

BROADCASTERS'



NEWS BULLETIN

Issued by

THE NATIONAL ASSOCIATION OF BROADCASTERS

NATIONAL PRESS BUILDING ♦ ♦ ♦ WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

February 18, 1933.

BOARD FACES BUSY SESSION

The meeting of the Board of Directors of the National Association of Broadcasters, scheduled for Monday, February 20, at the Washington Hotel, Washington, D. C., will be one of the busiest sessions in many months.

Definition of a policy to be followed by the Association in preparation for the forthcoming North American allocation conference, now scheduled for early next Spring in Mexico City, is one of the most important matters to come before the Board.

Of equal importance is the copyright situation and the Board will have before it a communication from the American Society of Composers, Authors and Publishers stating that the copyright owners are as dissatisfied with the present license arrangement as are the broadcasters.

Another item on the Board's agenda will be the standard form of contract for spot broadcasting which has been submitted by the American Association of Advertising Agencies following numerous conferences with the NAB Commercial Committee.

Many other items of vital importance, including financing of the work which the Association must undertake, are listed for consideration by the Board.

February 18, 1933.

CONFERENCE ON DAVIS BILL

Senate and House conferees held a meeting on Friday on the Davis Bill (H. R. 7716) which recently was passed by the Senate.

The Senate conferees were Senators Couzens, Watson, Fess, Smith of South Carolina and Dill. The House conferees were Representatives Davis, Bland and Lehlbach.

Substantial agreement was reached on several sections of the bill. Action by the conferees on several of the more important Senate amendments was postponed until the next meeting of the conferees scheduled for next Tuesday.

The Davis bill as passed by the House last session contained non-controversial matter but the Senate added several amendments which must be considered by the conferees.

The more important Senate amendments which are the subject of the conference are as follows:

"Section 9 of the Radio Act of 1927, as amended by the Act of March 28, 1928, Public Law, Numbered 195, Seventieth Congress, is hereby amended by adding at the end of section 9 the following: 'Provided further, That the commission may grant applications for licenses for stations not exceeding two hundred and fifty 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 quota provisions of this section, and said stations may be authorized without regard to the quota restrictions herein provided'."

"(h) Any licensee may, at his option, in lieu of appealing to the Court of Appeals of the District of Columbia, appeal from any order of the commission revoking a station license or fining a station owner to the district court of the United States for the district in which the transmitting apparatus of the station license is operated. The provisions of subsections (b), (c), (e), and (f) shall apply to such appeals. Upon any such appeal the commission shall appear as respondent. The matter may be brought on to be heard by the court in the same manner as a motion, by either the attorney for the commission or the attorney for the licensee, at any time after the commission has filed with the court the record provided for by subsection (c). The findings of the commission as to the facts, if supported by evidence, shall be conclusive. The court shall hear and determine the appeal upon the record before it and shall have power to affirm or, if the order of the commission is not in accordance with law, to modify or reverse the order of the commission for error of law. After review of any order from which an appeal is taken under this subsection it shall be the duty of the commission to set aside or modify its order in so far as may be necessary to accord with any judgment of the district court that has become final.

CONFERENCE ON DAVIS BILL (continued)

"(i) The jurisdiction of the Court of Appeals of the District of Columbia and of district courts of the United States to review any order of the commission revoking a station license or fining a station owner shall be exclusive. An appeal filed by any licensee with either of said courts for the review of an order of the commission revoking a station license or fining a station owner shall bar appeal by such licensee to any other court for the review of such order."

"Section 13. 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, firm, or corporation operating any such station shall knowingly permit the broadcasting of, any advertisement of 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, firm, or corporation 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.

"Section 14. (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 the presentation of views on a public question to be voted upon at an election, or by a governmental agency, 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.

"(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.

"Section 15. No person, firm, company, or corporation shall be permitted to locate or maintain a radio broadcast studio or other place or apparatus from which or whereby sound waves or mechanical reproduction thereof are converted into electrical energy and transmitted, or delivered, to a radio station in a foreign country for the purpose of being broadcast from a radio station there, and thereby transmitted back into the United States without first obtaining permission from the Federal Radio Commission upon proper application therefor."

February 13, 1933

DILL COMMUNICATION BILL

Senator Dill of Washington, is now engaged in drafting a communications commission bill which he hopes to have passed at the special session of Congress this Summer.

The Dill bill will consolidate the government's administration of radio, telephone, telegraph and cable laws under a single commission of three members. Power regulation will not fall within the jurisdiction of the commission proposed by Senator Dill's bill.

The work of drafting has not been completed and details of the proposed legislation are not available.

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DAVIS INTRODUCES FEE BILL

Representative Davis, Tennessee, chairman of the House Merchant Marine, Radio and Fisheries Committee, this week introduced a license fee bill (HR 14688) in the House. The bill is substantially similar to the Dill license fee bill and would impose fees ranging from \$120 to \$5,000 a year on broadcasting station licenses. The bill has been referred to Chairman Davis' committee for consideration. Hearings on the measure were held in the Senate several weeks ago and the NAB expressed opposition to the measure.

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HOOVER APPOINTEES UNCONFIRMED

The term of Judge Eugene O. Sykes as member of the Federal Radio Commission from the Third Zone will expire on February 23. President Hoover recently reappointed Judge Sykes to the Commission but in view of an understanding entered into at the commencement of the present session with respect to Hoover appointees, it is doubtful if the Senate will act on the appointment. If the Senate does not act on the Sykes reappointment, the Commission will have but three members until President Roosevelt acts. The appointment of Mr. J. C. Jensen of Lincoln, Nebraska, to be Commissioner from the Fourth Zone, is also pending before the Senate Interstate Commerce Committee.

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SECOND NORTH AMERICAN MEETING

The second of a series of meetings preliminary to the North American radio conference will be held at the Department of State on February 23. It is expected that the broadcasters will be ready to present their program at this meeting. All classes of radio licensees have been invited to attend the meeting.

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February 18, 1933

GENERAL COUNSEL PATRICK RESIGNS

Duke M. Patrick, general counsel of the Federal Radio Commission, and Karl A. Smith, an assistant counsel in the legal division of the Commission, resigned today, effective March 1, to engage in private practice in Washington.

Mr. Patrick will become associated with the law firm of Hogan, Donovan, Jones, Hartson & Guider, Washington, D. C.

Mr. Patrick was appointed assistant general counsel of the Commission January 27, 1930, and served in that capacity until March 28, 1932, when he was appointed general counsel to fill the vacancy created when Col. Thad H. Brown was appointed a commissioner.

As general counsel Mr. Patrick has made an enviable record. He has appeared frequently before the Court of Appeals of the District to defend decisions of the Commission and in the vast majority of cases that court has upheld the Commission.

Mr. Patrick is a native of Indiana, having been born July 3, 1900, at Paragon, Morgan County, the son of Bruce T. Patrick and Kathryn M. Patrick. He attended the public schools of Indiana and was graduated at Purdue University in 1921, with the degree of Bachelor of Science. In 1924 he was graduated at the University of Michigan Law School with the degree of J. D. (Juris Doctor).

He first engaged in the practice of law at Lafayette, Indiana, in 1924. To broaden his field he moved to Indianapolis in 1927, where he specialized in the practice of Public Utility Law before the State Public Commission and the Federal Courts.

He married Gwendolyn Patton, daughter of Charles D. Patton of Lafayette, Indiana, October 26, 1928. They have no children.

He is a member of the Columbia Club of Indianapolis, the Congressional Club of Washington, D. C. He is a Mason; a Republican; member of Pi Kappa Alpha social fraternity; Phi Delta Phi, Legal Fraternity.

Mr. Smith is 29 years old and is a native of the District of Columbia. He attended the public schools of Washington and received part of his early education at Mr. Hermon, Massachusetts. He was graduated at the National University Law School in June, 1928, and was admitted to the bars of the Supreme Court and the Court of Appeals of the District in 1929.

He served as deputy clerk of the Police Court of the District of Columbia from May, 1925 to December, 1930, when he joined the legal staff of the Commission.

Mr. Smith has been both diligent and efficient in handling his work for the Commission.

February 18, 1933

SHULER DENIED REHEARING

The United States Supreme Court this week denied rehearing in the "Bob" Shuler case. Attorneys for Shuler petitioned for a review by the Supreme Court some weeks ago. The Court denied the petition whereupon his attorneys asked a rehearing on the denial. This has now been denied and the case is closed. The American Civil Liberties Union filed a brief as a friend of the Court asking for the rehearing.

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OREGON HOUSE PASSES OWNERSHIP BILL

On February 8, 1933, H.J.R. 17 was passed by the House of Representatives of Oregon. The measure would authorize the State of Oregon to "purchase, condemn, build, own and operate telephone, telegraph or radio systems for the transmission of long distance messages within and without the state." The bill now goes to the Senate.

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RADIO INTERFERENCE BILL

Representative Gillett introduced in the Pennsylvania House of Representatives on February 7, a bill (H 711) requiring the elimination of radio interference under certain circumstances, by the person, corporation, copartnership or association responsible for same, and providing a penalty for noncompliance therewith." The bill has been referred to the House Committee on Municipal Corporations.

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CALIFORNIA WOULD TAX SETS

A bill (A. 1992) providing for a sales tax on various goods introduced in the California House by Representative Woolwine contains a provision imposing a tax of five per cent on the sale of radio receiving sets and parts. The bill has been referred to the Revenue Committee.

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MASSACHUSETTS INVESTIGATION BILL WITHDRAWN

The bill (H 823) introduced in the Massachusetts legislature by Representative Logan of Boston and providing for an investigation of radio broadcasting in the State of Massachusetts was withdrawn on February 14.

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MAINE RECEIVING SET TAX BILL

Representative Lebel has introduced in the Maine Legislature a bill (HP 1067) providing that city and town clerks "shall assess the tax on radios according to their value; 10 per cent of their value to be deducted each year for five years, after which time the assessment shall remain the same as the fifth year."

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WASTE BASKET IS BETTER

Two weeks ago the Bulletin carried a story to the effect that one station was replying to all "per inquiry" and "commission" proposals by sending a copy of its rate card. This week a member writes to the effect that he has tried that method but recently decided that the waste basket provided a better way of disposing of these offers.

In the meantime time chiseling proposals continue to reach stations in increasing numbers.

"When your listener sends you \$2.00 just send us \$1.50 and his name and address. And you clear 50¢ per series of 9 books." The programs "cost you nothing". "Run them whenever you wish, the oftener the better."

Another offers magic water "the most effective in the correction of constipation and most of all, kidney, liver, stomach and bladder disorders" as well as other diseases "resulting from bad blood and faulty elimination". Costs \$1.00 per pound "allowing your station 28¢ net". "This is not a hit or miss proposition. Can you afford to disregard it?"

Still another concern feels "fortunate" to be able to sign up a company for "a large amount of broadcast advertising". The advertiser carries regular schedules with "important publications" but asks that stations read wordy scripts free except that "this account pays your station 15¢ net per inquiry". The letter does not state whether it secures its newspaper space on the same basis.

Acceptance of such proposals by stations will undermine the economic structure of broadcasting. It is high time that the industry put a stop to such proposals. Time is the only thing a station has to sell and it should be sold only in accordance with published rate cards. If your rate cards are too low, increase them; if they are too high, reduce them. Don't undermine your rate structure by accepting per inquiry or commission proposals.

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BROADCASTING COURT TESTIMONY IN MISSOURI

Gil P. Bourk, Democrat, Kansas City, this week introduced an act (House Bill No. 463) in the Missouri General Assembly to amend the Revised Statutes of Missouri by adding a new section as follows:

"Section 1752a. No witness shall be permitted or compelled to testify or give testimony in any civil proceeding, criminal or quasi-criminal proceeding of any kind or character whatsoever when the testimony of any such witness would be broadcasted or caused to be broadcasted over or from any radio or radio station or transmitted or caused to be transmitted from any radio or radio station."

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February 18, 1933

RECOMMENDS DENIAL WKBH APPLICATION

Examiner Elmer W. Pratt in his Report No. 454 this week recommended to the Radio Commission that the application of Station WKBH, La Crosse, Wisconsin, for full time on its present frequency of 1380 kilocycles be denied. It now shares time with KSO.

The examiner, while admitting that the station is qualified in all ways to use the additional time, finds that it "would result in an increase in interference, in that there would be interference during a greater portion of the evening hours than at present between WKBH and other stations on the same channel." Also, he states that "the granting of this application would be inconsistent with paragraph 6 (a) of the Commission's Rules and Regulations in that there would result an increase in the facilities of a zone which is already over quota."

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WFBM AND KFAB MAY SYNCHRONIZE

Chief Examiner Ellis A. Yost in Report No. 453 this week recommended that Stations WFBM, Chicago, and KFAB, Lincoln, Nebraska, be allowed to synchronize experimentally at certain specified night hours and that both stations be allowed to install automatic frequency control.

The chief examiner found that both stations are able to carry out the experimental work that they propose and the programs of the stations, if synchronized would reach a large number of listeners that neither of them can reach now.

The report states that this is "the first complete synchronization experiment proposed to the Commission in which the stations to be synchronized are so separated that the good service area of the stations in question do not overlap."

It is further contended in the report that "the making and conducting of the synchronization experiments proposed by the applicants, because of the data and facts which would be gathered therefrom, are of such importance to the art of radio broadcasting that public interest, convenience and necessity would be served by the granting of these applications and the making of the tests and conducting of the experiments proposed."

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RADIO CONFERENCE APPROPRIATION

The Senate this week passed an amendment to an appropriation bill which would allow the unexpended balance of the money appropriated for the Madrid Radio Conference to be used by the State Department for the North American Radio Conference to be held in Mexico City and provided that it shall be available immediately "and to remain available until June 30, 1934."

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February 18, 1933

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 GRANT</u>
		<u>FIRST ZONE</u>
		None
		<u>SECOND ZONE</u>
		None
		<u>THIRD ZONE</u>
KTRH	KTRH Broadcasting Co. Houston, Texas	Granted 60 day authority to increase power from 500 watts to 1 KW Exp., in order to make certain tests in territory in which this station is located.
		<u>FOURTH ZONE</u>
WLS	Agricultural Brdestg. Co. Chicago, Illinois	Granted authority to use auxiliary transmitter of station WENR pending action on application.
KFRU	KFRU, Inc. Columbia, Missouri	Granted renewal of license, 630 kc, 500 watts, shares with WGBF and WOS as follows: KFRU and WOS half time, and WGBF half time. Also simultaneous daytime operation with WGBF.
		<u>FIFTH ZONE</u>
		None

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NO HEARINGS NEXT WEEK

During the week beginning Monday, February 20, no hearings will be held by the Radio Commission in connection with broadcasting stations.

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RADIO SERVICE BULLETIN

Radio Service Bulletin No. 190 issued by the Federal Radio Commission is now available. It is for the month of January and contains as usual various tables and actions of the Commission dealing mostly with short wave matters.

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February 18, 1933

APPLICATIONS RECEIVED

During the current week the Commission received the following applications:

<u>FRC</u>	<u>FILE</u>	<u>CALL</u>	<u>FREQUENCY</u>	<u>NAME OF APPLICANT</u>	<u>NATURE OF APPLICATION</u>
<u>FIRST ZONE</u>					
1-ALB-503		WLEY	1370	Carl S. Wheeler t/a Lexington Air Station Lexington, Massachusetts	Vol. assign. of lic. to Albert S. Moffat.
1-PB-2797		NEW	1340	Portland, Maine Publish- ing Company. Portland, Maine	C. P. for new station to use 1340 kc, 500 watts, unlimited time. Amended as to equipment to be used.
<u>SECOND ZONE</u>					
2-MPB-417		WNPW	1200	WNPW, Inc. Carbondale, Pennsylvania	Mod. of C. P. granted 8/18/32 to extend dates of commencement and comple- tion to 2/15/33 and 6/15/33 respectively.
2-MPB-419		WNPW	1200	WNPW, Inc. Carbondale, Pennsylvania	Mod. of C. P. to change transmitter and studio lo- cation to U. S. Route #6, Jermyn Borough, Pa., change in equipment and extend dates of commencement and completion.
<u>THIRD ZONE</u>					
3-PP-2806		WROL	1240	Stuart Brdcstg. Corp. Knoxville, Tennessee	C. P. to change equipment, change frequency, power and hours from 1310 kc, 100 watts, unlimited hours to 1240 kc, 250 watts, $\frac{1}{2}$ time with WKAQ, San Juan, P.R.
3-MPP-418		WKEU	1500	Allen Wright Marshall, Jr. Allen Wright Marshall, Sr. and Guy Aaron Malcolm, LaGrange, Georgia	Mod. of C. P. granted 1/20/33 for changes in equipment.
<u>FOURTH ZONE</u>					
4-LB-942		WTRC	1310	Truth Publishing Co. Inc. Elkhart, Indiana	License to cover C. P. granted 1/4/33.
4-PB-2807		KGFX	630	Dana McNeil Pierre, South Dakota	C. P. to make changes in equipment.

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APPLICATIONS RECEIVED (continued)

FIFTH ZONE

5-ALB-501	KFAC	1300	Los Angeles Brdcstg. Co. Los Angeles, California	Vol. assign. of lic. to Los Angeles Broadcasting Company, Inc.
5-ALB-502	KFVD	1000	Los Angeles Brdcstg. Co. Los Angeles, California	Vol. assign. of lic. to Los Angeles Broadcasting Company, Inc.
5-PB-2660A	KGIX	1420	J. M. Heaton Las Vegas, Nevada	C. P. for new 100 watt transmitter. Amended to request change of trans- mitter and studio locally to Palace Theatre Bldg., and make changes in equip- ment.

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RENEWAL APPLICATIONS RECEIVED

The following applications for renewal licenses have been received during the current week: KALE, Portland, Oregon; KGIR, Butte, Montana; KWSC, Pullman, Washington; WLS, Chicago, Illinois; KFOX, Long Beach, California; KFUL, Galveston, Texas; KGCU, Mandan, North Dakota; KRKD, Los Angeles, California; WAML, Laurel, Mississippi; WCAL, Northfield, Minnesota; KFIO, Spokane, Washington; KFEL, Denver, Colorado; KGBZ, York, Nebraska; WGCP, Newark, New Jersey; WNOX, Knoxville, Tennessee; WFLA-WSUN, Clearwater, Florida.

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APPLICATIONS RETURNED

During the current week the following applications were returned either because they did not comply with regulations or at the applicant's request: KGBZ, York, Nebraska; KGCU, Mandan, North Dakota; WMAZ, Macon, Georgia; KOIL, Council Bluffs, Iowa; KFSG, Los Angeles, California; KMA, Shenandoah, Iowa; WHAS, Louisville, Kentucky; WRAX, Philadelphia, Pennsylvania; WWL, New Orleans, Louisiana; WWVA, Wheeling, West Virginia; KWKH, Shreveport, Louisiana; KYW-KFKX, Chicago, Illinois.

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RENEWAL APPLICATIONS GRANTED

The Commission granted the following applications for renewal licenses during the current week: WCAJ, Lincoln, Nebraska; WLBL, Stevens Point, Wisconsin; WOS, Jefferson City, Missouri; WOW, Omaha, Nebraska; WREC-WOAN, Memphis, Tennessee.

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