

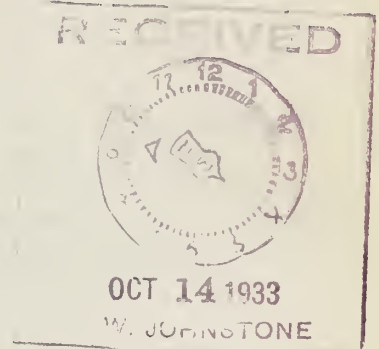
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INDEX TO ISSUE OF OCTOBER 13, 1933.

Broadcasters Pledge Selves To Renew Composers' Warfare...	2-8
Allotment For Radio Facilities.....	9
Cuban Radio Imports Increase.....	9
Business Letter Notes.....	10
No Code Developments.....	11
Decisions Of The Federal Radio Commission.....	11

No. 664



BROADCASTERS PLEDGE SELVES TO RENEW COMPOSERS' WARFARE

WHITE SULPHUR SPRINGS, W. Va., October 00 - Concluding what was probably the most militant session ever held by the National Association of Broadcasters; practically every man at the meeting either pledged his station, or promised to urge his Directors to contribute 10 percent of what is paid the American Society of Composers to a war chest to fight the Society to a finish. There wasn't a dissenting voice.

Isaac D. Levy, of Philadelphia, made a midnight appeal to the tired delegates which doubtless will be long remembered by those who heard it. The feeling became so intense against the Composers as the Broadcasters steamed up that Oswald F. Schuette, while speaking, hearing some sort of disturbance in the next room, said, "I hope that is Mills listening!" This referred to E. C. Mills, General Manager of the American Society of Composers.

Mr. Levy declared time and again that he was certain Mr. Mills had a personal representative "planted" in the meeting and repeatedly addressed his remarks to this man, if any such were present. The Composers were frequently referred to as racketeers. In fact, Mr. Schuette said he had lodged a recent complaint against them in the newly organized Racketeering Division of the Department of Justice "where they handle bombers and kidnappers".

This complaint was one from the West Coast where, Mr. Schuette alleged, the American Society not only sent a notice to the broadcasting station that they would sue them if they didn't take out a license, but also sent warnings to the station's advertisers that they also would be prosecuted. Schuette said he had likewise laid this before the Federal Trade Commission as well as the Governor of the State.

"Instead of calling it the American Composers' Society", Mr. Levy shouted, "they ought to call it the 'Mills, Buck and Burkan Society'". This sally, which included Gene Buck, President of the ASCAP, and its counsel, Nathan Burkan, brought down the house.

"Mills gets \$100,000 a year", Mr. Levy continued, "while Irving Berlin, the country's greatest popular song writer, gets but \$4,300. Berlin told me that himself and he is very sore about it.

"When I first talked with Mills, I asked him, 'Regardless of any plan, are the Broadcasters going to pay more or less whatever way it works out?' 'Whatever plan you are going to pay more', Mills asserted. 'If you are paying "X" dollars now, you will pay "Y" more dollars later'. I understood it after he had illustrated it", Mr. Levy said, amid laughter.

The delegates were told several times that there is considerable dissension within the ranks of the Composers.

"You broadcasters sit back complacently and apparently believe because we've filed a suit that it is all over and we have won a great victory", the irate Philadelphian hurled at them. "All you have done is to put on the boxing gloves and the Composers are coming at us fighting."

Mr. Levy declared that an immediate appeal would be made to stations who are not NAB members to contribute their 10% to fight the Composers, regardless.

The first and only speech of the Convention to be interrupted by applause was that made by Joseph C. Hostettler, law partner of Newton D. Baker, who proved himself to be a natural humorist.

"I am interested in this copyright fight both as a legal matter and about half as a personal matter", Mr. Hostettler began. The reason for the latter, he said, was a call he had made upon Mr. Mills with M. A. Howlett of WHK, Cleveland, a client, and long before his present connection with the broadcasters.

"We'll make a change in the WHK rate", Mr. Mills finally told us", Mr. Hostettler related, "and then Mills added, 'You are going to sign it whatever it is because you can't operate your station without our music.'

"My face showed displeasure because no one can look pleased when someone sticks a gun at him. 'I wasn't wondering if you were going to be kind and just to us', I said to Mills. 'Your face shows that, but I was wondering if anybody ever had that much power.'"

"As we went down in the elevator I said to "M.A.", 'Is it true what that man said that you can't operate your broadcasting station without a license from him?' To my astonishment he replied, 'I believe it is.'

"That just won't do. It can't last. It is contrary to every principle our government was founded upon. We are in a lawsuit with them now and I am not going to discuss it further than to say that we may lose a battle but we are not going to lose the war if the broadcasters stand together and demand the right to pay only for the music they use and that's all they have ever asked."

Mr. Levy credited Frank M. Russell, of the NBC with being the man who first suggested enlisting Newton D. Baker into the cause. After the matter had been put up to Mr. Baker, he replied, "Boys this is a great injustice. I'll be glad to take the case."

It was a spirited convention throughout and the official list showed that 223 persons had registered. Edwin M. Spence of Atlantic City, a pastmaster at entertaining, proved an ideal Chairman of arrangements. The Convention was officially opened by

the following telegram from President Roosevelt to President McCosker:

"I extend to you and to the members of the National Association of Broadcasters assembled in convention at White Sulphur Springs, my heartiest greetings. Your organization stands for a young but tremendously important industry. I know this convention will carry forward another year of successful achievement and assure you that you have by good wishes."

Phil Loucks, Managing Director of the Association, told of the establishment of a statistical service for the industry, a Program Clearing House, improved weekly bulletins and expansion of engineering services. Mr. Loucks was praised for his work, likewise complimentary references were heard in connection with the efforts of his assistant, C. J. Dowd, who proved a particularly handy man at the Convention.

Although Dr. C. B. Jolliffe, Chief Engineer of the Federal Radio Commission, told the Broadcasters they attained a technical standard exceeding that of any others in the world, nevertheless he pointed out quite a few things they still could do.

"You ask for more power", the Federal Engineer declared, "but I have yet to see any one of you try to improve 1000 watt transmitting equipment, say, to make it the equivalent of 5,000 watt equipment."

Dr. Jolliffe said a weak spot was the antenna system. "To many of you", he declared, "an antenna is simply a wire strung between two poles."

"Why do we not have television broadcasting today?" John V. L. Hogan, of New York, asked.

"One answer to that question is that we do now have television broadcasting services; some seventeen experimental television transmitters have been licensed by the Radio Commission, and several of these are transmitting on regular time schedule. None of these stations, however, has been authorized to transmit a sponsored television programme, and consequently whatever material is prepared for transmission must be of the 'sustaining' type, and is planned and executed at the station's own expense. Since the majority of those who operate experimental television stations are primarily concerned with apparatus development, it is not surprising that their budgets do not provide for a more extensive development of programmes."

The establishment of a radio "A.B.C." (Audit Bureau of Circulation) was urged by John Benson, President of the American Association of Advertising Agencies.

"What the broadcasting business needs is - more reliable and more definite measure of its audience; first, how much and where located; then how attentive and to what; when most approach-

able or most responsive, with a number of related facts which throw light on the medium and its use", Mr. Benson said.

"What the undertaking needs, in my opinion, is some joint bureau, financed by the stations surveyed, on which the N.A.B. the agencies and the advertisers might be represented by a group of technical and advertising experts, to set standards, determine methods, hire and control engineers, supervise compilations and reports. This would be a distinct advance towards building a radio A.B.C.

"Signal strength measurements are merely the foundation, however, of the structure of facts we need to measure radio coverage, that is, effective coverage. Further studies should be made to determine how many of a potential audience are listening, when and how they listen, on what days, at what hours, and with how much preference for one program over another, for one station over another."

Father Burke, of Station WWL, New Orleans, told of the bitter political fight to be waged there and asked how he could be protected from libel and slander responsibility if candidates deviated from their set speeches.

"I should say", Henry Bellows, Chairman of the NAB Legislative Committee replied, "anyone who broadcasts a political speech does it at his own peril until the Nebraska decision is tested by the Supreme Court, which, by the way, will be about March 20. Until then a broadcaster handling a questionable political speaker is liable to put his head in the noose."

Among those attending the Convention were Bond Geddes, of the Radio Manufacturers' Association, and former Radio Chairman Ira E. Robinson. Judge Robinson, who is a native of West Virginia, said he came along "just to furnish bail if any of the boys needed it."

John W. Guider, Code Counsel, told the Convention that if the labor clauses could be agreed upon, there was a fair chance of getting it to the President within a week. Otherwise, it was problematical as to when it would be signed.

"We are having trouble with the Code but not with the Administration", Mr. Guider said. "If it hadn't been for organized labor, we'd have had the Code by now. Ed Nockels, the Labor Advisor, turned up with an entirely new Code which labor had written."

Mr. Guider said that the Temporary Code Authority, those who would administer the Code for the next 90 days, would be composed of Mr. Nockels; Isaac Buckwalter of WGAL, Lancaster, Pa.; Frank M. Russell, NBC, Washington; Henry Bellows, Columbia, Washington; Emile Denemark, Chicago; John Elmo, Baltimore; Alfred J. McCosker, New York; John Shepard III, Boston; and James W. Baldwin, Washington.

There will not be an investigation of the Radio Industry by Congress according to Henry Bellows, Chairman of the Legislative Committee.

"Investigations cost money and Congress hasn't any money", Mr. Bellows said. "Maybe not the next session but sooner or later a Communications Commission will be passed. The Commission will be comparable to the Interstate Commerce Commission.

"If anything like that comes up, you want to oppose it because the main job of the Commission will be rate fixing and the next thing they will want to do will be to make rates for broadcasting."

Mr. Bellows warned the broadcasters to look out for tax bills which he said were sure to come. He advised the broadcasters in each State to organize and get ready for this and other State legislation. The speaker said that every broadcaster should make the personal acquaintance of their Senators and Congressmen.

"So often we send a wire from Washington asking a broadcaster to get into touch with his Senators and Congressmen", Mr. Bellows concluded. "'Glad to' they reply, 'who are they?'"

The following resolutions were passed by the Convention:

Resolved, That the National Association of Broadcasters hereby approves the past actions of its officers and directors in their effort to secure an equitable contract between the American Society of Composers, Authors, and Publishers, and the Broadcasters, and hereby authorizes and directs its officers and directors to continue such effort, and to raise all necessary funds for that purpose, in such manner as they may deem most effective.

Resolved, That the National Association of Broadcasters hereby indorses the work of its Code Committee in the preparation of a Code of Fair Competition for the Broadcasting Industry, and specifically urges upon the Code Committee the absolute necessity for maintaining the principle of a forty-eight hour minimum week for broadcast operators and control men, on the ground that the long hours, seven days each week, during which this industry must operate as a matter of service to the Public, makes it impossible for many broadcasters to continue in business except at a disastrous loss on the basis of shorter hours for operators and control men.

Resolved, That while the National Association of Broadcasters is eager to cooperate in protecting the Public against exploitation through untruth or unscrupulous advertising, it believes that any legislation for this purpose must be reasonable and precise in definition, uniform in administration and fair in

application, and therefore, this Association must record itself as definitely opposed to the enactment, unless on the basis of many and far-reaching changes therein, of the bills to rewrite the Pure Food and Drug Law now pending in both Houses of the Federal Congress.

Resolved, That in view of the commitment now being required of every broadcaster under the terms of the National Recovery Act, it is a manifest injustice that this industry should be compelled to measure the existence of every one of its component parts in terms of not more than six months, and that, as a definite part of the National Program of recovery and increased stability and confidence, the Broadcasters are clearly entitled to the full term of license provided by Congress in the Radio Act of 1927; and this Association hereby directs its officers and directors to present to the Federal Radio Commission its urgent request for action which will bring the regulations of that Commission in accord with the provisions of the law.

Resolved, That the National Association of Broadcasters undertake through the proper Committee the study of all sales costs with a view of presenting definite recommendations at the next annual convention of the Association in 1934.

Whereas, the practice of accepting business on a "per inquiry" and "commission" or "contingent" basis has been widespread among stations, and is against public interest, convenience and necessity, and

Whereas, such practices are inimical to the best interests of broadcasting, and unfair to legitimate buyers paying card rates, be it therefore

Resolved, That the National Association of Broadcasters considers such business so accepted as constituting unfair trade practices, and that furthermore, all business must be accepted only at card rates.

Whereas, there is an insistent demand on the part of advertisers and advertising agencies for uniform station data, and

Whereas, many methods of measuring station coverage and program prestige have been advanced with resultant confusion, it is, therefore,

Resolved, That the NAB is of the opinion that a survey of potential coverage is basic and preliminary to any further surveys or measurements, and recommends that steps be taken to standardize practices of measurement.

Whereas, the use of the electrical transcription method of broadcasting programs is generally accepted by both stations and by listeners, and has become an important economic factor in the operation of broadcasting stations, and

Whereas, there is definite evidence of serious loss in income to stations because of existing requirements that electrical transcription programs must be so announced, and

Whereas, there has been sufficient progress in the manufacture of electrical transcription programs that the reproduction of the majority of such programs are now generally considered as excellent, and

Whereas, the broadcasting industry would be greatly benefitted by the removal of existing restrictions, therefore, be it

Resolved, that the National Association of Broadcasters hereby respectfully urges the Federal Radio Commission to alter the existing regulations requiring that electrically transcribed programs made especially for broadcasting be so announced, so that such a transcription may be announced merely as a production of the concern making such transcription.

Whereas, the practice of accepting "script" and electrically transcribed programs of a commercial character, on a sustaining basis, is against public interest, convenience, and necessity, and,

Whereas, such a practice is unfair to legitimate buyers of Broadcasters facilities, be it therefore,

Resolved, that the National Association of Broadcasters considers such business so accepted as constituting an unfair trade practice.

Alfred J. McCosker, of Station WOR, Newark, was reelected President. Other officers elected were: 1st Vice-President, Leo Fitzpatrick, of Station WJR, Detroit, Mich.; Second Vice-President, John Shepard III, of Station WNAC, Boston, Mass; Treasurer - I. D. Levy, of Station WCAU, Philadelphia, Pa.

The following Directors were elected for a three-year term: Arthur B. Church, Station KMBC, Kansas City, Mo.; Frank M. Russell, Station WRC, Washington, D. C.; H. K. Carpenter, Station WPTF, Raleigh, N. C.; I. R. Lounsberry, Station WGR, Buffalo, N.Y.; and William S. Hedges, Station KDKA, Pittsburgh, Pa.

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ALLOTMENT FOR RADIO FACILITIES

An allotment of \$712,500 to the Navy Department for the improvement of radio communication facilities at six stations has been announced by Federal Administrator of Public Works Harold L. Ickes.

A large proportion of the money will go into the purchase of new equipment for modernizing the stations, especially at Pearl Harbor, Hawaii; Annapolis, Md., and Summit, Canal Zone.

The allotment authorizes the following expenditures:

Annapolis, Md., \$332,000; Summit, Canal Zone, \$191,000; Pearl Harbor, Hawaii, \$153,000; San Diego, Calif., \$15,000; Washington, D. C., \$10,000; Sandy Hook, N. J., \$3,500; An allotment of \$8,000 was made for miscellaneous improvements.

Navy Department officials estimate that bids on the new equipment can be advertised almost immediately and that about 400 men will be given employment for nine months.

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CUBAN RADIO IMPORTS INCREASE

Contrary to the normal trend of radio equipment, imports into Cuba, those of July and August of this year, were both substantially above the imports of previous months, according to Assistant Commercial Attache H. N. Tewksbury.

A total of 356 sets was imported in July, as compared to 173 in July, 1932, and 294 units in August, 1933, and 158 units in August, 1932. Owing to the exceptionally small imports during the first four months of 1933, the total imports for the first eight months of this year were 42.5 per cent below those of the corresponding period of 1932. Thus far in 1933, only 1491 radio receiving sets have been imported into Cuba against 2,592 in the first eight months of 1932.

Cuban radio dealers, the report states, had expected that the annual Government tax on radio receiving sets would be removed. The agitation in the first few months against this tax resulted in such small sales that all importers were hesitant about placing orders until some definite action was secured. However, stocks of old models have been substantially reduced at sacrifice prices, which has permitted heavier importations during the past few months.

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: BUSINESS LETTER NOTES :
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Examiner George H. Hill has recommended to the Federal Radio Commission that it deny the application of the Greensburg Broadcasting Station for the erection of a new station at Greensburg, Pa. The Examiner, in his report, found that there was not proper financial backing, that such a station as requested might lead to interference and that there was not sufficient showing of a service needed in the area.

Paul ("Fritz") Morency, of Station WTIC, Hartford, who is ill in a hospital there, was the recipient of a telegram from the National Association of Broadcasters telling him that the Convention at White Sulphur Springs wasn't quite a complete one without his presence there, and anticipating with pleasure his being with them next year.

A production in radio receiving sets during the six months ending September 30 greater than that of any similar period in preceding years, and an increase in employment payroll of approximately 100 per cent during the two-month period ending September 30, has been announced for the Crosley Radio Corporation by Powel Crosley, Jr., President.

These figures show, according to Mr. Crosley, that during the month of September, the number of radio sets built and shipped exceeded by more than 25 per cent that of the highest September production in the history of this Cincinnati manufacturing concern. Since August 1, when the Crosley company began operation under NRA codes, 1,310 persons have been added to its payroll bringing the total, as of September 30, to 2,737. Further additions are being made daily.

Plans for superstation XEPM at Piedras Negras, across the Rio Grande from Eagle Pass, Texas, are forming. Howard W. Davis, manager of the proposed 100,000 watt broadcaster, will have studios in San Antonio.

Grigsby-Grunow Company has just announced the manufacture of 4 new modernistic models in radio cabinets - Model 666 - Ritz; Model 776 - Lido; Model 886 - Park Avenue and Model 996 - Riviera; In addition, 3 other models have been announced - a Queen Anne Consolette in matched butt walnut; a Tudor consolette in all oak cabinet with an antique finish, and a conventional console of smart appearance.

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NO CODE DEVELOPMENTS

Officials of the National Association of Broadcasters, who have been working on the broadcasting code with the N.R.A. returned to Washington on Thursday. It is understood that within the next day or so they will begin active negotiations again looking toward a quick adjustment of the various problems under discussion.

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DECISIONS OF THE FEDERAL RADIO COMMISSION

Applications Granted (October 13, 1933)

WNRA, Kathryn Jones, Florence, Ala., modification of C.P. approving transmitter location at Muscle Shoals City, Ala., and studio location from Florence, Ala. to Muscle Shoals City; changing type of equipment and extending commencement date to 15 days from this date and completion date to 105 days from this date; WJEM, Britt A. Rogers, Jr., Tupelo, Miss., modification of C.P. extending completion date to Feb. 1, 1934; KNOW, KUT Broadcasting Co., Austin, Texas, modification of C.P. extending commencement date to Sept. 29 and completion date to Dec. 29, 1933; WRUF, University of Florida, Gainesville, Fla., authority to operate simultaneously with KOA from 8 P.M. Oct. 14; WIND, Johnson-Kennedy Radio Corp., Gary, Ind., authority to use auxiliary transmitter for one week from Oct. 15, while installing main transmitter at new location.

Renewal of Licenses

The following stations were granted renewal of licenses for the regular period: WAAB, Boston, WBIG, Greensboro, N. C.; WCKY, Covington, Ky.; WDRG, Hartford, Conn.; WFBL, Syracuse, N. Y.; WHAZ, Troy, N. Y.; WHBL, Sheboygan, Wis.; WHOM, Jersey City; WODX, Mobile, Ala.; WSFA, Montgomery, Ala.; WTAQ, Eau Claire, Wis.; KFAC, Los Angeles; KIDO, Boise, Idaho; KGNF, North Platte, Neb.; KOH, Reno, Nev.; KSCJ, Sioux City, Ia.; KFQD, Anchorage, Alaska.

Applications Granted (Other Than Broadcasting)

Mackay Radio & Telg. Co., Inc.: WMK, WMQ, WIF, WKI, Sayville, N. Y., C.P.s to install new transmitters; WNU, Tropical Radio Telg. Co., New Orleans, C.P. to install new transmitter; KGZX, City of Albuquerque, N. Mex., license for police service, 2414 kc., 50 watts; WFC, Tropical Radio Telg. Co., New Orleans, modification of 6 licenses to change authorized power to 600 watts; W1XN, Wesleyan University, Middletown, Conn., renewal of general experimental license in exact accordance with existing license; W6XE, Pioneer Mercantile Co., Bakersfield, Cal., renewal of special experimental license in accordance with existing one; WPFX, City of Palm Beach, Fla., Police Dept., 90 day extension in which to complete construction of emergency police station.

Also, Radio Corporation of America, Rocky Point, N. Y., special authority to operate seven point-to-point radio telg. communication stations at Rocky Point, for purpose of communicating with the Richard Byrd Expedition, Station KJTY, aboard SS "Jacob Ruppert" during the vessel's voyage to Little America; Press Wireless, Inc., Hicksville, N. Y., special experimental license 8810, 11640, 15700, 18560, 20800 kc., 5 KW for experimental communication to Tokio, Shanghai and Mukden; KJTY, T. S. McCaleb, Communication Engineer, Byrd Expedition, S.S. "Jacob Ruppert" 30 day authority to operate on frequency 3430 kc., for purpose of testing equipment by communicating with Rocky Point; W1OXD, Radio Industries Corp., Portable, W2XAJ, City of Port Jervis, Portable and Mobile; W9XAH, Inc. Village of Tinley Park, Ill.; and W6XBC, Martin W. Bannister, portable & mobile - in Yuma and vicinity, Arizona and California, - all granted renewals of general Experimental licenses in accordance with existing licenses; State of Washington, Highway & Police Dept., Portable and Mobile on Snowplow, Snoqualmie Pass, Wash., 3 C.P.s for police service, 2506 kc., 10, 10 and 50 watts respectively; Same for State Police Car, Wash., 2506 kc., 10 watts; Highway & Police Dept., C.P. for police service, 2506 kc., 50 watts.

Applications Denied

WBHS, Radio Station WHBS, Inc., Huntsville, Ala., denied authority to remain silent pending Commission's decision on application to move station, or until certain arrangements can be consummated for new quarters; KGBX, KGBX, Inc., Springfield, Mass., denied authority to operate unlimited time pending decision on application of voluntary assignment of license of KGIJ.

Miscellaneous

KTHS, Hot Springs Chamber of Commerce, Hot Springs National Park, Ark., and KRLD, KRLD Radio Corp., Dallas, Texas, reconsidered action of Sept. 29th, granting special temp. auth. to operate on Nov. 24 and changed date to Nov. 30; WHDL, Tupper Lake Broadcasting Co., Inc., Tupper Lake, N. Y., application for special temp. auth. to operate until 7 P.M. during Sept. and Oct. heretofore set for hearing, was dismissed to applicant's request

Ratifications

Action taken Oct. 7: Radiomarine Corp. of America: KDSW, Washington, D. C., 60 day authority to operate additional transmitter aboard Vessel "Atlanta City", pending receipt and action on formal application, frequencies 375 to 500 kc., 50 watts; KLBU, Washington, D. C., granted 60 day authority to operate aboard vessel "Veedol", 313 to 500 kc., 50 watts; Action taken Oct. 10: WQQC, Mackay Radio & Telg. Co., San Francisco, Cal., granted 60 day authority to operate aboard vessel "Frank H. Buck", pending receipt and action on formal application, 375 to 500 kc., 100 watts.

Action on Examiner's Report

Lorain Co. Radio Corp., Lorain, Ohio, granted C.P. for new public coastal radio-telegraph station, to operate on 2512 kc., 500 watts, sustaining Examiner R.L. Walker (Commissioner Lafount dissented)

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