally written for the particular radio program of the particular radio station and, in most cases, was not written for radio presentation at all."

William B. Warner, representing the National Publishers Association, objected to the bill because under it the publisher could not protect himself from injunction suits. Editors must have the right to edit, he said.

Robert E. Coulson, also of the National Publishers Association, said the bill, if passed, would sacrifice certainty for change in a field where certainty is more important than change for all concerned. If the bill were passed, he said, it would take ten years of litigation to know where all parties stood. The bill would help foreign authors and the American Society but no others.

M. J. Flynn, representing the American Federation of Labor, opposed the bill and the treaty and suggested that the State Department might well call conferences during the summer to work out a satisfactory law. Most of those attending the hearing agreed that this would be desirable and the representative of the State Department stated that the Department would be pleased to undertake the task.

John G. Payne, of the Music Publishers Protective Association, objected to the bill, pointing out the danger that some foreign court might construe the act against the interests of the United States, thereby throwing all American works in the public domain of that country. He said the copyright laws needed revision and that American authors needed better protection abroad.

The subcommittee, consisting of Chairman Duffey, Senators Van Nuys and Fess, closed the hearings and now has the bill and treaty under advisement. It is doubtful, in view of the general opposition expressed, whether any final committee action will be taken on the measure during the present session.

## TRADE COMMISSION GETS COOPERATION

The Special Board of Investigation of the Federal Trade Commission is pleased with the cooperation promised by broadcasting in its undertaking to survey radio advertising. The Commission, after voting the survey, asked that stations cooperate in the work by sending in copies of all commercial announcements after July 1. The response to the letter sent to all stations has been most encouraging, it is said at the Commission.

## NAB ENGINEERING COMMITTEE MEETS

Cnncurrently with the I. R. E. Convention, an open meeting of the NAB Engineering Committee was held Monday, May 28, at the Benjamin Franklin Hotel, Philadelphia. The meeting was called to order by J. A. Chambers, chairman, and was devoted to a discussion of high fidelity transmission. Approximately 75 members of the committee and broadcast station engineers attended the meeting, and many of them participated in the discussion.

Measurements made by A. S. Clark of the Radio Research Co., of Washington, on the performance of 24 broadcasting transmitters of various powers were presented. The figures indicated that composite transmitters, under actual operating conditions, are superior to standard manufactured transmitters insofar as distortion is concerned. The measurements indicated that, at 75 per cent modula-

tion, the average distortion of 7 "standard" transmitters, of powers from 100 to 5000 watts, was 13.6 per cent, and that the average distortion of 17 "composite" transmitters, of powers from 100 to 1000 watts, was 9.0 per cent. Measurements on the frequency characteristics indicated that some manufactured transmitters were superior in this respect.

During the ensuing discussion, the necessity for adequate measuring apparatus and for its regular use by broadcasting stations was stressed. It was pointed out that high-quality transmission can be effected only through the careful checking of transmitter adjustments. The use of an engineering handbook, now being prepared by the Engineering Committee, was favorably discussed. The average station owner was stated to have little conception of what his engineer is up against in trying to maintain his equipment in proper operating condition.

The I. R. E. convention, which furnished the opportunity for the large attendance at the NAB meeting, was the largest convention in the history of the Institute. C. M. Jansky, Jr., President of the I. R. E., presided.

At the opening session, W. R. G. Baker, Vice-President and General Manager of the RCA-Victor Co., outlined some of the vital factors relative to the advent of commercial television, and predicted that at least five years' time is required for working out the commercial features of regular television entertainment. Dr. Baker said "If 700,000 persons should spend \$300 apiece to equip their homes with television apparatus, that would require a total expenditure of \$210,000,000. To serve that many persons about 80 transmitting stations would have to be provided, at a cost of \$40,000,000, and another \$40,000,000 would have to be spent to develop an interconnecting network. It would take \$58,000,000 a year for costs of transmitter operation and for depreciation.

"Another problem is that of programs. A radio broadcasting network is likely to have 5000 program hours a year. For a television station to show once each of the 300 feature motion pictures produced in a year in the United States would take up only 300 program hours. To broadcast each of the new plays of a year shown on New York stages would take up only another 300 hours. Shorts and newsreels would bring the total only to 2000 hours. And not all news events would be in reach.

"The artist's life, in television, would be for only a few brief weeks. You can listen to an entertainer over the air repeatedly, but you would not be content to see his grimaces more than a few times. So artists would demand high pay.

"Who is to pay for the vast costs? It will take years to develop television. You can't expect the manufacturers to pay for it, nor can you expect advertisers to pay much until coverage is assured them. European nations have become accustomed to government operation of all communications systems and to paying a government tax for radio broadcasting. American social psychology is different.

"But none of these problems are insoluble. And television hasn't yet developed all its tools."

J. A. Chambers, Technical Supervisor of the Crosley Radio Corporation, described the recently constructed 500 kilowatt transmitter of WLW.

The 1934 Honor Medal was presented by the Institute to Capt. S. C. Hooper, Director of Naval Communications, in recognition of his work in organizing military communications and in fostering the growth of American communications facilities. In accepting the medal, Capt. Hooper outlined some of the factors concerning the growth of communications systems, and added, "Now many nations have their houses somewhat in order at home insofar as concerns the circuits which connect with ships, aircraft, and the cities of the world. But the United States must look to its broadcasting, for gradually the spoken voice will come to be more and more listened to between nations and we will be judged by those other nations whom we desire as friends and partners in trade by the example we set on the air. We must be careful in broadcasting to foreign people. We must build stations powerful enough for them to hear well. We must learn to be interesting to them in culture and information, and in art and music, so that they will like to listen to us and become our friends. For trade follows friendships and national understanding. We must be sincere so that they will not be suspicious of us, and we must keep our service national for use in case of emergencies.

"The procedure on intercontinental broadcasting has hardly been crystallized as yet. The art is too young. But great good will come when this is perfected, and great understanding will result when the peoples of the world can understand one another's problems and points of view."

## ASK RADIO COMMISSION INVESTIGATION

Senator Dickinson of Iowa has introduced a resolution in the Senate (S. Res. 250) asking for an investigation of the Federal Radio Commission. The resolution, which was referred to the Committee on Interstate Commerce, is as follows:

*Resolved*, That the Committee on the Judiciary is authorized and directed to investigate the Federal Radio Commission, the records, documents, and decisions thereof, and each of the personnel thereof, with particular reference to the conduct and deportment of the several members of the Commission while engaged in exercising judicial or quasi-judicial functions under the Radio Act of 1927, and with further reference to the fitness of said several members of the Commission to exercise judicial or quasi-judicial functions either as members of the Federal Radio Commission as now constituted or as members of any commission which may be hereafter established to take over its powers and duties.

The committee shall report to the Senate the results of its investigation, including such recommendations as it deems advisable.

For such purposes the committee, or any subcommittee thereof, is authorized to sit and act at such times and places in the District of Columbia and elsewhere, whether or not the Senate is in session, to hold such hearings, to employ such experts, and such clerical, stenographic, and other assistants, to require the attendance of such witnesses and the production of such books, papers, and documents, to take such testimony, to have such printing and binding done, and to make such expenditures as it deems necessary.

## DILL TELEPHONE RESOLUTION

Senator Dill this week introduced a resolution (S. Res. 252) in the Senate calling for an investigation of the American Telephone & Telegraph Company.

The resolution was taken up by the Senate Committee on Interstate Commerce to which it was referred on Thursday but no action taken. It is understood that the committee will consider the resolution further on Monday. The resolution is as follows:

*Resolved*, That the Committee on Interstate Commerce, or any duly authorized subcommittee thereof, is hereby authorized and directed to make a thorough and complete investigation of the operations, relationships, and activities of the American Telephone & Telegraph Co., its subsidiaries, affiliates, associates, and other concerns in which it or they have any direct or indirect, financial interest, or which have any such interest in it, or in which any of its officers or directors hold any office or exert any control and shall report to the Senate the facts as ascertained and make recommendations for such legislation as the committee deems desirable.

In making said investigation the committee shall, among other things, investigate and report particularly on the following subjects:

(1) The financial structure and relationship of the company and its subsidiaries, associates, and affiliates and the extent to which its holding-company structure enables it to evade regulation or taxation, or enables it to conceal or absorb profits; the extent of interservice contracts or transactions between the American Telephone & Telegraph Co. and its subsidiary, affiliated, associated, or holding companies, and particularly contracts with the Western Electric Co. and other manufacturers of electrical communication equipment, if any; also the sale prices of telephone equipment, material, or devices to telephone-operating companies, the profits upon such sales and the effect of such sales upon the rate base of operating companies when used as a basis for telephone charges in the various States; and the probable savings by telephone-operating companies purchasing equipment under a system of competitive bidding.

(2) The activities of and expansion by the company and its subsidiaries, associates, holding companies, and affiliates into fields other than telephone communication, including teletype service, telephoto service, broadcasting, motion-picture distribution, and the manufacture of electrical equipment.

(3) The methods of competition with other companies and industries, with reference to equality of service, reasonableness of rates, both local and long distance, depreciation accounting practices, discriminatory practices, suppression of patents, method of accounting for royalties accruing on patents, sale and refusal to sell equipment to competing companies, maintenance of exorbitantly high prices because of monopolistic control, and particularly the relationship of the company with Electrical Research Products, Inc., and its relation to independent motion-picture organizations, and its practices in the interests of the company.

(4) The extent to which local subscribers have borne the cost

of the research developments for long-distance appliances, radio, motion-picture, and other inventions not related to the improvement of local service.

(5) The reasons for voluntary reductions in long-distance charges and the failure to reduce local charges during the past few years of generally falling prices.

(6) Its relations as an employer with its employees and the extent of its reduction in number and wages of employees while maintaining exorbitant salaries for high officials and a continuous high dividend rate.

(7) The methods whereby the company or its subsidiaries or affiliates or its officers or directors have sought through propaganda, or the expenditure of money or the control of channels of publicity, to influence or control public opinion or elections.

The words "associates," "subsidiaries," "affiliates," and "holding companies" shall include all companies directly or indirectly associated or connected with the American Telephone & Telegraph Co., either by stock ownership, interlocking directorates, interlocking offices, whether by direct or indirect stock ownership, office holding, or directorates, or traceable through one or more companies, corporations, partnerships, individuals, or in any other manner.

That the said committee is hereby authorized to sit and perform its duties at such times and places as it deems necessary or proper and to require the attendance of witnesses by subpoenas or otherwise; to require the production or inspection of all accounts, books, papers, documents, memoranda, minutes, etc.; and to employ counsel, experts, and other assistants, and stenographers at a cost not exceeding 25 cents per hundred words. The chairman of the committee, or any member thereof, may administer oaths to witnesses and sign subpoenas for witnesses; and every person duly summoned before said committee, or any subcommittee thereof, who refuses or fails to obey the process of said committee, or appears and refuses to answer questions pertinent to said investigation, shall be punished as prescribed by law. The expenses of said investigation shall be paid from the contingent fund of the Senate on vouchers of the committee or subcommittee, signed by the chairman and approved by the Committee to Audit and Control the Contingent Expenses of the Senate, not to exceed \$25,000.

## FRC TO ACQUIRE APPARATUS

The Engineering Division of the Federal Radio Commission recently addressed communications to manufacturers of radio apparatus seeking proposals for equipment to permit the FRC Field Division to maintain a more adequate check on the characteristics of broadcasting transmitters.

It is planned to acquire for each monitoring station a modulation indicator, volume indicator, and distortion measuring equipment to be associated with a radio receiver. It is planned to require each broadcasting station to demonstrate at regular intervals its compliance with FRC rules regarding performance of transmitters. If such measurements at the monitoring stations indicate violation of the rules, a check-up will be made, according to the plan, at the station in question by a Commission inspector.

So far, the response from the manufacturers has indicated that the apparatus will have to be built to order and to the Commission's design. The Commission's plans are therefore tentative and based on delivery and testing of apparatus, which will require some time.

The effect on broadcasting stations of the institution of such enforcement of regulations, and possible drafting of further regulations, would be a general increase in quality of transmission, as a result of more careful operating technique. It is probable that many station owners will have to acquire modulation meters, beat frequency oscillators, distortion factor indicators, and other routine testing apparatus which they do not now possess.

## ASCAP LOSES BALTIMORE SUIT

According to the Baltimore Sun, June 1, 1934, the —Granted Society of Composers, Authors and Publishers, an organization from which owns almost all the copyrights on modern songs and 500 tunes, came off a bad second best in a suit heard yesterday by Judge Killiam C. Coleman in the United States District Court.

"The Society sought to collect \$250 from the proprietor of a Baltimore beer garden on the ground that last October an orchestra had played at the place and had used one of the organization's dance tunes without paying any royalty," says the news story.

"The witness for the Society, who testified that he was a professional musician hired to go about and find violations of the copyright laws, told the court that the orchestra he had heard

at the beer garden was composed of a piano, a saxophone, a drum and a banjo and that he had recognized among their renditions a tune called "The Talk of the Town," on which his employers owned the copyright.

"The members of the orchestra, who testified for the defense, said they had not played the tune referred to, although they had been asked to play it by the prosecution witness, because they did not know it and could not read music.

"They said they played only from memory such old songs as "Turkey in the Straw," "Old Dan Tucker" and "Golden Slippers," and that their orchestra was made up of a piano, banjo, guitar and violin.

"In dismissing the suit, Judge Coleman held that the musicians probably had a better recollection of what they played than the plaintiff's witness, who testified that he had been to a number of places the same evening in his search for copyright violations."

#### RECOMMENDS NEVADA STATION DENIAL

E. L. Landsberg and K. V. Martin applied to the Radio Commission for a construction permit for a new broadcasting station to be erected at Las Vegas, Nev., to use the facilities of Station KGIX, that city. Ralph L. Walker(e) on Friday in Report No. 561 recommended that this application be denied and also that the application for station renewal be denied KGIX "without prejudice to the granting of the license upon the completion of construction of new equipment pursuant to the provisions of the outstanding permit."

The Examiner found that the applicants for the new station failed to make any showing "which would warrant a finding that the operation of a station by them at Las Vegas would serve public interest or necessity."

#### WJEJ DENIAL RECOMMENDED

Station WJEJ, Hagerstown, Md., applied to the Radio Commission for unlimited time, instead of daytime hours, and to increase its power from 100 watts to 50 watts at night and 250 watts daytime, without changing its present frequency of 1210 kilocycles. Ralph L. Walker(e) in Report No. 560 on Friday recommended that the application be denied.

The Examiner found that the station is now operating satisfactorily and "there does not appear to be any substantial need for the additional coverage which would result from an increase in its daytime power from 100 to 250 watts."

#### HOW ABOUT SENDING IN YOUR CHECK?

The NAB membership has reached 355 and is still mounting. Bills were sent out this week and it was revealed that only 20 stations out of the total number are in arrears in their dues. With the heavy expenses in connection with the work now going on our revenue is barely equal to the expenses, despite a limited staff in the headquarters office. It would be a great help if the 20 delinquents would pay their dues and if all others would send in their June dues promptly.

#### KUDNER HEADS AAAA

Arthur H. Kudner, of Erwin, Wasey & Co., New York, was elected Chairman of the Board of the American Association of Advertising Agencies at its session this week in Washington, D. C. He succeeds W. C. D'Arcy of St. Louis.

Charles Daniel Frey of Chicago was elected vice president to succeed Mr. Kudner, who has been vice president of the Association during the last year.

C. C. Smith of Detroit was elected Secretary, succeeding A. L. Ney of Cleveland, and E. De Witt Hill, of McCann-Erickson, New York, was re-elected treasurer.

Out Mr. Frey's term on the Board of Directors, Mr. of the N Ryan of Pedlar & Ryan, New York, was elected with at the new directors at large, namely, Mr. D'Arcy, the retiring called on, and J. N. Dawson, of Tracy-Locke-Dawson, New York, a of F. B. Ryan, of Ruthrauff & Ryan, New York.

John Benson of New York retains the post as President of the Association, which he has held for several years, together with the executive staff headed by Frederic R. Gamble, executive secretary.

Members of the executive board representing councils were elected as follows:

F. C. Bruns, New York City, New York council; C. A. Oswald, Philadelphia, Atlantic council; Henry B. Humphrey, Boston, New England council; and Milton J. Blair, Chicago, Western council.

#### RMA MEETS JUNE 11 TO 14

The Tenth Annual Convention of the RMA will be held at Chicago, Ill., June 11 to 14. The program for the meeting which includes a number of important speakers was announced this week by Bond Geddes, Executive Vice President and General Manager of the RMA. Headquarters will be at the Stevens Hotel.

#### SUPREME COURT DENIES WRIT

The United States Supreme Court this week denied the petition for writ of certiorari of broadcasting station WOQ, Kansas City.

The Radio Commission gave the facilities of this station to Station KFH, Wichita, Kans. WOQ appealed to the Court of Appeals of the District of Columbia but this court upheld the decision of the Commission, granting a stay order, however. The station then asked the Supreme Court to review the decision of the lower court which it has now denied.

#### SUGGESTS DENYING NEW TEXAS STATION

Application was made to the Radio Commission for a construction permit for a new broadcasting station at Longview, Texas, by the Voice of Longview to use 1370 kilocycles, 100 watts power and daytime hours. Ralph L. Walker(e) in Report No. 559 this week recommended that the application be denied.

The Examiner found that it does not appear from the record that there is sufficient program material to enable the station to furnish a desirable service, nor that the applicant will possess "sufficient financial resources to insure the construction and operation of a station in a satisfactory manner."

#### RECOMMENDS AGAINST NEW MARYLAND STATION

A. V. Tidmore applied to the Radio Commission for a construction permit for a new broadcasting station to be erected at Salisbury, Md., to operate on 1200 kilocycles, 100 watts and daytime only. Ralph L. Walker(e) in Report No. 558 this week recommended that the application be denied.

The Examiner found that the applicant failed to show the character of service he proposed to render, and the availability of sufficient program material to permit the rendition of a desirable service. "Further," says the Examiner, "it does not appear that sufficient revenue would be obtained from the sale of time to permit the satisfactory and successful operation of the proposed station as a commercial enterprise."

#### NOTICE!

Station WSGN writes that a J. I. Howard, president of the Southern Investment Corporation of Charlotte, N. C., has just left Birmingham, Ala., leaving unpaid a charge for a week's broadcasting over WSGN. Station WSGN says that Mr. Howard's advertising is of a "vague nature, relating to the opening of offices in the city, the fact that his corporation fosters Southern industries, and is available to sell stock and promote business deals for any small industry." Further details can be obtained by writing Station WSGN.

#### SECURITIES ACT REGISTRATION

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

- Ardeen Gold Mines, Ltd., Montreal, Canada (2-900, Form A-1)
- Collateral Equities, Inc., Dayton, Ohio (2-901, Form C-1)
- Bondholders Protective Committee for the Baton Rouge Lode No. 490, Order of Elks, First Mortgage 5¾ per cent Gold Bonds, New Orleans, La. (2-902, Form D-1)
- Great Bend, Ltd., Goldfield, Nev. (2-903, Form A-1)
- Hamilton Shares, Inc., New York City (2-904, Form A-1)
- Nevada State Gold Mines Company, Lovelock, Nev. (2-905, Form A-1)
- Victor H. Munnecke and others, Chicago, Ill. (2-907, Form D-1)
- Empire States Refining Corp., Inc., Bolivar, New York (2-908, Form A-1)
- United Endowment Foundation, Inc., New York City (2-909, Form C-1)

# FEDERAL RADIO COMMISSION ACTION

## HEARING CALENDAR

Tuesday, June 5, 1934

- KVI—Puget Sound Broadcasting Co., Inc., Tacoma, Wash.—Modification of license; **570 kc.**, 500 watts, 1 KW LS, unlimited. Present assignment: **570 kc.**, 500 watts, unlimited.
- KGW—Oregonian Publishing Co., Portland, Ore.—C. P., **620 kc.**, 1 KW, 2½ KW, unlimited. Present assignment: **620 kc.**, 1 KW, unlimited.

Thursday, June 7, 1934

- WOWO—Main Auto Supply Co., Fort Wayne, Ind.—Renewal of license; **1160 kc.**, 10 KW, simultaneous daytime with WWVA, sharing night.
- KTAR—KTAR Broadcasting Co., Phoenix, Ariz.—Modification of license; **620 kc.**, 1 KW, unlimited. Present assignment: **620 kc.**, 500 watts, 1 KW LS, unlimited.
- WWVA—West Virginia Broadcasting Corp., Wheeling, W. Va.—Renewal of license; **1160 kc.**, 5 KW, simultaneous daytime with WOWO, sharing night.

## APPLICATIONS GRANTED

### First Zone

- WPRO—Cberry & Webb Broadcasting Co., Providence, R. I.—Granted extension of special experimental authority to operate on **630 kc.**, 250 watts, from June 1 to December 1, 1934; also granted modification of special experimental authority approving exact transmitter location at Providence.
- WORC—Alfred F. Kleindienst, Worcester, Mass.—Granted 90-day extension of special experimental authority to operate on **1280 kc.**, 500 watts.

### Second Zone

- WOBU—Charleston Broadcasting Corp., Charleston, W. Va.—Granted modification of license to increase day power from 500 watts to 1 KW.
- WPEN-WRAX—Wm. Penn Broadcasting Co. and WRAX Broadcasting Co., Philadelphia, Pa.—Granted modification of C. P. to extend completion date to August 1.
- WKBO—Keystone Broadcasting Corp., Harrisburg, Pa.—Granted license to move station locally and make changes in equipment; **1200 kc.**, 100 watts, S-WKJC.
- WJR—WJR, The Goodwill Station, Detroit, Mich.—Granted C. P. to October 16, 1934, to erect temporary station-transmitter at Detroit, install new equipment, and use 1 KW power instead of 10 KW, on **750 kc.**, unlimited hours.

### Third Zone

- WCLO—WCLO Radio Corp., Janesville, Wis.—Granted renewal of license; **1200 kc.**, 100 watts, unlimited time.
- WBRC—Birmingham Broadcasting Co., Inc., Birmingham, Ala.—Granted license; **930 kc.**, 500 watts night, 1 KW LS, unlimited time.
- WSBC—WSBC, Inc., Chicago, Ill.—Granted license covering changes in equipment; **1210 kc.**, 100 watts, specified hours.
- WGCM—Great Southern Land Co., Mississippi City, Miss.—Granted modification of license to move studio from E. Beach Gulfport, Mississippi City, to Great Southern Hotel, Gulfport, Miss.

### Fourth Zone

- KGCU—Mandan Radio Assn., Mandan, N. Dak.—Granted C. P. to move transmitter and studio locally, and install new equipment.
- KWCR—Cedar Rapids Broadcast Co., Cedar Rapids, Iowa—Granted modification of C. P. extending completion date to 6 months from May 16, 1934.
- KWLC—Luther College, Decorah, Iowa—Granted special temporary authority to reduce hours of operation to 2 hours daily for period June 6 to September 10, 1934, during vacation period.

## Fifth Zone

- KVOS—KVOS, Inc., Bellingham, Wash.—Present license extended for 30 days on temporary basis subject to such action as may be taken on application for renewal.
- KPCB—Queen City Broadcasting Co., Seattle, Wash.—Granted special temporary authority to operate station without approved frequency monitor for period of 25 days.
- KGW—Louis Wasmer, Spokane, Wash.—Granted special experimental authority to operate on **900 kc.**, with 1 KW night, 2½ KW LS, unlimited time, for period ending November 1, 1934, subject to decision by Court of Appeals in the case of KSEI-KFPY.

## SET FOR HEARING

- NEW—Roy W. Bushland, Chippewa Falls, Wis.—C. P. (Exp. Broadcast); **1530 kc.**, 150 watts, 12 noon to 9 p. m.; to be heard by Commission en banc on June 27.
- WNAC—Shepard Broadcasting Service, Inc., Boston, Mass.—C. P. to increase day power from 1 KW to 2½ KW LS, and make changes in equipment.
- WAAB—Bay State Broadcasting Corp., Boston, Mass.—Modification of license for authority to use transmitter of Station WNAC.
- WBNX—Standard Cahill Co., Inc., New York—License covering changes in equipment; **1350 kc.**, 250 watts, S-WAWZ; granted temporary license pending outcome of hearing.
- KGHI—Lloyd Judd Co., Little Rock, Ark.—Special experimental authority to increase night power from 100 watts to 250 watts.

## SPECIAL AUTHORIZATIONS GRANTED

- WABI—First Universalist Society of Bangor, Me.—To operate daily except Sunday: 9 a. m. to 2 p. m., 6 to 10 p. m.; Sunday: 6 a. m. to 3 p. m., 6 to 9 p. m., EDST instead of EST, for period from June 1 and during the daylight saving time period, but not later than September 1, 1934.
- WGAL—WGAL, Inc., Lancaster, Pa.—To operate station without approved frequency monitor for period of 10 days.
- WHET—Dothan Broadcasting Co., Dothan, Ala.—To operate from 6:30 to 9:30 p. m., CST, on May 29.
- WSVS—Seneca Vocational High School, Buffalo, N. Y.—To remain silent for period beginning June 23 and ending July 1, 1934.
- WMBH—Joplin Broadcasting Co., Joplin, Mo.—To operate from 2:30 to 7:30 p. m., CST, on June 10, and from 2 to 6 p. m., CST, June 6, 7, 8, 9, 11, 18, 19, 20, 21, 22, 23, 29, and 30, 1934. Also to operate from 9:30 to 11:30 p. m. CST, June 2.
- WHDF—The Upper Michigan Broadcasting Co., Calumet, Mich.—To operate from 2 to 3:30 p. m., CST, June 3, and to operate from 8 to 9:30 p. m., CST, June 2, 9, 16, and 23.
- KRMD—Radio Station KRMD, Inc., Shreveport, La.—To operate from 7:30 to 9 p. m., CST, June 3, 10, 17, and 24, 1934.
- WBEO—The Lake Superior Broadcasting Co., Marquette, Mich.—To operate daily, except Sunday: 9:30 to 1:15 p. m., 5 to 7 p. m.; Sunday, 9 to 1:30 p. m., CDST, instead of CST, for period June 1 to September 1.
- WCOC—Mississippi Broadcasting Co., Inc., Meridian, Miss.—To reduce hours of operation to specified, as follows: 7:30 to 9:45 a. m., 11 a. m. to 2 p. m., and 6 to 9 p. m., CST, for period of 60 days.

## ACTION ON EXAMINERS' REPORTS

- KRGV—Ex. Rep. No. 552: KRGV, Inc., Harlingen, Tex.—Granted modification of license to change hours of operation from sharing equally with KWWG to unlimited; **1260 kc.**, 500 watts, sustaining Examiner Geo. H. Hill.
- KWWG—Frank P. Jackson, Brownsville, Tex.—Granted consent to voluntary assignment of license to Port Arthur College; **1260 kc.**, 500 watts, daytime only; also granted renewal of license, **1260 kc.**, 500 watts, daytime, reversing Examiner Hill.
- KWWG—Port Arthur College, Port Arthur, Tex.—Granted C. P. to change location of studio and transmitter, reversing Examiner Hill.

- NEW—Ex. Rep. No. 554: Walter B. Stiles, Inc., Muskegon, Mich.—Denied C. P. for new station to operate on 1310 kc., 100 watts, unlimited time, sustaining Examiner R. L. Walker.
- WKBZ—Karl L. Ashbacher, Ludington, Mich.—Granted C. P. to move transmitter and studio from Ludington to Muskegon, Mich.; 1500 kc., 100 watts, unlimited time, sustaining Examiner Walker.

### ORAL ARGUMENT GRANTED

The Commission en banc will hear oral argument in re Exp. Rep. No. 555, involving Station WJJD, Chicago, on June 13, 1934.

### MISCELLANEOUS

- Joseph Pappalardo, Lawrence, Mass.—Application for new broadcasting station redesignated for hearing.
- WISN—American Radio News Corp., Milwaukee, Wis.—Granted modification of license to increase day power from 250 to 500 watts, night power to remain at 250 watts. This station now operates full time on 1120 kc., having recently acquired the facilities of WHAD, Marquette, Mich.
- WDEL—WDEL, Inc., Wilmington, Del.—Modification of license, heretofore designated for hearing, was dismissed at request of applicant.

### APPLICATIONS RECEIVED

#### First Zone

- WOR—Bamberger Broadcasting Service, Inc., Newark, N. J.—Modification of construction permit (1-P-B-1492) to extend commencement and completion dates to 8-16-34 and 12-16-34, respectively.
- WHDH—Matheson Radio Co., Inc., Boston, Mass.—Authority to determine operating power by direct antenna measurement.
- WOV—International Broadcasting Corporation, New York, N. Y.—Construction permit to install directional antenna and change time from day to unlimited.

#### Second Zone

None.

#### Third Zone

- WRGA—Rome Broadcasting Corp., Rome, Ga.—License to cover construction permit granted 4-27-34 to move transmitter locally.
- WFBC—Greenville News-Piedmont Co., Greenville, S. C.—Construction permit to make equipment changes; change frequency from 1200 kc. to 1300 kc.; increase power from 100 watts, 250 watts LS, to 250 watts, 1 KW LS.
- WTOC—Savannah Broadcasting Co., Inc., Savannah, Ga.—Construction permit to install temporary transmitter for 30 days (pending completion of new permanent transmitter) at Hotel DeSoto to operate on 1260 kc., power of 100 watts, unlimited time.
- KRGV—KRGV, Inc., Weslaco, Tex.—License to cover construction permit granted 5-4-34 to make equipment changes and move studio and transmitter from Harlingen to Weslaco, Tex.

### Fourth Zone

- WWAE—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Construction permit to install new equipment.
- WHA—University of Wisconsin, Madison, Wis.—Construction permit to make equipment changes and increase power from 1 KW to 2½ KW.
- WJJD—WJJD, Inc., Chicago, Ill.—License to cover construction permit granted 4-27-34 to install new equipment.
- WSBC—WSBC, Inc., Chicago, Ill.—License to cover construction permit granted 1-26-34 to change equipment.

### Fifth Zone

- NEW—B. J. Hecker, Salem, Ore.—Construction permit to erect new station to operate on 1330 kc., power of 500 watts, unlimited time. Facilities Station KWJJ.
- KXL—KXL Broadcasters, Portland, Ore.—Construction permit to make equipment changes and increase power from 100 watts to 100 watts, 250 watts LS.
- KTRB—Thomas R. McTammany and William H. Bates, Jr., Modesto, Calif.—License to cover construction permit granted 2-29-34 to erect new station.
- KVI—Puget Sound Broadcasting Co., Inc., Tacoma, Wash.—Modification of license to increase nighttime power from 500 watts to 1 KW.
- KECA—Earle C. Anthony, Inc., Los Angeles, Calif.—Construction permit to change transmitter locally, use auxiliary now licensed to KFI with some changes; increase power to 1 KW, 2½ KW LS. Amended to be considered under Rule 6(g).
- NEW—E. B. Craney, Helena, Mont.—Construction permit to erect new station to operate on 1420 kc., power of 100 watts, unlimited time; to be considered under Rule 6.

### APPLICATIONS RETURNED

- NEW—Mason Dixon Radio Group, Inc., York, Pa.—Construction permit to erect new station to operate on 1310 kc., power of 100 watts, S-WRAW, facilities WGAL.
- KIEV—Cannon System, Ltd., Glendale, Calif.—Modification of license to increase power to 500 watts. (Rule 6 and improper application form.)
- NEW—J. E. Churchwell, G. O. Russell, H. O. Freeman, Jr., d/b as Panama City Broadcasting Co., Panama City, Fla.—Construction permit to erect new station to operate on 1010 kc., with power of 100 watts, daytime. Facilities: KGGF, KQW, WHN, WIS, WNAD, WQAD, and WRNY. (Rule 6, Section 14; power and transmitter site.)
- NEW—J. E. Churchwell, G. O. Russell, H. O. Freeman, Jr., d/b as Panama City Broadcasting Co., Panama City, Fla.—Construction permit to erect new station to operate on 1010 kc., with power of 100 watts, daytime. Facilities: KGGF, KQW, WHN, WIS, WNAD, WQAD, and WRNY. (Rule 6, Section 14; power and transmitter site.)
- NEW—Mrs. (V. E.) Bernice Gambill, Guthrie, Okla.—Construction permit to erect a new station to operate on 1270 kc., with power of 100 watts, daytime and S. H. (Rules 5 and 6; power; monitor; transmitter site.)
- NEW—Wm. B. Harty, Dedham, Mass.—Construction permit to erect new station to operate on 1140 kc., power of 100 watts, S. H. (Frequency; transmitter site; equipment and jurat.)
- KMTR—KMTR Radio Corporation, Los Angeles, Calif.—Modification of license to increase power from 500 watts to 1 KW. (Section 3.)

# The National Association of Broadcasters

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

## NAB REPORTS

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### TEXT OF COMMUNICATIONS COMMISSION BILL

Below is reproduced the complete text of the Federal Communications Commission Act of 1934 as agreed upon by the committee of conference of the Senate and House. The text is uncorrected as to punctuation and, in some instances, as to statement of language and should not be regarded as a finished draft:

#### Title I—General Provisions

#### Purposes of Act; Creation of Federal Communications Commission

SECTION 1. For the purposes of regulating interstate and foreign commerce in communication by wire and radio so as to make available, so far as possible, to all the people of the United States a rapid, efficient, Nation-wide, and world-wide wire and radio communication service with adequate facilities at reasonable charges, for the purpose of the national defense, and for the purpose of securing a more effective execution of this policy by centralizing authority heretofore granted by law to several agencies and by granting additional authority with respect to interstate and foreign commerce in wire and radio communication, there is hereby created a commission to be known as the "Federal Communications Commission," which shall be constituted as herein-after provided, and which shall execute and enforce the provisions of this Act.

#### Application of Act

SEC. 2. (a) The provisions of this Act shall apply to all interstate and foreign communication by wire or radio and all interstate and foreign transmission of energy by radio, which originates and/or is received within the United States and to all persons engaged within the United States in such communication or such transmission of energy by radio, and to the licensing and regulating of all radio stations as hereinafter provided; but it shall not apply to persons engaged in wire or radio communication or transmission in the Philippine Islands or the Canal Zone, or to wire or radio communication or transmission wholly within the Philippine Islands or the Canal Zone.

(b) Subject to the provisions of section 301, nothing in this Act shall be construed to apply or to give the Commission jurisdiction with respect to (1) charges, classifications, practices, services, facilities, or regulations for or in connection with intrastate communication service of any carrier, or (2) any carrier engaged in interstate or foreign communication solely through physical connection with the facilities of another carrier not directly or indirectly controlling or controlled by, or under direct or indirect common control with, such carrier; except that sections 201 to 205 of this Act, both inclusive, shall, except as otherwise provided therein, apply to carriers described in clause (2).

#### Definitions

SEC. 3. For the purposes of this Act, unless the context otherwise requires—

(a) "Wire communication" or "communication by wire" means the transmission of writing, signs, signals, pictures, and sounds of all kinds by aid of wire, cable, or other like connection between the points of origin and reception of such transmission, including all instrumentalities, facilities, apparatus, and services (among other things, the receipt, forwarding, and delivery of communications) incidental to such transmission.

(b) "Radio communication" or "communication by radio" means the transmission by radio of writing, signs, signals, pictures, and sounds of all kinds, including all instrumentalities, facilities, apparatus, and services (among other things, the receipt, forwarding, and delivery of communications) incidental to such transmission.

(c) "Licensee" means the holder of a radio station license granted or continued in force under authority of this Act.

(d) "Transmission of energy by radio" or "radio transmission of energy" includes both such transmission and all instrumentalities, facilities, and services incidental to such transmission.

(e) "Interstate communication" or "interstate transmission" means communication or transmission (1) from any State, Territory, or possession of the United States (other than the Philippine Islands and the Canal Zone), or the District of Columbia, to any other State, Territory, or possession of the United States (other than the Philippine Islands and the Canal Zone), or the District of Columbia, (2) from or to the United States to or from the Philippine Islands or the Canal Zone, insofar as such communication or transmission takes place within the United States, or (3) between points within the United States but through a foreign country; but shall not include wire communication between points within the same State, Territory, or possession of the United States, or the District of Columbia, through any place outside thereof, if such communication is regulated by a State commission.

(f) "Foreign communication" or "foreign transmission" means communication or transmission from or to any place in the United States to or from a foreign country, or between a station in the United States and a mobile station located outside the United States.

(g) "United States" means the several States and Territories, the District of Columbia, and the possessions of the United States, but does not include the Philippine Islands or the Canal Zone.

(h) "Common carrier" or "carrier" means any person engaged as a common carrier for hire, in interstate or foreign communication by wire or radio or in interstate or foreign radio transmission of energy, except where reference is made to common carriers not subject to this Act; but a person engaged in radio broadcasting shall not, insofar as such person is so engaged, be deemed a common carrier.

(i) "Person" includes an individual, partnership, association, joint-stock company, trust, or corporation.

(j) "Corporation" includes any corporation, joint-stock company, or association.

(k) "Radio station" or "station" means a station equipped to engage in radio communication or radio transmission of energy.

(l) "Mobile station" means a radio-communication station capable of being moved and which ordinarily does move.

(m) "Land station" means a station, other than a mobile station, used for radio, communication with mobile stations.

(n) "Mobile service" means the radio-communication service carried on between mobile stations and land stations, and by mobile stations communicating among themselves.

(o) "Broadcasting" means the dissemination of radio, communications intended to be received by the public, directly or by the intermediary of relay stations.

(p) "Chain broadcasting" means simultaneous broadcasting of an identical program by two or more connected stations.

(q) "Amateur station" means a radio station operated by a duly authorized person interested in radio technique solely with a personal aim and without pecuniary interest.

(r) "Telephone exchange service" means service within a telephone exchange, or within a connected system of telephone exchanges within the same exchange area operated to furnish to subscribers intercommunicating service of the character ordinarily furnished by a single exchange, and which is covered by the exchange service charge.

(s) "Telephone toll service" means telephone service between stations in different exchange areas for which there is made a separate charge not included in contracts with subscribers for exchange service.

(t) "State commission" means the commission, board, or offi-

cial (by whatever name designated) which under the laws of any State has regulatory jurisdiction with respect to intrastate operations of carriers.

(u) "Connecting carrier" means a carrier described in clause (2) of section 2 (b).

(v) "State" includes the District of Columbia and the Territories and possessions.

### Provisions Relating to the Commission

SEC. 4. (a) The Federal Communications Commission (in this Act referred to as the "Commission") shall be composed of seven commissioners appointed by the President, by and with the advice and consent of the Senate, one of whom the President shall designate as chairman.

(b) Each member of the Commission shall be a citizen of the United States. No member of the Commission or person in its employ shall be financially interested in the manufacture or sale of radio apparatus or of apparatus for wire or radio communication; in communication by wire or radio or in radio transmission of energy; in any company furnishing services of such apparatus to any company engaged in communication by wire or radio or to any company manufacturing or selling apparatus used for communication by wire or radio; or in any company owning stocks, bonds, or other securities of any such company; nor be in the employ of or hold any official relation to any person subject to any of the provisions of this Act, nor own stocks, bonds, or other securities of any corporation subject to any of the provisions of this Act. Such commissioners shall not engage in any other business, vocation, or employment. Not more than four commissioners shall be members of the same political party.

(c) The commissioners first appointed under this Act shall continue in office for the terms of one, two, three, four, five, six, and seven years, respectively, from the date of the taking effect of this Act, the term of each to be designated by the President, but their successors shall be appointed for terms of seven years; except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the commissioner whom he succeeds. No vacancy in the Commission shall impair the right of the remaining commissioners to exercise all the powers of the Commission.

(d) Each commissioner shall receive an annual salary of \$10,000, payable in monthly installments.

(e) The principal office of the Commission shall be in the District of Columbia, where its general sessions shall be held; but whenever the convenience of the public or of the parties may be promoted or delay or expense prevented thereby, the Commission may hold special sessions in any part of the United States.

(f) Without regard to the civil-service laws or the Classification Act of 1923, as amended, (1) the Commission may appoint and prescribe the duties and fix the salaries of a secretary, a director for each division, a chief engineer and not more than three assistants, a general counsel and not more than three assistants, and temporary counsel designated by the Commission for the performance of special services, and (2) each commissioner may appoint and prescribe the duties of a secretary at an annual salary not to exceed \$4,000 per annum. The general counsel and the chief engineer shall each receive an annual salary of not to exceed \$9,000; the secretary shall receive an annual salary of not to exceed \$7,500; the director of each division shall receive an annual salary of not to exceed \$7,500; and no assistant shall receive an annual salary in excess of \$7,500. The Commission shall have authority, subject to the provisions of the civil-service laws and the Classification Act of 1923, as amended, to appoint such other officers, engineers, inspectors, attorneys, examiners, and other employees as are necessary in the execution of its functions.

(g) The Commission may make such expenditures (including expenditures for rent and personal services at the seat of government and elsewhere, for office supplies, law books, periodicals, and books of reference, and for printing and binding) as may be necessary for the execution of the functions vested in the Commission and as from time to time may be appropriated for by Congress. All expenditures of the Commission, including all necessary expenses for transportation incurred by the commissioners or by their employees, under their orders, in making any investigation or upon any official business in any other places than in the city of Washington, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the chairman of the Commission or by such other member or officer thereof as may be designated by the Commission for that purpose.

(h) Four members of the Commission shall constitute a quorum thereof. The Commission shall have an official seal which shall be judicially noticed.

(i) The Commission may perform any and all acts, make such rules and regulations, and issue such orders, not inconsistent with this Act, as may be necessary in the execution of its functions.

(j) The Commission may conduct its proceedings in such manner as will best conduce to the proper dispatch of business and to the ends of justice. No commissioner shall participate in any hearing or proceeding in which he has a pecuniary interest. Any party may appear before the Commission and be heard in person or by attorney. Every vote and official act of the Commission shall be entered of record, and its proceedings shall be public upon the request of any party interested. The Commission is authorized to withhold publication of records or proceedings containing secret information affecting the national defense.

(k) The Commission shall make an annual report to Congress, copies of which shall be distributed as are other reports transmitted to Congress. Such report shall contain such information and data collected by the Commission as may be considered of value in the determination of questions connected with the regulation of interstate and foreign wire and radio communication and radio transmission of energy, together with such recommendations as to additional legislation relating thereto as the Commission may deem necessary: Provided, That the Commission shall make a special report not later than February 1, 1935, recommending such amendments to this Act as it deems desirable in the public interest.

(l) All reports of investigations made by the Commission shall be entered of record, and a copy thereof shall be furnished to the party who may have complained, and to any common carrier or licensee that may have been complained of.

(m) The Commission shall provide for the publication of its reports and decisions in such form and manner as may be best adapted for public information and use, and such authorized publications shall be competent evidence of the reports and decisions of the Commission therein contained in all courts of the United States and of the several States without any further proof or authentication thereof.

(n) Rates of compensation of persons appointed under this section shall be subject to the reduction applicable to officers and employees of the Federal Government generally.

### Divisions of the Commission

SEC. 5. (a) The Commission is hereby authorized by its order to divide the members thereof into not more than three divisions, each to consist of not less than three members. Any commissioner may be assigned to and may serve upon such division or divisions as the Commission may direct, and each division shall choose its own chairman. In case of a vacancy in any division, or of absence or inability to serve thereon of any commissioner thereto assigned, the chairman of the Commission or any commissioner designated by him for that purpose may temporarily serve on said division until the Commission shall otherwise order.

(b) The Commission may by order direct that any of its work, business, or functions arising under this Act, or under any other Act of Congress, or in respect of any matter which has been or may be referred to the Commission by Congress or by either branch thereof, be assigned or referred to any of said divisions for action thereon, and may by order at any time amend, modify, supplement, or rescind any such direction. All such orders shall take effect forthwith and remain in effect until otherwise ordered by the Commission.

(c) In conformity with and subject to the order or orders of the Commission in the premises, each division so constituted shall have power and authority by a majority thereof to hear and determine, order, certify, report, or otherwise act as to any of said work, business, or functions so assigned or referred to it for action by the Commission, and in respect thereof the division shall have all the jurisdiction and powers now or then conferred by law upon the Commission, and be subject to the same duties and obligations. Any order, decision, or report made or other action taken by any of said divisions in respect of any matters so assigned or referred to it shall have the same force and effect, and may be made, evidenced, and enforced in the same manner as if made, or taken by the Commission, subject to rehearing by the Commission as provided in section 405 of this Act for rehearing cases decided by the Commission. The secretary and seal of the Commission shall be the secretary and seal of each division thereof.

(d) Nothing in this section contained, or done pursuant thereto, shall be deemed to divest the Commission of any of its powers.

(e) The Commission is hereby authorized by its order to assign or refer any portion of its work, business, or functions arising under this or any other Act of Congress or referred to it by Congress, or either branch thereof, to an individual commissioner, or

to a board composed of an employee or employees of the Commission, to be designated by such order, for action thereon, and by its order at any time to amend, modify, supplement, or rescind any such assignment or reference: Provided, however, That this authority shall not extend to investigations instituted upon the Commission's own motion or, without the consent of the parties thereto, to contested proceedings involving the taking of testimony at public hearings, or to investigations specifically required by this Act. All such orders shall take effect forthwith and remain in effect until otherwise ordered by the Commission. In case of the absence or inability for any other reason to act of any such individual commissioner or employee designated to serve upon any such board, the chairman of the Commission may designate another commissioner or employee, as the case may be, to serve temporarily until the Commission shall otherwise order. In conformity with and subject to the order or orders of the Commission in the premises, any such individual commissioner, or board acting by a majority thereof, shall have power and authority to hear and determine, order, certify, report, or otherwise act as to any of said work, business, or functions so assigned or referred to him or it for action by the Commission and in respect thereof shall have all the jurisdiction and powers now or then conferred by law upon the Commission and be subject to the same duties and obligations. Any order, decision, or report made or other action taken by any such individual commissioner or board in respect of any matters so assigned or referred shall have the same force and effect, and may be made, evidenced, and enforced in the same manner as if made or taken by the Commission. Any party affected by any order, decision, or report of any such individual commissioner or board may file a petition for rehearing by the Commission or a division thereof and every such petition shall be passed upon by the Commission or a division thereof. Any action by a division upon such a petition shall itself be subject to rehearing by the Commission, as provided in section 405 of this Act and in subsection (c). The Commission may make and amend rules for the conduct of proceedings before such individual commissioner or board and for the rehearing of such action before a division of the Commission or the Commission. The secretary and seal of the Commission shall be the secretary and seal of such individual commissioner or board.

## **Title II.—Common Carriers**

### **Service and Charges**

SEC. 201. (a) It shall be the duty of every common carrier engaged in interstate or foreign communication by wire or radio to furnish such communication service upon reasonable request therefor; and, in accordance with the orders of the Commission, in cases where the Commission, after opportunity for hearing, finds such action necessary or desirable in the public interest, to establish physical connections with other carriers, to establish through routes and charges applicable thereto and the divisions of such charges, and to establish and provide facilities and regulations for operating such through routes.

(b) All charges, practices, classifications, and regulations for and in connection with such communication service, shall be just and reasonable, and any such charge, practice, classification, or regulation that is unjust or unreasonable is hereby declared to be unlawful: Provided, That communications by wire or radio subject to this Act may be classified into day, night, repeated, un-repeated, letter, commercial, press, Government, and such other classes as the Commission may decide to be just and reasonable, and different charges may be made for the different classes of communications: Provided further, That nothing in this Act or in any other provision of law shall be construed to prevent a common carrier subject to this Act from entering into or operating under any contract with any common carrier not subject to this Act, for the exchange of their services, if the Commission is of the opinion that such contract is not contrary to the public interest.

### **Discrimination and Preferences**

SEC. 202. (a) It shall be unlawful for any common carrier to make any unjust or unreasonable discrimination in charges, practices, classifications, regulations, facilities, or services for or in connection with like communication service, directly or indirectly, by any means or device, or to make or give any undue or unreasonable preference or advantage to any particular person, class of persons, or locality, or to subject any particular person, class of persons, or locality to any undue or unreasonable prejudice or disadvantage.

(b) Charges or services, whenever referred to in this Act, include charges for, or services in connection with, the use of wires in chain broadcasting or incidental to radio communication of any kind.

(c) Any carrier who knowingly violates the provisions of this section shall forfeit to the United States the sum of \$500 for each such offense and \$25 for each and every day of the continuance of such offense.

### **Schedules of Charges**

SEC. 203. (a) Every common carrier, except connecting carriers, shall within such reasonable time as the Commission shall designate, file with the Commission and print and keep open for public inspection schedules showing all charges for itself and its connecting carriers for interstate and foreign wire or radio communication between the different points on its own system, and between points on its own system and points on the system of its connecting carriers or points on the system of any other carrier subject to this Act when a through route has been established, whether such charges are joint or separate, and showing the classifications, practices, and regulations affecting such charges. Such schedules shall contain such other information, and be printed in such form, and be posted and kept open for public inspection in such places, as the Commission may by regulation require, and each such schedule shall give notice of its effective date; and such common carrier shall furnish such schedules to each of its connecting carriers, and such connecting carriers shall keep such schedules open for inspection in such public places as the Commission may require.

(b) No change shall be made in the charges, classifications, regulations, or practices which have been so filed and published except after thirty days' notice to the Commission and to the public, which shall be published in such form and contain such information as the Commission may by regulations prescribe; but the Commission may, in its discretion and for good cause shown, modify the requirements made by or under authority of this section in particular instances or by a general order applicable to special circumstances or conditions.

(c) No carrier, unless otherwise provided by or under authority of this Act, shall engage or participate in such communication unless schedules have been filed and published in accordance with the provisions of this Act and with the regulations made thereunder; and no carrier shall (1) charge, demand, collect, or receive a greater or less or different compensation for such communication, or for any service in connection therewith, between the points named in any such schedule than the charges specified in the schedule then in effect, or (2) refund or remit, by any means or device any portion of the charges so specified, or (3) extend to any person any privileges or facilities in such communication, or employ or enforce any classifications, regulations, or practices affecting such charges, except as specified in such schedule.

(d) The Commission may reject and refuse to file any schedule entered for filing which does not provide and give lawful notice of its effective date. Any schedule so rejected by the Commission shall be void and its use shall be unlawful.

(e) In case of failure or refusal on the part of any carrier to comply with the provisions of this section or of any regulation or order made by the Commission thereunder, such carrier shall forfeit to the United States the sum of \$500 for each such offense, and \$25 for each and every day of the continuance of such offense.

### **Hearing as to Lawfulness of New Charges; Suspension**

SEC. 204. Whenever there is filed with the Commission any new charge, classification, regulation, or practice, the Commission may either upon complaint or upon its own initiative without complaint, upon reasonable notice, enter upon a hearing concerning the lawfulness thereof; and pending such hearing and the decision thereon the Commission, upon delivering to the carrier or carriers affected thereby a statement in writing of its reasons for such suspension, may suspend the operation of such charge, classification, regulation, or practice, but not for a longer period than three months beyond the time when it would otherwise go into effect; and after full hearing the Commission may make such order with reference thereto as would be proper in a proceeding initiated after it had become effective. If the proceeding has not been concluded and an order made within the period of the suspension, the proposed change of charge, classification, regulation, or practice shall go into effect at the end of such period; but in case of a proposed increased charge, the Commission may by order require the

interested carrier or carriers to keep accurate account of all amounts received by reason of such increase, specifying by whom and in whose behalf such amounts are paid, and upon completion of the hearing and decision may by further order require the interested carrier or carriers to refund, with interest, to the persons in whose behalf such amounts were paid, such portion of such increased charges as by its decision shall be found not justified. At any hearing involving a charge increased, or sought to be increased, after the organization of the Commission, the burden of proof to show that the increased charge, or proposed increased charge, is just and reasonable shall be upon the carrier, and the Commission shall give to the hearing and decision of such questions preference over all other questions pending before it and decide the same as speedily as possible.

#### **Commission Authorized to Prescribe Just and Reasonable Charges**

SEC. 205. (a) Whenever, after full opportunity for hearing, upon a complaint or under an order for investigation and hearing made by the Commission on its own initiative, the Commission shall be of opinion that any charge, classification, regulation, or practice of any carrier or carriers is or will be in violation of any of the provisions of this Act, the Commission is authorized and empowered to determine and prescribe what will be the just and reasonable charge or the maximum or minimum, or maximum and minimum, charge or charges to be thereafter observed, and what classification, regulation, or practice is or will be just, fair, and reasonable, to be thereafter followed, and to make an order that the carrier or carriers shall cease and desist from such violation to the extent that the Commission finds that the same does or will exist, and shall not thereafter publish, demand, or collect any charge other than the charge so prescribed or in excess of the maximum or less than the minimum so prescribed, as the case may be, and shall adopt the classification and shall conform to and observe the regulation or practice so prescribed.

(b) Any carrier, any officer, representative, or agent of a carrier, or any receiver, trustee, lessee, or agent of either of them, who knowingly fails or neglects to obey any order made under the provisions of this section shall forfeit to the United States the sum of \$1,000 for each offense. Every distinct violation shall be a separate offense, and in case of continuing violation each day shall be deemed a separate offense.

#### **Liability of Carriers for Damages**

SEC. 206. In case any common carrier shall do, or cause or permit to be done, any act, matter, or thing in this Act prohibited or declared to be unlawful, or shall omit to do any act, matter, or thing in this Act required to be done, such common carrier shall be liable to the person or persons injured thereby for the full amount of damages sustained in consequence of any such violation of the provisions of this Act, together with a reasonable counsel or attorney's fee, to be fixed by the court in every case of recovery, which attorney's fees shall be taxed and collected as part of the costs in the case.

#### **Recovery of Damages**

SEC. 207. Any person claiming to be damaged by any common carrier subject to the provisions of this Act may either make complaint to the Commission as hereinafter provided for, or may bring suit for the recovery of the damages for which such common carrier may be liable under the provisions of this Act, in any district court of the United States of competent jurisdiction; but such person shall not have the right to pursue both such remedies.

#### **Complaints to the Commission**

SEC. 208. Any person, any body politic or municipal organization, or State commission, complaining of anything done or omitted to be done by any common carrier subject to this Act, in contravention of the provisions thereof, may apply to said Commission by petition which shall briefly state the facts, whereupon a statement of the complaint thus made shall be forwarded by the Commission to such common carrier, who shall be called upon to satisfy the complaint or to answer the same in writing within a reasonable time to be specified by the Commission. If such common carrier within the time specified shall make reparation for the injury alleged to have been caused, the common carrier shall be relieved of liability to the complainant only for the particular violation of law thus complained of. If such carrier or carriers shall not

satisfy the complaint within the time specified or there shall appear to be any reasonable ground for investigating said complaint, it shall be the duty of the Commission to investigate the matters complained of in such manner and by such means as it shall deem proper. No complaint shall at any time be dismissed because of the absence of direct damage to the complainant.

#### **Orders for Payment of Money**

SEC. 209. If, after hearing on a complaint, the Commission shall determine that any party complainant is entitled to an award of damages under the provisions of this Act, the Commission shall make an order directing the carrier to pay to the complainant the sum to which he is entitled on or before a day named.

#### **Franks and Passes**

SEC. 210. Nothing in this Act or in any other provision of law shall be construed to prohibit common carriers from issuing or giving franks to, or exchanging franks with each other for the use of, their officers, agents, employees, and their families, or, subject to such rules as the Commission may prescribe, from issuing, giving, or exchanging franks and passes to or with other common carriers not subject to the provisions of this Act, for the use of their officers, agents, employees, and their families. The term "employees," as used in this section, shall include furloughed, pensioned, and superannuated employees.

#### **Copies of Contracts to Be Filed**

SEC. 211. (a) Every carrier subject to this Act shall file with the Commission copies of all contracts, agreements, or arrangements with other carriers, or with common carriers not subject to the provisions of this Act, in relation to any traffic affected by the provisions of this Act to which it may be a party.

(b) The Commission shall have authority to require the filing of any other contracts of any carrier, and shall also have authority to exempt any carrier from submitting copies of such minor contracts as the Commission may determine.

#### **Interlocking Directorates—Officials Dealing in Securities**

SEC. 212. After sixty days from the enactment of this Act it shall be unlawful for any person to hold the position of officer or director of more than one carrier subject to this Act, unless such holding shall have been authorized by order of the Commission, upon due showing in form and manner prescribed by the Commission, that neither public nor private interests will be adversely affected thereby. After this section takes effect it shall be unlawful for any officer or director of any such carrier to receive for his own benefit, directly or indirectly, any money or thing of value in respect of negotiation, hypothecation, or sale of any securities issued or to be issued by such carrier, or to share in any of the proceeds thereof, or to participate in the making or paying of any dividends of such carrier from any funds properly included in capital account.

#### **Valuation of Carrier Property**

SEC. 213. (a) The Commission may from time to time, as may be necessary for the proper administration of this Act, and after opportunity for hearing, make a valuation of all or of any part of the property owned or used by any carrier subject to this Act, as of such date as the Commission may fix.

(b) The Commission may at any time require any such carrier to file with the Commission an inventory of all or of any part of the property owned or used by said carrier, which inventory shall show the units of said property classified in such detail, and in such manner, as the Commission shall direct, and shall show the estimated cost of reproduction new of said units, and their reproduction cost new less depreciation, as of such date as the Commission may direct; and such carrier shall file such inventory within such reasonable time as the Commission by order shall require.

(c) The Commission may at any time require any such carrier to file with the Commission a statement showing the original cost at the time of dedication to the public use of all or of any part of the property owned or used by said carrier. For the showing of such original cost said property shall be classified, and the original cost shall be defined, in such manner as the Commission may prescribe; and if any part of such cost cannot be determined from accounting or other records, the portion of the property for which such cost cannot be determined shall be reported to the Commission; and, if the Commission shall so direct, the original

cost thereof shall be estimated in such manner as the Commission may prescribe. If the carrier owning the property at the time such original cost is reported shall have paid more or less than the original cost to acquire the same, the amount of such cost of acquisition, and any facts which the Commission may require in connection therewith, shall be reported with such original cost. The report made by a carrier under this paragraph shall show the source or sources from which the original cost reported was obtained, and such other information as to the manner in which the report was prepared, as the Commission shall require.

(d) Nothing shall be included in the original cost reported for the property of any carrier under paragraph (c) of this section on account of any easement, license, or franchise granted by the United States or by any State or political subdivision thereof, beyond the reasonable necessary expense lawfully incurred in obtaining such easement, license, or franchise from the public authority aforesaid, which expense shall be reported separately from all other costs in such detail as the Commission may require; and nothing shall be included in any valuation of the property of any carrier made by the Commission on account of any such easement, license, or franchise, beyond such reasonable necessary expense lawfully incurred as aforesaid.

(e) The Commission, shall keep itself informed of all new construction, extensions, improvements, retirements, or other changes in the condition, quantity, use, and classification of the property of common carriers, and of the cost of all additions and betterments thereto and of all changes in the investment therein, and may keep itself informed of current changes in costs and values of carrier properties.

(f) For the purpose of enabling the Commission to make a valuation of any of the property of any such carrier, or to find the original cost of such property, or to find any other facts concerning the same which are required for use by the Commission, it shall be the duty of each such carrier to furnish to the Commission, within such reasonable time as the Commission may order, any information with respect thereto which the Commission may by order require, including copies of maps, contracts, reports of engineers, and other data, records, and papers, and to grant to all agents of the Commission free access to its property and its accounts, records, and memoranda whenever and wherever requested by any such duly authorized agent, and to cooperate with and aid the Commission in the work of making any such valuation or finding in such manner and to such extent as the Commission may require and direct, and all rules and regulations made by the Commission for the purpose of administering this section shall have the full force and effect of law. Unless otherwise ordered by the Commission, with the reasons therefor, the records and data of the Commission shall be open to the inspection and examination of the public. The Commission, in making any such valuation, shall be free to adopt any method of valuation which shall be lawful.

(g) Notwithstanding any provision of this Act the Interstate Commerce Commission, if requested to do so by the Commission, shall complete, at the earliest practicable date, such valuations of properties of carriers subject to this Act as are now in progress, and shall thereafter transfer to the Commission the records relating thereto.

(h) Nothing in this section shall impair or diminish the powers of any State commission.

### Extension of Lines

SEC. 214. (a) No carrier shall undertake the construction of a new line or of an extension of any line, or shall acquire or operate any line, or extension thereof, or shall engage in transmission over or by means of such additional or extended line, unless and until there shall first have been obtained from the Commission a certificate that the present or future public convenience and necessity require or will require the construction, or operation, or construction and operation, of such additional or extended line: Provided, That no such certificate shall be required under this section for the construction, acquisition, operation, or extension of (1) a line within a single State unless said line constitutes part of an interstate line, (2) local, branch, or terminal lines not exceeding ten miles in length, or (3) any lines acquired under section 221 of this Act: Provided further, That the Commission may, upon appropriate request being made, authorize temporary or emergency service, or the supplementing of existing facilities, without regard to the provisions of this section.

(b) Upon receipt of an application for any such certificate the Commission shall cause notice thereof to be given to and a copy

filed with the Governor of each State in which such additional or extended line is proposed to be constructed or operated, with the right to be heard as provided with respect to the hearing of complaints; and the Commission may require such published notice as it shall determine.

(c) The Commission shall have power to issue such certificate as prayed for, or to refuse to issue it, or to issue it for a portion or portions of a line, or extension thereof, described in the application, or for the partial exercise only of such right or privilege, and may attach to the issuance of the certificate such terms and conditions as in its judgment the public convenience and necessity may require. After issuance of such certificate, and not before, the carrier may, without securing approval other than such certificate, comply with the terms and conditions contained in or attached to the issuance of such certificate and proceed with the construction, acquisition, operation, or extension covered thereby. Any construction, acquisition, operation, or extension contrary to the provisions of this section may be enjoined by any court of competent jurisdiction at the suit of the United States, the Commission, the State commission, any State affected, or any party in interest.

(d) The Commission may, after full opportunity for hearing, in a proceeding upon complaint or upon its own initiative without complaint, authorize or require by order any carrier, party to such proceeding, to provide itself with adequate facilities for performing its service as a common carrier and to extend its line; but no such authorization or order shall be made unless the Commission finds, as to such extension, that it is reasonably required in the interest of public convenience and necessity, or as to such extension or facilities that the expense involved therein will not impair the ability of the carrier to perform its duty to the public. Any carrier which refuses or neglects to comply with any order of the Commission made in pursuance of this paragraph shall forfeit to the United States \$100 for each day during which such refusal or neglect continues.

### Transactions Relating to Services, Equipment, and so forth

SEC. 215. (a) The Commission shall examine into transactions entered into by any common carrier which relate to the furnishing of equipment, supplies, research, services, finances, credit, or personnel to such carrier and/or which may affect the charges made or to be made and/or the services rendered or to be rendered by such carrier, in wire or radio communication subject to this Act, and shall report to the Congress whether any such transactions have affected or are likely to affect adversely the ability of the carrier to render adequate service to the public, or may result in any undue or unreasonable increase in charges or in the maintenance of undue or unreasonable charges for such service; and in order to fully examine into such transactions the Commission shall have access to and the right of inspection and examination of all accounts, records, and memoranda, including all documents, papers, and correspondence now or hereafter existing, or persons furnishing such equipment, supplies, research, services, finances, credit, or personnel. The Commission shall include in its report its recommendations for necessary legislation in connection with such transactions, and shall report specifically whether in its opinion legislation should be enacted (1) authorizing the Commission to declare any such transactions void or to permit such transactions to be carried out subject to such modification of their terms and conditions as the Commission shall deem desirable in the public interest; and/or (2) subjecting such transactions to the approval of the Commission where the person furnishing or seeking to furnish the equipment, supplies, research, services, finances, credit, or personnel is a person directly or indirectly controlling or controlled by, or under direct or indirect common control with, such carrier; and/or (3) authorizing the Commission to require that all or any transactions of carriers involving the furnishing of equipment, supplies, research, services, finances, credit, or personnel to such carrier be upon competitive bids on such terms and conditions and subject to such regulations as it shall prescribe as necessary in the public interest.

(b) The Commission shall investigate the methods by which and the extent to which wire telephone companies are furnishing wire telegraph service and wire telegraph companies are furnishing wire telephone service, and shall report its findings to Congress, together with its recommendations as to whether additional legislation on this subject is desirable.

(c) The Commission shall examine all contracts of common carriers subject to this Act which prevent the other party thereto from dealing with another common carrier subject to this Act,

and shall report its findings to Congress, together with its recommendations as to whether additional legislation on this subject is desirable.

#### Application of Act to Receivers and Trustees

SEC. 216. The provisions of this Act shall apply to all receivers and operating trustees of carriers subject to this Act to the same extent that it applies to carriers.

#### Liability of Carrier for Acts and Omissions of Agents

SEC. 217. In construing and enforcing the provisions of this Act, the act, omission, or failure of any officer, agent, or other person acting for or employed by any common carrier or user, acting within the scope of his employment, shall in every case be also deemed to be the act, omission, or failure of such carrier or user as well as that of the person.

#### Inquiries Into Management

SEC. 218. The Commission may inquire into the management of the business of all carriers subject to this Act, and shall keep itself informed as to the manner and method in which the same is conducted and as to technical developments and improvements in wire and radio communication and radio transmission of energy to the end that the benefits of new inventions and developments may be made available to the people of the United States. The Commission may obtain from such carriers and from persons directly or indirectly controlling or controlled by, or under direct or indirect common control with, such carriers full and complete information necessary to enable the Commission to perform the duties and carry out the objects for which it was created.

#### Annual and Other Reports

SEC. 219. (a) The Commission is authorized to require annual reports under oath from all carriers subject to this Act, and from persons directly or indirectly controlling or controlled by, or under direct or indirect common control with, any such carrier, to prescribe the manner in which such reports shall be made, and to require from such persons specific answers to all questions upon which the Commission may need information. Such annual reports shall show in detail the amount of capital stock issued, the amount and privileges of each class of stock, the amounts paid therefor, and the manner of payment for the same; the dividends paid and the surplus fund, if any; the number of stockholders (and the names of the thirty largest holders of each class of stock and the amount held by each); the funded and floating debts and the interest paid thereon; the cost and value of the carrier's property, franchises, and equipments; the number of employees and the salaries paid each class; the names of all officers and directors, and the amount of salary, bonus, and all other compensation paid to each; the amounts expended for improvements each year, how expended, and the character of such improvements; the earnings and receipts from each branch of business and from all sources; the operating and other expenses; the balances of profit and loss; and a complete exhibit of the financial operations of the carrier each year, including an annual balance sheet. Such reports shall also contain such information in relation to charges or regulations concerning charges, or agreements, arrangements, or contracts affecting the same, as the Commission may require.

(b) Such reports shall be for such twelve months' period as the Commission shall designate and shall be filed with the Commission at its office in Washington within three months after the close of the year for which the report is made, unless additional time is granted in any case by the Commission; and if any person subject to the provisions of this section shall fail to make and file said annual reports within the time above specified, or within the time extended by the Commission, for making and filing the same, or shall fail to make specific answer to any question authorized by the provisions of this section within thirty days from the time it is lawfully required so to do, such person shall forfeit to the United States the sum of \$100 for each and every day it shall continue to be in default with respect thereto. The Commission may by general or special orders require any such carriers to file monthly reports of earnings and expenses and to file periodical and/or special reports concerning any matters with respect to which the Commission is authorized or required by law to act; and such periodical or special reports shall be under oath whenever the Commission so requires. If any such carrier shall fail to make and file any such periodical or special report within the time fixed by the Commission, it shall be subject to the forfeitures above provided.

#### Accounts, Records, and Memoranda; Depreciation Charges

SEC. 220. (a) The Commission may, in its discretion, prescribe the forms of any and all accounts, records, and memoranda to be kept by carriers subject to this Act, including the accounts, records, and memoranda of the movement of traffic, as well as of the receipts and expenditures of moneys.

(b) The Commission shall, as soon as practicable, prescribe for such carriers the classes of property for which depreciation charges may be properly included under operating expenses, and the percentages of depreciation which shall be charged with respect to each of such classes of property, classifying the carriers as it may deem proper for this purpose. The Commission may, when it deems necessary, modify the classes and percentages so prescribed. Such carriers shall not, after the Commission has prescribed the classes of property for which depreciation charges may be included, charge to operating expenses any depreciation charges on classes of property other than those prescribed by the Commission, or, after the Commission has prescribed percentages of depreciation, charge with respect to any class of property a percentage of depreciation other than that prescribed therefor by the Commission. No such carrier shall in any case include in any form under its operating or other expenses any depreciation or other charge or expenditure included elsewhere as a depreciation charge or otherwise under its operating or other expenses.

(c) The Commission shall at all times have access to and the right of inspection and examination of all accounts, records, and memoranda, including all documents, papers, and correspondence now or hereafter existing, and kept or required to be kept by such carriers, and the provisions of this section respecting the preservation and destruction of books, papers, and documents shall apply thereto. The burden of proof to justify every accounting entry questioned by the Commission shall be on the person making, authorizing, or requiring such entry and the Commission may suspend a charge or credit pending submission of proof by such person. Any provision of law prohibiting the disclosure of the contents of messages or communications shall not be deemed to prohibit the disclosure of any matter in accordance with the provisions of this section.

(d) In case of failure or refusal on the part of any such carrier to keep such accounts, records, and memoranda on the books and in the manner prescribed by the Commission, or to submit such accounts, records, memoranda, documents, papers, and correspondence as are kept to the inspection of the Commission or any of its authorized agents, such carrier shall forfeit to the United States the sum of \$500 for each day of the continuance of each such offense.

(e) Any person who shall willfully make any false entry in the accounts of any book of accounts or in any record or memoranda kept by any such carrier, or who shall willfully destroy, mutilate, alter, or by any other means or device falsify any such account, record, or memoranda, or who shall willfully neglect or fail to make full, true, and correct entries in such accounts, records, or memoranda of all facts and transactions appertaining to the business of the carrier, shall be deemed guilty of a misdemeanor, and shall be subject, upon conviction, to a fine of not less than \$1,000 nor more than \$5,000 or imprisonment for a term of not less than one year nor more than three years, or both such fine and imprisonment: Provided, That the Commission may in its discretion issue orders specifying such operating, accounting, or financial papers, records, books, blanks or documents which may, after a reasonable time, be destroyed, and prescribing the length of time such books, papers, or documents shall be preserved.

(f) No member, officer, or employee of the Commission shall divulge any fact or information which may come to his knowledge during the course of examination of books or other accounts, as hereinbefore provided, except insofar as he may be directed by the Commission or by a court.

(g) After the Commission has prescribed the forms and manner of keeping of accounts, records, and memoranda to be kept by any person as herein provided, it shall be unlawful for such person to keep any other accounts, records, or memoranda than those so prescribed or such as may be approved by the Commission or to keep the accounts in any other manner than that prescribed or approved by the Commission. Notice of alterations by the Commission in the required manner or form of keeping accounts shall be given to such persons by the Commission at least six months before the same are to take effect.

(h) The Commission may classify carriers subject to this Act and prescribe different requirements under this section for different classes of carriers, and may, if it deems such action consistent

with the public interest, except the carriers of any particular class or classes in any State from any of the requirements under this section in cases where such carriers are subject to State commission regulation with respect to matters to which this section relates.

(i) The Commission, before prescribing any requirements as to accounts, records, or memoranda, shall notify each State commission having jurisdiction with respect to any carrier involved, and shall give reasonable opportunity to each such commission to present its views, and shall receive and consider such views and recommendations.

(j) The Commission shall investigate and report to Congress as to the need of legislation to define further or harmonize the powers of the Commission and of State commissions with respect to matters to which this section relates.

### Special Provisions Relating to Telephone Companies

SEC. 221. (a) Upon application of one or more telephone companies for authority to consolidate their properties or a part thereof into a single company, or for authority for one or more such companies to acquire the whole or any part of the property of another telephone company or other telephone companies or the control thereof by the purchase of securities or by lease or in any other like manner, when such consolidated company would be subject to this Act, the Commission shall fix a time and place for a public hearing upon such application and shall thereupon give reasonable notice in writing to the Governor of each of the States in which the physical property affected, or any part thereof, is situated, and to the State commission having jurisdiction over telephone companies, and to such other persons as it may deem advisable. After such public hearing, if the Commission finds that the proposed consolidation, acquisition, or control will be of advantage to the persons to whom service is to be rendered and in the public interest, it shall certify to that effect; and thereupon any Act or Acts of Congress making the proposed transaction unlawful shall not apply. Nothing in this subsection shall be construed as in any wise limiting or restricting the powers of the several States to control and regulate telephone companies.

(b) Nothing in this Act shall be construed to apply, or to give the Commission jurisdiction, with respect to charges, classifications, practices, services, facilities, or regulations for or in connection with wire telephone exchange service, even though a portion of such exchange service constitutes interstate or foreign communication, in any case where such matters are subject to regulation by a State commission or by local governmental authority.

(c) For the purpose of administering this Act as to carriers engaged in wire telephone communication, the Commission may classify the property of any such carrier used for wire telephone communication, and determine what property of said carrier shall be considered as used in interstate or foreign telephone toll service. Such classification shall be made after hearing, upon notice to the carrier, the State commission (or the Governor, if the State has no State commission) of any State in which the property of said carrier is located, and such other persons as the Commission may prescribe.

(d) In making a valuation of the property of any wire telephone carrier the Commission, after making the classification authorized in this section, may in its discretion value only that part of the property of such carrier determined to be used in interstate or foreign telephone toll service.

### Title III—Special Provisions Relating to Radio

#### License for Radio Communication or Transmission of Energy

SEC. 301. It is the purpose of this Act, among other things, to maintain the control of the United States over all the channels of interstate and foreign radio transmission; and to provide for the use of such channels, but not the ownership thereof, by persons for limited periods of time, under licenses granted by Federal authority, and no such license shall be construed to create any right, beyond the terms, conditions, and periods of the license. No person shall use or operate any apparatus for the transmission of energy or communications or signals by radio (a) from one place in any Territory or possession of the United States or in the District of Columbia to another place in the same Territory, possession, or District; or (b) from any State, Territory, or possession of the United States, or from the District of Columbia to any other State, Territory, or possession of the United States; or (c) from any place in any State, Territory, or possession of the United States, or in the District of Columbia, to any place in any foreign country

or to any vessel; or (d) within any State when the effects of such use extend beyond the borders of said State, or when interference is caused by such use or operation with the transmission of such energy, communications, or signals from within said State to any place beyond its borders, or from any place beyond its borders to any place within said State, or with the transmission or reception of such energy, communications, or signals from and/or to places beyond the borders of said State; or (e) upon any vessel or aircraft of the United States; or (f) upon any other mobile stations within the jurisdiction of the United States, except under and in accordance with this Act and with a license in that behalf granted under the provisions of this Act.

### Zones

SEC. 302. (a) For the purposes of this title the United States is divided into five zones, as follows: The first zone shall embrace the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, and the District of Columbia; the second zone shall embrace the States of Pennsylvania, Virginia, West Virginia, Ohio, Michigan, and Kentucky; the third zone shall embrace the States of North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Mississippi, Arkansas, Louisiana, Texas, and Oklahoma; the fourth zone shall embrace the States of Indiana, Illinois, Wisconsin, Minnesota, North Dakota, South Dakota, Iowa, Nebraska, Kansas, and Missouri; and the fifth zone shall embrace the States of Montana, Idaho, Wyoming, Colorado, New Mexico, Arizona, Utah, Nevada, Washington, Oregon, and California.

(b) The Virgin Islands, Puerto Rico, Alaska, Guam, American Samoa, and the Territory of Hawaii are expressly excluded from the zones herein established.

### General Powers of Commission

SEC. 303. Except as otherwise provided in this Act, the Commission from time to time, as public convenience, interest, or necessity requires, shall—

(a) Classify radio stations;

(b) Prescribe the nature of the service to be rendered by each class of licensed stations and each station within any class;

(c) Assign bands of frequencies to the various classes of stations, and assign frequencies for each individual station and determine the power which each station shall use and the time during which it may operate;

(d) Determine the location of classes of stations or individual stations;

(e) Regulate the kind of apparatus to be used with respect to its external effects and the purity and sharpness of the emissions from each station and from the apparatus therein;

(f) Make such regulations not inconsistent with law as it may deem necessary to prevent interference between stations and to carry out the provisions of this Act: Provided, however, That changes in the frequencies, authorized power, or in the times of operation of any station, shall not be made without the consent of the station licensee unless, after a public hearing, the Commission shall determine that such changes will promote public convenience or interest or will serve public necessity, or the provisions of this Act will be more fully complied with;

(g) Study new uses for radio, provide for experimental uses of frequencies, and generally encourage the larger and more effective use of radio in the public interest;

(h) Have authority to establish areas or zones to be served by any station;

(i) Have authority to make special regulations applicable to radio stations engaged in chain broadcasting;

(j) Have authority to make general rules and regulations requiring stations to keep such records of programs, transmissions of energy, communications, or signals as it may deem desirable.

(k) Have authority to exclude from the requirements of any regulations in whole or in part any radio station upon railroad rolling stock, or to modify such regulations in its discretion;

(l) Have authority to prescribe the qualifications of station operators, to classify them according to the duties to be performed, to fix the forms of such licenses, and to issue them to such citizens of the United States as the Commission finds qualified.

(m) Have authority to suspend the license of any operator for a period not exceeding two years upon proof sufficient to satisfy the Commission that the licensee (1) has violated any provision of any Act or treaty binding on the United States which the Commission is authorized by this Act to administer or any regulation made by the Commission under any such Act or treaty;

or (2) has failed to carry out the lawful orders of the master of the vessel on which he is employed; or (3) has willfully damaged or permitted radio apparatus to be damaged; or (4) has transmitted superfluous radio communications or signals or radio communications containing profane or obscene words or language; or (5) has willfully or maliciously interfered with any other radio communications or signals;

(n) Have authority to inspect all transmitting apparatus to ascertain whether in construction and operation it conforms to the requirements of this Act, the rules and regulations of the Commission, and the license under which it is constructed or operated;

(o) Have authority to designate call letters of all stations;

(p) Have authority to cause to be published such call letters and such other announcements and data as in the judgment of the Commission may be required for the efficient operation of radio stations subject to the jurisdiction of the United States and for the proper enforcement of this Act;

(q) Have authority to require the painting and/or illumination of radio towers if and when in its judgment such towers constitute, or there is a reasonable possibility that they may constitute, a menace to air navigation.

### Waiver by Licensee

SEC. 304. No station license shall be granted by the Commission until the applicant therefor shall have signed a waiver of any claim to the use of any particular frequency or of the ether as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise.

### Government-Owned Stations

SEC. 305. (a) Radio stations belonging to and operated by the United States shall not be subject to the provisions of sections 301 and 303 of this Act. All such Government stations shall use such frequencies as shall be assigned to each or to each class by the President. All such stations, except stations on board naval and other Government vessels while at sea or beyond the limits of the continental United States, when transmitting any radio communication or signal other than a communication or signal relating to Government business, shall conform to such rules and regulations designed to prevent interference with other radio stations and the rights of others as the Commission may prescribe.

(b) Radio stations on board vessels of the United States Shipping Board Bureau or the United States Shipping Board Merchant Fleet Corporation or the Inland and Coastwise Waterways Service shall be subject to the provisions of this title.

(c) All stations owned and operated by the United States, except mobile stations of the Army of the United States, and all other stations on land and sea, shall have special call letters designated by the Commission.

### Foreign Ships

SEC. 306. Section 301 of this Act shall not apply to any person sending radio communications or signals on a foreign ship while the same is within the jurisdiction of the United States, but such communications or signals shall be transmitted only in accordance with such regulations designed to prevent interference as may be promulgated under the authority of this Act.

### Allocation of Facilities; Term of Licenses

SEC. 307. (a) The Commission, if public convenience, interest, or necessity will be served thereby, subject to the limitations of this Act, shall grant to any applicant therefor a station license provided for by this Act.

(b) It is hereby declared that the people of all the zones established by this title are entitled to equality of radio broadcasting service, both of transmission and of reception, and in order to provide said equality the Commission shall as nearly as possible make and maintain an equal allocation of broadcasting licenses, of bands of frequency, of periods of time for operation, and of station power, to each of said zones when and insofar as there are applications therefor; and shall make a fair and equitable allocation of licenses, frequencies, time for operation, and station power to each of the States and the District of Columbia, within each zone, according to population. The Commission shall carry into effect the equality of broadcasting service hereinbefore directed, whenever necessary or proper, by granting or refusing licenses or renewals of licenses, by changing periods of time for operation, and by increasing or decreasing station power, when applications are made for licenses or renewals of licenses: Provided, That if and when there is a lack of applications from any zone for the

proportionate share of licenses, frequencies, time of operation, or station power to which such zone is entitled, the Commission may issue licenses for the balance of the proportion not applied for from any zone, to applicants from other zones for a temporary period of ninety days each, and shall specifically designate that said apportionment is only for said temporary period. Allocations shall be charged to the State or District wherein the studio of the station is located and not where the transmitter is located: Provided further, That the Commission may also grant applications for additional licenses for stations not exceeding one hundred watts of power if the Commission finds that such stations will serve the public convenience, interest, or necessity, and that their operation will not interfere with the fair and efficient radio service of stations licensed under the provisions of this section.

(c) The Commission shall study the proposal that Congress by statute allocate fixed percentages of radio broadcasting facilities to particular types or kinds of non-profit radio programs or to persons identified with particular types or kinds of non-profit activities, and shall report to Congress, not later than February 1, 1935, its recommendations together with the reasons for the same.

(d) No license granted for the operation of a broadcasting station shall be for a longer term than three years and no license so granted for any other class of station shall be for a longer term than five years, and any license granted may be revoked as hereinafter provided. Upon the expiration of any license, upon application therefor, a renewal of such license may be granted from time to time for a term of not to exceed three years in the case of broadcasting licenses and not to exceed five years in the case of other licenses, but action of the Commission with reference to the granting of such application for the renewal of a license shall be limited to and governed by the same considerations and practice which affect the granting of original applications.

(e) No renewal of an existing station license shall be granted more than thirty days prior to the expiration of the original license.

### Applications for Licenses; Conditions in License for Foreign Communication

SEC. 308. (a) The Commission may grant licenses, renewal of licenses, and modification of licenses only upon written application therefor received by it: Provided, however, That in cases of emergency found by the Commission, licenses, renewals of licenses, and modifications of licenses, for stations on vessels or aircraft of the United States, may be issued under such conditions as the Commission may impose, without such formal application. Such licenses, however, shall in no case be for a longer term than three months: Provided further, That the Commission may issue by cable, telegraph, or radio a permit for the operation of a station on a vessel of the United States at sea, effective in lieu of a license until said vessel shall return to a port of the continental United States.

(b) All such applications shall set forth such facts as the Commission by regulation may prescribe as to the citizenship, character, and financial, technical, and other qualifications of the applicant to operate the station; the ownership and location of the proposed station and of the stations, if any, with which it is proposed to communicate; the frequencies and the power desired to be used; the hours of the day or other periods of time during which it is proposed to operate the station; the purposes for which the station is to be used; and such other information as it may require. The Commission, at any time after the filing of such original application and during the term of any such license, may require from an applicant or licensee further written statements of fact to enable it to determine whether such original application should be granted or denied or such license revoked. Such application and/or such statement of fact shall be signed by the applicant and/or licensee under oath or affirmation.

(c) The Commission in granting any license for a station intended or used for commercial communication between the United States or any Territory or possession, continental or insular, subject to the jurisdiction of the United States, and any foreign country, may impose any terms, conditions, or restrictions authorized to be imposed with respect to submarine-cable licenses by section 2 of an Act entitled "An Act relating to the landing and the operation of submarine cables in the United States," approved May 24, 1921.

### Hearings on Applications for Licenses; Form of Licenses; Conditions Attached to Licenses

SEC. 309. (a) If upon examination of any application for a station license or for the renewal or modification of a station license

the Commission shall determine that public interest, convenience, or necessity would be served by the granting thereof, it shall authorize the issuance, renewal, or modification thereof in accordance with said finding. In the event the Commission upon examination of any such application does not reach such decision with respect thereto, it shall notify the applicant thereof, shall fix and give notice of a time and place for hearing thereon, and shall afford such applicant an opportunity to be heard under such rules and regulations as it may prescribe.

(b) Such station licenses as the Commission may grant shall be in such general form as it may prescribe, but each license shall contain, in addition to other provisions, a statement of the following conditions to which such license shall be subject:

(1) The station license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized therein.

(2) Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of this Act.

(3) Every license issued under this Act shall be subject in terms to the right of use or control conferred by section 606 hereof.

#### Limitation on Holding and Transfer of Licenses

SEC. 310. (a) The station license required hereby shall not be granted to or held by—

(1) Any alien or the representative of any alien;

(2) Any foreign government or the representative thereof;

(3) Any corporation organized under the laws of any foreign government;

(4) Any corporation of which any officer or director is an alien or of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country;

(5) Any corporation directly or indirectly controlled by any other corporation of which any officer or more than one-fourth of the directors are aliens, or of which more than one-fourth of the capital stock is owned of record or voted, after June 1, 1935, by aliens, their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country, if the Commission finds that the public interest will be served by the refusal or the revocation of such license.

Nothing in this subsection shall prevent the licensing of radio apparatus on board any vessel, aircraft, or other mobile station of the United States when the installation and use of such apparatus is required by Act of Congress or any treaty to which the United States is a party.

(b) The station license required hereby, the frequencies authorized to be used by the licensee, and the rights therein granted shall not be transferred, assigned, or in any manner either voluntarily or involuntarily disposed of, or indirectly by transfer of control of any corporation holding such license, to any person, unless the Commission shall, after securing full information, decide that said transfer is in the public interest, and shall give its consent in writing.

#### Refusal of Licenses and Permits in Certain Cases

SEC. 311. The Commission is hereby directed to refuse a station license and/or the permit hereinafter required for the construction of a station to any person (or to any person directly or indirectly controlled by such person) whose license has been revoked by a court under section 313, and is hereby authorized to refuse such station license and/or permit to any other person (or to any person directly or indirectly controlled by such person) which has been finally adjudged guilty by a Federal court of unlawfully monopolizing or attempting unlawfully to monopolize, radio communication, directly or indirectly, through the control of the manufacture or sale of radio apparatus, through exclusive traffic arrangements, or by any other means, or to have been using unfair methods of competition. The granting of a license shall not estop the United States or any person aggrieved from proceeding against such person for violating the law against unfair methods of competition or for a violation of the law against unlawful restraints and monopolies and/or combinations, contracts, or agreements in restraint of trade, or from instituting proceedings for the dissolution of such corporation.

#### Revocation of Licenses

SEC. 312. (a) Any station license may be revoked for false statements either in the application or in the statement of fact

which may be required by section 308 hereof, or because of conditions revealed by such statements of fact as may be required from time to time which would warrant the Commission in refusing to grant a license on an original application, or for failure to operate substantially as set forth in the license, or for violation of or failure to observe any of the restrictions and conditions of this Act or of any regulation of the Commission authorized by this Act or by a treaty ratified by the United States: Provided, however, That no such order of revocation shall take effect until fifteen days' notice in writing thereof, stating the cause for the proposed revocation, has been given to the licensee. Such licensee may make written application to the Commission at any time within said fifteen days for a hearing upon such order, and upon the filing of such written application said order of revocation shall stand suspended until the conclusion of the hearing conducted under such rules as the Commission may prescribe. Upon the conclusion of said hearing the Commission may affirm, modify, or revoke said order of revocation.

(b) Any station license hereafter granted under the provisions of this Act or the construction permit required hereby and hereafter issued, may be modified by the Commission either for a limited time or for the duration of the term thereof, if in the judgment of the Commission such action will promote the public interest, convenience, and necessity, or the provisions of this Act or of any treaty ratified by the United States will be more fully complied with: Provided, however, That no such order of modification shall become final until the holder of such outstanding license or permit shall have been notified in writing of the proposed action and the grounds or reasons therefor and shall have been given reasonable opportunity to show cause why such an order of modification should not issue.

#### Application of Antitrust Laws

SEC. 313. All laws of the United States relating to unlawful restraints and monopolies and to combinations, contracts, or agreements in restraint of trade are hereby declared to be applicable to the manufacture and sale of and to trade in radio apparatus and devices entering into or affecting interstate or foreign commerce and to interstate or foreign radio communications. Whenever in any suit, action, or proceeding, civil or criminal, brought under the provisions of any of said laws or in any proceedings brought to enforce or to review findings and orders of the Federal Trade Commission or other governmental agency in respect of any matters as to which said Commission or other governmental agency is by law authorized to act, any licensee shall be found guilty of the violation of the provisions of such laws or any of them, the court, in addition to the penalties imposed by said laws, may adjudge, order, and/or decree that the license of such licensee shall, as of the date the decree of judgment becomes finally effective or as of such other date as the said decree shall fix, be revoked and that all rights under such license shall thereupon cease: Provided, however, That such licensee shall have the same right of appeal or review as is provided by law in respect of other decrees and judgments of said court.

#### Preservation of Competition in Commerce

SEC. 314. After the effective date of this Act no person engaged directly, or indirectly through any person directly or indirectly controlling or controlled by, or under direct or indirect common control with, such person, or through an agent, or otherwise, in the business of transmitting and/or receiving for hire energy, communications, or signals by radio in accordance with the terms of the license issued under this Act, shall by purchase, lease, construction, or otherwise, directly or indirectly, acquire, own, control, or operate any cable or wire telegraph or telephone line or system, between any place in any State, Territory, or possession of the United States or in the District of Columbia, and any place in any foreign country, or shall acquire, own, or control any part of the stock or other capital share or any interest in the physical property and/or other assets of any such cable, wire, telegraph, or telephone line or system, if in either case the purpose is and/or the effect thereof may be to substantially lessen competition or to restrain commerce between any place in any State, Territory, or possession of the United States, or in the District of Columbia, and any place in any foreign country, or unlawfully to create monopoly in any line of commerce; nor shall any person engaged directly, or indirectly through any person directly or indirectly controlling or controlled by, or under direct or indirect common control with, such person, or through an agent, or otherwise, in the business of transmitting and/or receiving for hire messages by any cable, wire, telegraph, or telephone line or system (a) between any place in any

State, Territory, or possession of the United States, or in the District of Columbia, and any place in any other State, Territory, or possession of the United States; or (h) between any place in any State, Territory, or possession of the United States, or the District of Columbia, and any place in any foreign country, by purchase, lease, construction, or otherwise, directly or indirectly acquire, own, control, or operate any station or the apparatus therein, or any system for transmitting and/or receiving radio communications or signals between any place in any State, Territory, or possession of the United States, or in the District of Columbia, and any place in any foreign country, or shall acquire, own, or control any part of the stock or other capital share or any interest in the physical property and/or other assets of any such radio station, apparatus, or system, if in either case the purpose is and/or the effect thereof may be to substantially lessen competition or to restrain commerce between any place in any State, Territory, or possession of the United States, or in the District of Columbia, and any place in any foreign country, or unlawfully to create monopoly in any line of commerce.

#### Facilities for Candidates for Public Office

SEC. 315. If any licensee shall permit any person who is a legally qualified candidate for any public office to use a broadcasting station, he shall afford equal opportunities to all other such candidates for that office in the use of such broadcasting station, and the Commission shall make rules and regulations to carry this provision into effect: Provided, That such licensee shall have no power of censorship over the material broadcast under the provisions of this section. No obligation is hereby imposed upon any licensee to allow the use of its station by any such candidate.

#### Lotteries and Other Similar Schemes

SEC. 316. No person shall broadcast by means of any radio station for which a license is required by any law of the United States, and no person operating any such station shall knowingly permit the broadcasting of, any advertisement of or information concerning any lottery, gift enterprise, or similar scheme, offering prizes dependent in whole or in part upon lot or chance, or any list of the prizes drawn or awarded by means of any such lottery, gift enterprise, or scheme, whether said list contains any part or all of such prizes. Any person violating any provision of this section shall, upon conviction thereof, be fined not more than \$1,000 or imprisoned not more than one year, or both, for each and every day during which such offense occurs.

#### Announcement That Matter Is Paid For

SEC. 317. All matter broadcast by any radio station for which service, money, or any other valuable consideration is directly or indirectly paid, or promised to or charged or accepted by, the station so broadcasting, from any person, shall, at the time the same is so broadcast, be announced as paid for or furnished, as the case may be, by such person.

#### Operation of Transmitting Apparatus

SEC. 318. The actual operation of all transmitting apparatus in any radio station for which a station license is required by this Act shall be carried on only by a person holding an operator's license issued hereunder. No person shall operate any such apparatus in such station except under and in accordance with an operator's license issued to him by the Commission.

#### Construction Permits

SEC. 319. (a) No license shall be issued under the authority of this Act for the operation of any station the construction of which is begun or is continued after this Act takes effect, unless a permit for its construction has been granted by the Commission upon written application therefor. The Commission may grant such permit if public convenience, interest, or necessity will be served by the construction of the station. This application shall set forth such facts as the Commission by regulation may prescribe as to the citizenship, character, and the financial, technical, and other ability of the applicant to construct and operate the station, the ownership and location of the proposed station and of the station or stations with which it is proposed to communicate, the frequencies desired to be used, the hours of the day or other periods of time during which it is proposed to operate the station, the purpose for which the station is to be used, the type of transmitting apparatus to be used, the power to be used, the date upon which the

station is expected to be completed and in operation, and such other information as the Commission may require. Such application shall be signed by the applicant under oath or affirmation.

(b) Such permit for construction shall show specifically the earliest and latest dates between which the actual operation of such station is expected to begin, and shall provide that said permit will be automatically forfeited if the station is not ready for operation within the time specified or within such further time as the Commission may allow, unless prevented by causes not under the control of the grantee. The rights under any such permit shall not be assigned or otherwise transferred to any person without the approval of the Commission. A permit for construction shall not be required for Government stations, amateur stations, or stations upon mobile vessels, railroad rolling stock, or aircraft. Upon the completion of any station for the construction or continued construction of which a permit has been granted, and upon it being made to appear to the Commission that all the terms, conditions, and obligations set forth in the application and permit have been fully met, and that no cause or circumstance arising or first coming to the knowledge of the Commission since the granting of the permit would, in the judgment of the Commission, make the operation of such station against the public interest, the Commission shall issue a license to the lawful holder of said permit for the operation of said station. Said license shall conform generally to the terms of said permit.

#### Designation of Stations Liable to Interfere with Distress Signals

SEC. 320. The Commission is authorized to designate from time to time radio stations the communications or signals of which, in its opinion, are liable to interfere with the transmission or reception of distress signals of ships. Such stations are required to keep a licensed radio operator listening in on the frequencies designated for signals of distress and radio communications relating thereto during the entire period the transmitter of such station is in operation.

#### Distress Signals and Communications

SEC. 321. (a) Every radio station on shipboard shall be equipped to transmit radio communications or signals of distress on the frequency specified by the Commission, with apparatus capable of transmitting and receiving messages over a distance of at least one hundred miles by day or night. When sending radio communications or signals of distress and radio communications relating thereto the transmitting set may be adjusted in such a manner as to produce a maximum of radiation irrespective of the amount of interference which may thus be caused.

(b) All radio stations, including Government stations and stations on board foreign vessels when within the territorial waters of the United States, shall give absolute priority to radio communications or signals relating to ships in distress; shall cease all sending on frequencies which will interfere with hearing a radio communication or signal of distress, and, except when engaged in answering or aiding the ship in distress, shall refrain from sending any radio communications or signals until there is assurance that no interference will be caused with the radio communications or signals relating thereto, and shall assist the vessel in distress, so far as possible, by complying with its instructions.

#### Intercommunication in Mobile Service

SEC. 322. Every land station open to general public service between the coast and vessels at sea shall be bound to exchange radio communications or signals with any ship station without distinction as to radio systems or instruments adopted by such stations, respectively, and each station on shipboard shall be bound to exchange radio communications or signals with any other station on shipboard without distinction as to radio systems or instruments adopted by each station.

#### Interference Between Government and Commercial Stations

SEC. 323. (a) At all places where Government and private or commercial radio stations on land operate in such close proximity that interference with the work of Government stations cannot be avoided when they are operating simultaneously, such private or commercial stations as do interfere with the transmission or reception of radio communications or signals by the Government stations concerned shall not use their transmitters during the first fifteen minutes of each hour, local standard time.

(b) The Government stations for which the above-mentioned division of time is established shall transmit radio communications or signals only during the first fifteen minutes of each hour, local standard time, except in case of signals or radio communications relating to vessels in distress and vessel requests for information as to course, location, or compass direction.

#### Use of Minimum Power

SEC. 324. In all circumstances, except in case of radio communications or signals relating to vessels in distress, all radio stations, including those owned and operated by the United States, shall use the minimum amount of power necessary to carry out the communication desired.

#### False Distress Signals; Rebroadcasting; Studios of Foreign Stations

SEC. 325. (a) No person within the jurisdiction of the United States shall knowingly utter or transmit, or cause to be uttered or transmitted, any false or fraudulent signal of distress, or communication relating thereto, nor shall any broadcasting station rebroadcast the program or any part thereof of another broadcasting station without the express authority of the originating station.

(b) No person shall be permitted to locate, use, or maintain a radio broadcast studio or other place or apparatus from which or whereby sound waves are converted into electrical energy, or mechanical or physical reproduction of sound waves produced, and caused to be transmitted or delivered to a radio station in a foreign country for the purpose of being broadcast from any radio station there having a power output of sufficient intensity and/or being so located geographically that its emissions may be received consistently in the United States, without first obtaining a permit from the Commission upon proper application therefor.

(c) Such application shall contain such information as the Commission may by regulation prescribe, and the granting or refusal thereof shall be subject to the requirements of section 309 hereof with respect to applications for station licenses of section 309 hereof with respect to applications for station licenses or renewal or modification thereof, and the license or permission so granted shall be revocable for false statements in the application so required or when the Commission, after hearings, shall find its continuation no longer in the public interest.

#### Censorship; Indecent Language

SEC. 326. Nothing in this Act shall be understood or construed to give the Commission the power of censorship over the radio communications or signals transmitted by any radio station, and no regulation or condition shall be promulgated or fixed by the Commission which shall interfere with the right of free speech by means of radio communication. No person within the jurisdiction of the United States shall utter any obscene, indecent, or profane language by means of radio communication.

#### Use of Naval Stations for Commercial Messages

SEC. 327. The Secretary of the Navy is hereby authorized, unless restrained by international agreement, under the terms and conditions and at rates prescribed by him, which rates shall be just and reasonable, and which, upon complaint, shall be subject to review and revision by the Commission, to use all radio stations and apparatus, wherever located, owned by the United States and under the control of the Navy Department, (a) for the reception and transmission of press messages offered by any newspaper published in the United States, its Territories or possessions, or published by citizens of the United States in foreign countries, or by any press association of the United States, and (b) for the reception and transmission of private commercial messages between ships, between ship and shore, between localities in Alaska and between Alaska and the continental United States: Provided, That the rates fixed for the reception and transmission of all such messages, other than press messages between the Pacific coast of the United States, Hawaii, Alaska, Guam, American Samoa, the Philippine Islands, and the Orient, and between the United States and the Virgin Islands, shall not be less than the rates charged by privately owned and operated stations for like messages and service: Provided further, That the right to use such stations for any of the purposes named in this section shall terminate and cease as between any countries or localities or between any locality and privately operated ships whenever privately owned and operated stations are capable of meeting the normal communication

requirements between such countries or localities or between any locality and privately operated ships, and the Commission shall have notified the Secretary of the Navy thereof.

#### Special Provision as to Philippine Islands and Canal Zone

SEC. 328. This title shall not apply to the Philippine Islands or to the Canal Zone. In international radio matters the Philippine Islands and the Canal Zone shall be represented by the Secretary of State.

#### Administration of Radio Laws in Territories and Possessions

SEC. 329. The Commission is authorized to designate any officer or employee of any other department of the Government on duty in any Territory or possession of the United States other than the Philippine Islands and the Canal Zone, to render therein such services in connection with the administration of the radio laws of the United States as the Commission may prescribe: Provided, That such designation shall be approved by the head of the department in which such person is employed.

#### Title IV—Procedural and Administrative Provisions

##### Jurisdiction to Enforce Act and Orders of Commission

SECTION 401. (a) The district courts of the United States shall have jurisdiction, upon application of the Attorney General of the United States at the request of the Commission, alleging a failure to comply with or a violation of any of the provisions of this Act by any person, to issue a writ or writs of mandamus commanding such person to comply with the provisions of this Act.

(b) If any person fails or neglects to obey any order of the Commission other than for the payment of money, while the same is in effect, the Commission or any party injured thereby, or the United States, by its Attorney General, may apply to the appropriate district court of the United States for the enforcement of such order. If, after hearing, that court determines that the order was regularly made and duly served, and that the person is in disobedience of the same, the court shall enforce obedience to such order by a writ of injunction or other proper process, mandatory or otherwise, to restrain such person or the officers, agents, or representatives of such person, from further disobedience of such order, or to enjoin upon it or them obedience to the same.

(c) Upon the request of the Commission it shall be the duty of any district attorney of the United States to whom the Commission may apply to institute in the proper court and to prosecute under the direction of the Attorney General of the United States all necessary proceedings for the enforcement of the provisions of this Act and for the punishment of all violations thereof, and the costs and expenses of such prosecutions shall be paid out of the appropriations for the expenses of the courts of the United States.

(d) The provisions of the Expediting Act, approved February 11, 1903, as amended, and of section 238 (1) of the Judicial Code, as amended, shall be held to apply to any suit in equity arising under title II of this Act, wherein the United States is complainant.

##### Proceedings to Enforce or Set Aside the Commission's Orders—Appeal in Certain Cases

SEC. 402. (a) The provisions of the Act of October 22, 1913 (38 Stat. 219), relating to the enforcing or setting aside of the orders of the Interstate Commerce Commission, are hereby made applicable to suits to enforce, enjoin, set aside, annul, or suspend any order of the Commission under this Act (except any order of the Commission granting or refusing an application for a construction permit for a radio station, or for a radio station license, or for renewal of an existing radio station license, or for modification of an existing radio station license), and such suits are hereby authorized to be brought as provided in that Act.

(b) An appeal may be taken, in the manner hereinafter provided, from decisions of the Commission to the Court of Appeals of the District of Columbia in any of the following cases:

(1) By any applicant for a construction permit for a radio station, or for a radio station license, or for renewal of an existing radio station license, or for modification of an existing radio station license, whose application is refused by the Commission.

(2) By any other person aggrieved or whose interests are adversely affected by any decision of the Commission granting or refusing any such application.

(c) Such appeal shall be taken by filing with said court within twenty days after the decision complained of is effective, notice in writing of said appeal and a statement of the reasons therefor, together with proof of service of a true copy of said notice and statement upon the Commission. Unless a later date is specified by the Commission as part of its decision, the decision complained of shall be considered to be effective as of the date on which public announcement of the decision is made at the office of the Commission in the city of Washington. The Commission shall thereupon immediately, and in any event not later than five days from the date of such service upon it, mail or otherwise deliver a copy of said notice of appeal to each person shown by the records of the Commission to be interested in such appeal and to have a right to intervene therein under the provisions of this section, and shall at all times thereafter permit any such person to inspect and make copies of the appellant's statement of reasons for said appeal at the office of the Commission in the city of Washington. Within thirty days after the filing of said appeal the Commission shall file with the court the originals or certified copies of all papers and evidence presented to it upon the application involved, and also a like copy of its decision thereon, and shall within thirty days thereafter file a full statement in writing of the facts and grounds for its decision as found and given by it, and a list of all interested persons to whom it has mailed or otherwise delivered a copy of said notice of appeal.

(d) Within thirty days after the filing of said appeal any interested person may intervene and participate in the proceedings had upon said appeal by filing with the court a notice of intention to intervene and a verified statement showing the nature of the interest of such party, together with proof of service of true copies of said notice and statement, both upon appellant and upon the Commission. Any person who would be aggrieved or whose interests would be adversely affected by a reversal or modification of the decision of the Commission complained of shall be considered an interested party.

(e) At the earliest convenient time the court shall hear and determine the appeal upon the record before it, and shall have power, upon such record, to enter a judgment affirming or reversing the decision of the Commission, and in event the court shall render a decision and enter an order reversing the decision of the Commission it shall remand the case to the Commission to carry out the judgment of the court: Provided, however, That the review by the court shall be limited to questions of law and that findings of fact by the Commission, if supported by substantial evidence, shall be conclusive unless it shall clearly appear that the findings of the Commission are arbitrary or capricious. The court's judgment shall be final, subject, however, to review by the Supreme Court of the United States upon writ of certiorari on petition therefor under section 240 of the Judicial Code, as amended, by appellant, by the Commission, or by any interested party intervening in the appeal.

(f) The court may, in its discretion, enter judgment for costs in favor of or against an appellant, and/or other interested parties intervening in said appeal, but not against the Commission, depending upon the nature of the issues involved upon said appeal and the outcome thereof.

#### **Inquiry by Commission on Its Own Motion**

SEC. 403. The Commission shall have full authority and power at any time to institute an inquiry, on its own motion, in any case and as to any matter or thing concerning which complaint is authorized to be made, to or before the Commission by any provision of this Act, or concerning which any question may arise under any of the provisions of this Act, or relating to the enforcement of any of the provisions of this Act. The Commission shall have the same powers and authority to proceed with any inquiry instituted on its motion as though it had been appealed to by complaint or petition under any of the provisions of this Act, including the power to make and enforce any order or orders in the case, or relating to the matter or thing concerning which the inquiry is had, excepting orders for the payment of money.

#### **Reports of Investigations**

SEC. 404. Whenever an investigation shall be made by the Commission it shall be its duty to make a report in writing in respect thereto, which shall state the conclusions of the Commission, together with its decision, order, or requirement in the premises; and in case damages are awarded such report shall include the findings of fact on which the award is made.

#### **Rehearing Before Commission**

SEC. 405. After a decision, order, or requirement has been made by the Commission in any proceeding, any party thereto may at any time make application for rehearing of the same, or any matter determined therein, and it shall be lawful for the Commission in its discretion to grant such a rehearing if sufficient reason therefor be made to appear: Provided, however, That in the case of a decision, order, or requirement made under title III, the time within which application for rehearing may be made shall be limited to twenty days after the effective date thereof, and such application may be made by any party or any person aggrieved or whose interests are adversely affected thereby. Applications for rehearing shall be governed by such general rules as the Commission may establish. No such application shall excuse any person from complying with or obeying any decision, order, or requirement of the Commission, or operate in any manner to stay or postpone the enforcement thereof, without the special order of the Commission. In case a rehearing is granted, the proceedings thereupon shall conform as nearly as may be to the proceedings in an original hearing, except as the Commission may otherwise direct; and if, in its judgment, after such rehearing and the consideration of all facts, including those arising since the former hearing, it shall appear that the original decision, order, or requirement is in any respect unjust or unwarranted, the Commission may reverse, change, or modify the same accordingly. Any decision, order, or requirement made after such rehearing, reversing, changing, or modifying the original determination, shall be subject to the same provisions as an original order.

#### **Mandamus to Compel Furnishing of Facilities**

SEC. 406. The district courts of the United States shall have jurisdiction upon the relation of any person alleging any violation, by a carrier subject to this Act, of any of the provisions of this Act which prevent the relator from receiving service in interstate or foreign communication by wire or radio, or in interstate or foreign transmission of energy by radio, from said carrier at the same charges, or upon terms or conditions as favorable as those given by said carrier for like communication or transmission under similar conditions to any other person, to issue a writ or writs of mandamus against said carrier commanding such carrier to furnish facilities for such communication or transmission to the party applying for the writ: Provided, That if any question of fact as to the proper compensation to the carrier for the service to be enforced by the writ is raised by the pleadings, the writ of peremptory mandamus may issue, notwithstanding such question of fact is undetermined, upon such terms as to security, payment of money into the court, or otherwise, as the court may think proper pending the determination of the question of fact: Provided further, That the remedy hereby given by writ of mandamus shall be cumulative and shall not be held to exclude or interfere with other remedies provided by this Act.

#### **Petition for Enforcement of Order for Payment of Money**

SEC. 407. If a carrier does not comply with an order for the payment of money within the time limit in such order, the complainant, or any person for whose benefit such order was made, may file in the district court of the United States for the district in which he resides or in which is located the principal operating office of the carrier, or through which the line of the carrier runs, or in any State court of general jurisdiction having jurisdiction of the parties, a petition setting forth briefly the causes for which he claims damages, and the order of the Commission in the premises. Such suit in the district court of the United States shall proceed in all respects like other civil suits for damages, except that on the trial of such suits the findings and order of the Commission shall be prima facie evidence of the facts therein stated, except that the petitioner shall not be liable for costs in the district court nor for costs at any subsequent stage of the proceedings unless they accrue upon his appeal. If the petitioner shall finally prevail, he shall be allowed a reasonable attorney's fee, to be taxed and collected as a part of the costs of the suit.

#### **Orders Not for Payment of Money—When Effective**

SEC. 408. Except as otherwise provided in this Act, all orders of the Commission, other than orders for the payment of money, shall take effect within such reasonable time, not less than thirty days after service of the order, and shall continue in force until its further order, or for a specified period of time, according as

shall be prescribed in the order, unless the same shall be suspended or modified or set aside by the Commission, or be suspended or set aside by a court of competent jurisdiction.

### General Provisions Relating to Proceedings—Witnesses and Depositions

SEC. 409. (a) Any member or examiner of the Commission, or the director of any division, when duly designated by the Commission for such purpose, may hold hearings, sign and issue subpoenas, administer oaths, examine witnesses, and receive evidence at any place in the United States designated by the Commission; except that in the administration of title III an examiner may not be authorized to exercise such powers with respect to a matter involving (1) a change of policy by the Commission, (2) the revocation of a station license, (3) new devices or developments in radio, or (4) a new kind of use of frequencies. In all cases heard by an examiner the Commission shall hear oral arguments on request of either party.

(b) For the purposes of this Act the Commission shall have the power to require by subpoena the attendance and testimony of witnesses and the production of all books, papers, schedules of charges, contracts, agreements, and documents relating to any matter under investigation. Witnesses summoned before the Commission shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

(c) Such attendance of witnesses, and the production of such documentary evidence, may be required from any place in the United States, at any designated place of hearing. And in case of disobedience to a subpoena the Commission, or any party to a proceeding before the Commission, may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of books, papers, and documents under the provisions of this section.

(d) Any of the district courts of the United States within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpoena issued to any common carrier or licensee or other person, issue an order requiring such common carrier, licensee, or other person to appear before the Commission (and produce books and papers if so ordered) and give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(e) The testimony of any witness may be taken, at the instance of a party, in any proceeding or investigation pending before the Commission, by deposition, at any time after a cause or proceeding is at issue on petition and answer. The Commission may also order testimony to be taken by deposition in any proceeding or investigation pending before it, at any stage of such proceeding or investigation. Such depositions may be taken before any judge of any court of the United States, or any United States commissioner, or any clerk of a district court, or any chancellor, justice, or judge of a supreme or superior court, mayor, or chief magistrate of a city, judge of a county court, or court of common pleas of any of the United States, or any notary public, not being of counsel or attorney to either of the parties, nor interested in the event of the proceeding or investigation. Reasonable notice must first be given in writing by the party or his attorney proposing to take such deposition to the opposite party or his attorney of record, as either may be nearest, which notice shall state the name of the witness and the time and place of the taking of his deposition. Any person may be compelled to appear and depose, and to produce documentary evidence, in the same manner as witnesses may be compelled to appear and testify and produce documentary evidence before the Commission, as hereinbefore provided.

(f) Every person deposing as herein provided shall be cautioned and sworn (or affirm, if he so request) to testify the whole truth, and shall be carefully examined. His testimony shall be reduced to writing by the magistrate taking the deposition, or under his direction, and shall, after it has been reduced to writing, be subscribed by the deponent.

(g) If a witness whose testimony may be desired to be taken by deposition be in a foreign country, the deposition may be taken before an officer or person designated by the Commission, or agreed upon by the parties by stipulation in writing to be filed with the Commission. All depositions must be promptly filed with the Commission.

(h) Witnesses whose depositions are taken as authorized in this Act, and the magistrate or other officer taking the same, shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

(i) No person shall be excused from attending and testifying

or from producing books, papers, schedules of charges, contracts, agreements, and documents before the Commission, or in obedience to the subpoena of the Commission, whether such subpoena be signed or issued by one or more commissioners, or in any cause or proceeding, criminal or otherwise, based upon or growing out of any alleged violation of this Act, or of any amendments thereto, on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that any individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

(j) Any person who shall neglect or refuse to attend and testify, or to answer any lawful inquiry, or to produce books, papers, schedules of charges, contracts, agreements, and documents, if in his power to do so, in obedience to the subpoena or lawful requirement of the Commission, shall be guilty of a misdemeanor and upon conviction thereof by a court of competent jurisdiction shall be punished by a fine of not less than \$100 nor more than \$5,000, or by imprisonment for not more than one year, or by both such fine and imprisonment.

### Use of Joint Boards—Cooperation with State Commissions

SEC. 410. (a) The Commission may refer any matter arising in the administration of this Act to a joint board to be composed of a member, or of an equal number of members, as determined by the Commission, from each of the States in which the wire or radio communication affected by or involved in the proceeding takes place or is proposed, and any such board shall be vested with the same powers and be subject to the same duties and liabilities as in the case of a member of the Commission when designated by the Commission to hold a hearing as hereinbefore authorized. The action of a joint board shall have such force and effect and its proceedings shall be conducted in such manner as the Commission shall by regulations prescribe. The joint board member or members for each State shall be nominated by the State commission of the State or by the Governor if there is no State commission, and appointed by the Federal Communications Commission. The Commission shall have discretion to reject any nominee. Joint board members shall receive such allowances for expenses as the Commission shall provide.

(b) The Commission may confer with any State commission having regulatory jurisdiction with respect to carriers, regarding the relationship between rate structures, accounts, charges, practices, classifications, and regulations of carriers subject to the jurisdiction of such State commission and of the Commission; and the Commission is authorized under such rules and regulations as it shall prescribe to hold joint hearings with any State commission in connection with any matter with respect to which the Commission is authorized to act. The Commission is authorized in the administration of this Act to avail itself of such cooperation, services, records, and facilities as may be afforded by any State commission.

### Joinder of Parties

SEC. 411. (a) In any proceeding for the enforcement of the provisions of this Act, whether such proceeding be instituted before the Commission or be begun originally in any district court of the United States, it shall be lawful to include as parties, in addition to the carrier, all persons interested in or affected by the charge, regulation, or practice under consideration, and inquiries, investigations, orders, and decrees may be made with reference to and against such additional parties in the same manner, to the same extent, and subject to the same provisions as are or shall be authorized by law with respect to carriers.

(b) In any suit for the enforcement of an order for the payment of money all parties in whose favor the Commission may have made an award for damages by a single order may be joined as plaintiffs, and all of the carriers parties to such order awarding such damages may be joined as defendants, and such suit may be maintained by such joint plaintiffs and against such joint defendants in any district where any one of such joint plaintiffs could maintain such suit against any one of such joint defendants; and service of process against any one of such defendants as may not be found in the district where the suit is brought may be made

in any district where such defendant carrier has its principal operating office. In case of such joint suit, the recovery, if any, may be by judgment in favor of any one of such plaintiffs, against the defendant found to be liable to such plaintiff.

#### Documents Filed to Be Public Records—Use in Proceedings

SEC. 412. The copies of schedules of charges, classifications, and of all contracts, agreements, and arrangements between common carriers filed with the Commission as herein provided, and the statistics, tables, and figures contained in the annual or other reports of carriers and other persons made to the Commission as required under the provisions of this Act shall be preserved as public records in the custody of the secretary of the Commission, and shall be received as prima facie evidence of what they purport to be for the purpose of investigations by the Commission and in all judicial proceedings; and copies of and extracts from any of said schedules, classifications, contracts, agreements, arrangements, or reports, made public records as aforesaid, certified by the secretary, under the Commission's seal, shall be received in evidence with like effect as the originals: Provided, That the Commission may, if the public interest will be served thereby, keep confidential any contract, agreement, or arrangement relating to foreign wire or radio communication when the publication of such contract, agreement, or arrangement would place American communication companies at a disadvantage in meeting the competition of foreign communication companies.

#### Designation of Agent for Service

SEC. 413. It shall be the duty of every carrier subject to this Act, within sixty days after the taking effect of this Act, to designate in writing an agent in the District of Columbia, upon whom service of all notices and process and all orders, decisions, and requirements of the Commission may be made for and on behalf of said carrier in any proceeding or suit pending before the Commission, and to file such designation in the office of the secretary of the Commission, which designation may from time to time be changed by like writing similarly filed; and thereupon service of all notices and process and orders, decisions, and requirements of the Commission may be made upon such carrier by leaving a copy thereof with such designated agent at his office or usual place of residence in the District of Columbia, with like effect as if made personally upon such carrier, and in default of such designation of such agent, service of any notice or other process in any proceeding before said Commission, or of any order, decision, or requirement of the Commission, may be made by posting such notice, process, order, requirement, or decision in the office of the Secretary of the Commission.

#### Remedies in This Act Not Exclusive

SEC. 414. Nothing in this Act contained shall in any way abridge or alter the remedies now existing at common law or by statute, but the provisions of this Act are in addition to such remedies.

#### Limitations as to Actions

SEC. 415. (a) All actions at law by carriers for recovery of their lawful charges, or any part thereof, shall be begun within one year from the time the cause of action accrues, and not after.

(b) All complaints against carriers for the recovery of damages not based on overcharges shall be filed with the Commission within one year from the time the cause of action accrues, and not after, subject to subsection (d) of this section.

(c) For recovery of overcharges action at law shall be begun or complaint filed with the Commission against carriers within one year from the time the cause of action accrues, and not after, subject to subsection (d) of this section, except that if claim for the overcharge has been presented in writing to the carrier within the one-year period of limitation said period shall be extended to include one year from the time notice in writing is given by the carrier to the claimant of disallowance of the claim, or any part or parts thereof, specified in the notice.

(d) If on or before expiration of the period of limitation in subsection (b) or (c) a carrier begins action under subsection (a) for recovery of lawful charges in respect of the same service, or, without beginning action, collects charges in respect of that service, said period of limitation shall be extended to include ninety days from the time such action is begun or such charges are collected by the carrier.

(e) The cause of action in respect of the transmission of a message shall for the purposes of this section, be deemed to accrue upon delivery or tender of delivery thereof by the carrier, and not after.

(f) A petition for the enforcement of an order of the Commission for the payment of money shall be filed in the district court or the State court within one year from the date of the order, and not after.

(g) The term "overcharges" as used in this section shall be deemed to mean charges for services in excess of those applicable thereto under the schedules of charges lawfully on file with the Commission.

#### Provisions Relating to Orders

SEC. 416. (a) Every order of the Commission shall be forthwith served upon the designated agent of the carrier in the city of Washington or in such other manner as may be provided by law.

(b) Except as otherwise provided in this Act, the Commission is hereby authorized to suspend or modify its orders upon such notice and in such manner as it shall deem proper.

(c) It shall be the duty of every person, its agents and employees, and any receiver or trustee thereof, to observe and comply with such orders so long as the same shall remain in effect.

#### Title V—Penal Provisions—Forfeitures

##### General Penalty

SECTION 501. Any person who willfully and knowingly does or causes or suffers to be done any act, matter, or thing, in this Act prohibited or declared to be unlawful, or who willfully and knowingly omits or fails to do any act, matter, or thing in this Act required to be done, or willfully and knowingly causes or suffers such omission or failure, shall, upon conviction thereof, be punished for such offense, for which no penalty (other than a forfeiture) is provided herein, by a fine of not more than \$10,000 or by imprisonment for a term of not more than two years, or both.

##### Violations of Rules, Regulations, and so forth

SEC. 502. Any person who willfully and knowingly violates any rule, regulation, restriction, or condition made or imposed by the Commission under authority of this Act, or any rule, regulation, restriction, or condition made or imposed by any international radio or wire communications treaty or convention, or regulations annexed thereto, to which the United States is or may hereafter become a party, shall, in addition to any other penalties provided by law, be punished, upon conviction thereof, by a fine of not more than \$500 for each and every day during which such offense occurs.

##### Forfeiture in Cases of Rebates and Offsets

SEC. 503. Any person who shall deliver messages for interstate or foreign transmission to any carrier, or for whom as sender or receiver, any such carrier shall transmit any interstate or foreign wire or radio communication, who shall knowingly by employee, agent, officer, or otherwise, directly or indirectly, by or through any means or device whatsoever, receive or accept from such common carrier any sum of money or any other valuable consideration as a rebate or offset against the regular charges for transmission of such messages as fixed by the schedules of charges provided for in this Act, shall in addition to any other penalty provided by this Act forfeit to the United States a sum of money three times the amount of money so received or accepted and three times the value of any other consideration so received or accepted, to be ascertained by the trial court; and in the trial of said action all such rebates or other considerations so received or accepted for a period of six years prior to the commencement of the action, may be included therein, and the amount recovered shall be three times the total amount of money, or three times the total value of such consideration, so received or accepted, or both, as the case may be.

##### Provisions Relating to Forfeitures

SEC. 504. The forfeitures provided for in this Act shall be payable into the Treasury of the United States and shall be recoverable in a civil suit in the name of the United States, brought in the district where the person or carrier has its principal operating office, or in any district through which the line or system of the carrier runs. Such forfeitures shall be in addition to any other

general or specific penalties herein provided. It shall be the duty of the various district attorneys, under the direction of the Attorney General of the United States, to prosecute for the recovery of forfeitures under this Act. The costs and expenses of such prosecutions shall be paid from the appropriation for the expenses of the courts of the United States.

#### Venue of Offenses

SEC. 505. The trial of any offense under this Act shall be in the district in which it is committed; or if the offense is committed upon the high seas, or out of the jurisdiction of any particular State or district, the trial shall be in the district where the offender may be found or into which he shall be first brought. Whenever the offense is begun in one jurisdiction and completed in another it may be dealt with, inquired of, tried, determined, and punished in either jurisdiction in the same manner as if the offense had been actually and wholly committed therein.

### Title VI—Miscellaneous Provisions

#### Transfer to Commission of Duties, Powers, and Functions Under Existing Law

SEC. 601. (a) All duties, powers, and functions of the Interstate Commerce Commission under the Act of August 7, 1888 (25 Stat. 382), relating to operation of telegraph lines by railroad and telegraph companies granted Government aid in the construction of their lines, are hereby imposed upon and vested in the Commission: Provided, That such transfer of duties, powers, and functions shall not be construed to affect the duties, powers, functions, or jurisdiction of the Interstate Commerce Commission under, or to interfere with or prevent the enforcement of, the Interstate Commerce Act and all Acts amendatory thereof or supplemental thereto.

(b) All duties, powers, and functions of the Postmaster General with respect to telegraph companies and telegraph lines under any existing provision of law are hereby imposed upon and vested in the Commission.

#### Repeals and Amendments

SEC. 602. (a) The Radio Act of 1927, as amended, is hereby repealed.

(b) The provisions of the Interstate Commerce Act, as amended, insofar as they relate to communication by wire or wireless, or to telegraph, telephone, or cable companies operating by wire or wireless, except the last provision of section 1 (5) and the provisions of section 1 (7), are hereby repealed.

(c) The last sentence of section 2 of the Act entitled "An Act relating to the landing and operation of submarine cables in the United States," approved May 27, 1921, is amended to read as follows: "Nothing herein contained shall be construed to limit the power and jurisdiction of the Federal Communications Commission with respect to the transmission of messages."

(d) The first paragraph of section 11 of the Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, is amended to read as follows:

"SEC. 11. That authority to enforce compliance with sections 2, 3, 7, and 8 of this Act by the persons respectively subject thereto is hereby vested: In the Interstate Commerce Commission where applicable to common carriers subject to the Interstate Commerce Act, as amended; in the Federal Communications Commission where applicable to common carriers engaged in wire or radio communication or radio transmission of energy; in the Federal Reserve Board where applicable to banks, banking associations, and trust companies; and in the Federal Trade Commission where applicable to all other character of commerce, to the exercised as follows:"

#### Transfer of Employees, Records, Property, and Appropriations

SEC. 603. (a) All officers and employees of the Federal Radio Commission (except the members thereof, whose offices are hereby abolished) whose services in the judgment of the Commission are necessary to the efficient operation of the Commission are hereby transferred to the Commission, without change in classification or compensation; except that the Commission may provide for the adjustment of such classification or compensation to conform to the duties to which such officers and employees may be assigned.

(b) There are hereby transferred to the jurisdiction and control of the Commission (1) all records and property (including office

furniture and equipment, and including monitoring radio stations) under the jurisdiction of the Federal Radio Commission, and (2) all records under the jurisdiction of the Interstate Commerce Commission and of the Postmaster General relating to the duties, powers, and functions imposed upon and vested in the Commission by this Act.

(c) All appropriations and unexpended balances of appropriations available for expenditure by the Federal Radio Commission shall be available for expenditure by the Commission for any and all objects of expenditure authorized by this Act, and shall be available for expenditure prior to March 1, 1935, or thereafter, in the discretion of the Commission; and may be expended without regard to the requirements of apportionment under the Anti-deficiency Act of February 27, 1906.

#### Effect of Transfers, Repeals, and Amendments

SEC. 604. (a) All orders, determinations, rules, regulations, permits, contracts, licenses, and privileges which have been issued, made, or granted by the Interstate Commerce Commission, the Federal Radio Commission, or the Postmaster General, under any provision of law repealed or amended by this Act or in the exercise of duties, powers, or functions transferred to the Commission by this Act, and which are in effect at the time this section takes effect, shall continue in effect until modified, terminated, superseded, or repealed by the Commission or by operation of law.

(b) Any proceeding, hearing, or investigation commenced or pending before the Federal Radio Commission, the Interstate Commerce Commission, or the Postmaster General, at the time of the organization of the Commission, shall be continued by the Commission in the same manner as though originally commenced before the Commission, if such proceeding, hearing, or investigation (1) involves the administration of duties, powers, and functions transferred to the Commission by this Act, or (2) involves the exercise of jurisdiction similar to that granted to the Commission under the provisions of this Act.

(c) All records transferred to the Commission under this Act shall be available for use by the Commission to the same extent as if such records were originally records of the Commission. All final valuations and determinations of depreciation charges by the Interstate Commerce Commission with respect to common carriers engaged in radio or wire communication, and all orders of the Interstate Commerce Commission with respect to such valuations and determinations, shall have the same force and effect as though made by the Commission under this Act.

(d) The provisions of this Act shall not affect suits commenced prior to the date of the organization of the Commission; and all such suits shall be continued, proceedings therein had, appeals therein taken and judgments therein rendered, in the same manner and with the same effect as if this Act had not been passed. No suit, action, or other proceeding lawfully commenced by or against any agency or officer of the United States, in relation to the discharge of official duties, shall abate by reason of any transfer of authority, power, and duties from such agency or officer to the Commission under the provisions of this Act, but the court, upon motion or supplemental petition filed at any time within twelve months after such transfer, showing the necessity for a survival of such suit, action, or other proceeding to obtain a settlement of the questions involved, may allow the same to be maintained by or against the Commission.

#### Unauthorized Publication of Communications

SEC. 605. No person receiving or assisting in receiving, or transmitting, or assisting in transmitting any interstate or foreign communication by wire or radio shall divulge or publish the existence, contents, substance, purpose, effect, or meaning thereof, except through authorized channels of transmission or reception, to any person other than the addressee, his agent, or attorney, or to a person employed or authorized to forward such communication to its destination, or to proper accounting or distributing officers of the various communicating centers over which the communication may be passed, or to the master of a ship under whom he is serving, or in response to a subpoena issued by a court of competent jurisdiction, or on demand of other lawful authority; and no person not being authorized by the sender shall intercept any communication and divulge or publish the existence, contents, substance, purport, effect or meaning of such intercepted communication to any person; and no person not being entitled thereto shall receive or assist in receiving any interstate or foreign communication by wire or radio and use the same or any information therein contained for his own benefit or for the benefit of another not

entitled thereto; and no person having received such intercepted communication or having become acquainted with the contents, substance, purport, effect, or meaning of the same or any part thereof, knowing that such information was so obtained, shall divulge or publish the existence, contents, substance, purport, effect, or meaning of the same or any part thereof, or use the same or any information therein contained for his own benefit or for the benefit of another not entitled thereto: Provided, That this section shall not apply to the receiving, divulging, publishing, or utilizing the contents of any radio communication broadcast, or transmitted by amateurs or others for the use of the general public, or relating to ships in distress.

### War Emergency—Powers of President

SEC. 606. (a) During the continuance of a war in which the United States is engaged, the President is authorized, if he finds it necessary for the national defense and security, to direct that such communications as in his judgment may be essential to the national defense and security shall have preference or priority with any carrier subject to this Act. He may give these directions at and for such times as he may determine, and may modify, change, suspend, or annul them and for any such purpose he is hereby authorized to issue orders directly, or through such person or persons as he designates for the purpose, or through the Commission. Any carrier complying with any such order or direction for preference or priority herein authorized shall be exempt from any and all provisions in existing law imposing civil or criminal penalties, obligations, or liabilities upon carriers by reason of giving preference or priority in compliance with such order or direction.

(b) It shall be unlawful for any person during any war in which the United States is engaged to knowingly or willfully, by physical force or intimidation by threats of physical force, obstruct or retard or aid in obstructing or retarding interstate or foreign communication by radio or wire. The President is hereby authorized, whenever in his judgment the public interest requires, to employ the armed forces of the United States to prevent any such obstruction or retardation of communication: Provided, That nothing in this section shall be construed to repeal, modify, or affect either section 6 or section 20 of an Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914.

(c) Upon proclamation by the President that there exists war or a threat of war or a state of public peril or disaster or other national emergency, or in order to preserve the neutrality of the United States, the President may suspend or amend, for such time as he may see fit, the rules and regulations applicable to any or all stations within the jurisdiction of the United States as prescribed by the Commission, and may cause the closing of any station for radio communication and the removal therefrom of its apparatus and equipment, or he may authorize the use or control of any such station and/or its apparatus and equipment by any department of the Government under such regulations as he may prescribe, upon just compensation to the owners.

(d) The President shall ascertain the just compensation for such use or control and certify the amount ascertained to Congress for appropriation and payment to the person entitled thereto. If the amount so certified is unsatisfactory to the person entitled thereto, such person shall be paid only 75 per centum of the amount and shall be entitled to sue the United States to recover such further sum as added to such payment of 75 per centum will make such amount as will be just compensation for the use and control. Such suit shall be brought in the manner provided by paragraph 20 of section 24, or by section 145 of the Judicial Code, as amended.

### Effective Date of Act

SEC. 607. This Act shall take effect upon the organization of the Commission, except that this section and sections 1 and 4 shall take effect on July 1, 1934. The Commission shall be deemed to be organized upon such date as four members of the Commission have taken office.

### Separability Clause

SEC. 608. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

### Short Title

SEC. 609. This Act may be cited as the "Communications Act of 1934."

## COMMUNICATIONS BILL AGREED UPON

The Senate and House conference committee agreed Friday (June 8), on the Dill-Rayburn Federal Communications Commission bill. It is expected that the conference report will be adopted at an early date by both the Senate and House and that the President will sign the bill just as soon as the finishing legislative touches have been added.

The act would become effective on July 1, 1934, on which date the Federal Radio Commission would pass out of existence.

With almost unprecedented speed, the House adopted the Rayburn bill on Saturday (June 2) and sent the measure on its way to conference. The House conferees were Congressmen Rayburn, Huddleston, Lea, Wolverton, and Mapes. Senate conferees were, Senators Dill, Couzens, Smith, Hatch and White.

The bill, as reported by the House, did not contain substantially any changes in the present radio law and continued in force the Radio Act of 1927, as amended. No amendments were adopted by the House during its consideration of the bill.

The Committee on Interstate and Foreign Commerce of the House rejected the proposal laid before it by Father Harney, superior, Paulist Missionary Society, which would have compelled the allocation of 25 per cent of all facilities to religious, educational and similar organizations. No attempt was made to have the amendment adopted by the House although it was urged from the floor that the provision for a study of this situation, carried in the Senate bill, be accepted on the part of the House. The bill, as finally agreed upon, carries such provision. The study is to be completed early next year.

Debate in the House was opened by Representative McFadden of Pennsylvania, who charged that a censorship was being exercised over broadcasting and asked that his bill, upon which hearings were held before the House Merchant Marine, Radio and Fisheries, be made a part of the Communications Commission bill.

Chairman Rayburn, of the House Interstate Commerce Committee, explained in detail the provisions of his bill.

Asked by Representative Mead, of New York, about providing a fixed percentage of broadcast facilities to educational groups, Chairman Rayburn said:

"We had up what is known as the 'Father Harney amendment,' that came to us in the House as it did in the Senate. That provided for the allocation of 25 per cent of all the time to religious, educational, and, though I do not believe they used the word 'uplift,' yet they used a word that corresponds to it. If we begin to take away from the Radio Commission its authority to allocate, we would be in the same position that the Congress would be in if, after giving to the Interstate Commerce Commission its function of regulating railroads and fixing the rates, we would then start out to introduce and pass measures to revise the rate structure. In that way we would probably get into a lot of trouble. Our thought—at least, my thought—was this: If 25 per cent should be allocated, or the allocation of it taken away from the Radio Commission, why not take away 30 per cent or 40 per cent or 100 per cent? Also, if you allocate 25 per cent to education and religion, then what difficulty is the Radio Commission going to have in dividing that 25 per cent between Catholic, Jew, a Protestant, and other sects, and also between what colleges, where located, and what other time might be supposed to be taken into consideration for morals, education, and uplift? Our committee took that position, and we believe it is a wise one."

Representative Bland of Virginia, chairman of the House Merchant Marine, Radio and Fisheries Committee, supported the view of Chairman Rayburn.

"Would not an attempt by the committee or by anyone to make this change so involve the broadcasting structure all over the United States that it would have to be studied by another commission in order to arrive at some equitable solution of the problem?" Chairman Bland asked.

"Yes," Chairman Rayburn answered, "and if we do this then it will practically amount to a revocation of every broadcasting license in the United States, because they must all be revised."

Representative Fish, of New York, said that it was "unfortunate that radio is controlled by the administration or terrorized by the administration to the extent that the policies of the administration literally burn up the radio time day and night." He then proposed an amendment to the effect that no public official or members of his family shall be paid any money for speaking over the radio. The amendment was ruled out of order.

Congressman Maloney, of Connecticut, said in part:

"During committee consideration of this bill I offered a more modified amendment than had been proposed. I was particularly

prompted to do that by the very able presentation of Father Harney, and partially prompted by the interest of many Members of the Congress in some such addition to this bill.

"I am not going to offer an amendment now. I choose to go along with the majority of my committee, which has perhaps wisely decided that this is not the time or the place to offer this amendment. I continue to be hopeful, however, that if the bill is passed in its present form, without amendment by the House, that the conferees will give further careful consideration to that part of the Senate bill. I would like to take these few minutes more of your time to express the hope on my part, and I am sure on the part of many others, that those who will administer this law will be particularly careful of radio, and not permit it to fall into the careless ways of the motion-picture industry. Most of us are hopeful that there will not be built up the tyranny that exists in the motion-picture field, which allows certain producers to ride roughshod over the interests of independent theater owners and a great majority of the careful and clean-thinking people. I have not any such fear, but I think I would be a little bit remiss if I did not express my feeling and give what I think is the principal reason why the people concerned with this amendment want this subject further considered.

"I know that the great majority of radio-broadcasting companies—and I am certain more than a majority of those representing the great networks—are determined to give these groups a fair allotment of time and proper representation; but there has been evidence of real selfishness on the part of one group, and that particular selfishness is what prompted these proposed amendments; that selfishness is what prompted this particular portion of the Senate bill. These people have now within their own hands a means of correction."

Representative Goss, of Connecticut, called attention of the House to the provision for a study of the allocation of facilities to religious and educational organizations included in the Senate bill. "I understand that is not in the House bill but is in the Senate bill and that that matter could go to conference," he said. "There are many people, not only on both sides of the aisle in this House but in the country, who are anxious to have some consideration of that. While I realize the specific 25 per cent is stricken out, all that would do would be to have the commission study the matter and report back at a later date with some kind of findings."

Representative Ramspeck, of Georgia, said:

"I am also interested in this subject, although I say frankly to the Committee that, with the present information I have, I am opposed to mandatory allocation of wave lengths by the commission. However, I do think that the conference committee would do a service to the country by considering the question of whether or not we ought to have consideration by the commission of this question, which is getting to be a very acute one, and on account of which Congress is receiving a great deal of pressure from various organizations, to force the commission to allocate certain specific parts of the radio facilities to various organizations.

"As a member of the Committee on Merchant Marine, Radio, and Fisheries I have had some opportunity to study this question. It is one that needs a great deal of study, because, when you get into the field of trying to allocate by law to various organizations, no matter how good their purpose may be, you find you are dealing with a very difficult question. In the religious field, for instance, you find many various forms of religious organizations that would like to participate in the radio facilities of the country; yet, as far as I have been able to see at this time, no radio station can operate under the American system without having sustaining programs. When they accept sustaining programs they enter the commercial field. For that reason I would not have favored the amendment of the Senator from New York, which it was attempted to put on this bill in the Senate. However, I hope the conferees will consider whether or not it will be helpful to have this new commission make a study and report to Congress along that line. I wish to commend the committee for its work on this bill. In my opinion it is greatly improved as compared with the Senate draft."

Congressman Truax, of Ohio, charged that Father Charles E. Coughlin was barred by the two networks "simply because he reflects and makes certain charges against the very interests who have a monopoly of the broadcast systems of this country." "I want to call the attention of this House and the people of this Nation to the fact that these two major broadcasting companies are thus throttling such magnificent voices raised in behalf of the people in distress as, for instance, Father Coughlin, who has crusaded for months past to abandon the gold standard, for nationalization of the currency, and for such measures as the Frazier-

Lemke bill do refinance the farmers of this country, and for the bank pay-off bill," he said. "I maintain that the throttling and strangling of this information from the millions of people of this country who are in distress and need aid, and need it now, is something that this Congress should not overlook."

Representative McGugin, of Kansas, made a plea for the freedom of radio. He said in part:

"I know of no way that radio can be operated except on the basis of a license from the Government, for the simple reason that there are not enough air channels to take care of all the radio stations that might want to operate. Therefore, there must be a limitation upon them.

"When the Government has the power to issue licenses to operate radios it inherently follows that this Government agency has too great a control over freedom of speech. Whether the Radio Commission or any other Government agency turns its hand, the fact remains that throughout the years the broadcasting systems which are looking to the Radio Commission for courtesies are going to be found upon the side of the administration in power. So, after all, the real protection of the people yet rests in the freedom of the press rather than in freedom of speech since the coming of radio.

"We have had a fair example of this since this administration came into power. I have no concrete evidence that this administration has laid down upon any radio station and said, 'You must carry 'new deal' propaganda, and you must not carry anything to the contrary,' yet the fact remains that radio broadcasters currying the favor of a Government agency, have given unlimited facilities to 'new deal' propaganda and have unwarrantedly denied the right of the air to those who would rise to criticize any part of the 'new deal' program.

"There still remains the freedom of the press. The press carried this same subject matter openly, both sides of it, and carried the views of Senator Reed as well as the views of those who had contrary ideas.

"So in conclusion I wish to say that with all the greatness of radio, the liberty of the people of this country yet rests in the press and not in the radio. I hope that at some time a plan may be devised whereby the use of the air will be free without censorship or discrimination."

#### CODE HEARING JUNE 20

The National Recovery Administration has announced it will open for consideration and public hearing the provisions contained in Articles III, IV and V of the Code of Fair Competition for the Radio Broadcasting Industry. The hearing will be held beginning at 10 a. m., Wednesday, June 20, 1934, in the Oak Room of the Raleigh Hotel, Washington, D. C., and continuing until completed.

Official notices of the hearing have been mailed to all members of the industry by James W. Baldwin, Executive Officer of the Code Authority.

The hearing will be held as the result of the reports submitted by the Code Authority for the Radio Broadcasting Industry in pursuance of the provisions contained in Article VI, Section 4 of the Code. These reports are identified as Code Authority Bulletins No. 2 and No. 6. The last named bulletin (No. 6) contains the recommendations of the Code Authority. These recommendations have the endorsement of the National Association of Broadcasters.

The National Association of Broadcasters will insist upon the repeal of the second sentence contained in Article V, Section 5. This is the widely discussed November 1 clause which in actual operation has penalized those members of the industry who were most eager to cooperate with the earliest NRA efforts.

The text of the notice of hearing and the Articles and Sections on which the hearing will be held follow:

"Pursuant to the power vested in the Code Authority by Article VI, Section 4, a report, Part I dated March 8 and Part II dated May 4, titled 'Hours of Labor and Wages of Broadcast Technicians' and 'Working Conditions of Broadcast Technicians and the Relation Thereof to General Conditions Within the Industry; the Compliance with Wages and Hour Provisions Affecting Broadcast Technicians; and Recommendations,' has been filed by the Code Authority with the Administration. Copies of said report are available at the Radio Broadcasting Industry Code Authority offices, 970 National Press Building, Washington, D. C.

"Upon the basis of such report and upon representations and information otherwise properly before the Administrator, Articles III, IV and V of the Code of Fair Competition for the Radio Broadcasting Industry, referred to in Schedule 'A', attached hereto and hereby made a part hereof, will be opened for consideration and public hearing. Pursuant to the hearing hereinafter referred

to and/or any subsequent hearing the said provisions of the Code may be left in the form now existing and/or be amended in such form, substance, wording and/or scope as may be necessary to effectuate the purposes of the National Industrial Recovery Act pursuant to information or considerations properly before the Administrator in such hearing record or otherwise in any reasonable particular germane to the original provisions of said Code.

"Notice is hereby given that a Public Hearing on Articles III, IV and V of the above Code will be conducted by the Administrator, beginning at 10 a. m., Wednesday, June 20, 1934, in the Oak Room of the Raleigh Hotel, Washington, D. C., and continuing until completed. An opportunity to be heard (either in person or by duly appointed representative either by appearance or by sending a written or telegraphic statement) will be given to persons or groups who can show a substantial interest as workers, employers, consumers or otherwise, in the effect of any of said provisions in their present or amended form.

"Those wishing to be heard must comply with the following simple requirements:

"(1) A written or telegraphic request for an opportunity to be heard must be filed before noon on Tuesday, June 19, 1934, with the Administrator, Room 4223, Department of Commerce Building, Washington, D. C.

"(2) Such request shall state the name of (a) any person seeking to testify in the hearing, and (b) the persons or groups whom he represents.

"(3) At the Public Hearings, all persons are regarded as witnesses, and shall present orally facts only and not argument. Written briefs or arguments may be filed, but oral presentations will be confined to factual statements only.

"(4) In the discretion of the Deputy Administrator in charge of the Hearing, persons who have not complied with the requirements of paragraph (1), above, may be permitted at any time prior to the close of the Hearing to file written statements containing proposals relative to the matters heard therein supported by pertinent information or argument. Such written statements must be condensed as much as possible.

"Public Hearings are solely for the purpose of obtaining in the most direct manner the facts useful to the Administrator, and no arguments will be heard or considered at this time. Representation of interested parties by attorneys or specialists is permissible, but it is not to be regarded as necessary. Industry, workers and the consuming public will be represented by special advisors employed by the Government."

This includes the provisions contained in Article III, Sections 1 and 2, Article IV, Sections 1 and 2, and Article V, Sections 1 to 7, inclusive.

### N. B. C. WINS COPYRIGHT SUIT

The United States District Court for the Southern District of New York on June 1 handed down a decision in the suit (No. E 77-283) brought by Alfred Kreyborg against Jimmie Durante and the National Broadcasting Company in which it was alleged that the actor infringed the plaintiff's copyright in a play called "Jack's House" by reciting poems from the play in a radio broadcast carried by the network. Judge Patterson upheld the contention of the National Broadcasting Company that no infringement had been committed. Harry Weinberger and Chester A. Pearlman appeared for the complainant and Gustave B. Feldman, A. L. Ashby and E. Stuart Sprague represented the defendants.

The text of the decision follows:

"The motion is to dismiss the bill in a suit for infringement of copyright, on the ground that the bill is insufficient on its face.

"The bill shows that the plaintiff wrote three original poems which were published in 1917 in a book of verse and duly copyrighted under the Copyright Act; that a year later he wrote a play called 'Jack's House,' and incorporated the three poems in the play. The play was also published in book form and duly copyrighted. The first of the poems, characteristic of them all, is as follows:

'We have a one-room home.  
You have a two-room, three-room, four-room.  
We have a one-room home  
because a one-room home holds all we have.  
We have a one-room home  
because we do not want  
a two-room, three-room, four-room.  
If we had a two-room, three-room, four-room  
we would need more than a one-room home.  
We have a one-room home.  
We like a one-room home.'

"The plaintiff's grievance is that the defendant Durante, who is an actor, entertainer and radio performer, 'sang, shouted and recited' the three poems at performances of a musical play, at various performances in other places of entertainment, and over the radio. It is averred that the defendant's use of the poems constituted an infringement of the plaintiff's copyright. The defendant takes the position that the facts pleaded do not establish infringement.

"Under the present Copyright Act, protection against public performance or delivery of copyrighted works is afforded only in the case of a lecture, sermon, address or similar production, a drama, or a musical composition. Section 1; 17 U. S. C. A., section 1. Other copyrighted works may be recited in public for profit without infringement. The point is of some moment, now that radio broadcasting of novels, poems and so on is widespread. Nevertheless, it is recognized that except as to the classes of copyrighted works referred to above, the author under the existing statute cannot complain of public performance of his copyrighted works. *Outline of Copyright Law*, by De Wolfe, pp. 111-112; *Weil on Copyright*, p. 85. It is essential to the maintenance of this suit therefore, that the poems be treated as dramatic compositions, either in their original form or as part of the play into which they were later carried.

"In their original form and as first written, the poems were not dramatic works. They were not cast in the dramatic form; they were lacking in plot, characters and action. They may have had dramatic possibilities, when taken with other material; but they were not dramatic compositions within the ordinary meaning of the term. *Daly v. Palmer*, 6 Blatch, 264; *Fuller v. Blackpool Winter Gardens Co.*, 2 Q. B. 429. There was then no infringement of the first copyright.

"The case fails also as to infringement of the copyright of the poems as part of the plaintiff's play. It is true that the first copyright gave the plaintiff the exclusive right to dramatize the poems. It is also true that under section 6 of the Act the play was new and copyrightable matter. But by virtue of the same section the poems already copyrighted and taken into the play retained only their original copyrighted character. As to them, neither the scope nor the duration of the first copyright was extended. A stranger who thereafter used only the poems would not infringe the copyrighted play. The infringement, if any, would be of the initial copyright of the poems. See *American Code Co. v. Bensinger*, 282 Fed. 829; *McCaleb v. Fox Film Corporation*, 299 Fed. 48.

"The motion to dismiss will accordingly be granted."

### REPUBLICANS CONSIDER RADIO

The creed of the Republican National Committee adopted at its meeting at Chicago this week contains the following provision:

"We believe in freedom of speech and in freedom of the press, and in freedom of the radio for the discussion of public questions."

### COMMERCIAL SECTION MEETS JUNE 19

All NAB members are invited to attend the third annual meeting of the NAB Commercial Section to be held at Hotel Pennsylvania, New York, June 19 and 20. The meeting is being held in connection with the annual convention of the Advertising Federation of America. Advertisers, agencies and broadcasters will attend the meeting. A joint meeting of the NAB Commercial Committee and the AAAA Radio Committee will be held on June 19.

### LONG ASKS INVESTIGATION

Senator Huey Long of Louisiana has introduced a resolution (S. Res. 260) in the Senate asking for an investigation of the Radio Commission as follows:

Whereas, on the floor of the United States Senate, the senior Senator from Iowa (Mr. Dickinson) has declared to the effect that the Federal Radio Commission in dealing with the New Orleans-Shreveport radio controversy, had changed and rechanged, reversed and re-reversed its opinion, findings, and orders by reason of pressure exerted from the White House; and

Whereas, if untrue, the same should be made to immediately appear: Now, therefore, be it

*Resolved*, That the said charges as made by the said Senator from Iowa be investigated by a special committee composed of five persons, not more than three of whom should be a member of any one political party, to investigate into the subject matter covered by the charges of the said Senator from Iowa (Mr. Dickinson) on the floor of the Senate on Tuesday, June 5, 1934,

and to make report thereon at the earliest possible date; and be it further

*Resolved*, That the said committee shall have the authority to subpoena witnesses, compel the production of books and papers, and take testimony under oath, to the end that full and complete disclosure may be made relative to said charges.

### NO ASCAP TAX ON POLITICAL PROGRAMS

In response to several inquiries received at NAB headquarters, we publish below the memorandum issued on October 10, 1932, by the American Society of Composers, Authors and Publishers on the subject of political programs:

Believing that a substantial public service is rendered to the Nation by the various political candidates in their discussions through radio of problems which confront the Government, and desiring to support in every consistent manner the dissemination of such information and to contribute our bit toward the service of the people, please take note:

While the formula endorsed by the Board of Directors of the National Association of Broadcasters and accepted by our Society under which licenses are to issue as of September 1st, 1932, covering the use in broadcast performances of music copyrighted by our members, provides that a percentage is to be paid to the Society of all net receipts in respect of all programs without exception for which the time is sold, we are going to waive the collection of the amount represented by those percentages as far as *political addresses* are concerned.

Therefore, in accounting on the forms provided by our Society for "Net Receipts" from the sale of time, you may eliminate all straight political programs regardless of the party affiliations of the speaker, and regardless of whether as an incident to such programs music copyrighted by members of the Society is used.

As to stations which have already made remittances of percentages in respect of such programs hereafter rendered, we would thank them to make claim upon us for a refund of the amount thereof. These refunds will be made with the distinct understanding however that if at the time the sale of facilities was made the political party or candidate who purchased this time was charged an additional music license fee the amount thereof shall be refunded by the station.

We would thank you to acknowledge receipt and understanding of the above waiver, and if there is any additional information or clarification desired please do not hesitate to query us.

### RECOMMENDS KPJM LICENSE RENEWAL

Frank Wilburn filed an application with the Radio Commission asking for a construction permit for the erection of a new broadcasting station at Prescott, Ariz., to use the facilities of Station KPJM at that place while the station asked for license renewal. Ralph L. Walker(e) in Report No. 563 this week recommended that the application of Wilburn be denied and that the station license of KPJM be renewed.

The Examiner found that Wilburn had failed to show that the service to be rendered by his proposed new station would not be in any way superior to that of KPJM.

### KICK REAFFIRMATION RECOMMENDED

The Red Oak Radio Corporation, Carter Lake, Iowa, applied to the Radio Commission for consent to the voluntary assignment of the license of Station KICK to the Palmer School of Chiropractic, Davenport, Iowa. The Palmer School also applied to the Commission for permission to move the station to Davenport, to change its frequency from 1420 to 1370 kilocycles, and to change the call letters to WOC. George H. Hill(e) in Report No. 562 this week recommends that both of these applications be granted.

On January 24 of this year the Commission granted these applications but protests were filed by Station WHBF, Rock Island, Ill., and by KSO, Des Moines, Iowa. The Commission then set the case for further hearing and the Examiner now recommends, after hearing, that the former action of the Commission be affirmed. He states that the protestants failed to show that the operation of the proposed station at Davenport "would to any appreciable extent curtail the advertising business of the protestant."

### WWL APPEAL DISMISSED

The Court of Appeals of the District of Columbia has dismissed the appeal of Station WWL, New Orleans, La., at the request of the appellant. In this appeal the station protested a grant of the Radio Commission of license assignment to KWKH.

### WESTINGHOUSE ADOPTS SAFETY RULES

The Westinghouse Electric & Manufacturing Co., operators of broadcasting stations WBZ-WBZA, KYW and KDKA, has adopted safety rules for broadcasting station engineers. The rules were evolved through a study by Westinghouse safety engineers and those of the Travelers Insurance Company. Proper enforcement of safety rules, such as those outlined, should result in a material reduction of hazards encountered in station operation.

The rules are as follows:

#### "SAFETY RULES

##### "Westinghouse Radio Stations

"Definitions of Dangerous Voltages—Radio Transmitting Stations:

"A—All voltages above 450 volts direct-current and 220 volts alternating-current are to be considered *Dangerous Voltages*.

"B—All radio frequency circuits energized by tubes of 250 watts power or greater are to be considered as carrying *Dangerous Voltages*.

"Rules to Be Observed When Associating with Dangerous Voltages:

"1—Power Apparatus supplying dangerous voltages to equipment to be worked on shall be shut down.

"2—A Ground Chain shall be put on each part of the apparatus which may be energized from a source of dangerous voltage before any part of the apparatus is touched.

"3—Mechanical or Electrical Interlocks which have been installed for safety purposes shall *never* be rendered inoperative.

"4—Control Voltages shall be removed from control or interlock apparatus before any work is performed on it.

"5—Interlock Doors shall never be closed with any person behind them unless dangerous voltages have been removed from the apparatus which they inclose.

"6—Disconnect Switches carrying 2300 volts or more shall be opened only with the use of approved rubber gloves and a book stick not less than five feet long for 2300 or 4000 volt circuits and ten feet long for 11,000 or 22,000 volt circuits.

"7—Disconnect Switches shall not be opened under load.

"8—Warning Signs shall be placed on the control panel at any time when men are working on equipment away from the panels as an indication that men are at work and the equipment is not to be energized. These signs shall be placed on the panels by the man who is to do the work and can be removed only by him.

"9—Asbestos Gloves shall be worn in removing any transmitting tube from its socket if the filament has been burning within five minutes preceding the removal.

"10—Fuse Tongs shall be used to remove and replace all fuses carrying dangerous voltages.

"Penalty for Violation of Rules—

"Two weeks' suspension without pay or immediate dismissal depending upon circumstances involved.

"Note:—Under emergency or other unusual conditions these rules may be modified temporarily by the Plant Manager or higher authority.

### HARRY HOWLETT DIES

The NAB with sorrow announces the death of Harry Howlett, commercial manager of Station WHK, Cleveland, Ohio. Mr. Howlett died on June 6 following a short illness at a hospital. Funeral services were held Friday at Cleveland. Mr. Howlett is well known throughout the broadcasting industry and was active in committee work of the NAB for several years. He was an indefatigable worker; popular among all who knew him; and through his efforts he had risen to a high place in the broadcasting world. The industry has incurred an irreparable loss with his passing. He leaves two brothers, M. A. Howlett, of Cleveland; E. S. Howlett, of Columbus, Ohio; a father, L. E. Howlett, of Los Angeles, Calif.; a wife and two small children.

### SECURITIES ACT REGISTRATION

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

Oliver Cromwell, Inc., New York City (2-910, Form D-2).

Pennmar Shares, Inc., Hazleton, Pa. (2-911, Form A-1).

Cole Realty Company, Inc., Bluefield, W. Va. (2-912, Form D-2).

Elizabeth Brewing Corporation, Elizabeth, N. J. (2-913, Form A-1).

First Mortgage Bondholders Protective Committee of St. Louis Gas & Coke Corporation, Milwaukee, Wis. (2-914, Form D-1).  
 Market Street Realty Co. Bondholders Protective Committee, San Francisco, Cal. (2-915, Form D-1).  
 Union Deposit Company, Denver, Col. (2-916, Form A-1).  
 Affiliated Investors Fund, Inc., Jersey City, N. J. (2-917, Form A-1).  
 Uniontown Distilling Syndicate, Uniontown, Pa. (2-918, Form A-1).  
 Hannah-Porter Company, Shelby, Mont. (2-919, Form A-1).

**FEDERAL RADIO COMMISSION ACTION  
 HEARING CALENDAR**

**Monday, June 11, 1934**

KGFK—Red River Broadcasting Co., Inc., Moorhead, Minn.—C. P. 1500 kc., 100 watts, unlimited. (Requests permit to move transmitter from Moorhead to Duluth, Minn.)

**Tuesday, June 12, 1934**

NEW—Charles Henry Gunthorpe, Jr., Nacogdoches, Texas—C. P. 1420 kc., 100 watts, daytime.  
 NEW—D. J. Burton and L. C. Davis, Temple, Texas—C. P. 990 kc., 250 watts, daytime.

**Wednesday, June 13, 1934**

**ORAL ARGUMENT BEFORE COMMISSION  
 EN BANC**

**Examiner's Report No. 545**

WJBW—Charles C. Carlson, New Orleans, La.—Modification of license, 1200 kc., 100 watts, unlimited. (Facilities WBBX.) Present assignment: 1200 kc., 100 watts. Shares with WBBX.  
 WBBX—Samuel D. Reeks, New Orleans, La.—Voluntary assignment to Coliseum Place Baptist Church. 1200 kc., 100 watts; shares with WJBW.  
 WBBX—Samuel D. Reeks, New Orleans, La.—Renewal of license; 1200 kc., 100 watts; share with WJBW.

**Examiner's Report No. 555**

WJJD—WJJD, Inc., Chicago, Ill.—Modification of license, 1130 kc., 20 KW, limited time. (Requests authority to move studio to Chicago, Ill.) Present assignment: 1130 kc., 20 KW, limited time.

**Examiner's Report No. 546**

NEW—John L. Hopkins, Hammond, Ind.—C. P., 1320 kc., 1 KW; share with WGES. (Facilities formerly assigned WIND.)  
 WSBC—WSCB, Inc., Hammond, Ind.—C. P. to move from Chicago to Hammond, Ind.; 1360 kc., 1 KW, 1¼ KW LS; share with WGES. (Facilities formerly assigned WIND.)  
 WHBY—WHBY, Inc., Green Bay, Wis.—C. P.; 1360 kc., 1 KW, unlimited time. (Facilities formerly assigned WIND and facilities of WGES.) Present assignment: 1200 kc., 100 watts, unlimited time.  
 WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Modification of license, 1360 kc., 500 watts, 1 KW LS, unlimited time. (Facilities WCB D.) Present assignment: 1360 kc., 500 watts, 1 KW LS, 3/7 time, Sunday.  
 WCB D—Wilbur Glenn Voliva, Zion, Ill.—Renewal of license, 1080 kc., 3 KW, limited time.  
 WFBM—Indianapolis Power & Light Co., Indianapolis, Ind.—Modification of license, 1230 kc., 1 KW, unlimited time. (Facilities WSB T.) Present assignment: 1230 kc., 1 KW, specified hours.  
 WSB T—South Bend Tribune, South Bend, Ind.—Renewal of license, 1230 kc., 500 watts, specified hours.  
 WSB T—South Bend Tribune, South Bend, Ind.—Modification of license, 1360 kc., 500 watts, specified hours. (Facilities formerly assigned WIND.) Present assignment: 1230 kc., 500 watts, specified hours.  
 WBOW—Banks of Wabash, Inc., Terre Haute, Ind.—C. P., 1360 kc., 500 watts, unlimited time, 1 KW LS. (Facilities of WGES.)

WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Renewal of license, 1360 kc., 500 watts, 1 KW LS, share with WIND on former assignment. (Sundays.)

**APPLICATIONS GRANTED**

**First Zone**

WTBO—Associated Broadcasting Corp., Cumberland, Md.—Granted C. P. to install new equipment, 1420 kc., 100 watts night, 250 watts LS, unlimited.  
 WTAG—Worcester Telegram Publishing Co., Inc., Worcester, Mass.—Granted authority to determine operating power by direct antenna measurement. Also granted license covering local move of transmitter; 580 kc., 500 watts, unlimited.

**Second Zone**

KDKA—Westinghouse Electric and Manufacturing Co., Pittsburgh, Pa.—Granted C. P. to install new equipment. (Alternate main transmitter.)  
 KDKA—Same—Granted license to cover above C. P.  
 WBNS—WBNS, Inc., Columbus, Ohio—Granted modification of C. P. to extend completion date to Sept. 1, 1934.

**Third Zone**

WHET—Dothan Broadcasting Co., Dothan, Ala.—Granted special temporary authority to operate from 6:45 to 10 p. m., CST, on June 8.  
 WCSC—South Carolina Broadcasting Co., Charleston, S. C.—Granted modification of license to increase day power from 500 watts to 1 KW.  
 WFBC—Greenville News-Piedmont Co., Greenville, S. C.—Granted C. P. to change frequency from 1200 kc. to 1300 kc., increase power from 100 watts night, 250 watts day, to 250 watts night, 1 KW LS, and make changes in equipment.  
 WWL—Loyola University, New Orleans, La.—Granted modification of license for special experimental authority to change hours of operation from specified to unlimited—facilities of KWKH to be considered with 3-P-B-3249 of KWKH (no change frequency 850 kc. or power 10 KW). (Lafount voted for hearing.)  
 KWKH—International Broadcasting Corp., Shreveport, La.—Granted C. P. for special experimental authority to move transmitter to site to be determined, change frequency from 850 kc. to 1100 kc., change hours from specified to unlimited and install directional antenna. To be considered with 3-ML-B-1351 above. (Lafount voted for hearing.)

**Fourth Zone**

KMBC—Midland Broadcasting Co., Kansas City, Mo.—Granted license for auxiliary transmission, 950 kc., 1 KW, for emergency purposes.  
 WRHM—Minnesota Broadcasting Corp., Minneapolis, Minn., T-Richfield, Minn.—Granted modification of C. P. to extend completion date from 7/16/34 to 9/1/34. First request for extension of time. (Original C. P. to move transmitter from Fridley to Richfield, Minn.)

**Fifth Zone**

KGIW—Leonard E. Wilson, Alamosa, Colo.—Granted special temporary authority to operate simultaneously with KIDW from 8 a. m. to 12 noon, MST, daily, except Sunday, for period ending not later than June 30.  
 KIDW—The Lamar Broadcasting Co., Lamar, Colo.—Same as above only simultaneously with KGIW.  
 KOA—National Broadcasting Co., Inc., Denver, Colo.—Granted license covering installation of new equipment; increase in power and moving of transmitter locally; 830 kc., 50 KW, unlimited.  
 KFOX—Nichols & Warinner, Inc., Long Beach, Calif.—Granted authority to determine operating power by direct antenna measurement.  
 KOA—National Broadcasting Co., Inc., Denver, Colo. (Auxiliary)—Granted modification of license to use old transmitter of KOA as auxiliary transmitter. (5-L-B-1070 license covering use of new transmitter granted 6/5/34.)

KGIR—KGIR, Inc., Butte, Mont.—Granted modification of license to increase night power from 500 watts to 1 KW (no change in frequency, 1360 kc., or day power 1 KW or hours, unlimited).

### SET FOR HEARING

- NEW—Gino Amatucci, Latrobe, Pa.—C. P. for new station; 1210 kc., 50 watts, specified hours.
- NEW—Lawrence B. Amelung, Washington, Mo.—C. P. for new station; 1420 kc., 50 watts, unlimited time.
- NEW—Bamberger Broadcasting Service, Inc., Kearney, N. J.—License (special experimental) for 710 kc., 2500 to 5000 watts.
- NEW—Portland Broadcasting System, Inc., Portland, Maine—C. P. for new station to use 640 kc., 500 watts, limited time (6 a. m. to local sunset at Los Angeles, Calif.)
- NEW—Plattsburg Broadcasting Corp., Plattsburg, N. Y.—C. P. for new station to use 1310 kc., 100 watts daytime. Requests consideration under Rule 6 g.
- NEW—Richard Field Lewis, Del Monte, Calif.—C. P. for new station at Del Monte Hotel, Del Monte, Calif., to use 1210 kc., 100 watts, daytime.
- KHJ—Don Lee Broadcasting System, Los Angeles, Calif.—C. P. to install new equipment, increase power from 1 KW to 1 KW night, 2½ KW to local sunset. Requests consideration under Rule 6 g. (900 kc., 1 KW, unlimited.) (Lafount and Brown voted to grant.)
- KFRC—Don Lee Broadcasting System, San Francisco, Calif.—C. P. to install new equipment, increase power from 1 KW to 1 KW night, 2½ KW to local sunset. Requests consideration under Rule 6 g. (610 kc., 1 KW, unlimited.) (Lafount and Brown voted to grant.)
- KGB—Don Lee Broadcasting System, San Diego, Calif.—C. P. to install new equipment, increase power from 1 KW to 1 KW night, 2½ KW to local sunset. (1330 kc., 1 KW, unlimited.) (Lafount voted to grant.)
- WNRA—Muscle Shoals Broadcasting Corp., Muscle Shoals City, Ala.—Modification of license to change hours of operation from daytime to unlimited (no change, 1420 kc., 100 watts). Requests consideration under Rule 6.

### MISCELLANEOUS

- NEW—Cyril W. Reddoch, The Friendly Broadcasting Co., Columbus, Miss.—Application submitted for denial, applicant having failed to enter appearance within time allowed. C. P. 1370 kc., 100 watts, daytime.
- NEW—Roy W. Buebland, Chippewa Falls, Wis.—Submitted for dismissal at request of applicant. C. P. 1530 kc., 150 watts, 12 m. to 9 p. m.
- Julio M. Conesa, Puerto Rico—Granted petition to remand to docket application for C. P. for new radio broadcasting station to operate on 1420 kc., 100 watts. Case reopened to permit applicant to submit further evidence.
- NEW—Charles Dixon Gentsch, Greensboro, N. C.—C. P. to erect new station, heretofore set for hearing, was dismissed at request of applicant.
- KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Tex.—Special experimental authority heretofore set for hearing, was dismissed at request of applicant.

### RATIFICATION

- WGLC—O. T. Griffin and G. F. Bissell, Hudson Falls, N. Y.—Granted voluntary assignment of license to Adirondack Broadcasting Co., Inc.

### APPLICATIONS RECEIVED

#### First Zone

- WTBO—Associated Broadcasting Corp., Cumberland, Md.—Construction permit to install new equipment.
- WTBO—Associated Broadcasting Corp., Cumberland, Md.—Modification of license to change frequency from 1420 kc. to 800 kc., and hours of operation from unlimited to daytime, 250 watts.

WHDH—Matheson Radio Co., Inc., Boston, Mass.—Modification of license to increase power from 1 KW to 5 KW and hours of operation from daytime to unlimited.

#### Second Zone

- WKOK—Sunbury Broadcasting Corp., Sunbury, Pa.—Modification of license to increase hours of operation from specified to unlimited. Facilities of WBAX, Wilkes-Barre, Pa.
- WDBJ—Times World Corp., Roanoke, Va.—Construction permit to install new equipment and increase power from 500 watts to 500 watts, night, 1 KW, daytime. (Consideration under Rule 6 g.)
- WNBO—John Brownlee Spriggs, Silver Haven, Pa.—Construction permit to move transmitter and studio to a location to be determined near Elco, Pa., and make changes in equipment.

#### Third Zone

- WQBC—Delta Broadcasting Co., Inc., Vicksburg, Miss.—Modification of license to increase power from 500 watts to 1 KW and hours of operation from daytime to specified hours.
- NEW—W. C. Hilgedick and Geo. C. Knaur, Denison, Texas—Construction permit to erect a new station to operate on 1200 kc., 100 watts, daytime.
- NEW—The Herald Publishing Co., Denison, Texas—Construction permit to erect a new station on 880 kc., 100 watts, daytime. Amended to request 1200 kc., transmitter location to be determined and application to be considered under Rule 6 g.
- WSFA—Montgomery Broadcasting Co., Inc., Montgomery, Ala.—License to cover construction permit granted 4/6/34 to move transmitter locally and equipment change.
- WAMC—Raymond C. Hammett, Anniston, Ala.—Modification of construction permit to move from Anniston to Selma, Ala. Amended to move transmitter to Y. M. C. A. Building, Broad Street, Selma, Ala., install new equipment and change frequency from 1420 kc. to 1500 kc.
- WGST—Georgia School of Technology, Atlanta, Ga.—Modification of license to increase power from 250 watts night, 1 KW, daytime, to 500 watts night, 1 KW, daytime. Consideration under Rule 6 g.
- KWKH—International Broadcasting Corp., Shreveport, La.—Construction permit to move transmitter to a site to be determined, Shreveport, La., change frequency from 850 kc. to 1100 kc., install directional antenna and increase hours of operation from specified to unlimited.
- WWL—Loyola University, New Orleans, La.—Modification of license to increase hours of operation from specified to unlimited. Facilities KWKH, Shreveport, La. See application KWKH above.
- KLUF—Geo. Roy Clough, Galveston, Texas.—Construction permit to install new equipment and increase power from 100 watts to 100 watts night, 250 watts daytime.
- WJDX—Lamar Life Insurance Co., Jackson, Miss.—License to cover construction permit granted 2-20-34 to make changes in equipment and increase power.

#### Fourth Zone

- WRHM—Minnesota Broadcasting Corp., Minneapolis, Minn.—Modification of construction permit granted 3-16-34 authorizing move of transmitter, to extend date of completion to 9-1-34.
- KGGF—Hugh J. Powell and Stanley Platz, d/b as Powell and Platz, Coffeyville, Kansas.—Modification of license to increase power from 500 watts night, 1 kilowatt daytime to 1 kilowatt, day and night.
- WAAF—Drovers Journal Publishing Co., Chicago, Ill.—Construction permit, to rebuild the station destroyed by fire with new equipment.
- WCBD—Wilbur Glenn Voliva, Zion, Ill.—Voluntary Assignment of license to WCBD, Inc.

#### Fifth Zone

- KMTR—KMTR Radio Corporation, Los Angeles, Calif.—Modification of license to increase night power from 500 watts to

1 kilowatt. Now licensed for 500 watts daytime and nighttime.

- KQW—Pacific Agricultural Foundation, Ltd., San Jose, Calif.—Construction permit to install new equipment and increase power from 500 watts to 500 watts after 7 p. m. and 1 kilowatt up to 7 p. m. (Consideration under Rule 6-g.)
- KGA—Louis Wasmer, Spokane, Wash.—Special experimental authorization to operate on 900 kc., 1 KW, night, 2½ KW, daytime, unlimited time for period ending 11/1/34.
- KIDO—C. G. Phillins and Frank Hill, d/b as Boise Broadcast Station, Boise, Idaho.—Construction permit to make changes in equipment and increase power from 1 kilowatt to 1 kilowatt night, 2½ kilowatt daytime.
- KMTR—KMTR Radio Corp., Los Angeles, Calif.—Modification of license to increase power from 500 watts to 500 watts daytime, 1 kilowatt night, *amended* to request increase in power to 1 kilowatt day and night.

#### APPLICATIONS RETURNED

- WJDX—Lamar Life Insurance Co., Jackson, Miss.—License to cover construction permit (wrong form).
- WTBO—Associated Broadcasting Co., Cumberland, Md.—Construction permit to make changes in equipment, change fre-

quency from 1420 kc. to 800 kc., power from 100 watts night, 250 watts day, to 250 watts and hours of operation from unlimited to daytime. (Request of applicant.)

- NEW—T. H. Barton, El Dorado, Ark.—Construction permit to erect a new station to be operated on 1370 kc., 100 watts, unlimited time. (Unsatisfactory transmitter site and equipment.)
- KGA—Louis Wasmer, Spokane, Wash.—Modification of license to change frequency to 900 kc., power from 5 KW to 1 KW night, 2½ KW day. (Request of applicant.)
- NEW—E. D. Sparrow, Kinston, N. C.—Construction permit to erect a new station. (Frequency and power not stated, Rule 6, unsatisfactory transmitter site.)
- NEW—Helena Broadcasting Co., Helena, Mont.—Construction permit to erect a new station. (Frequency and time not stated, applicant's request.)
- WBIG—North Carolina Broadcasting Co., Greensboro, N. C.—Voluntary assignment of license to North Carolina Broadcasting Co., Inc. (Not necessary as only a transfer of stock.)
- WCFL—Chicago Federation of Labor, Chicago, Ill.—Extension of special experimental authorization to operate unlimited time. (Not signed.)
- KXA—American Radio Telephone Co., Seattle, Wash.—Extension of special experimental authorization to operate to 10 p. m., PST, 250 watts. (Not signed.)

# The National Association of Broadcasters

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

PHILIP G. LOUCKS, Managing Director

## NAB REPORTS

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Vol. 2 - - No. 29  
JUNE 11, 1934

### BROADCAST ADVERTISING IN APRIL

Broadcast advertising in April declined 4.9% as compared with the preceding month, although still remaining considerably above the general level for the present season. Gross sales of time amounted to \$6,669,957.00. The drop in radio advertising volume is due principally to a 6.5% decrease in network revenue, station business having dropped a little less than half that proportion. The network decline is primarily seasonal in nature. National spot advertising remained at approximately the March level, while marked gains were experienced in the electrical transcription field.

Revenues of 100 watt stations rose slightly, while the receipts of those over 5,000 watts in power decreased slightly. Small gains in volume of business were recorded in the New England-Middle Atlantic Area, advertising volume in other sections of the country having decreased slightly. The principal industrial trends of interest were the marked gains in national spot advertising in the automobile and automotive accessory fields.

#### Trend in General Advertising

The trend in general radio advertising is found in Table I:

TABLE I

#### TOTAL BROADCAST ADVERTISING VOLUME

Class of Business	1934		
	March	Gross Receipts April	Cumulative Jan.-April
National networks ..	\$4,000,698.00	\$3,739,719.00	\$15,104,876.00
Regional networks ..	66,516.00	61,888.00	236,914.00
Individual stations ..	2,953,530.00	2,868,350.00	10,476,936.00
<b>Total .....</b>	<b>\$7,020,744.00</b>	<b>\$6,669,957.00</b>	<b>\$25,818,726.00</b>

National network time sales during April declined 6.5%, while regional network revenues dropped 7% in volume. Network decreases were due mainly to seasonal trends. National network volume during April was 52% above that of the same month of 1933, although it must be remembered that April and May of that year marked the lowest ebb of network advertising since 1931. Non-network business declined 3.1% in April as compared with March, this tendency being contrary to the general retail advertising trend shown in other media.

#### Comparison with Other Media

A comparison of the relative volume of broadcast and other advertising is found in Table II:

TABLE II

#### ADVERTISING VOLUME BY MAJOR MEDIA

Advertising Medium	1934		
	March	Gross Receipts April	Cumulative Jan.-April
Radio Broadcasting.	\$7,020,744.00	\$6,669,957.00	\$25,818,726.00
National magazines <sup>1</sup> .	10,955,396.00	11,974,032.00	37,669,404.00
National farm papers .....	496,892.00	593,059.00	1,850,649.00
Newspapers .....	41,011,500.00	44,501,000.00	153,244,250.00
<b>Total .....</b>	<b>\$59,484,532.00</b>	<b>\$63,738,048.00</b>	<b>\$218,583,029.00</b>

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

National magazine advertising increased 9.3% in April as compared with the previous month. Monthly magazine volume was 16% higher than in April, 1933, while weekly magazine volume showed a 32% increase over the same month of the preceding year. National farm paper advertising increased 19.3% as compared with March and was above last year's volume. Newspaper advertising volume rose 7.4% as compared with the previous month.

#### Non-Network Advertising by Power of Station

Other than a slight decline in volume of advertising broadcast over stations of more than 5,000 watts in power and a similarly small rise in the volume placed over 100 watt stations, there were no changes of significance during the month. Revenues of stations over 5,000 watts in power decreased 10.9% as compared with March, while stations in the 100 watt class experienced a 5.7% increase as compared with the previous month. The volume of non-network advertising placed over various classes of stations is found in Table III:

TABLE III

#### NON-NETWORK BROADCAST ADVERTISING BY POWER OF STATION

Power of Station	1934		
	March	Gross Receipts April	Cumulative Jan.-April
Over 5,000 watts....	\$1,205,383.00	\$1,073,740.00	\$4,075,103.00
2,500-5,000 watts ...	183,000.00	184,600.00	776,685.00
250-1,000 watts .....	1,163,819.00	1,185,780.00	4,258,332.00
100 watts and under.	401,328.00	424,230.00	1,366,816.00
<b>Total .....</b>	<b>\$2,953,530.00</b>	<b>\$2,868,350.00</b>	<b>\$10,476,936.00</b>

#### Advertising by Geographic Districts

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

TABLE IV

#### NON-NETWORK BROADCAST ADVERTISING BY GEOGRAPHICAL DISTRICTS

Geographical District	1934		
	March	Gross Receipts April	Cumulative Jan.-April
New England-Middle Atlantic Area .....	\$ 975,167.00	\$1,025,090.00	\$3,265,698.00
South Atlantic-South Central Area .....	403,100.00	386,200.00	1,533,330.00
North Central Area..	1,127,583.00	1,028,670.00	3,994,887.00
Pacific and Mountain Area .....	447,680.00	428,390.00	1,683,021.00
<b>Total .....</b>	<b>\$2,953,530.00</b>	<b>\$2,868,350.00</b>	<b>\$10,476,936.00</b>

Non-network advertising in the New England-Middle Atlantic Area increased 5.1% as compared with March, while non-network volume in other sections of the country declined slightly. The South Atlantic-South Central Area experienced a decrease of 6.7%, the North Central Area one of 9.1%, and the Pacific and Mountain Area a decline of 4.2% as compared with the previous month.

#### Spot and Local Advertising

The relative volume of spot and local non-network advertising is found in Table V:

**TABLE V**  
**COMPARISON OF NATIONAL SPOT AND LOCAL BROADCAST ADVERTISING**

Class of Business	1934		Cumulative Jan.-April
	March	Gross Receipts April	
National spot .....	\$1,509,643.00	\$1,491,770.00	\$5,156,361.00
Local .....	1,443,887.00	1,376,580.00	5,320,575.00
Total .....	\$2,953,530.00	\$2,868,350.00	\$10,476,936.00

It will be noted that the principal decline in non-network volume during the month of April was in the local field where revenues from the sale of time decreased 4.6% as against the preceding month. National spot advertising remained at approximately the same level as March, experiencing a 1.2% drop.

**Advertising by Type of Rendition**

The trend with regard to electrical transcription, live spot, record broadcasts and spot announcements during the month is found in Tables VI and VII:

**TABLE VI**  
**NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION**

Type of Rendition	1934		Cumulative Jan.-April
	March	Gross Receipts April	
Electrical transcriptions..	\$ 686,317.00	\$ 868,580.00	
Live talent programs...	1,389,598.00	1,146,230.00	
Records .....	48,777.00	47,910.00	
Spot announcements ..	828,838.00	805,630.00	
Total .....	\$2,953,530.00	\$2,868,350.00	

**TABLE VII**  
**COMPARISON OF LOCAL AND NATIONAL SPOT ADVERTISING BY TYPE OF RENDITION (April 1934)**

Type of Rendition	National spot	Gross Receipts for Month	
		Local	Total
Electrical transcriptions	\$ 757,420.00	\$ 111,160.00	\$ 868,580.00
Live talent programs..	457,710.00	688,520.00	1,146,230.00
Records .....	10,010.00	37,900.00	47,910.00
Spot announcements ..	266,630.00	539,000.00	805,630.00
Total .....	\$1,491,770.00	\$1,376,580.00	\$2,868,350.00

**TABLE IX**  
**RADIO BROADCAST ADVERTISING VOLUME BY TYPE OF SPONSORING BUSINESS (April 1934)**

Type of Sponsoring Business	Gross Receipts for Month			
	National Networks	Regional Networks	Individual Stations	Total
1a. Amusements .....	—	—	\$39,900.00	\$39,900.00
1-2. Automobiles and Accessories:				
(1) Automobiles .....	\$220,078.00	\$265.00	129,790.00	350,133.00
(2) Accessories, gas and oils .....	358,700.00	22,704.00	207,145.00	588,549.00
3. Clothing and apparel .....	37,587.00	975.00	186,755.00	225,317.00
4-5. Drugs and toilet goods:				
(4) Drugs and pharmaceuticals .....	326,624.00	3,090.00	406,600.00	736,314.00
(5) Toilet goods .....	862,761.00	—	131,250.00	994,011.00
6-8. Food products:				
(6) Foodstuffs .....	726,540.00	8,415.00	542,680.00	1,277,635.00
(7) Beverages .....	296,890.00	9,439.00	128,340.00	434,669.00
(8) Confections .....	108,544.00	200.00	44,000.00	152,744.00
9-10. Household goods:				
(9) Household equipment and furnishings .....	47,470.00	5,910.00	199,600.00	252,980.00
(10) Soap and kitchen supplies .....	196,885.00	—	42,920.00	239,805.00
11. Insurance and financial .....	62,808.00	2,784.00	68,040.00	133,632.00
12. Radios .....	44,923.00	—	15,300.00	60,223.00
13. Retail establishments .....	—	—	117,030.00	117,030.00
14. Tobacco products .....	325,928.00	—	8,430.00	334,358.00
15. Miscellaneous .....	123,981.00	8,106.00	600,570.00	732,657.00
Total .....	\$3,739,719.00	\$61,888.00	\$2,868,350.00	\$6,669,957.00

Marked gains were experienced during April in the electrical transcription field, advertising volume of this type increasing 23.6% as compared with March and reaching the high point of the current season. The increase in the electrical transcription business was due almost entirely to national spot volume, which rose 33.6% as compared with the previous month. Live talent volume dropped 17.8% as compared with March, due principally to a 30.4% decline in national spot volume. Spot announcement volume held its own in both the national spot and local fields, the total volume of this type of business declining to 2.7% during the month. There was no change in the record field.

**Participations**

The volume of participation business increased materially in April, due to a 50% rise in live talent programs of this type. Data regarding the total volume of participations during the current month is found in Table VIII:

**TABLE VIII**  
**PARTICIPATIONS OVER INDIVIDUAL STATIONS**

Type of Rendition	1934		Cumulative Jan.-April
	March	Gross Receipts April	
Electrical transcriptions.....	\$ 214.00	\$ 150.00	\$ 820.00
Live talent programs .....	70,490.00	105,330.00	438,820.00
Records .....	8,070.00	7,600.00	31,244.00
Total .....	\$78,774.00	\$113,080.00	\$470,884.00

**Radio Advertising Sponsors**

Conflicting tendencies, mostly seasonal in origin, have exhibited themselves with regard to radio advertising sponsorship by various types of business during the month of April. Non-network automotive and accessory advertising rose markedly, due to material increases in national spot business in these two fields. In addition to the changes already noted, local advertising by radio dealers increased 62% as compared to March. Increased expenditures for radio advertising occurred in the clothing, toilet goods, household equipment, soap and kitchen supplies, and department store fields. Declines took place in the drug, food, confection, financial and tobacco fields. The volume of broadcast advertising sponsored by various types of business is found in Tables IX and X:

**TABLE X**  
**NON-NETWORK ADVERTISING VOLUME BY TYPE OF SPONSORING BUSINESS**  
**(April 1934)**

Type of Sponsoring Business	National Spot	Gross Receipts for Month	
		Local	Total
1a. Amusements	\$ 200.00	\$39,700.00	\$39,900.00
1-2. Automobiles and Accessories:			
(1) Automobiles	83,310.00	46,480.00	129,790.00
(2) Accessories, gas and oils	142,555.00	64,590.00	207,145.00
3. Clothing and apparel	23,895.00	162,860.00	186,755.00
4-5. Drugs and toilet goods:			
(4) Drugs and pharmaceuticals	303,271.00	103,329.00	406,600.00
(5) Toilet goods	99,040.00	32,210.00	131,250.00
6-8. Food products:			
(6) Foodstuffs	348,104.00	194,576.00	542,680.00
(7) Beverages	60,390.00	67,950.00	128,340.00
(8) Confections	39,040.00	4,960.00	44,000.00
9-10. Household goods:			
(9) Household equipment and furniture	61,172.00	138,428.00	199,600.00
(10) Soap and kitchen supplies	32,360.00	10,560.00	42,920.00
11. Insurance and financial	17,463.00	50,577.00	68,040.00
12. Radios	3,410.00	11,890.00	15,300.00
13. Retail establishments	1,990.00	115,040.00	117,030.00
14. Tobacco products	3,560.00	4,870.00	8,430.00
15. Miscellaneous	272,010.00	328,560.00	600,570.00
<b>Total</b>	<b>\$1,491,770.00</b>	<b>\$1,376,580.00</b>	<b>\$2,868,350.00</b>

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

1a. Amusements: There was a slight increase in April advertising in the amusement field, although the total volume still remains materially below that of the fall season.

1. Automobiles: Although there was no change in the total volume of automotive advertising, important shifts occurred in the volume placed over various parts of the broadcasting structure. National network automotive advertising declined 17.2%, while non-network advertising rose 53.3% as compared with March. National spot volume practically doubled as compared with the previous month, while local advertising rose approximately 12%.

2. Accessories, gasoline and oil: Radio advertising in the accessory and gasoline fields rose 15.4% in April, due to seasonal causes. Network volume increased 7.0%, while individual station rose 40.8%. National spot volume more than doubled itself as compared with March, while local advertising declined.

3. Clothing: Total radio advertising expenditures in this field increased 7.6% as compared with March, national network advertising rising 12.1% and individual station business increasing 6.8%. The individual station increase was due principally to local advertisers.

4. Drugs and pharmaceuticals: Drug and pharmaceutical advertising over the air dropped 23.6% as compared with March, network volume declining 14.8% and individual station non-network volume dropping 29.1%. Both national spot and local advertising declined materially.

5. Toilet goods: A 3.5% increase was experienced in this field during the current month. Network advertising rose 2.0% and individual station advertising 12.8%, the latter due primarily to local sponsorship.

6. Foodstuffs: Food advertising over the air dropped 10.6% during April, network volume decreasing 7.6% and individual station business declining 11.0%, local and national spot business being affected about equally.

7. Beverages: There was little or no change in this field during the month. Network advertising increased slightly, while individual station business declined to a similar degree.

8. Confectionery: Advertising in this field decreased 22.9% as compared with March, network volume dropping 13.6% while national spot volume decreased by slightly more than half.

9. Household appliances: A gain of 5.5% was experienced in this field. Non-network business increased 26.7% due to a 73% rise in local advertising. National network volume declined 41.2%.

10. Soap and kitchen supplies: A gain of 7.0% was experienced by this class of business due principally to a 27.2% rise in non-network volume. This rise was shared equally by national, spot and local business.

11. Insurance and financial: There was a slight recession in

this field during the month, no important changes taking place within the various parts of the radio structure.

12. Radio: Volume of advertising in this field rose 10% as compared with March due to a 62.6% rise in non-network business, the rise being almost exclusively in the local field.

13. Department stores and general retail establishments: There was a 6.3% rise in this field during the current month.

14. Tobacco products: Tobacco advertising declined 21% during April due to decreasing expenditures over national networks.

15. Miscellaneous: There was a decline of 8.8% in this general classification during the month, affecting all parts of the radio structure approximately equally.

#### Retail Advertising

The volume of retail advertising over individual stations is found in Table XI:

**TABLE XI**  
**RETAIL ADVERTISING OVER INDIVIDUAL STATIONS**  
**(April 1934)**

Type of Sponsoring Business	Gross Receipts for Month
Automobile and accessories:	
Automobile agencies and used car dealers	\$49,478.00
Gasoline stations, garages, etc.	49,235.00
Clothing and apparel shops	143,116.00
Drugs and toilet goods:	
Drug stores	11,480.00
Beauty parlors	3,930.00
Food products:	
Grocery stores, meat markets, etc.	63,070.00
Restaurants and eating places <sup>1</sup>	19,300.00
Beverage retailers	2,104.00
Confectionery stores, etc.	2,113.00
Household goods:	
Household equipment retailers <sup>2</sup>	40,380.00
Furniture stores	56,920.00
Hardware stores	17,530.00
Radio retailers	14,270.00
Department and general stores	117,030.00
Tobacco shops	580.00
Miscellaneous	48,160.00
<b>Total</b>	<b>\$638,696.00</b>

<sup>1</sup> Exclusive of hotels.

<sup>2</sup> Such as electric refrigerators, oil burners, sweepers, furnaces and the like.

General retail advertising during the month increased 12.5%, the rise being due to seasonal forces. Automotive advertising increased 32.7% and accessory advertising approximately 30%. Other marked gains during the month included a 37.5% rise in drug store advertising, an 18% rise in food advertising and material advances in the beverage, household equipment, furniture, hardware and radio dealer fields.

#### General Business Conditions

Following unsettled trends during most of April, business showed a slight downward tendency in May after allowance for seasonal trends was made. The New York Times Index on May 19 stood at 85.4% of the 1923-25 level as compared with 88.7% on April 28.

The Detroit factory employment index on April 28 was 112.7, and on May 19 106.8. The index for automobile production declined from 130.2 to 100.0 during the period under discussion, while the stock price index dropped from 94.9 to 84.6. Steel production on the other hand rose from 72.4% of the 1923-25 level to 76.3%.

Declines were experienced in the textile field, in the volume of freight car loadings and in retail sales. Department store sales in April were slightly below the March level, while variety store sales were 8% lower than the previous month and chain store sales 3% less. Present indications seems to point toward a slowing up of business progress during the summer months, although the situation is too confused to make possible any very definite prognostication.

# The National Association of Broadcasters

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

PHILIP G. LOUCKS, Managing Director

## NAB REPORTS

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### PRESIDENT TO SIGN BILL

Although at a late hour Friday President Roosevelt had not signed the Communications Act of 1934, creating a Federal Communications Commission, his signature is momentarily expected. With the affixing of the President's signature, the Act will become effective July 1, 1934.

The Federal Radio Commission, created in 1927, expires on the July first date, and the regulation of broadcasting falls within the jurisdiction of the new Commission.

With Congress about ready to adjourn, it appeared doubtful if the President would appoint the seven members of the new Commission before adjournment. In view of the fact that the new Act does not become operative until July 1, when Congress will not be in session, the President may make recess appointments subject to confirmation when Congress reconvenes next January. The President stated, however, that the appointments would be announced before he leaves Washington for Honolulu.

While there have been many rumors of appointments to the new Commission, it was learned on high authority that the President has given little personal attention to naming Commissioners up to the present time.

The text of the Act, as passed by Congress, was published in full in last week's NAB REPORTS.

It is interesting to note that there are only three definitely new features in the present law as distinguished from the Radio Act of 1927, to which the NAB had objected. These are:

The provision (Section 316) prohibiting the broadcast of lotteries. This provision is similar to that contained in the Broadcasters' Code.

The provision (Section 325 b and c) relating to the transmission of programs to stations outside the United States which had its inception in connection with Dr. Brinkley's Mexican station.

The requirement (Section 307-C) that the new Commission study the proposal that Congress shall by statute allocate a fixed percentage of broadcasting facilities to groups of non-profit stations.

When the Bill was originally introduced the NAB made objections to many provisions contained therein. These objections were voiced at public hearings before Committees of both Houses and urged during consideration of the Bill by the Congress. Largely through the efforts of the NAB the following provisions were eliminated from the Bill, either in the Senate, in the House or in the Conference: (a) reduction in the term of licenses from three years to one year; (b) the Wagner-Hatfield proposal to set aside 25 per cent of all facilities for religious, educational and similar organizations; (c) the suspension of licenses; (d) requiring stations to permit discussion of all sorts of public questions; (e) fixing the charge for political broadcasts; (f) directing the Commission to license stations on clear channels provided they are 2,200 miles removed; (g) revocation of license without certainty of hearing; (h) authorizing fines of \$1,000 for violations of Commission regulations; (i) limiting the transfer of licenses only after public hearing; (j) regarding monopoly of broadcast facilities in any community; (k) permitting change in frequency, power or time without public hearing.

Senator Dill, chairman of the Senate Committee on Interstate Commerce, Chairman Rayburn of the House Committee on Interstate and Foreign Commerce, and Chairman Bland of the House Merchant Marine, Radio and Fisheries Committee, as well as the conferees from both the Senate and House exhibited a splendid understanding of the problems of radio.

Senator Dill led the fight against the Wagner-Hatfield amendment and succeeded in defeating it in the Senate. With Chairman Rayburn, he gave careful consideration to the objections of the NAB when the Bill was in conference.

### MADRID TREATY EFFECTIVE

The International Telecommunication Convention of Madrid, 1932, and the General Radio Regulations annexed thereto, which were recently ratified by the United States, became effective June 12, 1934, superseding the International Radiotelegraph Convention and General Regulations of Washington, 1927.

Copies of the Convention and the Regulations may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D. C., at thirty cents per copy.

### MAKING CONVENTION PLANS

Ed Spence, chairman of the NAB Convention Committee and Philip G. Loucks, Managing Director, spent Friday and Saturday in Cincinnati making preliminary plans for the NAB convention which will be held in that city on September 16, 17, 18, and 19.

### NRA HEARING WEDNESDAY

The hearing on the question of wages, hours and working conditions of broadcast technicians, announced last week, will be held at the Raleigh Hotel, Washington, D. C., next Wednesday.

### COMMERCIAL SECTION MEETS

Indications are that a large crowd will attend the third annual meeting of the NAB Commercial Section to be held at Hotel Pennsylvania, New York, Tuesday and Wednesday of next week. The meeting is being held in connection with the annual convention of the Advertising Federation of America. Arthur B. Church, chairman of the Commercial Committee, will preside.

### SECURITIES ACT REGISTRATION

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

- Protective Committee Stratford Arms Hotel, Buffalo, N. Y. (2-920, Form D-1).
- Bondholders' Protective Committee of Albany Drainage District, Gentry County, Missouri, Kansas City, Mo. (2-921, Form D-1).
- Corporate Equities, Inc., New York City (2-922, Form C-1).
- American Insurance Union Building First Mortgage Bondholders' Committee, Chicago, Ill. (2-923, Form D-1).
- Century Shares Trust, Boston, Mass. (2-924, Form A-1).
- De Sales Chambers, Inc., Washington, D. C. (2-925, Form A-1).
- Mutual Management Company, Jersey City and New York City (2-926, Form C-1).
- Owings Mills Distillery, Inc., Baltimore County, Md. (2-927, Form A-1).
- Committee for the Protection of Holders of First Mortgage Bonds Sold Through Leight & Co., Chicago, Ill. (2-928, Form D-1).
- Morada Mining Company, Spokane, Wash. (2-932, Form A-1).
- California Standard Gold Mines Corporation, Chicago, Ill. (2-933, Form A-1).
- Automatic Signal Acceptance Corporation, Dover, Del. (2-934, Form A-1).
- Strong Leasing & Mining Company, Denver, Colo. (2-935, Form A-1).
- Bender's Department Store, Inc., Baltimore, Md. (2-936, Form A-1).
- Donlevy Distilling Corporation, San Diego, Calif. (2-937, Form A-1).
- Anchor Mountain Mining Company, Deadwood, S. D. (2-938, Form A-1).
- New England Grain Products Company, Portland, Me. (2-939, Form A-1).

## NOTICE

Stations desiring information about Rockwell Carrier may communicate with Stanley F. Northcott, general manager, Station WBCM, Bay City, Mich.

## COURT DISMISSES APPEALS

The Court of Appeals of the District of Columbia this week dismissed the appeal of Station KWG, Stockton, Calif., against a decision of the Radio Commission granting a station construction permit to Thomas R. McTammany and William H. Bates, Jr., at Modesto, Calif.

The court also dismissed the appeal of Station KGKM, Stockton, Calif., because of the same grant by the Commission.

## RECOMMENDS NEW OKLAHOMA STATION

Rev. C. C. Morris filed an application with the Commission asking for a construction permit for a new station to be erected at Ada, Okla., to use 1,200 kilocycles, 100 watts power daytime only. George H. Gill(e) in Report No. 567 this week recommends that the application be granted.

The Examiner found that the applicant has ample financial backing for the station, that there is adequate local talent to serve the needs of the station and that the territory around Ada "is now inadequately served by existing radio broadcasting stations."

## STAY ORDER DENIED

The Court of Appeals of the District of Columbia this week denied a stay order sought by Station KGDM, Stockton, Calif., against a decision of the Federal Radio Commission authorizing a construction permit for a new station at Modesto, Calif., issued to Thomas R. McTammany and William H. Bates, Jr.

## SUGGESTS DENYING KGW APPLICATION

Broadcasting Station KGW, Portland, Ore., operating on a frequency of 620 kilocycles, with 1,000 watts power applied to the Commission for permission to install a new transmitter and to operate daytime with 2,500 watts power. Ralph K. Walker(e) in Report No. 566 this week recommends that the application be denied.

It was found by the Examiner that while the increased power would improve the reception of the station, he also states that both the Fifth Zone and the State of Oregon are substantially over quota and therefore he recommends that the application be denied.

## RECOMMENDS DENIAL AS IN DEFAULT

D. J. Burton and L. C. Davis filed an application with the Radio Commission asking for a construction permit for the erection of a new broadcasting station at Temple, Texas, to use 990 kilocycles, 250 watts power daytime only. Ralph L. Walker(e) in Report No. 568 this week recommended that the application be denied "as in cases of default." When the case came on for hearing no one appeared on behalf of the applicants.

## FEDERAL RADIO COMMISSION ACTION HEARING CALENDAR

Monday, June 18, 1934

WLBF—WLBF Broadcasting Co., Kansas City, Kansas—Modification of license; 1310 kc., 100 watts, unlimited time. Present assignment: 1420 kc., 100 watts, unlimited time.

Tuesday, June 19, 1934

WAAT—Bremer Broadcasting Corp., Jersey City, N. J.—Renewal of license; 940 kc., 500 watts, daytime. Also license to cover construction permit.

Wednesday, June 20, 1934

WMBD—Peoria Broadcasting Co., Peoria, Ill.—Modification of license; 1440 kc., 500 watts, unlimited time (fac WMBD). Present assignment: 1440 kc., 500 watts, 1 KW LS, shares WTAD.

WTAD—Illinois Broadcasting Corp., Quincy, Ill.—Renewal of license; 1440 kc., 500 watts, shares WMBD.

Thursday, June 21, 1934

NEW—Abraham Shapiro, Astoria, Oregon—C. P., 1370 kc., 100 watts, unlimited time.

Friday, June 22, 1934

WLEY—Albert S. Moffat, Lowell, Mass.—C. P., 1370 kc., 100 watts, 250 watts, L. S., specified hours. (Request authority to move station from Lexington to Lowell, Mass.)

## APPLICATIONS GRANTED

### First Zone

WHAZ—Rennselaer Polytechnic Inst., Troy, N. Y.—Granted special temporary authority to remain silent from 6 p. m. to 1 a. m., EST, on nights of August 6, 13, 20, 27 and September 3, 1934.

WHDH—Matheson Radio Co., Inc.—Boston, Mass.—Granted authority to determine operating power by direct antenna measurement.

WINS—American Radio News Corp., New York—Granted modification of license to increase daytime power from 500 watts to 1 KW.

WOKO—WOKO, Inc., Albany, N. Y.—Granted modification of license to increase day power from 500 watts to 1 KW.

WOL—American Broadcasting Co., Washington, D. C.—Granted C. P. to increase daytime power from 100 watts to 250 watts and make changes in equipment.

### Second Zone

WBEO—The Lake Superior Broadcasting Co., Marquette, Mich.—Granted special temporary authority to operate from 7 to 9:30 p. m., CDST, June 19.

WHBC—Edward P. Graham, Canton, Ohio—Granted special temporary authority to operate simultaneously from 3 to 6 p. m., and from 9 to 11 p. m., EST, June 16.

WGAL—WGAL, Inc., Lancaster, Pa.—Granted extension of special authority to operate station without approved frequency monitor, for period beginning June 8 and ending not later than June 20.

### Third Zone

WJDX—Lamar Life Insurance Co., Jackson, Miss.—Granted license covering increase in power and change in equipment, 1270 kc., 1 KW night, 2½ KW day.

WDBJ—Times World Corp., Roanoke, Va.—Granted C. P. to increase daytime power from 500 watts to 1 KW, and install new equipment.

WNOX—WNOX, Inc., Knoxville, Tenn.—Granted modification of license to change frequency from 560 to 1010 kc.

WIS—Station WIS, Inc., Columbia, S. C.—Granted C. P. to move transmitter to site to be determined; make changes in equipment, change frequency from 1010 kc. to 560 kc., and increase power from 500 watts night, 1 KW-LS to 1 KW night, 2½ KW-LS.

KTRH—KTRH Broadcasting Co., Houston, Tex.—Granted C. P. to make changes in equipment and increase day power from 1 KW to 2½ KW.

KRGV—KRGV, Inc., Weslaco, Tex.—Granted license covering changes in equipment and move; 1260 kc., 500 watts, shares with KWWG.

WRGA—Rome Broadcasting Corp., Rome, Ga.—Granted license covering local move of transmitter, 1500 kc., 100 watts, specified hours.

WMBR—F. J. Reynolds, Inc., Jacksonville, Fla.—Granted consent to voluntary assignment of license to Florida Broadcasting Co.

### Fourth Zone

WJDX—Lamar Life Insurance Co., Jackson, Miss.—Granted license covering increase in power and change in equipment, 1270 kc., 1 KW night, 2½ KW day.

WIBW—Topeka Broadcasting Association, Inc., Topeka, Kans.—Granted authority to install automatic frequency control equipment.

WEBQ—Harrisburg Broadcasting Co., Harrisburg, Ill.—Granted C. P. for increase in daytime power from 100 to 250 watts, and make changes in equipment.

KSD—The Pulitzer Publishing Co., St. Louis, Mo.—Granted modification of license to increase daytime power from 500 watts to 1 KW.

KMA—May Seed and Nursery Co., Shenandoah, Iowa—Granted modification of license to increase day power to 2½ KW-LS; application for increase in night power from 500 watts to 1 KW was designated for hearing.

- WCBD—Wilbur Glenn Voliva, Zion, Ill.—Granted consent to voluntary assignment of license to WCBD, Inc.
- KGGF—Powell & Platz, Coffeyville, Kans.—Granted modification of license to increase power from 500 watts night, 1 KW day, to 1 KW day and night.
- WHA—University of Wisconsin, Madison, Wis.—Granted C. P. to make changes in equipment and increase power from 1 KW to 2½ KW day.

#### Fifth Zone

- KECA—Earl C. Anthony, Inc., Los Angeles, Calif.—Granted authority to increase day power to 2½ KW and use old equipment of KFI.
- KXL—KXL Broadcasters, Portland, Ore.—Granted C. P. to make changes in equipment; increase daytime power from 100 watts to 250 watts.
- KIDO—Boise Broadcast Station, Boise, Idaho—Granted C. P. to increase daytime power from 1 KW to 2½ KW; make changes in equipment.
- KQW—Pacific Agricultural Foundation, Ltd., San Jose, Calif.—Granted C. P. to increase day power from 500 watts to 1 KW up to 7 p. m. (No change in power after 7 p. m. 500 watts.)
- KMTR—KMTR Radio Corporation, Los Angeles, Calif.—Granted modification of license to increase power from 500 watts to 1 KW.
- KVI—Puget Sound Broadcasting Company, Inc., Tacoma, Wash.—Granted modification of license to increase power from 500 watts to 1 KW day and night.

#### APPLICATIONS RECONSIDERED AND GRANTED

- KHJ—Don Lee Broadcasting System, Los Angeles, Calif.—Granted C. P. to install new equipment; increase power from 1 KW to 1 KW night, 2½ KW to LS.
- KFRC—Don Lee Broadcasting System, San Francisco, Calif.—Granted C. P. to install new equipment; increase power from 1 KW to 1 KW night, 2½ KW, LS.
- KGB—Don Lee Broadcasting System, San Diego, Calif.—Granted C. P. to install new equipment; increase power from 1 KW to 1 KW night, 2½ KW, LS.
- WNAC—Shepard Broadcasting Service, Inc., Boston, Mass.—Granted C. P. to increase daytime power from 1 KW to 2½ KW, and make changes in equipment.
- WIND—Johnson-Kennedy Radio Corp., Gary, Ind.—Granted C. P. to increase daytime power from 1 KW to 2½ KW, and install new equipment.
- KOL—Seattle Broadcasting Co., Seattle, Wash.—Granted C. P. to increase daytime power from 1 KW to 2½ KW, and make changes in equipment, also move transmitter locally.
- WCNW—Arthur Faske, Brooklyn, N. Y.—Granted modification of C. P. to increase day power from 100 watts to 250 watts, and make changes in equipment.
- WDAE—Tampa Times Company, Tampa, Fla.—Granted special experimental authority to increase daytime power from 1 KW to 2½ KW for period ending October 1, 1934, and make changes in equipment.
- KGW—Oregonian Publishing Co., Portland, Ore.—Granted C. P. to move studio locally in Portland, install new equipment and increase daytime power from 1 KW to 2½ KW.
- KQV—KQV Broadcasting Co., Pittsburgh, Pa.—Renewal of license application reconsidered and granted.

#### SPECIAL AUTHORIZATIONS

- KBPS—Benson Polytechnic School, Portland, Ore.—Granted special authority to remain silent for period July 1 and ending September 17, 1934.
- WRGA—Rome Broadcasting Corporation, Rome, Ga.—Granted special temporary authority to operate from 9 p. m. to 12 midnight, CST, June 26.
- WNRA—Muscle Shoals Broadcasting Corp., Muscle Shoals City, Ala.—Granted special temporary authority to operate unlimited time for period July 1 and pending resumption of operation by station WAMC, but not later than January 1, 1935.
- WSUI—State University of Iowa, Iowa City, Iowa—Granted special authority to operate from 10 p. m. to 12 midnight, CST, June 29.
- WTRC—The Truth Publishing Co., Inc., Elkhart, Ind.—Special

authorization which expires July 1, 1934, extended 30 days to allow completion of inquiry.

#### MISCELLANEOUS

- KSO—Iowa Broadcasting Co., Des Moines, Ia.—Granted authority to operate on 1320 kc., with 250 watts from 12:01 to 6 a. m., daily, from now until date of hearing, June 25. Grant to use this frequency and power suspended because of protest of WADC.
- WOR—Bamberger Broadcasting Service, Inc., Newark, N. J.—Granted petition to have Commission en banc hear application for experimental permit. Date to be decided later.

#### RATIFICATIONS

- WAAF—Drovers Journal Publishing Co., Chicago, Ill.—Granted C. P. to rebuild station destroyed by fire.

#### SET FOR HEARING

- WKBN—WKBN Broadcasting Corp., Youngstown, Ohio—C. P. to move transmitter to new location in Youngstown; make changes in equipment; change frequency from 570 to 610 kc.; increase day power from 500 watts to 1 KW; increase hours of operation from specified to unlimited, with directional antenna after sunset Youngstown.
- WAIU—Associated Radiocasting Corp., Columbus, Ohio—Modification to change frequency from 640 to 570 kc.; increase power from 500 to 750 watts night, 1 KW day, and change hours of operation from limited to specified hours, now assigned WKBN.
- WJAY—Cleveland Radio Broadcasting Corp., Cleveland, Ohio—Modification of license to change frequency from 610 kc. to 640 kc.; increase power from 500 watts to 1 KW, and increase hours of operation from daytime to specified.
- WAAT—Bremer Broadcasting Corporation, Jersey City, N. J.—Hearing on application for renewal of license changed from June 19 to July 19, 1934.
- WJAY—Cleveland Radio Broadcasting Corp., Cleveland, Ohio—Application for modification of license to change frequency from 610 to 640 kc., power from 500 watts daytime to 1 KW, S. H., to be heard before Commission en banc.
- WAIU—Associated Radiocasting Corp., Columbus, Ohio—Application for modification of license to change frequency from 640 to 570 kc., and power from 500 watts to 750 watts, 1 KW-LS, and time from limited to S. H., now being used by WKBN, to be heard before Commission en banc.
- WKBN—WKBN Broadcasting Corp., Youngstown, Ohio—Application for C. P. to change frequency from 570 to 610 kc.; power of 500 watts to 500 watts night, 1 KW-LS, with directional antenna after sunset at Youngstown, and S. H. to unlimited time; make changes in equipment and move transmitter locally, to be heard before Commission en banc.

#### ACTION ON EXAMINER'S REPORTS

- WJJD—Ex. Rep. No. 555: WJJD, Inc., Chicago, Ill.—Granted modification of license to move studio from Mooseheart to Chicago, Ill., sustaining Examiner Geo. H. Hill.
- KVI—Ex. Rep. No. 565: Puget Sound Broadcasting Co., Inc., Tacoma, Wash.—Granted modification of license to increase power from 500 watts to 1 KW day and night, reversing Examiner R. L. Walker. (Same grant listed on page 1.)
- KGW—Ex. Rep. No. 566: Oregonian Publishing Co., Portland, Ore.—Granted C. P. to change maximum rated carrier output power, increase power from 1 KW to 1 KW night, 2½ KW day, and make changes in equipment; also change studio location. Examiner R. L. Walker reversed. (Same grant listed above under heading "Appeals reconsidered and granted.")

#### APPLICATIONS RECEIVED.

##### First Zone

- WINS—American Radio News Corporation, New York, N. Y.—Modification of license to increase power from 500 watts to 500 watts night, 1 KW day.
- WCAX—Burlington Daily News, Inc., Burlington, Vt.—Modification of license to make changes in specified hours of operation.
- WOL—American Broadcasting Co., Washington, D. C.—Construction permit to make changes in equipment and increase power from 100 watts to 100 watts night, 250 watts daytime.

- WNAC—Shepard Broadcasting Service, Inc., Boston, Mass.—Modification of license to change frequency from 1230 kc. to 830 kc. (Facilities WHDH).
- WNBX—WNBX Broadcasting Corporation, Springfield, Vt.—License to cover construction permit authorizing changes in equipment and increase in power from 250 watts to 500 watts daytime.
- WGLC—Adirondack Broadcasting Co., Inc., Hudson Falls, N. Y.—Construction permit to move station from Hudson Falls, N. Y., to Albany, N. Y.
- NEW—Harold E. Smith, Rensselaer, N. Y.—Construction permit to erect a new station to be operated on 1370 kc., 100 watts, unlimited time. Facilities of WGLC.
- WHDL—Tupper Lake Broadcasting Co., Inc., Tupper Lake, N. Y.—License to cover construction permit granted November 21, 1933, to move station locally.

#### Second Zone

- NEW—A. R. Montgomery, 2700 N. Main St., Findlay, Ohio—C. P. for new Exper. Broadcast station; 1530 kc., 1000 watts.
- NEW—F. L. Whitesell, Forty Fort, Penna.—Construction permit to erect a new station to be operated on 930 kc., 1 kw, daytime, amended re transmitter site.
- WSAI—Crosley Radio Corporation, Cincinnati, Ohio—Modification of license to operate with power of 1 KW night, 2½ KW daytime using directional antenna as authorized by special experimental authorization.
- WJIM—Harold F. Gross, M. B. Keeler, and L. A. Versluis d/b as Capital City Broadcasting Co., Lansing, Mich.—Modification of construction permit (authorizing erection of new station) to change transmitter site locally and install new equipment and extend date of required commencement.
- NEW—Kunsky-Trendle Broadcasting Corp., Detroit, Mich.—Construction permit to erect a new station to be operated on 640 kc., 10 kilowatts, unlimited time. Facilities of KYW.
- WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—Construction permit to move transmitter and studio locally and install new equipment.
- WKRC—WKRC, Inc., Cincinnati, Ohio—Extension of special experimental authorization to operate with power of 1 KW, for the period beginning September 1, 1934.

#### Third Zone

- NEW—Guilford Broadcasting Co., Abilene, Texas—Construction permit to erect a new station to be operated on 1420 kc., 100 watts, unlimited time.
- WSFA—Montgomery Broadcasting Co., Inc., Montgomery, Ala.—License to cover construction permit authorizing changes in equipment and removal of transmitter.
- KLUF—Geo. Roy Clough, Galveston, Texas—Special experimental authorization to increase daytime power from 100 watts to 250 watts. (Supersedes application for C. P. 3-P-B-3248.)
- WNOX—WNOX, Inc., Knoxville, Tenn.—Modification of license to change frequency from 560 kc. to 1010 kc. (Frequency assigned WIS).
- KTSA—Southwest Broadcasting Co., San Antonio, Texas—Special experimental authorization to change frequency from 1290 kc. to 550 kc., and increase power from 1 kilowatt to 1 kilowatt night, 2½ kilowatts daytime.
- WIS—Station WIS, Inc., Columbia, S. Car.—Construction permit to install new equipment, move transmitter to site to be determined, change frequency from 1010 kc. to 560 kc. (Frequency of WNOX), and increase power from 500 watts night, 1 kilowatt daytime to 1 kilowatt night, 2½ kilowatt daytime using directional antenna.

#### Fourth Zone

- WISN—American Radio News Corp., Milwaukee, Wis.—Modification of license to increase power from 250 watts night, 500 watts daytime to 250 watts night, 1 KW daytime.
- WLBF—The WLBF Broadcasting Co., Kansas City, Kans.—License to cover construction permit granted May 11, 1934, to install new equipment.
- NEW—L. M. Kennett, Indianapolis, Ind.—Construction permit to erect a new station to be operated on 600 kc., 1 kilowatt, daytime.
- WEBQ—Harrisburg Broadcasting Co., Harrisburg, Ill.—Construction permit to make changes in equipment and increase

power from 100 watts to 100 watts night, 250 watts daytime.

- WDZ—James L. Bush, Tuscola, Ill.—Modification of license to change frequency from 1070 kc. to 1020 kc., upon removal of KQY to Pennsylvania.
- WCFL—Chicago Federation of Labor, Chicago, Ill.—Extension of special experimental authorization to operate unlimited time for the period August 1, 1934, to February 1, 1935.
- KFKU—The University of Kansas, Lawrence, Kans.—Modification of license to increase power from 500 watts to 1 KW.

#### Fifth Zone

- KOL—Seattle Broadcasting Co., Seattle, Wash.—Special experimental authorization to operate on 850 kc. with power of 5 KW.
- KVOA—Arizona Broadcasting Co., Inc., Tucson, Ariz.—Modification of license to make changes in specified hours of operation.
- NEW—Utah Radio Educational Society, Walter P. Monson, Jr., Pres., Salt Lake, Utah—Construction permit to erect a new station to be operated on 1450 kc., 1 KW, unlimited time.
- NEW—Metro Broadcasting Co., A. Tornek and R. Lillie, Los Angeles, Calif.—Construction permit to erect a new station to be operated on 820 kc., 250 watts, limited time amended to omit request for facilities of KGEF.
- KGCC—The Golden Gate Broadcasting Co., San Francisco, Calif.—Modification of license to increase hours of operation to two additional night hours during week days. Consideration under Rule 6-g.
- KSLM—Oregon Radio, Inc., Salem, Ore.—Modification of construction permit authorizing erection of new station for approval of transmitter site at ½ miles north of Salem, Ore.
- KFJI—KFJI Broadcasters, Inc., Klamath Falls, Ore.—Construction permit to install new equipment.
- NEW—W. L. Gleeson, Salinas, Calif.—Construction permit to erect a new station to be operated on 1210 kc., 100 watts, unlimited time.

#### APPLICATIONS RETURNED

- WNAC—Shepard Broadcasting Service, Inc., Boston, Mass.—Modification of license to change frequency from 1230 kc. to 830 kc. (Wrong application form.) Has been resubmitted, see above.
- WALR—WALR Broadcasting Corporation, Toledo, Ohio—Construction permit to move station from Zanesville, Ohio, to Toledo, Ohio. (Improperly signed.)
- KXA—American Radio Telephone Co., Seattle, Wash.—Special experimental authorization to operate from local sunset to 10 p. m. PST, simultaneously with WJZ with 250 watts. (Not signed.)
- NEW—F. N. Pierce of F. N. Pierce and Co., Taylor, Texas—Construction permit to erect a new station to be operated on 1340 kc., 250 watts, unlimited time. (Rule 6 unsatisfactory transmitter site.)
- WSFA—Montgomery Broadcasting Co., Inc., Montgomery, Ala.—License to cover C. P. for move and equipment change. (Failure to conduct equipment tests.)
- WDSU—Joseph H. Uhalt, New Orleans, La.—Consent to voluntary assignment of license from Joseph H. Uhalt to WDSU, Inc. (Failure to comply with rule 19 and corporation not formed.)
- WNBX—WNBX Broadcasting Corporation, Springfield, Vt.—License to cover construction permit authorizing changes in equipment and increase in power. (Filed on wrong form.)
- NEW—William George Darrall, Kensington, Penna.—Construction permit to erect a new station to be operated on 1420 kc., 50 watts, specified hours. (Rule 6, unsatisfactory transmitter site and equipment.)
- WSGN—R. B. Broyles, tr. as R. B. Broyles Furniture Co., Birmingham, Ala.—Modification of construction permit to make changes in equipment, change frequency from 1310 kc. to 590 kc., and increase power to 1 KW. (Failure to answer Commission letters, Rule 6, and questionable transmitter site.)
- WAAB—Bay State Broadcasting Corp., Boston, Mass.—Construction permit to move the transmitter to Auburndale, Mass., frequency to 640 kc., power 5 KW. (Rule 6, questionable transmitter site and equipment, failure to answer commission letters.)

# The National Association of Broadcasters

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

PHILIP G. LOUCKS, Managing Director

## NAB REPORTS

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### LAST WEEK'S REPORT HELD UP

For the first time in many, many months members of the NAB did not receive a weekly report from NAB headquarters last week. The issue was held up from day to day in anticipation that President Roosevelt would appoint the members of the new Communications Commission which takes office Monday and that we would be among the first to inform our members of these appointments. We hope those who have missed last week's report, and have written us of the omission, were not inconvenienced in any way. We are proud to know that members still think enough of our reports to raise hell when they arrive late. Forgive us, please!

### FEDERAL RADIO COMMISSION PASSES

The Federal Radio Commission, which was created seven years ago under the provisions of the Radio Act of 1927, will pass out of existence just as soon as President Roosevelt appoints a majority of the newly created Federal Communications Commission.

At his press conference Friday afternoon, the President announced that he will make public his appointments to the new Commission either Saturday or Sunday. The new act becomes effective July 1, 1934.

The President signed the communications commission bill last week and just as soon as public law prints are available copies will be sent to all NAB members appropriately punched to fit into the NAB HANDBOOK.

The Federal Radio Commission went into its final session on Friday and recessed over night to resume its consideration of applications on Saturday. Scores of pending applications were granted at the closing session in an effort to clear the commission records as far as possible before giving way to the new commission. Only applications which would create undue interference were not acted upon finally by the commission at its final session. Daytime power increases were granted in nearly every case and in many cases night time power increases also were awarded. Shifts in frequencies were also granted in a number of cases and many applications which in earlier weeks might have been subjected to hearings were granted entirely upon the recommendations of the commission's own divisions. In some cases applications acted upon were filed only a short time before the grants were made. All of the grants, however, are subject to protest within the 20-day period provided by the commission's regulations.

Under the new law all records of the radio commission and the personnel in the classified service are automatically transferred to the new commission.

Just as soon as the new commission is named and qualified it will give consideration to organizing its administrative machinery.

### CONGRESS GOES HOME JUNE 18

The Seventy-third Congress adjourned on Monday, June 18. While the Congress considered many measures affecting radio broadcasting, the only measure which was finally passed was the Federal Communications Commission Act of 1934 which places the regulation of all forms of communication under a single commission of seven men. As pointed out in previous reports, the new law does not materially affect the operation of broadcasting stations and makes few changes from the old law relating to broadcast licensing.

With the expiration of the Congress, all bills failing of final action die. The Seventy-fourth Congress will convene on January 1, 1935.

Among the measures to die with the close of the session was the bill to amend the Copyright Act of 1909 to enable the United States to enter the International Copyright Union. Hearings were held on this measure during the last weeks of the session.

At a later date NAB REPORTS will carry a complete review of all legislation affecting radio considered by the last Congress.

### CROSLY HEADS CONVENTION COMMITTEE

Powel Crosley, Cincinnati, Ohio, pioneer in the broadcasting and set manufacturing businesses, has accepted the chairmanship of the committee on local arrangements for the NAB Convention to be held at the Netherland-Plaza Hotel, Cincinnati, Ohio, September 16, 17, 18 and 19.

Announcement of the appointment was made this week by Ed. Spence, Atlantic City, N. J., chairman of the General Convention Committee.

Mr. Crosley, who was one of the founders of the NAB, will form a committee of Cincinnati station executives to handle local entertainment arrangements. He has been active in broadcasting since its inception and has done much pioneering in the art. One of his stations, WLW, is the most powerful in the world and the plant is one of the most interesting in the United States. He also operates WSAI, a regional station in Cincinnati.

Arrangements for the Convention were discussed with local station and hotel officials in Cincinnati at conferences called by Chairman Spence and the Managing Director. Many preliminary details have been worked out and it is the intention of the Convention Committee to complete all arrangements at an early date.

Indications are that the 1934 convention will be the largest from the standpoint of attendance ever held. The NAB membership stands at 365, the highest in the history of the Association, and it is estimated that between 400 and 500 people will attend the Cincinnati meeting.

### MANAGING DIRECTOR LOSES RACE

In a hot and hectic 1,000-mile dash to Washington last week, the Managing Director was defeated by the stork by a margin of more than 12 hours.

*Make your plans now to attend the*

**TWELFTH ANNUAL NAB CONVENTION**

**NETHERLAND-PLAZA HOTEL**

**CINCINNATI, OHIO**

**SEPTEMBER 16, 17, 18 AND 19, 1934**

The race was not entirely fair and the stork stands accused of double-crossing its vanquished opponent.

With Ed Spence, chairman of the NAB Convention Committee, the Managing Director was in Cincinnati, Ohio, hurrying through with preliminary arrangements for the September Convention when the surprise phone call from Washington announced that the stork race had started.

Well, the Managing Director arrived late, lost the race, and the Loucks household now consists of mother and Baby June (both doing splendidly), father, and a wire haired fox terrier puppy named Flash (the latter two being very unimportant these days).

### LABOR DEMANDS 35-HOUR WEEK

A demand that the labor provisions of the Code of Fair Competition for the Radio Broadcasting Industry be revised to provide for a 35-hour work week with general increases in pay was contained in a written proposal laid before Deputy Administrator William P. Farnsworth by the NRA Labor Advisory Board during hearings held June 20 and 21 in Washington, D. C.

At the opening session of the hearings, James W. Baldwin, executive officer of the Code Authority, stated that his body had made a complete study of wages, hours and working conditions of broadcast technicians and it was the recommendation of the Code Authority that no change be made in the present labor provisions of the broadcasters' code. He supported his recommendations by showing that on December 16, 1933, employment of technicians had increased 11.9 per cent; that hours of labor had been reduced 9.8 per cent; and that weekly payrolls had increased 21.1 per cent, over July 1, 1933. He also pointed out that during that period the weekly wage rate of technicians had increased 8.26 per cent as compared with an average increase in the cost of living during a corresponding period of 5.2 per cent.

Philip G. Loucks, managing director of the NAB, appeared and supported the recommendations of the Code Authority on behalf of the broadcasting industry.

Both Baldwin and Loucks strenuously objected to the hearing being opened to any issue other than that relating to broadcast technicians. Their objection, however, was overruled with leave to file briefs.

By far a majority of the two days devoted to the hearings was taken up by labor representatives who urged drastic changes in the labor provisions of the code, the effect of which would be to reduce hours 25 per cent and increase wages 10 per cent and establish minima for artists and performers ranging up to \$60 for a single performance.

Appearing for Actors Equity Association were Miss Emily Holt, associate counsel of the Association; Paul N. Turner, counsel; Frank M. Gilmore, president; and ——— Harding, editor. Edward D. Bieretz, assistant to the president; Thomas R. McLean, representative radio division; Louis Jurgensen, New York local No. —; Daniel Moley, Cleveland local No. 38; J. V. Fitzhugh, San Antonio local No. 60; and Marian H. Hedges, research director of the International Brotherhood of Electrical Workers. Louis Krouse, assistant president, appeared for the International Alliance of Theatrical Stage Employees and Moving Picture Machine Operators. Hoyt S. Haddock, president, appeared for the American Radio Telegraphists Association.

The demands of these organizations were set forth in the proposal of the Labor Advisory Board read into the record of the hearing by C. A. Wood, NRA labor advisor. This proposal follows in full text:

### ARTICLE III

#### SECTION 1

"(a) No employee shall be permitted to work in excess of 35 hours in any one week or 7 hours in any 24 hour period or 5 days in any one week, except as herein provided.

"(b) An employee may be permitted to work in excess of the daily and weekly maximum hours fixed in Section 1 (a) of this Article provided that he is paid at the rate of time and one-half his normal rate of pay for all hours worked in excess of said maximum and provided further than such overtime shall not exceed 5 hours in any one week except as provided in paragraph (c) of this section.

"(c) In case of an emergency involving breakdown or protection of life or property such employees as are necessary may be permitted to work unlimited overtime; provided, however, that each such employee shall be paid at the rate of time and one-half his normal rate of pay for all hours worked in excess of the daily and weekly maximum hours provided in Section 1 (a) of this Article.

"(d) The provisions of this Article shall not apply to outside salesmen and persons employed in a managerial or executive capacity who are regularly paid \$35 per week or more; provided, however, that this exemption shall be strictly construed and shall in no case be so interpreted as to apply to skilled labor.

### SECTION 2

"Time worked by each employee each day shall begin with the arrival of the employee on the employer's premises and shall be consecutive with the exception of not more than one hour for one meal period.

### ARTICLE IV

#### SECTION 1

"(a) Broadcast technicians shall be paid not less than forty-four (\$44) dollars per week when employed at clear channel stations or high power regional stations, not less than thirty-three (\$33) dollars per week when employed at clear channel part time or low power regional stations, and not less than twenty-two (\$22) dollars per week when employed at low power regional, local unlimited, or local part time stations.

"(b) Announcers and program production employees shall be paid not less than twenty-two (\$22) dollars per week.

"(c) No other employee shall be paid less than \$16 per week; provided, however, that beginners, learners and apprentices without previous experience in the industry may be paid for a period of 60 days a sub-minimum wage not less than 80 per cent of the applicable minima set out in sub-section (a) and sub-section (b) of this section.

"(d) No artist or performer shall be engaged or permitted to broadcast for less than the rates of pay and upon the conditions set forth in the following subdivisions:

"1. Class A programs on network or independent stations whose advertising rate card is \$400 or more per hour

Minimum pay	Time	Hours	Rehearsals
\$15	15 min.	bet. 6 a.m.—6 p.m.	Same day
25	30 "	"	"
30	45 "	"	"
40	60 "	"	2—2 days
35	15 "	after 6 p.m.	1—same day
30	30 "	"	2—2 days
50	45 "	"	"
60	60 "	"	"

"Sustaining programs

"Minimum \$12.50 morning and afternoon to 6 p.m.

"Minimum \$35.00 after 6 p.m.

"2. Class B programs on network or independent stations whose advertising rate card is \$280 to \$400 per hour.

Minimum pay	Time	Hours	Rehearsals
\$10	15 min.	bet. 6 a.m.—6 p.m.	1—Same day
15	30 "	"	"
20	45 "	"	"
28	60 "	"	2—2 days
25	15 "	after 6 p.m.	1—same day
33	30 "	"	2—2 days
35	45 "	"	"
42	60 "	"	"

"Sustaining programs

"Minimum \$12.50 morning and afternoon

"Minimum \$25.00 after 6 p.m.

"3. Class C programs on network or independent stations whose advertising rate card is under \$280 and over \$100 per hour.

"Commercial hours

"Minimum \$12.50 between 6 a.m.—6 p.m. 1 same day  
15.00 after 6 p.m. "

"Sustaining hours

"Minimum \$ 7.50 between 6 a.m.—6 p.m. same day  
10.00 after 6 p.m. "

"4. Auditions

"One-half pay of highest classification of stations calculated to use the program, minimum of \$15.00 per hour and guarantee of one full check if program is bought.

"5. Rebroadcast on same working day one-half check extra.

"Rebroadcast on another working day full check extra.

"Recorded broadcast one-half check extra.

"6. Rehearsals—1 on same working day not over 3 hours.

"For rehearsals without performance of sponsored programs.

"One-half check for 1 rehearsal 1 day

"Full check for 2 rehearsals 2 days.

"The call of the director establishes the hour at which rehearsals commence.

"Extra rehearsals on commercial and sustaining one-half pay for each 3 hours or fraction thereof."

"7. Recordings.

\$15 minimum for 1 program (15 min.) no rehearsal except at studio

\$50 minimum for ½ day no rehearsal except at studio

\$75 minimum for 1 day no rehearsal except at studio

Maximum number of records for one day

5-15 minute programs

15 minimum for each 15 min. program over 5

Same prorata pay for retakes.

"No resale or broadcast of any audition record;

"No use of broadcast record except by station making same unless one-half pay is given artist for each performance by another station.

"8. Doubling

"One-half minimum additional for every part of 50 words or over doubled by an artist. No studio employee on Class A or Class B stations to play parts.

"Artists called to studio and reporting for broadcast or to dress rehearsal immediately preceding and ready for performance or rehearsal to be paid even if not permitted to broadcast.

#### SECTION 2

"Any employee other than an actor, singer, or instrumentalist, who works less than 75% of the basic weekly maximum number of hours specified in Article III, Section 1, shall be deemed a part time employee and shall be compensated at the rate of time and one-half his normal rate of pay. All time worked by any regular full time employee on Sundays and legal holidays shall be compensated at the rate of time and one-half his normal rate of pay.

#### SECTION 3

"This article establishes minima rates of compensation which shall apply irrespective of whether the employee is actually compensated on a time rate, piece rate, commission or other basis.

#### SECTION 4

"Female employees performing substantially the same work as male employees shall receive the same rate of pay as male employees. When they displace male employees they shall receive at least the same rate of pay as the male employees whom they displace.

#### SECTION 5

"No hourly, daily or full time weekly compensation for employees who are paid less than fifty (\$50.00) dollars per week shall be less than such compensation existing as of June 16, 1931, and no employee shall be paid a wage rate which will yield a lower wage for the shorter full time week herein established than he could have earned in the same class of work for the longer full time week existing as of June 16, 1931. Wages above the minimum shall be increased by an equitable adjustment of all pay schedules in order to maintain the differentials existing as of June 16, 1931; provided, further, that on or before September 1, 1934, a report of all wage adjustments shall be made to the Administrator.

#### SECTION 6

"Wages shall be paid weekly or semi-monthly in lawful money or by negotiable check payable on demand. Wages shall be exempt from fines, charges, rebates, commissions, deductions, or any other form of withholding wages except for contributions voluntarily made by the employee or required by law for pensions, insurance, or benefit funds. No employer shall withhold wages except upon service of legal process or other paper legally requiring such withholding. No employer or his agent shall accept a rebate directly or indirectly on such wages nor give anything of value or extend favors to any person for the

purpose of influencing rates of wages, hours, or the working conditions of his employees.

"No commission to be paid by artist to any subsidiary or affiliated artist or program bureau of any network or independent station or to any person, partnership or corporation unless they are in the sole business of representing artists and have no connection with any network, independent station, or advertising agency either direct or indirect; and in no event shall a commission be paid to any agent or representative who receives a lump sum for a program of artists employed or selected by said individual or agency.

#### SECTION 7

"Each employer shall bear the full cost of all transportation and traveling expenses of any regular employee while said employee is traveling in discharge of his duties; provided, further, that said full cost shall include the cost of operation of any vehicle owned and operated by such employee in the discharge of his duties.

### ARTICLE V

#### SECTION 1

##### *Definition of Employee*

"Employee, as used herein means any person engaged in the industry and employed by a broadcaster or network at a regular hourly, daily, weekly, or monthly salary or wage, or a professional person performing services in a broadcasting studio who is paid by the job or performance, as distinguished from an independent contractor.

#### SECTION 2

"No employee under 16 years of age shall be employed in this industry. In any state an employer shall be deemed to have complied with this provision as to age if he shall have on file a certificate or permit duly issued by the authority in such state empowered to issue employment or age certificates, or permits, showing that the employee is of the required age. No person under 18 years of age shall be employed at operations or occupations hazardous by nature or dangerous to health; provided, further, that the Code Authority shall submit to the Administrator for approval on or before September 1, 1934, a list of such operations and/or occupations.

#### SECTION 3

"(a) Employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.

"(b) No employee and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing, and

"(c) Employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment, approved or prescribed by the President.

#### SECTION 4

"No provision in this code shall supersede any State law which imposes on employers more stringent requirements than are imposed by this code as to age of employee, wages, hours of work, or as to safety, health, sanitary, general working conditions, insurance or fire protection.

#### SECTION 5

"Where the rates of pay and maximum hours of labor for any of the various classifications of workers in this industry are established or regulated by virtue of a contract entered into by collective bargaining between employees and employers, or by virtue of regional or area agreements or State codes, such minimum rates of pay and maximum hours of labor shall be maintained; provided, however, that the minimum rates of pay in

such contracts, agreements or codes are not less than, nor the maximum hours more than, the minimum rates of pay and the maximum hours of labor, respectively, established in this code.

#### SECTION 6

"The Code Authority shall submit to the Administrator on or before September 1, 1934, standards for the safety and health of employees in this industry which standards if not disapproved by the Administrator within 30 days after submission to him shall forthwith become binding upon all members of the industry,

#### SECTION 7

"No employee shall be discharged without notice or the equivalent in pay; provided, further, that each employee must be given 1¼ days notice of discharge for each month of service.

#### SECTION 8

"Each employee shall be granted 1¼ days vacation with pay for each month of service; such vacation time may be accumulated by the employee and vacation taken at the mutual convenience of the employer and the employee at any time within the calendar year.

#### SECTION 9

"No employee shall be dismissed, demoted, or discriminated against for making a complaint or giving evidence with respect to an alleged violation of this code.

#### SECTION 10

"No employer shall avoid or evade the labor provisions of this code by contracting his work to any persons not subject to labor provisions and/or regulations, or subject to labor provisions and/or labor regulations less stringent than those prescribed in this code. No broadcaster shall contract with or broadcast for any sponsor or independent contractor not complying with the conditions of this code in so far as they affect the wages or working conditions of any persons employed in or about any broadcasting studio.

#### SECTION 11

"No employer shall, temporarily or otherwise, reclassify any part-time, full time or special program employee, nor the duties of occupations performed, nor engage in any other subterfuge so as to defeat the purpose of provisions of the Act or of this code.

#### SECTION 12

"All employers shall post complete copies of this code in conspicuous places accessible to all employees; provided further, that authorized changes in Articles III, IV and V shall be posted within ten days."

Philip I. Merryman, national vice president of the Association of Technical Employees of the National Broadcasting Company, Harry Spears, president of the Associated Columbia Broadcasting Technicians, appeared for their respective company labor organizations.

Developing the history of the formation of his organization, Merryman stoutly contended that "at the time they undertook the organization of their Association there was then in existence no other labor organization adequately qualified in their opinion either by experience, knowledge or previous example to intelligently represent the employees of the National Broadcasting Company before the executives of the National Broadcasting Company.

Harry Shaw of Waterloo, Iowa, government representative on the broadcasters' code, attended the hearings and noted the testimony given by all witnesses. He plans to make a report to the NRA on the basis of the testimony offered during the hearings.

Serving with Deputy Administrator Farnsworth were the following: Of the Industrial Advisory Board—W. L. Walker and F. M. Russell; of the Labor Advisory Board—C. A. Wood and E. M. Nockels; of the Consumers Advisory Board—Eugene

Culver; of the Planning and Research Division—David M. Kendall; of the Legal Division—Tyree Dillard; and William S. Hennings, aide to the Deputy Administrator.

At the conclusion of the hearing, Deputy Administrator Farnsworth took the matters presented under advisement.

### 136 ATTEND NAB COMMERCIAL SESSION

One hundred and thirty-six broadcasters, advertising agency executives and advertisers attended the third annual meeting of the NAB Commercial Section held at Hotel Pennsylvania, New York, June 19 and 20. The meeting was presided over by Arthur B. Church, Kansas City, chairman of the NAB Commercial Committee.

Addresses covering nearly every important commercial problem were delivered during the two-day session. The proceedings will be published as a supplement of NAB REPORTS and summaries of the addresses therefore will not be printed here.

The Commercial Committee adopted a motion recommending that members of the NAB standardize units of sale as follows: one hour, one-half hour, quarter hour, five minutes, one-minute transcription, 100 words, half-minute transcription, 50 words or less.

It was expressed as the sense of the Commercial Committee that field strength measurements made by competent engineers form the basis for establishing station coverage. It is the definite recommendation of the committee that in view of the lack of any better standards the NAB approve the present Federal Radio Commission standards for primary and secondary coverage and it was recommended that the NAB proceed toward setting up some bureau to supervise and approve establishment of primary and secondary coverage areas on member stations based upon these standards.

The Commercial Section voted that copies of the report on station relations with networks be furnished to the national networks with a request that they take steps to harmonize network and affiliated station trade practices which are reported in this study and that the committee report at the Cincinnati convention on any new developments.

The Committee adopted a motion to the effect that all quantity discounts be given within a period of one year, with discounts retroactive to the first broadcast within that year and discounts shall apply within the same time classifications.

Operating companies or holding companies operating more than one subsidiary (such as General Motors) shall be permitted to buy under a group plan allowing discounts for each of the separate companies under a blanket order to apply even if more than one agency is involved in placing the time, was the text of another resolution.

The Committee recommended that all stations put on their rate cards, in addition to the regular standard units of time, under a separate heading called "special service features," such features as time signals, weather reports, sports events, participation programs and any other service features, with an adequate description of what the individual station allows.

The Commercial Committee held a joint meeting with the Radio Committee of the American Association of Advertising Agencies on Tuesday noon. Mutual problems were discussed but no definite action was taken. It was agreed that in the future these two committees should hold joint meetings with a view to solving problems common to the agencies and stations.

Among those who attended the meetings were the following:

Herb Hollister, WLBK, Kansas City, Kansas; E. C. Eibell, Beneficial Management Corp., New York, N. Y.; Mary J. Whelan, American Academy of Political & Social Science, Philadelphia; C. A. Kracht, WMCA, New York City; L. C. Grace, Grace & Holliday, Detroit, Michigan; M. A. Howlett, WHK, Cleveland—WAIU, Columbus; V. H. Pelz, Lord & Thomas, New York City; J. V. McConnell, NBC, New York; C. L. Egner, NBC, New York; Webster Smith, WTAM—NBC, Cleveland, Ohio; Roger W. Clipp, NBC, New York City; J. A. Holman, WBZ, Boston; Francis Conrad, KDKA, Pittsburgh; P. A. Winchell, NBC, New York City; J. J. Karol, CBS, New York City; H. S. Hettinger, University of Pennsylvania, Philadelphia; Irvin Gross, University of Pennsylvania, Philadelphia; G. A. Robertson, WLS, Chicago; William R. Cline, WLS, Chicago; John J. Oxley, Advertiser, Oakland, Calif.; Francis D. Bowman, Adv. Mgr., Carborundum Co., Niagara Falls, N. Y.; C. R. Tighe, Radio Art; G. W. Davis, ERPI, New York City; I. R. Lounsberry, Buffalo Broadcasting

Corp., Buffalo, N. Y.; Chas. F. Phillips, WFBL, Syracuse, N. Y.; Kolin Hager, WGY, Schenectady, N. Y.; Frank E. Chizzini, NBC, New York City; C. H. Youmans, G. Lynn Sumner Co., New York City; S. J. Gellard, WLTH, Brooklyn, N. Y.; E. P. H. James, NBC; L. J. Galbreath, Kenyon & Eckhardt, Inc.; Joseph Vessey, Kenyon & Eckhardt, Inc.; Fred Gamble, AAAA; Vincent F. Callahan, WRC—WMAL, Washington, D. C.; K. H. Berkeley, WRC—WMAL, Washington, D. C.; H. K. Carpenter, WPTF, Raleigh, N. C.; J. Leslie Fox, WMCA, New York; George E. Halley, KMBC, Kansas City, Mo.; Sol Taishoff, Broadcasting Magazine, Washington, D. C.; Martin Campbell, WFAA, Dallas, Texas; W. S. Hedges, WEAF; R. Harlow, Yankee Network, Boston, Mass.; Albert A. Cormier, WOR; Walter J. Neff, WOR; Wm. Rogow, WOR; F. C. Brokaw, Paul Raymer Co.; J. O. Maland, WOC—WHO, Des Moines, Iowa; John J. Gillin, Jr., WOW, Omaha, Nebraska; J. Thomas Lyons, WCAO, Baltimore, Md.; C. E. Midgley, Jr., BBD & O; F. C. Sowell, Jr., WLAC, Nashville, Tenn.; R. W. Sweet, WLAC, Nashville, Tenn.; Harry C. Wilder, WSYR, Syracuse, N. Y.; Clifford M. Chafey, WEEU, Reading, Pa.; W. A. Ripley, WEEU, Reading, Pa.; Robert A. Street, WCAU, Philadelphia, Pa.; W. L. Hoppes—Electrical Research Products, Inc.; T. A. Smith, RCA Victor Co.; F. A. Arnold, Albert Frank-Guenther Law-Adv. Agcy.; A. P. Cox, Cox and Tanz, Radio Station Representatives, Drexel Bldg., Phila.; Eugene R. Tanz, Cox and Tanz, Radio Station Reps., Drexel Bldg., Philadelphia; Alfred Jordan, Philadelphia Chamber of Commerce, Philadelphia, Pa.; Hibbard Ayer, Radio Station Representative, 30 Rockefeller Plaza, New York; Clair R. McCollough, Mason Dixon Group, Lancaster, Pa.; J. B. Bissell, Paris & Peart; A. B. Thomas, Centaur Company; A. W. Lehman, Association of National Advertisers; Al Rose, WOR; R. M. Hennick, Waterbury Republican-American; Paul Blakemore, Coolidge Advertising Co.; Geo. H. Field, Geo. H. Field Transcriptions, Inc.; G. Howell Mulford, McKittrick Co.; C. M. Jansky, Jr., Jansky & Bailey, Washington, D. C.; John V. L. Hogan, WZXR, New York; H. P. Peters, Chrysler Bldg., N. Y., Representative; C. Streibert, WOR, 1440 Broadway, New York City; Lewis Allen Weiss, WJR, Detroit; Ruth Y. Lichtenberg, Detroit News WWJ; L. N. Goldsmith, 95 Broad St., New York City, Commerce and Finance; Nate Lord, WAVE, Louisville, Ky.; Edgar Bell, WKY, Oklahoma City, Okla.; Fred Weber, American Broadcasting System, New York City; E. M. Meneongh, Advertising Agency, Des Moines, Iowa; Amy Blaisdell, Ogilvie Sisters, New York City; M. G. Ogilvie, Ogilvie Sisters, New York City; Raymond Davies, General Marketing Counselors, Inc., Roosevelt Hotel, New York City; L. W. C. Tuthill, Tuthill Adv. Agcy., 1133 Broadway, New York; Max E. Solomon, WFI, 801 Market St., Philadelphia, Pa.; Henriette K. Harrison, New York American Radio, New York; Edward Petry, New York City; Henry I. Christal, New York City; H. J. Greig, 342 Madison Ave., New York City, Greig, Blair & Spight, Inc.; H. J. Perry, J. V. L. Hogan, 41 Park Ave., New York City; Elizabeth MacShane, WOR, 304 E. 42nd St., New York City; M. M. Boyd, NBC, 30 Rockefeller Plaza, New York City; Jos. K. Mason, NBC, 30 Rockefeller Plaza, New York City; W. E. Harkness, 555 E. 27th St., Paterson, N. J.; P. L. Deutsch, World Broadcasting System, New York; Philip A. Fuss, WOR, New York City; O. R. Johnson, 285 Madison Ave., New York City; H. H. Pollack, 1457 Broadway, New York City; Harry W. Hoff, Jr., Radio Art, 501 Madison Ave., N. Y. C.; David D. Chrisman, WOR, 1440 Broadway, New York City; Arthur M. Wolkiser, 247 Park Avenue, New York City; Bertram J. Hauser, NBC, 30 Rockefeller Plaza, New York City; R. A. Davies, Jr., Group Broadcasters, Chrysler Bldg., N. Y.; Julian Street, Jr., NBC, New York; W. Wadsworth Wood, New York City; J. C. Ross, WWJ, Detroit, Michigan; L. D. Fernald, Earnshaw-Young, Inc., 220 E. 42nd St., New York City; Edward Carlin, 598 E. 3rd St., Brooklyn, N. Y., Consultant; Jack Drasner, 1397 Union St., Brooklyn, N. Y., Writer; M. A. Hollinshead, Campbell-Ewald Co., Detroit; Leo Fitzpatrick, WJR, Detroit, Michigan; S. R. Rintoul, World Broadcasting System, New York; Roger W. Clipp, NBC, New York City; John F. Patt, WGAR, Cleveland, Ohio; Scott Howe Bowen, Chrysler Bldg., New York City; Linus Travers, The Yankee Network, Boston; Arthur Church, KMBC, Kansas City, Mo., and Philip G. Loucks, Managing Director, National Association of Broadcasters.

#### TIME WIRE SERVICE HELD TAXABLE

The Bureau of Internal Revenue has ruled that payments made by broadcasting stations to telegraph and telephone companies

for time wire services are taxable under Section 701 of the Revenue Act of 1932. The ruling of the Bureau is as follows:

"Section 701.—Telegraph, Telephone, Radio, and Cable Facilities.

"REGULATIONS 42, ARTICLE 3: Basis and rate of tax. XIII-25-6861, S. T. 744.

"Taxability of payments by a radio broadcasting station for 'time wire service.'

"The question is presented whether payments made to a telegraph or telephone company by a radio broadcasting station for 'time wire service' are taxable under section 701 of the Revenue Act of 1932.

"The X Broadcasting Station receives news items daily over the facilities of the Y Telegraph Co. and the Z Telephone Co. The charges for each type of service are based upon the actual time the service is in use.

"Section 701 of the Revenue Act of 1932 imposes a tax upon payments for the transmission of telegraph, telephone, cable, or radio dispatches, messages, and conversations originating within the United States. The only exemption applicable to radio broadcasting stations or networks is that contained in section 701(a)2, which relates only to amounts paid for so much of a leased wire or talking circuit special service furnished to such stations or networks as is utilized in the conduct of their business as such.

"It is clear that neither the service furnished by the Y Telegraph Co. nor the Z Telephone Co. is a leased wire or talking circuit special service. Consequently, the exemption provided by section 701(a)2 does not apply.

"The exemption provided in section 701(b) with respect to payments for services or facilities utilized in the collection of news for, or in the dissemination of news through, the public press is applicable only to payments made by newspapers or press associations for messages from one newspaper or press association to another newspaper or press association, or to or from their bona fide correspondents which deal exclusively with the collection of news for the public press, or with the dissemination of news through the public press. (Article 20 of Regulations 42; S. T. 646, C. B. XII-1, 422.) The payments in question are not made for services or facilities utilized for any of the purposes specified in section 701(b). Accordingly, the exemption therein provided is not applicable.

"In view of the foregoing, it is held that the payments made by the X Broadcasting Station to the Y Telegraph Co. and the Z Telephone Co. for the facilities referred to are taxable under section 701 of the Revenue Act of 1932."

#### ROOSEVELT FAVORS RADIO FREEDOM

President Roosevelt, in a special message sent to the Radio Manufacturers Association on June 13, declared emphatically for maintenance of radio on an equality with the traditional "freedom of the press". The text of the President's letter follows:

"I take pleasure in extending greetings and best wishes to the radio industry as represented at your banquet given in celebration of the tenth anniversary of the founding of the Radio Manufacturers Association.

"Your manufacturing ingenuity and your agencies of distribution have been so exercised that, I am glad to say, radio today is enjoyed in the humble as well as the palatial home and contributes greatly to the enrichment of life.

"Radio is a new and potent American industry. Reports of the United States Department of Labor show that employment in your factories has doubled since April, 1933. Unemployed have found work in your factories and I am advised that as business has improved within your industry your workers have received increased wage rates.

"You have had many evidences of my interest in radio. In cooperation with the Government, radio has been conducted as a public agency. It has met the requirements of the letter and spirit of the law that it function for 'public convenience and necessity.'

"To permit radio to become a medium for selfish propaganda of any character would be to shamefully and wrongfully abuse a great agent of public service. Radio broadcasting should be maintained on an equality of freedom similar to that freedom which has been and is the keystone of the American press."

#### COURT BANS SPEECH CENSORING

Federal Judge Akerman granted an injunction ordering Station WFLA, Clearwater, Fla., to allow Morris Givens, candidate for state attorney, or someone designated by him, to speak over the

station four nights previous to the primary election of June 26 without censoring the speeches. The court order reads, in part:

"This cause coming on to be heard on this day upon the sworn bill of complaint herein, and the court being advised in the premises and finding that the injury to restrain which his order is prayed is irreparable damage to the plaintiff's political campaign and the right of uncensored use of defendant's broadcasting station and probably loss of political office; that the loss of elective or appointive office cannot be compensated for and is irreparable. 'It is ordered, adjudged and decreed that the defendant hereto, Florida West Coast Broadcasting Company, Inc., a corporation, its agents, officers and employees, be, and they are hereby jointly and severally ordered, directed and commanded to allow the plaintiff, or someone designated by the plaintiff, to use the broadcasting radio station or studio operated by said corporation in Tampa, Fla., with said broadcasting station or studio duly operating as a radio broadcasting station or studio for broadcasting political addresses thereover, on Monday, June 11, 1934, from 7:35 to 7:45 p. m.; on Monday, June 18, from 7:30 to 7:45 p. m.; on Friday, June 22, from 7:30 to 7:45 p. m., and on Monday, June 25, from 7:30 to 7:45 p. m., without requiring plaintiff to submit any address to be made by him or someone designated by him to defendant or to anyone else for censoring.'"

### STATIONS SEND IN ANNOUNCEMENTS

The Federal Trade Commission is expecting all radio stations to begin with the first week of July to send in copies of commercial announcements. The response to the Commission's letter has been highly satisfactory and the Commission is pleased with the promised cooperation of broadcasting stations. In several instances stations have promised to send in all commercial announcements with the understanding that about August 1 a new system less burdensome to both the Commission and the stations will be worked out.

### URGE PRESS DISPATCH SECRECY

The State Department has received the following free translation of the text of a resolution adopted at the recent International Conference on Industrial Property Rights held at London:

"The conference expresses the desire that countries of the Union should study the question of the introduction into their respective legislatures of measures for effective protection against the unauthorized divulging of press information during the period of its commercial value and against such divulging without an indication of its source."

### MUTER NEW RMA PRESIDENT

The new president of the Radio Manufacturers Association for the ensuing year is Mr. Leslie F. Muter of Chicago, president of The Muter Company, 1255 South Michigan Avenue, and for many years an officer and director of the Association. He has served two years as chairman of the RMA Parts, Cabinet and Accessory Division, also as vice president and treasurer, and is now the NRA Code Supervisory Agency for radio parts and accessories.

Mr. Muter succeeds Fred D. Williams of Indianapolis as president of the RMA following his election on June 13 by the Board of Directors. Mr. Williams, however, remains in the RMA organization having been elected treasurer following two years of service at the head of the Association.

The vice presidents of the RMA are Arthur T. Murray of Springfield, Mass., now NRA Code Supervisory Agency for receiving sets; S. W. Muldowny of New York, NRA Code Supervisory Agency for tubes; Arthur Moss of New York and Richard A. O'Connor of Fort Wayne, Indiana. They also are respectively the chairmen of the RMA Set; Tube; Parts, Cabinet and Accessory, and Amplifier and Sound Equipment Divisions.

New members elected to the RMA Board of Directors are Benjamin Abrams of New York; Dr. W. R. G. Baker of Camden, N. J., and Paul V. Galvin of Chicago, newly elected by the RMA Set Division; Ben G. Erskine of New York and J. C. Warner of Harrison, N. J., newly elected from the RMA Tube Division, and N. P. Bloom of Louisville, Ky., newly elected from the RMA Parts, Cabinet and Accessory Division.

Directors Arthur Moss, Arthur T. Murray, Richard A. O'Connor, James M. Skinner and Captain William Sparks were re-elected. Retiring directors include E. T. Cunningham, LeRoi J. Williams, J. Clarke Coit, George Lewis and G. K. Tbrockmorton.

Bond Geddes was reelected executive vice president and general manager and also secretary of the Association, and John W. Van Allen of Buffalo, New York, general counsel.

### TRADE ASSOCIATION AND CODE AUTHORITY

The NRA has just announced the following for the purpose of defining the distinction between a trade association, such as the NAB, and a code authority, such as the Code Authority for the Radio Broadcasting Industry:

"A Trade Association is a voluntary organization of business men joined together for the development of their particular industry. Membership in a Trade Association, and financial contributions to its activities are voluntary. Trade Associations existed before the NRA and have made a large contribution to self-government in industry.

"A Code Authority is an agency of limited powers and functions established under the NIRA and by the code which it administers. Membership thereon is a public trust. Its chief function is to plan for the industry and insure equitable administration of and compliance with the Code of Fair Competition. The functions of a Code Authority as such do not extend beyond the scope of the Code. The Code Authority is an entity, separate and distinct from a Trade Association and its governing body.

"Code Authorities may not use funds collected from members of the industry for the promotion of the industry. Such monies raised as contribution to the Code Authorities are to be expended solely in the administering of the Code."

### MAY STATION MEASUREMENTS

The Division of Field Operations of the Radio Commission reports that in May 548 station broadcasting measurements were made, with no measurements made for 35 stations.

Of this number 344 showed a maximum deviation within 0-10 cycles; 146, within 11-25 cycles; 51 within 26-50 cycles and 7 over 50 cycles.

### SECURITIES ACT REGISTRATION

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

- Union Gold Mines Company, Wilmington, Del. (2-940, Form A-1).
- Fada Radio and Electric Corporation, Long Island City, N. Y. (2-941, Form A-1).
- Christian A. Golee and Others, Evanston, Ill. (2-942, Form D-1).
- John T. Wheeler and Others, Chicago, Ill. (2-943, Form D-1).
- Elm Street Trust, Chicago, Ill. (2-944, Form D-2).
- Citrus Soap Company, San Diego, Calif. (2-945, Form D-2).
- W. C. Collins and Others, St. Louis, Mo. (2-946, Form D-1).
- National Union Mortgage Corporation, Washington, D. C. (2-947, Form D-2).
- Pacific Southern Investors, Inc., Los Angeles, Calif. (2-948, Form A-1).
- Cariboo King Gold, Inc., Seattle, Wash. (2-949, Form A-1).
- Monte Cristo Bridge River Gold Syndicate, Vancouver, B. C. (2-960, Form A-1).
- The Dalles Bridge Company, Olympia, Wash. (2-961, Form A-1).
- Mutual Oil Royalty Company, Inc., New York City (2-962, Form A-1).
- Bondholders' Protective Committee for Bondholders of the R. M. Hollingshead Company, Philadelphia, Pa. (2-963, Form D-1).
- Chicago King Mining Company, Takoma, Wash. (2-964, Form A-1).
- Major Film Productions, Inc., Los Angeles, Cal. (2-965, Form A-1).
- Protective Committee for the Holders of Bonds of Glen-Gery Shale Brick Company, New York City (2-966, Form D-1).
- Consolidated Trust Shares, Boston, Mass. (2-967, Form A-1).
- J. E. Hamilton & Others, Pasadena, Cal. (2-968, Form D-1).
- Kentucky Rock Asphalt Company, Louisville, Ky. (2-969, Form D-1).

## FEDERAL RADIO COMMISSION ACTION

### APPLICATIONS GRANTED

#### First Zone

- WINS—American Radio News Corp., New York—Granted modification of license to increase power from 500 watts night, 1 KW day, to 1 KW day and night. (No change in hours of operation.)
- WHEC—WHEC, Inc., Rochester, N. Y.—Granted modification of license to increase day power from 500 watts to 1 KW.
- WABI—First Universalist Society of Bangor, Maine—Granted special temporary authority to operate from 2 to 6 p. m., EDST, July 16.
- WHDL—Tupper Lake Broadcasting Co., Inc., Tupper Lake, N. Y.—Granted license covering local move of transmitter and studio; 1420 kc., 100 watts, daytime.
- WAAB—Bay State Broadcasting Corp., Boston, Mass.—Granted modification of license to use the transmitter of Station WNAC.
- WOR—Bamberger Broadcasting Service, Inc., Newark, N. J.—Granted modification of C. P. to extend commencement date to August 16, 1934, and completion date to December 16, 1934.
- WOR—Bamberger Broadcasting Service, Inc., Newark, N. J.—Granted modification of C. P. to make changes in antenna system; also to change street number of studio; extend commencement date to August 16, 1934, and completion date to December 16, 1934.
- WWRL—Long Island Broadcasting Corp., Woodside, Long Island—Granted C. P. to make changes in equipment and increase daytime power from 100 watts to 250 watts.
- WICC—Southern Connecticut Broadcasting Corp., Bridgeport, Conn.—Granted C. P. to install new equipment and increase daytime power from 500 watts to 1 KW.
- WRC—National Broadcasting Co., Inc., Washington, D.C.—Granted modification of license to increase day power from 500 watts to 1 KW.
- WMEX—The Northern Corp., Chelsea, Mass.—Granted modification of C. P. to make changes in equipment and extend commencement date to August 1 and completion date to August 20, 1934.
- WCAX—Burlington Daily News, Inc., Burlington, Vt.—Granted modification of license to change specified hours from: daily, except Sunday, 12 noon to 1:30 p. m.; Monday, Wednesday, and Friday, 6 to 9 p. m.; to: daily, except Sunday, 12 noon to 1:30 p. m.; Monday, Wednesday, 5 to 7 p. m.; Friday, 5 to 10 p. m.
- WTBO—Associated Broadcasting Corp., Cumberland, Md.—Granted modification of license to change frequency from 1420 kc. to 800 kc., and hours from unlimited to daytime.
- WFEA—New Hampshire Broadcasting Co., Manchester, N. H.—Granted extension of special experimental authority to operate on 1430 kc., 500 watts, unlimited time, and simultaneous with WOKO, WHP, WBNS, and WHEC until commencement of program tests on 1340 kc., but not later than November 1, 1934.
- WNBX—WNBX Broadcasting Corp., Springfield, Vt.—Granted license covering changes in equipment and increase in power from 250 to 500 watts; 1260 kc., daytime hours.
- WATR—Harold Thomas, Waterbury, Conn.—Granted license covering new station; 1190 kc., 100 watts, daytime.

#### Second Zone

- WHAT—Independence Broadcasting Co., Inc., Philadelphia, Pa.—Granted special temporary authority to remain silent from 5 p. m. to 12 midnight, EST, July 4.
- WRAX—WRAX Broadcasting Co., Philadelphia, Pa.—Granted special temporary authority to operate station without approved frequency monitor for period July 2 to August 1, 1934.
- WRAK—WRAK, Inc., Williamsport, Pa.—Granted C. P. to move transmitter locally in Williamsport.
- WORK—York Broadcasting Co., York, Pa.—Granted special experimental authority to make changes in equipment, using directional antenna; change frequency to 1320 kc.; increase power to 1 KW; and operate unlimited time experimentally.
- WJIM—Capital City Broadcasting Co., Lansing, Mich.—Granted modification of C. P. to make changes in equipment and correct transmitter location from Capitol Bank Tower, S.

Washington Ave., to City National Bank Bldg., S. Washington Ave.

- WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—Granted C. P. to move transmitter and studio locally and make changes in equipment.
- WDBJ—Times World Corp., Roanoke, Va.—Granted modification of C. P. to increase night power from 500 watts to 1 KW.
- WSAI—Crosley Radio Corp., Cincinnati, Ohio—Granted modification of license to increase power from 500 watts night, 1 KW LS, to 1 KW night, 2½ KW LS, using directional antenna.
- WRBX—Richmond Development Corp., Roanoke, Va.—Granted modification of license to increase daytime power from 250 to 500 watts.
- WSPD—Toledo Broadcasting Co., Toledo, Ohio—Granted C. P. to install new equipment and increase daytime power from 1 KW to 2½ KW.
- NEW—Marion K. Gilliam, Staunton, Va.—Granted C. P. for new station to be located between Staunton and Harrisonburg, Va.; 550 kc., 500 watts, daytime.
- WGAL—WGAL, Inc., Lancaster, Pa.—Granted C. P. to make changes in equipment and increase day power from 100 watts to 250 watts.
- WLVA—Lynchburg Broadcasting Corp., Lynchburg, Va.—Granted modification of license to change frequency and hours of operation from 1370 kc. to 1200 kc., S-WBTM, to unlimited.
- WBTM—Piedmont Broadcasting Corp., Danville, Va.—Granted modification of license to change hours of operation from sharing with WLVA to unlimited.
- WADC—Allen T. Simmons, Tallmadge, Ohio—Granted C. P. to install new equipment and increase daytime power from 1 KW to 2½ KW.
- WKJC—Lancaster Broadcasting Service, Inc., Lancaster, Pa.—Granted C. P. to install new equipment and increase day power from 100 watts to 250 watts.
- WKRC—WKRC, Inc., Cincinnati, Ohio—Granted C. P. to install new equipment; increase day power to 2½ KW LS (Application to increase night power from 500 watts to 1 KW night set for hearing.) Special experimental authority to use 1 KW continued.
- WPHR—WLBG, Inc., Petersburg, Va.—Granted C. P. to move transmitter to near Petersburg; install new equipment; change frequency from 1200 kc. to 880 kc.; increase power from 100 watts night, 250 watts LS, to 500 watts, and hours from unlimited to daytime.

#### Third Zone

- KTSA—Southwest Broadcasting Co., San Antonio, Tex.—Granted special experimental authority to change frequency from 1290 kc. to 550 kc., and increase day power from 1 KW to 2½ KW, for period ending October 1, 1934.
- WGST—Georgia School of Technology, Atlanta, Ga.—Granted modification of license to increase power from 250 watts night, 1 KW day, to 500 watts night, 1 KW day.
- KGER—Consolidated Broadcasting Corp., Ltd., Long Beach, Calif.—Granted C. P. to move transmitter locally and make changes in equipment.
- KLUF—Geo. Roy Clough, Galveston, Tex.—Granted special experimental authority to increase daytime power from 100 to 250 watts, for period of 6 months.
- WSMB—WSMB, Inc., New Orleans, La.—Granted modification of license to increase power from 500 watts to 1 KW.
- KRMD—Radio Station KRMD, Inc., Shreveport, La.—Granted special temporary authority to operate from 7:30 to 9 p. m., CST, July 1, 8, 15, 22 and 29.
- WHEF—Attala Broadcasting Corp., Kosciusko, Miss.—Granted modification of C. P. to make changes in equipment and extend commencement date to within 10 days of grant of this and completion date to 60 days from date.
- WTOC—Savannah Broadcasting Co., Inc., Savannah, Ga.—Granted C. P. to install temporary Composite DCC-Max. 100-watt transmitter for period of 30 days pending completion of new permanent transmitter.
- KGKL—KGKL, Inc., San Angelo, Tex.—Granted C. P. to install new equipment and increase day power from 100 watts to 250 watts.
- WREC—WREC, Inc., Memphis, Tenn.—Granted special experimental authority to increase power from 500 watts night, 1 KW LS, to 1 KW night, 2½ KW LS.

WBRC—Birmingham Broadcasting Co., Inc., Birmingham, Ala.—Granted modification of license to increase night power from 500 watts to 1 KW.

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Granted C. P. to move transmitter locally; install new equipment; increase power from 500 watts to 1 KW.

WDAG—National Radio & Broadcasting Corp., Amarillo, Tex.—Granted C. P. to make changes in equipment; increase day power from 1 KW to 2½ KW.

WQBC—Delta Broadcasting Co., Inc., Vicksburg, Miss.—Granted modification of license to increase power to 500 watts night, 1 KW day; change hours of operation from daytime only to specified as follows: 8 to 10 a. m., 12 noon to 3 p. m., and 5 to 7 p. m., CST; 1360 kc.

WSFA—Montgomery Broadcasting Co., Inc., Montgomery, Ala.—Granted license covering local move of transmitter and installation of new equipment; 1410 kc., 500 watts, simultaneous day, share night with WALA.

WEED—Wm. Avera Wynne, Rocky Mount, N. C.—Granted license covering move of transmitter from Greenville to Rocky Mount, N. C.; 1420 kc., 100 watts, daytime.

KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Tex.—Granted special experimental authority to September 1, 1934, to increase night power from 250 watts to 500 watts.

WMC—WMC, Inc., Memphis, Tenn.—Granted special experimental authority to make changes in equipment and increase power from 500 watts, 1 KW LS, to 1 KW and 2½ KW LS.

KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Tex.—Granted modification of license to increase day power from 500 watts to 1 KW.

KRMD—KRMD, Inc., Shreveport, La.—Granted modification of license to increase hours of operation from specified to unlimited.

#### Fourth Zone

KFJB—Marshall Electric Co., Inc., Marshalltown, Iowa—Granted special temporary authority to operate from 9 a. m. to 12 noon, 3 to 6 p. m., and 9 p. m. to 12 midnight, CST, June 26 and 27.

WCBD—Wilbur Glenn Voliva, Waukegan, Ill.—Granted authority to use transmitter of WMBI at Addison, Ill., for period not exceeding 90 days, while repairing own transmitter.

KGGF—Powell & Platz, Coffeyville, Kans.—Granted special temporary authority to operate Tuesdays and Thursdays from 7:15 to 9:15 p. m.; Wednesdays from 8:15 to 9:15 p. m., CST, for period July 8 to August 7, 1934, provided WNAD remains silent.

WMBH—Joplin Broadcasting Co., Joplin, Mo.—Granted special temporary authority to operate from 2 to 7:30 p. m., CST, July 1 and 22, and from 2 to 6 p. m., CST, July 2, 3, 4, 10, 11, 12, 19, 20, 21, 23, 24, 25, 26 and 27. Also granted special temporary authority to operate from 2:30 to 3:30 p. m., CST, July 8, 15 and 29.

WJJD—WJJD, Inc., Mooseheart, Ill.—Granted license covering installation of new equipment; 1130 kc., 20 KW, limited time.

WJBC—Kaskaskia Broadcasting Co., La Salle, Ill.—Granted C. P. to move transmitter to Normal, Ill., and studio to Wesleyan College Campus, Bloomington, Ill.

WWAE—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Granted C. P. to make changes in equipment.

WOW—Woodmen of the World Life Ins. Assn., Omaha, Nebr.—Granted C. P. to move transmitter to new site, make changes in equipment, and increase day power from 1 KW to 2½ KW.

KGBZ—KGBZ Broadcasting Co., York, Nebr.—Granted C. P. to make changes in equipment and increase day power to 2½ KW LS; application to increase night power from 500 watts to 1 KW set for hearing.

WKBB—Sanders Bros. Radio Station, Dubuque, Ill.—Granted modification of license to increase hours of operation from specified to unlimited.

WMT—Waterloo Broadcasting Co., Waterloo, Iowa—Granted special experimental authority to install new equipment and increase power from 500 watts night, 1 KW LS, to 1 KW night, 2½ KW LS.

WDAY—WDAY, Inc., Fargo, N. Dak.—Granted C. P. to make changes in equipment and increase daytime power from 1 KW to 2½ KW.

WLBF—The WLBF Broadcasting Co., Kansas City, Kans.—

Granted license covering new equipment; 1420 kc., 100 watts, unlimited time.

KFKU—The University of Kansas, Lawrence, Kans.—Granted modification of license to increase power from 500 watts to 1 KW.

KMBC—Midland Broadcasting Co., Kansas City, Mo.—Granted C. P. to increase day power from 1 KW to 2½ KW.

KWK—Thomas Patrick, Inc., St. Louis, Mo.—Granted C. P. to make changes in equipment and increase daytime power from 1 KW to 2½ KW.

KFVS—Hirsch Battery & Radio Co., Cape Girardeau, Mo.—Granted C. P. to install new equipment; increase daytime power from 100 watts to 250 watts.

WDGY—Dr. Geo. W. Young, Minneapolis, Minn.—Granted C. P. to install new equipment and increase day power from 1 KW to 2½ KW.

KOIL—Mona Motor Oil Co., Council Bluffs, Iowa—Granted C. P. to install new equipment at site to be determined; increase day power to 2½ KW.

KSD—The Pulitzer Publishing Co. (St. Louis Post Dispatch), St. Louis, Mo.—Granted C. P. to make changes in equipment; increase day power from 1 KW LS to 2½ KW LS; application to increase night power from 500 watts to 1 KW set for hearing.

WBAA—Purdue University, W. Lafayette, Ind.—Granted modification of license to change frequency from 1400 kc. to 890 kc.; increase day power to 1 KW LS, and change in specified hours.

WKBF—Indianapolis Broadcasting, Inc., Indianapolis, Ind.—Granted modification of license to change hours from specified to unlimited.

KSO—Iowa Broadcasting Co., Des Moines, Iowa—Granted C. P. to move transmitter to site to be determined in Iowa; install new equipment; change frequency from 1370 kc. to 1320 kc.; and increase power to 250 watts night, 500 watts day.

KGBX—KGBX, Inc., Springfield, Mo.—Granted special temporary authority to move transmitter, install new equipment, change frequency from 1310 kc. to 1230 kc. and power from 100 to 500 watts, and change hours from LS to midnight.

WKBF—Indianapolis Broadcasting, Inc., Indianapolis, Ind.—Granted C. P. to make changes in equipment and increase daytime power from 500 watts to 1 KW. Also granted regular renewal of license for term ending November 1, 1934.

WBAA—Purdue University, W. Lafayette, Ind.—Granted regular renewal license for term ending November 1, 1934.

KMA—May Seed & Nursery Co., Shenandoah, Iowa—Application to increase night power to 1 KW, heretofore set for hearing, reconsidered and granted.

KGBZ—York Broadcasting Co., York, Nebr.—Application to increase night power to 1 KW, heretofore set for hearing, reconsidered and granted.

#### Fifth Zone

KVL—KVL, Inc., Seattle, Wash.—Granted C. P. change equipment.

KQW—Pacific Agricultural Foundation, Ltd., San Jose, Calif.—Granted modification of C. P. to increase power from 500 watts to 1 KW from 7 p. m., PST.

KFQD—Anchorage Radio Club, Inc., Anchorage, Alaska—Granted modification of license to change frequency from 600 kc. to 780 kc.

KIEV—Cannon System, Ltd., Glendale, Calif.—Granted C. P. to install new equipment and increase power from 100 to 250 watts.

KLZ—The Reynolds Radio Co., Inc., Denver, Colo.—Granted C. P. to move transmitter locally, install new equipment, and increase day power from 1 KW to 2½ KW.

KRE—First Congregational Church of Berkeley, Berkeley, Calif.—Granted modification of license to change hours from specified to unlimited.

KROW—Educational Broadcasting Corp., Oakland, Calif.—Granted modification of license to increase nighttime power from 500 watts to 1 KW.

KUJ—KUJ, Inc., Walla Walla, Wash.—Granted special experimental authority for extension of special experimental authority to operate unlimited time instead of daytime only.

KVOA—Arizona Broadcasting Co., Inc., Tucson, Ariz.—Granted modification of license to make change in specified hours of operation.

KGCC—The Golden Gate Broadcasting Co., San Francisco, Calif.—Granted modification of license for two additional nighttime hours of operation—9 to 11 p. m.

KSLM—Oregon Radio, Inc., Salem, Ore.—Granted modification of C. P. approving transmitter site.

KWYO—R. E. Carroll, d/b as Big Horn Broadcasting Co., Sheridan, Wyo.—Granted modification of C. P. to extend completion date from July 2 to September 1, 1934.

KTBR—Thos. R. McTammany and Wm. H. Bates, Modesto, Calif.—Granted license covering new station; 740 kc., 250 watts, daytime.

#### SET FOR HEARING

KOL—Seattle Broadcasting Co., Seattle, Wash.—Special experimental authority to change frequency from 1270 kc. to 850 kc. experimentally.

NEW—J. David Stern, New York City—C. P. for new station; 810 kc., 500 watts. Hours of operation, 6 a. m. to sunset of Station WCCO (facilities of WNYC).

NEW—Frank Lyman, Jr., Boston, Mass.—C. P. for new station; 680 kc., 250 watts, limited time.

WOV—International Broadcasting Corp., New York—C. P. to install directional antenna and increase hours of operation from daytime only to unlimited.

WTJS—The Sun Publishing Co., Jackson, Tenn.—C. P. to make changes in equipment, change frequency from 1310 kc. to 1430 kc., and increase power from 100 watts night, 250 watts day, to 500 watts (facilities of WNBR).

NEW—A. R. Montgomery, Findlay, Ohio—C. P. (experimental broadcast), 1530 kc., 1 KW.

NEW—Western Radio Telegraph Co., Inc., Cahokia, Ill.—C. P.'s for 3 new stations (fixed public point-to-point tel.), 2252, 3047.5, 3022.5 kc., 50 watts.

NEW—The Herald Publishing Co., Denison, Tex.—C. P. for new station near Denison, Tex., redesignated for hearing on new issues shown in bill of particulars filed June 21, 1934.

WFAB—Fifth Ave. Broadcasting Corp., New York City—Renewal of station license.

WHAZ—Rensselaer Polytechnic Institute, Troy, N. Y.—Renewal of station license.

WCSH—Congress Square Hotel Co., Portland, Maine—Modification of license to increase day power from 2½ KW to 5 KW.

WKEU—Radio Station WKEU—LaGrange, Ga.—C. P. to move station from LaGrange, Ga., to Chattanooga, Tenn.; change frequency and hours of operation from 1500 kc. to 1370 kc. and specified to daytime.

KECA—Earle C. Anthony, Inc., Los Angeles, Calif.—Modification of C. P. to install new equipment; increase day power from 2½ KW to 5 KW; extend dates of commencement and completion to 90 days after grant and 30 days thereafter, respectively.

WTMJ—The Journal Co., Milwaukee Journal, Waukesha, Wis.—Modification of license to increase power from 1 KW night, 2½ KW day, to 5 KW.

KTFI—Radio Broadcasting Corp., Twin Falls, Idaho—Modification of license to increase night power from 500 watts to 1 KW.

WAAB—Bay State Broadcasting Corp., Boston, Mass.—Modification of license to increase power from 500 watts to 1 KW.

WBNX—Standard Cahill Co., Inc., New York—Modification of license to increase power from 250 watts to 500 watts.

WTAG—Worcester Teleg. Publishing Co., Inc., Worcester, Mass.—Modification of license to increase power from 500 watts to 1 KW.

WCBA—B. Bryan Musselman, Allentown, Pa.—Modification of license to increase power from 250 watts to 500 watts.

WSAN—WSAN, Inc., Allentown, Pa.—Modification of license to increase power from 250 to 500 watts.

WCHS—Charleston Broadcasting Corp., Charleston, W. Va.—Modification of license to increase night power from 500 watts to 1 KW.

WBBM—WBBM Broadcasting Corp., Chicago, Ill.—C. P. to install new equipment and increase power from 25 to 50 KW.

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—C. P. to install new equipment and increase power from 5 KW to 10 KW.

KMAC—W. W. McAllister, San Antonio, Tex.—C. P. to move transmitter site to near San Antonio; install new equipment; change frequency from 1370 kc. to 1290 kc.; power to 1 KW; hours from sharing with KONO to unlimited.

WDAF—The Kansas City Star Co., Kansas City, Mo.—C. P. to

install new equipment; increase daytime power from 1 KW to 2½ KW.

WGLC—Adirondack Broadcasting Co., Inc., Hudson Falls, N. Y.—C. P. to move transmitter and studio from Hudson Falls to Albany, N. Y.

NEW—Harold E. Smith, Rensselaer, N. Y.—C. P. for new station at Rensselaer, N. Y., to use 1370 kc., 100 watts, unlimited time, facilities of WGLC.

WNBO—John Brownlee Spriggs, Silver Haven, Pa.—C. P. to move transmitter and studio from Silver Haven to near Elco, Pa.; make changes in antenna system. Also consent to voluntary assignment of license to The Voice of Southwestern Pennsylvania, Inc.

WALR—WALR Broadcasting Corp., Zanesville, Ohio—C. P. to move transmitter and studio from Zanesville to Toledo.

NEW—E. B. Craney, Helena, Mont.—C. P. for new station in Helena, to use 1420 kc., 100 watts, unlimited time.

NEW—Montana Broadcasting Co., Helena, Mont.—C. P. for new station in Helena, to use 1420 kc., 100 watts, specified hours.

NEW—B. J. Hecker, Salem, Ore.—C. P. for new station at Salem, Ore., to use 1330 kc., 500 watts, unlimited time, facilities of KWJJ.

WKOK—Sunbury Broadcasting Corp., Sunbury, Pa.—Modification of license, change hours of operation from specified to unlimited, facilities WBAX.

KTUL—Tulsa Broadcasting Co., Inc., Tulsa, Okla.—Modification of license, increase nighttime power from 250 to 500 watts.

KTAT—KTAT Broadcast Co., Inc., Fort Worth, Tex.—Special experimental authority to change frequency from 1240 kc. to 970 kc.

KGVO—Mosby's Inc., Missoula, Mont.—Special experimental authority to move transmitter locally, change frequency and power, for period ending 10-1-34, while station KGHL operates on 780 kc.; change frequency from 1200 kc. to 950 kc., and change power from 100 to 500 watts.

NEW—Kunsky-Trendle Co., Detroit, Mich.—C. P. for new station to operate on 640 kc., 10 KW, with directional antenna.

NEW—The Journal Co. (Milwaukee Journal), Waukesha, Wis.—License (special experimental) for authority to use frequency 620 kc. after midnight for high-speed facsimile, 1 KW. (To be heard by whole Commission.)

NEW—A. Tornek and R. Lillie, doing business as Metro Broadcasting Co. of East Los Angeles, Cal.—Application for new broadcasting station redesignated for hearing.

WISN—American Radio News Corp., Milwaukee, Wis.—Application to increase power from 500 to 1000 watts, set for hearing, but station may use additional power pending hearing.

#### APPLICATION DISMISSED

KTRH—KTRH Broadcasting Co., Houston, Tex.—Application to extend special experimental authority, 630 kc., 500 watts, 1 KW LS, 19/20 of full time, heretofore designated for hearing, was dismissed at request of applicants.

#### ORAL ARGUMENT GRANTED

Oral argument was granted in re Ex. Rep. No. 562, involving station KICK at Carter Lake, Iowa, the date to be determined later.

#### RENEWAL OF LICENSES

WPEN—William Penn Broadcasting Co., Philadelphia, Pa.—Present license extended for one month from July 1, on temporary basis subject to such action as may be taken on application for renewal.

KVOS—KVOS, Inc., Bellingham, Wash.—Granted renewal of license for term ending December 1, 1934.

WGLC—The Adirondack Broadcasting Co., Inc., Hudson Falls, N. Y.—Granted temporary license subject to such action as the Commission may take on this station's application for renewal, which was set for hearing because its facilities have been applied for.

WQDM—Regan and Bostwich, St. Albans, Vt.—License extended on temporary basis to August 1, 1934, pending receipt and action on application for renewal.

KGIX—J. M. Heaton, Las Vegas, Nev.—Granted renewal of license on temporary basis to January 1, 1935, subject to such action as the Commission may take on their pending application for renewal.

KPJM—M. B. Scott and Edward C. Sturm, Prescott, Ariz.—Same.

## SPECIAL AUTHORIZATIONS

- WHBY—WHBY, Inc., Green Bay, Wis.—To remain silent July 4th.
- KWCR—Cedar Rapids Broadcasting Co., Cedar Rapids, Iowa—Extension of special temporary authority to operate on 1430 kc., with 250 watts, for period beginning July 1 and ending at commencement of program tests, but not later than January 1, 1935.
- WEBR—Howell Broadcasting Co., Inc., Buffalo, N. Y.—To remain silent July 4th.
- WKBV—Knox Battery & Electric Co., Richmond, Ind.—Special temporary authority extended, to operate from 10 a. m. to 12 noon; 6 to 10 p. m., (daylight saving time instead of CST) daily except Sunday, for period July 1 during period daylight saving time applies, but not later than September 30, 1934.
- WRAX—WRAX Broadcasting Co., Philadelphia, Pa.—To operate without approved frequency monitor for period of 2 weeks from July 2.
- KOAC—Oregon State Agricultural College, Corvallis, Ore.—To reduce hours of operation to the following specified hours: 9 a. m. to 3 p. m. and 6:30 to 8:30 p. m., PST, for period July 1 to September 1.
- WHNY—Peter Goelet, Chester Township, N. Y.—To operate simultaneously with station WGBB from 1 to 3 p. m., EDST, August 15, and simultaneously with WFAS from 3 to 5 p. m., EDST, August 15, and 1 to 5 p. m., EDST, August 16.
- KFDY—South Dakota State College, Brookings, S. Dak.—To remain silent July 4th.
- WBSO—Broadcasting Service Organization, Inc., Needham, Mass.—To remain silent July 4th.
- WSVS—Seneca Vocational High School, Buffalo, N. Y.—To remain silent from 3 a. m., EST, July 1 to a period ending not later than September 10.

## MISCELLANEOUS

- WIBG—WIBG, Inc., Glenside, Pa.—Granted regular license to expire November 1, 1934. Application for renewal was designated for hearing on April 27, because of pending application of Charles Dixon Gentsch which has just been dismissed.
- NEW—Martin C. McIntyre, Bradford, Pa.—C. P. for new station, 1420 kc., 100 watts, unlimited time, heretofore designated for hearing, was dismissed at request of applicant.
- NEW—General Television Corp., Boston, Mass.—C. P. (experimental service), heretofore set for hearing, was dismissed at request of applicant.
- The hearing in re stations WARD, WLTH, WFVU, WEVD, WBBC, for use of frequency 1400 kc. was continued to a date to be decided later. Appearances must be filed by August 1, 1934. The applications of Arde Bulova, Norman K. Winston and American Radio Productions, Brooklyn Daily Eagle Broadcasting Co., Inc., and American Radio Productions, Inc., for new stations to use the frequency 1400 kc. will be heard in conjunction with the applications of the renewal of licenses of the Brooklyn stations now using that frequency. All these cases will be heard at the same time, and all appearances must be filed by August 1, 1934.
- WLBW—Broadcasters of Pennsylvania, Erie, Pa.—Reconsidered and granted application for increase in night power from 500 watts to 1 KW.
- WTOC—Savannah Broadcasting Co., Savannah, Ga.—Reconsidered and granted application for increase in night power from 500 watts to 1 KW.
- KWCR—Cedar Rapids Broadcasting Co., Cedar Rapids, Ia.—The Commission reconsidered its action of April 20 and June 26, and ordered that station KWCR be authorized to use 500 watts daytime power.

## ACTION ON EXAMINERS' REPORTS

- WJBW—Ex. Rep. No. 545: Charles C. Carlson, New Orleans, La.—Denied modification of license from sharing time equally with WBBX to unlimited, 1200 kc., 100 watts (facilities of WBBX). Examiner Walker sustained.
- WBRX—Samuel D. Reeks, New Orleans, La.—Granted consent to voluntary assignment of license to Coliseum Place Baptist Church, and granted renewal of license, 1200 kc., 100 watts, shares equally with WJBW. Examiner R. L. Walker reversed. (Order effective June 29, 1934.)

- NEW—Ex. Rep. No. 547: Elvan Tarkington, Indianapolis, Ind.—Granted C. P. for general experiment station, 12 watts, continuous operation. Examiner R. L. Walker reversed. (Order effective June 29.)
- NEW—Ex. Rep. No. 553: J. H. Squires and A. E. Cullum, Jr., Dallas, Tex.—Denied C. P. for new station to operate on 1200 kc., 100 watts, daytime hours, sustaining Examiner Geo. H. Hill.
- NEW—Earl Marvin Nail, Lubbock, Tex.—Denied C. P. for new station to operate on 1310 kc., 100 watts, share with KFYO. Examiner Hill sustained.
- KFYO—T. E. Kirksey, d/b as Kirksey Bros., Lubbock, Tex.—Granted renewal of license, 1310 kc., 100 watts night, 250 watts day, unlimited time, sustaining Examiner Hill. (Order effective June 29, 1934.)
- NEW—Ex. Rep. No. 557: Pittsburgh Radio Supply House, Greensburg, Pa.—Granted C. P. for new station to operate on 620 kc., 250 watts, daytime hours (7 a. m. to local sunset), sustaining Examiner R. L. Walker. (Order effective June 29.)
- NEW—Ex. Rep. No. 558: A. V. Tidmore, Salisbury, Md.—Denied C. P. for new station to operate on 1200 kc., 100 watts, daytime hours, sustaining Examiner R. L. Walker. (Order effective June 29.)
- NEW—Ex. Rep. No. 568: D. J. Burton and L. C. Davis, Temple, Tex.—Denied as in case of default C. P. for new station to operate on 990 kc., 250 watts, daytime hours, sustaining Examiner R. L. Walker.
- WBOW—Ex. Rep. No. 546: Banks of Wabash, Inc., Terre Haute, Ind.—Denied C. P. to make changes in equipment, change frequency from 1310 kc. to 1360 kc., increase power from 100 watts to 500 watts night, 1 KW day, unlimited time, sustaining Examiner Geo. H. Hill.
- WHBY—WHBY, Inc., Green Bay, Wis.—Denied C. P. to make changes in equipment, change frequency from 1200 kc. to 1360 kc., change power from 100 watts to 1 KW, unlimited time, sustaining Examiner Hill.
- WSBT—Ex. Rep. No. 546: The South Bend Tribune, South Bend, Ind.—Granted renewal of license, 1230 kc., 500 watts, specified hours, sustaining Examiner Hill.
- WSBC—WSBC, Inc., Chicago, Ill.—Dismissed C. P. to change location, install new equipment, change frequency to 1360 kc., and change power from 100 watts to 1 KW night, 1¼ KW LS, from specified hours to share with WGES, sustaining Examiner Hill.
- NEW—John L. Hopkins, Hammond, Ind.—Dismissed application for C. P. for new station to operate on 1360 kc., 1 KW, share with WGES, sustaining Examiner Hill.
- WSBT—The South Bend Tribune, South Bend, Ind.—Granted modification of license to change frequency from 1230 kc. to 1360 kc.; change specified hours to spec. hours, facilities vacated by WJKS, 500 watts, sustaining Examiner Hill.
- WFBM—Indianapolis Power and Light Co., Indianapolis, Ind.—Granted modification of license to change hours from specified to unlimited (facilities of WSBT); 1230 kc., 1 KW; sustaining Examiner Hill.
- WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Granted renewal of license, 1360 kc., 500 watts, 1 KW LS on Sunday, share with WJKS, sustaining Examiner Hill. (The effective date in the above cases is July 13, 1934.)
- WJEJ—Ex. Rep. No. 560: Hagerstown Broadcasting Co., Hagerstown, Md.—Denied C. P. to make changes in equipment, change hours of operation from daytime to unlimited, and increase power from 100 watts day to 250 watts day, 50 watts night, 1210 kc., sustaining Examiner Ralph L. Walker. (Order effective July 6, 1934.)
- NEW—Ex. Rep. No. 567: C. C. Morris, Ada, Okla.—Granted C. P. for new station to operate on 1200 kc., 100 watts, daytime hours, sustaining Examiner Geo. H. Hill. (Order effective July 6.)

## ACTION ON CASES HEARD BEFORE WHOLE COMMISSION

- NEW—Robert Lowell Burch, Salem, Ore.—Denied C. P. for new experimental broadcast station to operate on 1530 kc., 300 watts, experimentally for 2 months, thereafter 1 KW, unlimited. (Order effective July 13.)
- NEW—General Television Corp., Boston, Mass.—Denied C. P. for new experimental broadcast station to operate on 1570 kc., 500 watts, unlimited time. (Order effective July 13.)

## APPLICATIONS RECEIVED

### First Zone

- WCSH—Congress Square Hotel Co., Portland, Maine—Modification of license to increase power from 1 KW night, 2½ KW daytime to 1 KW night, 5 KW daytime.
- WATR—Harold Thomas, Waterbury, Conn.—License to cover construction permit authorizing erection of new station to be operated on 1190 kc., 100 watts, daytime.
- WINS—American Radio News Corp., New York, N. Y.—Modification of license to increase power from 500 watts night, 1 KW daytime to 1 KW day and night.
- WHEC—WHEC, Inc., Rochester, N. Y.—Modification of license to increase power from 500 watts to 500 watts night, 1 KW daytime.
- WOR—Bamberger Broadcasting Service, Inc., Newark, N. J.—Modification of construction permit for 50 KW to make changes in antenna system.
- WRC—National Broadcasting Co., Inc., Washington, D. C.—Modification of license to increase power from 500 watts to 500 watts night, 1 KW daytime.
- WMCA—Knickerbocker Broadcasting Co., Inc., New York, N. Y.—Modification of license to increase power from 500 watts to 500 watts night, 1 KW daytime.
- WFEA—New Hampshire Broadcasting Co., Manchester, N. H.—Modification of construction permit authorizing erection of station to be operated on 1340 kc., 500 watts, unlimited, to request increase in power to 500 watts night, 1 KW daytime.
- WFEA—New Hampshire Broadcasting Co., Manchester, N. H.—Extension of special experimental authorization to operate on 1430 kc., 500 watts, unlimited time, and simultaneous with WOKO, WHP, WBNS, and WHEC for period 7-1-34 to 11-1-34.
- WWRL—Long Island Broadcasting Corp., Long Island, N. Y.—Construction to make changes in equipment and increase power from 100 watts to 100 watts night, 250 watts daytime.
- NEW—American Broadcasting Co., Washington, D. C.—Construction permit to erect a new station to be operated on 830 kc., 100 watts, unlimited time. Site to be determined, Washington, D. C.
- WTAG—Worcester Telegram Publishing Co., Inc., Worcester, Mass.—Modification of license to increase power from 500 watts to 1 KW. (Consideration under Rule 6-g.)
- WBNX—Standard Cahill Co., Inc., New York, N. Y.—Modification of license to increase power from 250 watts to 500 watts. (Consideration under 6-g.)
- WMEX—The Northern Corp., Chelsea, Mass.—Modification of construction permit for the erection of a new station to make changes in equipment and extension of commencement and completion dates.
- WGCP—May Radio Broadcasting Corp., Newark, N. J.—License to cover construction permit authorizing changes in equipment and increase in power to 1 KW night, 2½ KW daytime.
- WAAB—Bay State Broadcasting Corp., Boston, Mass.—Modification of license to increase power from 500 watts to 1 KW.
- WHDH—Matheson Radio Co., Inc., Boston, Mass.—Modification of license to change hours of operation from Daytime to Unlimited, and change power from 1 KW to 500 watts night, 1 KW until sunset at Denver, Colo.
- WEAN—Shepard Broadcasting Service, Inc., Providence, R. I.—Modification of license to increase power from 250 watts night, 500 watts daytime (with additional 250 watts night on experimental basis), to 500 watts. Amended to request 500 watts night, 1 KW daytime.
- NEW—Palmer Broadcasting Syndicate, Inc., Portland, Maine—Construction permit for new station to be operated on 1210 kc., 100 watts, unlimited time. Location of studio and transmitter site to be determined, Portland, Maine. (Consideration under 6-g.)
- WICC—Southern Connecticut Broadcasting Corp., Bridgeport, Conn.—Construction permit to install new equipment and increase daytime power from 500 watts to 1 KW.

### Second Zone.

- WRBX—Richmond Development Corp., Roanoke, Va.—Modification of license to increase power from 250 watts to 250 watts night, 500 watts daytime.
- NEW—Clarion Broadcasting Co., Inc., Clarion, Pa.—Construction permit to erect a new station to be operated on 800 kc., 250 watts, daytime. Amended to request 850 kc. instead of 800 kc.
- NEW—Kunsky-Trendle Broadcasting Corp., Detroit, Mich.—Construction permit to erect a new station to be operated on 640 kc., 10 KW, unlimited time. Amended to omit request for facilities of KYW.
- WNBO—John Brownlee Spriggs, Silverhaven, Pa.—Voluntary assignment of license to The Voice of Southwestern Pennsylvania, Inc.
- WSPD—Toledo Broadcasting Co., Toledo, Ohio—Construction permit to install new equipment and increase power from 1 KW to 1 KW night, 2½ KW day.
- WALR—WALR Broadcasting Corp., Zanesville, Ohio—Construction permit to move station from Zanesville to a site to be determined at Toledo, Ohio.
- WKRC—WKRC, Inc., Cincinnati, Ohio—Construction permit to install new equipment and increase power from 500 watts (special authority 1 KW) to 1 KW night with directional antenna and 2½ KW day.
- NEW—Marion K. Gilliam, Staunton, Va.—Construction permit to erect a new station to be operated on 550 kc., 500 watts, daytime. Transmitter to be at site to be determined between Staunton and Harrisonburg, Va.
- WIBG—WIBG, Inc., Glenside, Pa.—Construction permit to install new transmitter at site to be determined, Pennsylvania, move main studio to Philadelphia, Pa., increase power from 100 watts to 500 watts with directional antenna, increase hours of operation from daytime to unlimited.
- WSAN—WSAN, Inc., Allentown, Pa.—Modification of license to increase power from 250 watts to 1 KW.
- WGAL—WGAL, Inc., Lancaster, Pa.—Construction permit to make changes in equipment and increase power from 100 watts to 100 watts night, 250 watts day.
- WDBJ—Times World Corp., Roanoke, Va.—Modification of construction permit (2-P-B-3246 to make changes in equipment and increase day power from 500 watts to 1 KW) to increase night power from 500 watts to 1 KW (to be considered under Rule 6-g.)
- WCBA—B. Bryan Musselman, Allentown, Pa.—Modification of license to increase power from 250 watts to 1 KW.
- WCBA—B. Bryan Musselman, Allentown, Pa.—Modification of license to increase power from 250 watts to 1 KW. (Amended to request 500 watts.)
- WJIM—Harold F. Gross, M. B. Keeler and L. A. Versluis d/b as Capitol City Broadcasting Co., Lansing Mich.—Modification of construction permit authorizing erection of new station requesting changes in equipment and correcting transmitter site.
- WADC—Allen T. Simmons, Tallmadge, Ohio.—Construction permit to install new equipment and increase power from 1 KW to 1 KW night, 2½ KW daytime. (Consideration under Rule 6-g.)
- WSAN—WSAN, Inc., Allentown, Pa.—Modification of license to increase power from 250 watts to 1 KW. (Amended to request increase to 500 watts only.)
- WKJC—Lancaster Broadcasting Service, Inc., Lancaster, Pa.—Construction permit to install new equipment and increase daytime power from 100 watts to 250 watts.
- WMC—WMC, Inc., Memphis, Tenn.—Special experimental authorization to increase power from 500 watts night, 1 KW daytime to 1 KW night, 2½ KW daytime, and make changes in equipment.
- NEW—F. L. Whitesell, Forty Fort, Pa.—Construction permit to erect a new station to be operated on 930 kc., 1 KW, daytime. Amended to request 500 watts power, transmitter location at Scovell Island, Pa.
- WCHS—Charleston Broadcasting Co., Charleston, W. Va.—Modification of license to increase power from 500 watts night, 1 KW daytime to 1 KW. (Consideration under Rule 6-g.)
- WPHR—WLBG, Inc., Petersburg, Va.—Construction permit to move transmitter from Ettrick, Va., to site to be determined near Petersburg, Va.; change frequency from 1200 kc. to 880 kc.; increase power from 100 watts night, 250 watts daytime, to 500 watts; and hours of operation from un-

limited to daytime. (Consideration under Rule 6-g.) See applications of WBTM and WLVA.

WLVA—Lynchburg Broadcasting Corp., Lynchburg, Va.—Modification of license to change frequency from 1370 kc. to 1200 kc., and hours of operation from sharing with WBTM to unlimited. (Consideration under Rule 6-g.) See applications of WPHR and WBTM.

WBTM—Piedmont Broadcasting Corp., Danville, Va.—Modification of license to change hours of operation from sharing with WLVA to unlimited. (Consideration under Rule 6-g.) See applications filed by WPHR and WLVA.

### Third Zone

KWWG—Port Arthur College, Port Arthur, Texas—Modification of construction permit authorizing removal of station to Port Arthur requesting approval of exact transmitter site at Port Arthur, Texas.

WWSN—R. B. Broyles, trading as R. B. Broyles Furniture Co., Birmingham, Ala.—Modification of construction permit authorizing installation of new equipment and increase in power requesting an extension of completion date.

KTAT—KTAT Broadcast Co., Inc., Fort Worth, Tex.—Special experimental authorization to change frequency from 1240 kc., to 970 kc.

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Construction permit to move transmitter to site to be determined near Macon, Ga., install new equipment and increase power from 500 watts to 1 KW. (Consideration under 6-g.)

WEED—William Avera Wynne, Rocky Mount, N. Car.—License to cover construction permit authorizing move of station from Greenville to Rocky Mount, N. Car.

WREC—WREC, Inc., Memphis, Tenn.—Special experimental authorization to operate with power of 1 KW night, 2½ KW daytime, on 600 kc., for period 60 days.

KTUL—Tulsa Broadcasting Co., Inc., Tulsa, Okla.—Modification of license to increase power from 250 watts night, 500 watts daytime to 500 watts day and night.

KGKL—KGKL, Inc., San Angelos, Texas—Construction permit to install new equipment and increase power from 100 watts to 100 watts night, 250 watts daytime.

KLRA—Arkansas Broadcasting Co., Little Rock, Ark.—License to cover construction permit authorizing installation of new equipment and increase in power from 1 KW to 1 KW night, 2½ KW day.

KRMD—Radio Station KRMD, Inc., Shreveport, La.—Modification of license to change hours of operation from specified to unlimited time, to be considered under Rule 6-g.

WBRC—Birmingham Broadcasting Co., Inc., Birmingham, Ala.—Modification of license to increase power from 500 watts to 1 KW. (To be considered under Rule 6-g.)

KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Texas—Special experimental authorization to increase night power from 250 watts to 500 watts.

KMAC—W. W. McAllister, San Antonio, Tex.—Construction permit to move transmitter to site to be determined San Antonio, Tex.; install new equipment, change frequency from 1370 kc. to 1290 kc., increase power from 100 watts to 1 KW and hours of operation from sharing with KONO to unlimited. (Consideration under Rule 6-g.)

WTJS—The Sun Publishing Co., Jackson, Tenn.—Construction permit to make changes in equipment, change frequency from 1310 kc. to 1430 kc., increase power from 100 watts night, 250 watts daytime, to 500 watts, facilities of WNBR. Amended to request transmitter site to be determined.

WKEU—Radio Station WKEU, LaGrange, Ga.—Construction permit to move station to a site to be determined at Chattanooga, Tenn.; change frequency from 1500 kc. to 1370 kc., and hours of operation from specified to daytime. (Consideration under 6-g.)

KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Texas—Modification of license to increase power from 250 watts night, 500 watts daytime to 250 watts night, 1 KW daytime. (Consideration under Rule 6-g.)

KARK—Arkansas Radio and Equipment Co., Little Rock, Ark.—Construction permit to install new equipment, move transmitter to site to be determined near Little Rock, Ark., and increase power from 250 watts night, 500 watts daytime to 1 KW with directional antenna. (Consideration under Rule 6-g.)

WDAG—National Radio and Broadcasting Corp., Amarillo, Tex.—Construction permit to install new equipment and increase power from 1 KW to 1 KW night, 2½ KW daytime. (Consideration under Rule 6-g.)

NEW—T. H. Barton, El Dorado, Ark.—Construction permit to erect a new station to be operated on 1370 kc., 100 watts, unlimited time.

### Fourth Zone

KMBC—Midland Broadcasting Co., Kansas City, Mo.—Construction permit to install new equipment and increase power from 1 KW to 1 KW night, 2½ KW daytime.

NEW—Norman Baker, Muscatine, Iowa—Construction permit to erect a new station to be operated on 1170 kc., 5 KW, limited time.

WMT—Waterloo Broadcasting Co., Waterloo, Iowa—Special experimental authorization to install new equipment and increase power from 500 watts night, 1 KW daytime, to 1 KW night, 2½ KW daytime.

KGBZ—KGBZ Broadcasting Co., York, Nebr.—Construction permit to make changes in equipment and increase power from 500 watts night, 1 KW daytime to 1 KW night, 2½ KW daytime.

WOW—Woodmen of the World Life Insurance Association, Omaha, Nebr.—Construction permit to move transmitter to site to be determined, install new equipment, and increase power from 1 KW to 1 KW night, 2½ KW daytime. (Consideration under Rule 6-g.)

WBBM—WBBM Broadcasting Corp., Chicago, Ill.—Construction permit to install new equipment and increase power from 25 KW to 50 KW.

WDGY—Dr. Geo. W. Young, Minneapolis, Minn.—Construction permit to install new equipment and increase power from 1 KW to 1 KW night, 2½ KW daytime.

KMBC—Midland Broadcasting Co.—Construction permit to make changes in auxiliary transmitter to be used as main transmitter during daytime and increase power from 1 KW to 1 KW night, 2½ KW daytime. Present main transmitter to be used at night.

WTMJ—The Journal Co. (The Milwaukee Journal), Milwaukee, Wis.—Modification of license to increase power from 1 KW night, 2½ KW daytime to 1 KW night, 5 KW daytime.

KGBX—KGBX, Inc., Springfield, Mo.—Construction permit to move transmitter to a site to be determined near Springfield, Mo., install new equipment, change frequency from 1310 kc. to 1230 kc., and increase power from 100 watts to 500 watts, directional antenna. (Consideration under Rule 6-g.)

WDAY—WDAY, Inc., Fargo, N. Dak.—Construction permit to install new equipment and increase power from 1 KW to 1 KW night, 2½ KW daytime.

KSD—Pulitzer Publishing Co., St. Louis, Mo.—Modification of license to determine operating power by direct antenna measurement.

KSD—The Pulitzer Publishing Co., St. Louis, Mo.—Construction permit to make changes in equipment and increase power from 500 watts night, 1 KW day, to 1 KW night, 2½ KW day.

KSO—Iowa Broadcasting Company, Des Moines, Iowa—Construction permit to move transmitter, site to be determined, Iowa; install new equipment, change frequency from 1370 kc. to 1320 kc., increase power from 100 watts night, 250 watts day, to 250 watts night, 500 watts day, to be considered under Rule 6(g).

KWK—Thomas Patrick, Inc., St. Louis, Mo.—Construction permit to increase daytime power from 1 KW to 2½ KW, and make changes in equipment.

WKBB—Sanders Brothers Radio Station, East Dubuque, Ill.—Modification of license to change hours of operation from specified to unlimited.

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—Construction permit to install new equipment and increase power from 5 KW to 10 KW.

KFVS—Oscar Hirsch, trading as Hirsch Battery & Radio Co., Cape Girardeau, Mo.—Construction permit to install new equipment and increase power from 100 watts to 100 watts night, 250 watts daytime.

KOIL—Mona Motor Oil Co., Council Bluffs, Ia.—Construction permit to install new transmitter at site to be determined, and increase power from 1 KW to 1 KW night, 2½ KW daytime. (Consideration under Rule 6-g.)

WDAF—The Kansas City Star Co., Kansas City, Mo.—Construction permit to install new equipment and increase power from 1 KW to 1 KW night, 2½ KW daytime.

WBBM—WBBM Broadcasting Corp., Chicago, Ill.—Extension of special experimental authorization to synchronize during specified hours night with KFAB for period 8-1-34 to 2-1-35.

KFAB—KFAB Broadcasting Co., Lincoln, Neb.—Extension of specified experimental authorization to synchronize during specified hours night with WBBM for period 8-1-34 to 2-1-35.

WTMJ—The Journal Company (The Milwaukee Journal), Milwaukee, Wis.—Modification of license to increase daytime power from 2½ KW to 5 KW. (Amended to request increase in night power from 1 KW to 5 KW.)

KMBC—Midland Broadcasting Co., Kansas City, Mo.—Construction permit to make changes in auxiliary transmitter to be used as main transmitter during daytime and increase power from 1 KW to 1 KW night, 2½ KW daytime. Present main transmitter to be used at night. (Amended to improve auxiliary transmitter which is to be used as main transmitter day and night.)

WBAA—Purdue University, West Lafayette, Ind.—Modification of license to change frequency from 1400 kc. to 890 kc., to increase power from 500 watts to 500 watts night, 1 KW daytime. (Consideration under 6-g.) Contingent upon the pending application from Station WKBF for unlimited time.

WKBF—Indianapolis Broadcasting, Inc., Indianapolis, Ind.—Modification of license to change hours of operation from specified hours to unlimited time. (Consideration under Rule 6-g.)

WKBF—Indianapolis Broadcasting, Inc., Indianapolis, Ind.—Construction permit to increase power from 500 watts to 500 watts night, 1 KW daytime; to change hours of operation from specified hours to unlimited time; also install new equipment. (Contingent upon the pending application of Station WBAA.)

#### Fifth Zone

KWYO—R. E. Carroll, trading as Big Horn Broadcasting Co., Sheridan, Wyo.—Modification of construction permit authorizing erection of new station to be operated on 1370 kc., 100 watts unlimited time requesting an extension of completion date from 7-2-34 to 9-1-34.

KXA—American Radio Telephone Co., Seattle, Wash.—Extension of special experimental authorization to operate simultaneously with WJZ from local sunset to 10 p. m., P. S. T., using 250 watts power.

KLZ—Reynolds Radio Co., Inc., Denver, Colo.—Construction permit to install new equipment, move transmitter to a site to be determined near Denver, Colo., and increase power from 1 KW to 1 KW night, 2½ KW daytime. (Consideration under Rule 6-g.)

KOL—Seattle Broadcasting Co., Seattle, Wash.—Special experimental authorization to operate on 850 kc., 1 KW night, 2½ KW daytime.

KIEV—Cannon System, Ltd., Glendale, Calif.—Construction permit to install new equipment and increase power from 100 watts to 250 watts, daytime.

KFQD—Anchorage Radio Club, Inc., Anchorage, Alaska—Modification of license to change frequency from 600 kc. to 780 kc.

KIEM—Harold H. Hanseth, Eureka, Calif.—Construction permit to install new equipment, change frequency from 1210 kc. to 1450 kc., and increase power from 100 watts to 500 watts.

KOIN—KOIN, Inc., Portland, Ore.—Modification of construction permit authorizing changes in equipment and increase in daytime power to 5 KW requesting installation of new equipment and increase power to 1 KW night, 5 KW daytime.

KFXJ—R. G. Howell and Chas. Howell, d/b as Western Slope Broadcasting Co., Grand Junction, Col.—Construction permit to make changes in equipment and increase power from 100 watts to 100 watts night, 250 watts day.

KRE—First Congregational Church of Berkeley, Berkeley, Calif.—Modification of license for change in hours of operation from specified hours to unlimited time.

KIEM—Harold H. Hanseth, Eureka, Calif.—Consent to voluntary assignment of license to Redwood Broadcasting Co., Inc.

KQW—Pacific Agricultural Foundation, Ltd., San Jose, Calif.—Modification of construction permit (5-P-B-3245) to increase power from 500 watts to 1 KW up to 7 p. m. to 1 KW.

KROW—Educational Broadcasting Corp., Oakland, Calif.—Modification of license to increase power from 500 watts night 1 KW daytime to 1 KW.

KTFI—Radio Broadcasting Corp., Twin Falls, Idaho—Modification of license to increase power from 500 watts night, 1 KW daytime to 1 KW. (Consideration under 6-g.)

KQW—Pacific Agricultural Foundation, Ltd., San Jose, Calif.—Modification of construction permit granted to increase power to 1 KW up to 7 p. m. and 500 watts after and make changes in equipment requesting increase in power to 1 KW after 7 p. m.

#### APPLICATIONS RETURNED

WQIM—E. J. Regan and A. J. St. Antoine, St. Albans, Vt.—Consent to voluntary assignment of construction permit to E. J. Regan and F. Arthur Bostwick d/b as Regan and Bostwick. (Incomplete.)

NEW—Leo J. Blanchard, Fredericksburg, Tex.—Construction permit to erect a new station to be operated on 1120 kc., 100 watts, unlimited. (Rules 6 and 120, unsatisfactory transmitter site.)

WHDH—Matheson Radio Co., Inc., Boston, Mass.—Modification of license to increase power from 1 KW to 5 KW and increase hours of operation from daytime to unlimited. (Rules 116 and 140.)

NEW—Butler's, Inc., Agana, Guam—Construction permit to erect a new station to be operated on 1400 kc., 75 watts, unlimited. (Failure to answer letters requesting additional information.)

WNAC—Shepard Broadcasting Service, Inc., Boston, Mass.—Modification of license to change frequency from 1230 kc. to 830 kc.; facilities WHDH. (Rules 116 and 117.)

WJIM—Harold F. Gross, M. B. Keeler and L. A. Versluis, d/b as Capitol City Broadcasting Co., Lansing, Mich.—Modification of construction permit to make changes in equipment and transmitter site. (Incomplete.)

NEW—Mrs. V. E. Bernice Gambill, Guthrie, Okla.—Construction permit to erect a new station to be operated on 1500 kc., 100 watts, daytime. (Rule 6, improperly filed.)

NEW—E. R. Bennett, El Dorado, Ark.—Construction permit to erect a new station to be operated on 1370 kc., 100 watts, daytime. (Rule 6, Rule 5 and 151, unsatisfactory transmitter site.)

WGCP—May Radio Broadcast Corp., Newark, N. J.—License to cover construction permit to install new equipment and increase power. (Transmitter site wrong.)

KOL—Seattle Broadcasting Co., Seattle, Wash.—Modification of construction permit (5-P-B-3198a) requesting 850 kc., 1 KW, and changes in equipment. (Request of applicant.)

KOL—Same applicant.—Special experimental authorization to change frequency from 1270 kc. to 850 kc., increase power from 1 KW to 5 KW for indefinite period. (Request of applicant.)

WNYC—City of New York, Dept. of Plant & Structures, New

- York, N. Y.—Modification of license to increase power from 500 watts to 1 KW. (Signature and jurat.)
- KTRH—KTRH Broadcasting Co., Houston, Tex.—License to cover construction permit for changes in equipment and increase in power from 1 KW to 1 KW night, 2½ KW daytime. (Rules 164 and 165; Form 327 unattached.)
- KFJI—KFJI Broadcasters, Inc., Klamath Falls, Oreg.—Construction permit to install new equipment to change system of modulation. (Incomplete.)
- WKBB—Sanders Bros. Radio Station, E. Dubuque, Iowa—Construction permit for new equipment to increase power from 100 watts to 250 watts; change frequency from 1500 kc. to 1240 or 1300 kc.; additional time. (Alternate facilities; Sections 15 (c), (d) and (e); Rules 5 and 6.)
- KSD—Pulitzer Publishing Co., St. Louis, Mo.—Modification of license to increase power from 500 watts night, 1 KW daytime to 1 KW night, 2½ KW daytime. (Unnecessary.)
- KFAB—KFAB Broadcasting Company, Lincoln, Nebr.—Construction permit to install new equipment. (Request of applicant.)
- WDAF—The Kansas City Star Co., Kansas City, Mo.—Construction permit to increase power from 1 KW to 5 KW; also install new equipment. (Superseded by 4-P-B-3294.)
- WIBG—WIBG, Inc., Glenside, Pa.—Construction permit to change equipment; increase power from 100 watts to 500 watts; change time from daytime to unlimited; move transmitter to Whitpain Township, Washington Square Heights, Pa., and studio to Broad and Walnut Sts., Philadelphia, Pa. (Request of applicant.)