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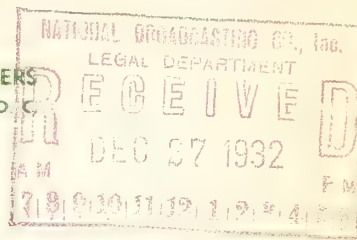


NEWS BULLETIN

Issued by

THE NATIONAL ASSOCIATION OF BROADCASTERS
NATIONAL PRESS BUILDING ♦ ♦ ♦ WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director.



SEASON'S GREETINGS!

YOUR MANAGING DIRECTOR AND HIS STAFF
EXTEND BEST WISHES TO MEMBERS OF THE
NATIONAL ASSOCIATION OF BROADCASTERS
FOR A MERRY CHRISTMAS AND PROSPEROUS
NINETEEN THIRTY-THREE!



December 22, 1932.

BROADCASTERS GIVEN HEARING

The Senate Committee on Interstate Commerce on Thursday and Friday heard testimony of the broadcasters, the U. S. Navy and the Federal Radio Commission on certain amendments added by that committee to HR 7716, a bill to amend the Radio Act of 1927.

The bill passed the House last session and was reported favorably by the Senate Committee last Spring. A number of amendments were added by the Senate Committee, including a provision imposing license fees on all radio stations. The bill later was recommitted to Committee and was reported last week with some new amendments although the license fee provision had been dropped.

When the bill and the report were available last week the NAB found objection to certain provisions and immediately asked for an opportunity to appear and present its views on the controversial amendments. The aid of members of the NAB was enlisted in the effort to secure hearings on the measure and Senator Couzens, chairman of the Committee, and Senator Dill, who is in charge of the bill, granted hearings on Thursday and Friday of this week.

Henry A. Bellows, chairman of the NAB Legislative Committee, made a flying trip from Chicago to Washington to present the views of the NAB on the bill.

The bill as it had passed the House did not contain any controversial matter, Mr. Bellows told the Committee. He pointed out that the Committee last March held hearings on a Committee amendment relaxing the provision with respect to alien representation on boards of directors of communication companies but that broadcasters had no indication at that time that other amendments affecting broadcasters would be added. He also pointed out that broadcasters had not been given an opportunity to present their views on the bill before it was reported last week.

The bill as it passed the House contained a provision prohibiting the broadcasting of lotteries. This provision was slightly amended by the Senate Committee. With the exception of an unintentional mistake in punctuation, Mr. Bellows said the broadcasters had no quarrel with this provision.

Section 9 of the bill gives the Commission power to suspend licenses. The broadcasters object to this provision as drawn, Mr. Bellows said, for the reason that suspension, even for a single day, would undoubtedly ruin a station's business. Ample punishment is provided in Sections 32 and 33 of the present law for licensees who violate the rules of the Commission, he said, pointing out that another section of the bill provided what amounted to increased penalties. To give the Commission power to suspend licenses would give to that body an unnecessary power to punish licensees. The main objection, however, was directed to the provision which imposed upon the licensee the obligation to "show cause why" his license should not be suspended. It was the contention of the witness that in a summary proceeding such as provided the burden of procedure and the burden of proof should be upon the Commission which would have to specify the charges against the station. The point was made that by suspension of service, the public would be deprived of program

service for the wrong doing of the licensee. The power of revocation should be exercised if the station is not operating in the public interest, Mr. Bellows said.

Section 14 of the bill amplifies the present law (Section 18) with respect to making time available for political candidates. The Senate amendment provides that if a station shall permit any person to present views on any side of a public question to be voted upon at an election, it shall provide equal opportunity to "any other person" to use the station to present opposite views. Mr. Bellows discussed at length the practical operation of Section 18 of the present law, pointing out that the federal law prohibited censorship of a candidate's speech while the Nebraska Supreme Court in the KFAB case had held that the station is liable with the speaker for any libelous or slanderous statements broadcast. The Committee indicated great interest in the decision of the Nebraska Court and it was the feeling of some Senators that the existing section should not be changed until the Supreme Court of the United States has had an opportunity to pass upon the questions involved. Mr. Bellows said that it was entirely likely that the KFAB case would be carried to the Supreme Court in the near future.

Mr. Bellows also objected to the wording of a provision in the bill demanding that political candidates be charged the same rates as commercial advertisers. He suggested that the same purpose could be accomplished by requiring stations to make public their charges to candidates.

Section 15 of the bill was an attempt to prevent stations in foreign countries from originating programs in the United States. It was the opinion of the witness, and many of the members of the Committee agreed, that the section as drawn would not reach the specific evils for which it was intended while on the other hand it might handicap some American companies in their operations.

Mr. Bellows opposed the abolition of the examiner system but added that it was his opinion the Commissioners should not refuse to hear argument in cases where exceptions were filed. He left to other witnesses specific discussion of both the provision eliminating examiners and the provision changing the law with respect to appeals.

Louis G. Caldwell, chairman of the Standing Committee on Communications of the American Bar Association, testified in favor of maintaining the examiner system and pointed out a number of difficulties in procedure presented by the Senate Committee's amendment changing appellate procedure. The language of the proposed section, he said, would preclude a Supreme Court review of radio cases. He pointed out that the section as drafted would permit the Court of Appeals of the District of Columbia to review both questions of law and fact and called attention of the Committee to the Supreme Court's decision in the General Electric case in which that tribunal ruled that under the original provisions of Section 16 the Court of Appeals was exercising an administrative rather than a judicial function with respect to radio appeals and that therefore the Court of Appeals' decision was final. Mr. Caldwell said he favored the present wording of Section 16 as compared with the old law, adding that the Senate Committee's amendment would restore the difficulty

sought to be alleviated by changing Section 16 two years ago.

The examiner system had proved its worth in radio cases, he said, but was of the opinion Commissioners should more frequently hear oral argument in cases.

Duke M. Patrick, general counsel of the Commission, and James W. Baldwin, secretary of the Commission, appeared before the Committee Friday and presented testimony in favor of retention of the examiner system and against the wording of the Senate Committee's appeals section.

Mr. Patrick reviewed the procedure followed by the Commission in handling applications and deciding cases. He defended the Commission's procedure and argued that the examiner system has aided materially in deciding controversies between applicants.

Senator Dill was of the opinion that the work had dwindled and that Commissioners could easily find the time to conduct hearings. "The situation is now frozen", he said.

Mr. Patrick said he did not agree with the Senator's statement that the situation was frozen adding that it seemed to be pretty well understood that a new reallocation was in prospect in the future. "We are coming to a time when a reallocation will be necessary", he said.

Senator Watson expressed the opinion that the avenue of appeal to the Supreme Court should be kept open and stated that in his view the Commission should have the right to go to the court directly instead of through the Department of Justice. He said the Commission was now endeavoring to convince the Department of Justice that the WIBO decision should be appealed, pointing out that this case might involve the validity of the whole radio law.

Mr. Baldwin presented statistical testimony relative to the amount of work required of examiners, adding that under the economy bill the personnel of the Commission has already been reduced by 23 per cent.

Frequently, during the two days of hearing Senators Dill and Wheeler expressed the view that it might be necessary to reduce the Commission to two or even to one man and retain the examiner system or abolish the examiner system and keep a five-man Commission. Senator Dill, particularly, could not see any valid reason why Commissioners themselves should not hear testimony in cases. Senator Wheeler was of the opinion that examiners should find fact only, leaving to the Commission the application of the law. Mr. Patrick said he felt that it was advisable for examiners to find the fact and apply the law, and make recommendations to the Commission.

Senator Dill inserted in the record a letter from the American Newspaper Publishers Association urging speed in passing the Davis bill. The letter referred particularly to the lottery section of the bill.

The bill has not been recommitted to Committee but retains its position on the Senate calendar. It is likely that the Committee will make a number of revisions in the measure before bringing it up for action in the Senate.

December 22, 1932

HEARINGS ON H. R. 7716

Hearings are scheduled to be held before the Senate Committee on Interstate Commerce on December 22, in connection with H. R. 7716 which is the so-called radio omnibus bill now on the Senate calendar for action. The bill has not been recommitted to the Committee. In explanation of the hearing which was unexpected Senator Dill of Washington made the following statement on the floor of the Senate:

"Mr. President, in order to inform Senators who are receiving telegrams from radio stations asking for hearings on H. R. 7716, the radio bill as reported, I may say that the Senator from Michigan (Mr. Couzens) has agreed to have hearings on Thursday morning at 10:30 o'clock, and that we have so notified the National Association of Broadcasters that has caused most of the telegrams to be sent. I may say it was not known either to the Senator from Michigan or myself that the broadcasters wanted to be heard or they would have been given an opportunity previously."

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DELEGATES RETURN

Federal Radio Commissioner Eugene O. Sykes is expected to return to the Commission on Friday, December 23rd, after an absence of several months as chairman of the American delegation to the Madrid Radio Conference. Judge Sykes left the United States on August 16th.

While no official notice has yet been made public it is expected that the Commission will hold no meetings during the week beginning Monday, December 26th, because of the holidays.

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AND NOW ANOTHER SURVEY

The Ventura Free Press, acting through various press groups, is making a national radio survey for the purpose of proving that radio is all wrong. The instructions to observers and the log sheet are drawn up in a way to make certain the result desired. The observer is instructed to log stations during a 16-hour period making copious notations each 15 minutes. One column is provided for remarks and in this column the observer is instructed to "give brief comment on offensive sales talks and very poor programs". No instructions are given with respect to meritorious announcements and programs. No space is provided for favorable criticism.

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EGYPTIAN BROADCASTING

Rapid progress is being made by the Marconi Company in the construction of a broadcasting station which it is to operate for the Egyptian Government, according to advices received by the Commerce Department from its Cairo office.

According to a recent public announcement, the new station, which is to be built at a point outside of Cairo at a cost of 20,000 Egyptian pounds, will have a broadcasting power of 20 kilowatts and a wave length of 525 meters. This particular wave length is used by only two European stations; Riga, which is too distant to cause interference and Palermo, which has only a broadcasting power of 4 kilowatts.

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December 22, 1932

SPECIAL AUTHORIZATIONS

The Radio Commission this week issued a new order in connection with procedure in obtaining special authorizations. The order which is signed by James W. Baldwin, secretary, follows:

"A great many requests are received by the Commission for special authorizations to permit the operation of stations in a manner and to an extent which are at variance with the terms of existing licenses. Because of the increased number of such requests and the consideration that must be given to the need of such extended service and to the question whether the granting thereof might adversely affect the listeners residing in the normal service areas of other stations, the Commission has adopted the following procedure which must be adhered to by all applicants:

1. Applications for special authorizations must be made by the licensee.
2. Applications for special authorizations must be received in the offices of the Commission at least ten (10) days previous to the date for which the authorization is requested.
3. Applications made by "Limited", "Day", "Part Time", or "Specified Hour", stations must be supported by the consent of the dominant station or the station with which the applicant divides time. Consents must be received by the Commission direct from the stations giving them and must show whether the consent is for simultaneous operation or whether the station giving the consent is giving up the time sought by the applicant.
4. Applicant must show the public need for such authorization.

Approval by the Commission will not be given in cases where another station is licensed to operate in the same locality and during the hours specified in the application."

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BROADCASTING ENGINEER ELECTROCUTED

The Radio Commission this week received a report from the Acting Inspector in charge of the Eighth Radio District at New Orleans relative to the electrocution of a broadcasting station engineer while working on his station. This is said to be the first time that the Commission has heard anything of this kind officially. The letter to the Commission is as follows:

"For the information of the Commission it is advised that we have this date verified a report that D. R. Simmons, engineer at Broadcasting Station KTBS, Shreveport, Louisiana, was electrocuted November 23, 1932, while working on the equipment at the station. Mr. Simmons was 43 years old and was a very competent radio man. He was known to the members of this office since 1922.

"The details indicate that Mr. Simmons was standing on a stool before the rectifier panel, and leaned against a meter while looking behind the panel. After the flash, he stepped down from the stool and walked about four feet before collapsing. Attempts to revive him with a pulmotor proved ineffectual."

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December 22, 1932

SET FOR HEARING

During the current week the Commission set the following cases for hearing:

WRBX	Richmond Development Corp. Roanoke, Virginia	Mod. of Lic. to change hours of operation from sharing equally with WHIS to sharing with WHIS.
WAPI	WAPI Broadcasting Corp. Birmingham, Alabama	Mod. of C. P. to extend commencement date from June 17, 1932 to June 17, 1933 and completion date from December 17, 1932 to December 17, 1933.

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MISCELLANEOUS COMMISSION ACTION

During the current week the Commission took the following miscellaneous action:

WCGU	U. S. Broadcasting Corp. Brooklyn, New York	The Commission, upon its own motion, reconsidered its action of December 13, on a petition filed by the U. S. Broadcasting Corp. to hold the hearing scheduled for December 16, and granted said petition. Application having been amended and hearing cancelled, the Commission directed that license application 1-LB-897 be dismissed from hearing docket and returned to applicant, and all interested parties notified.
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NO HEARINGS

Due to the Christmas holidays no hearings will be held at the Radio Commission during the week beginning Monday, December 26th.

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RADIO EMPLOYMENT DECREASES

The November index of employment in the radio industry was 77.7 compared with 70.8 for October and 104.1 for November of last year taking 1926 at 100 according to the Bureau of Labor Statistics, Department of Labor. The November payroll index was 58.4 compared with 62.9 for October and 86.5 for November of last year.

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BULLETIN READY

The Radio Service Bulletin for November issued monthly by the Federal Radio Commission is now available. Copies may be obtained either through the office of the NAB or the Secretary of the Radio Commission.

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December 22, 1932

APPLICATIONS GRANTED

During the current week the Commission granted the following applications subject to the provisions of Rules 44 and 45 providing that proper protests may be filed within twenty days from the date of action:

<u>CALL</u>	<u>NAME OF APPLICANT</u>	<u>NATURE OF APPLICATION</u>
<u>FIRST ZONE</u>		
WEER	Howell Brdcstg. Co. Inc. Buffalo, New York	Granted authority to remain silent on December 26 in order to give employees a holiday.
WHAM	Stromberg-Carlson Telephone Co. Rochester, New York	Granted Mod. of C. P. approving change in equipment and transmitter location, Victor Township, New York.
WSVB	Philip Weiss Music Co. Rutland, Vermont	Granted special authority to operate from 11 a.m. to 12 noon, EST, on Sundays only, from 3 a.m., EST, January 1, 1933 to June 11, 1933.
WABC- WBOQ	Atlantic Brdcstg. Corp. New York, N. Y.	Granted Mod. of C. P. to extend commencement date to January 10, 1933 and completion date to April 10, 1933.
WJBI	Monmouth Broadcasting Co. Red Bank, New Jersey	Granted license covering installation of new equipment 1210 kc, 100 watts, sharing with WGBB and WFAS ($\frac{1}{4}$ time).
<u>SECOND ZONE</u>		
WHDF	Upper Michigan Brdcstg. Co. Calumet, Michigan	Granted special authority to operate from 10 to 10:30 a.m. and from 1:30 to 5:30 p.m. CST, January 2, 1933.
WHDF	Upper Michigan Brdcstg. Co. Calumet, Michigan	Granted special authority to operate from 2 to 4:30 p.m., December 18; 11:15 p.m. to 12 midnight December 24; 10 to 11:30 a.m., and 1:30 to 5:30 p.m., December 26, 1932, CST.
<u>THIRD ZONE</u>		
KVOO	Southwestern Sales Corp. Tulsa, Oklahoma	Granted Mod. of C. P. extending completion date to March 17, 1933.
<u>FOURTH ZONE</u>		
KFYR	Meyer Broadcasting Co. Bismarck, North Dakota	Granted special authority to operate 12:30 to 2 p.m., CST, December 26, provided KFDY remains silent.

December 22, 1932

APPLICATIONS GRANTED (continued)

FOURTH ZONE (continued)

WMBH	W. M. Robertson Joplin, Missouri	Granted special authority to operate from 8:30 to 9:30 p.m., CST, on the following Sundays: January 1, 8, 15, 22 and 29; February 5, 12, 19 and 26; March 5, 12, 19, and 26; April 2, 9, 16, 23 and 30, 1933.
WKBF	Indianapolis Brdcstg. Inc. Indianapolis, Indiana	Granted C. P. to move transmitter from near Clermont, Indiana to intersection of Fall Creek and extension of Keystone Ave., Ind.
KICK	Red Oak Radio Corp. Red Oak, Iowa	Granted extension of authority to remain silent until such time as Court of Appeals vacates stay orders or further disposition is made of the issues involved.
KGFW	Central Nebraska Brdcstg. Corp. Kearney, Nebraska	Granted 10 day authorization to operate with 60 watts pending repair of high voltage generator.

FIFTH ZONE

KIEM	Harold H. Hanseth Eureka, California	Granted Mod. of C. P. to change transmitter and studio location from Eureka Inn to Vance Hotel and extend completion date from January 13, 1933 to February 12, 1933.
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MOVING PERMIT DENIED

Examiner Elmer W. Pratt in his Report No. 439 this week recommended that the application of Station WHEF, Kosciusko, Mississippi to move to Jackson, Mississippi, be denied.

The Examiner states that "there is not sufficient showing of a need for additional broadcasting service, either of transmission or reception, in Jackson, to warrant the granting of this application". He states further that the Jackson area is now adequately serviced by existing stations while "Kosciusko is not now well served and needs the service of applicant's station."

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LICENSE RENEWAL APPLICATIONS

During the current week the Commission has received the following applications for license renewals: WHO, Des Moines, Iowa; WJAR, Providence, Rhode Island; WOC, Davenport, Iowa; WDEV, Waterbury, Vermont; WAGM, Presque Isle, Maine; KIDW, Lamar, Colorado; KGKB, Tyler, Texas; KOOS, Mansfield, Oregon; WFIZ, Fond du Lac, Wisconsin; KMPC, Beverly Hills, California and WFAA, Dallas, Texas.

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December 22, 1932

APPLICATIONS RECEIVED

During the Current week the Commission has received the following applications:

<u>FRC</u>	<u>FILE</u>	<u>CALL</u>	<u>NAME OF APPLICANT</u>	<u>NATURE OF APPLICATION</u>
<u>FIRST ZONE</u>				
1-ALB-483	WSYR- WMAC		James G. Tracy & Edmund M. Smedberg, Executors of Estate of Clive B. Meredith Syracuse, New York	Vol. assign. of lic. to Central New York Broadcasting Corporation.
1-MPB-404	WHAM		Stromberg-Carlson Telephone Manufacturing Company Rochester, New York	Mod. of C. P. issued 11/17/31 for 25 KW station for approval of exact transmitter location, Victor Township, N. Y., and approval of equipment.
1-MPB-405	WABC- WBOQ		Atlantic Broadcasting Corp. New York, N. Y.	Mod. of C. P. issued 11/11/32 for move of auxiliary transmitter, to extend dates of commencement and completion to 1/10/33 and 4/10/33 respectively.

SECOND ZONE

None

THIRD ZONE

None

FOURTH ZONE

None

FIFTH ZONE

None

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APPLICATIONS FOR LICENSE

During the current week the Commission received the following application for license for which a construction permit has already been issued: WLBC, Muncie, Ind.

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