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REPUBLICAN SENATOR ASSAILS COMMUNICATIONS APPOINTMENTS

At a time when the question as to who President Roosevelt may appoint to the Federal Communications Commission is uppermost, Senator Dickinson, Republican, of Iowa, created a sensation by declaring that though Judge Sykes, Chairman of the Radio Commission would be reappointed, it was only on condition that he would provide more jobs for deserving Democrats. Senator Dickinson, who recently introduced a resolution, that past acts of the Radio Commission be investigated, said that Commissioner Lafount, Republican, and Dr. C. B. Jolliffe, Chief Engineer "suspected" of being a Republican, were slated to "walk the plank."

As a result of Senator Dickinson's charges that the Commission, because of political pressure, had reversed itself in the Shreveport ("Old Man" Henderson-KWKH-WWL), New Orleans case, Senator Huey Long, Democrat, of Louisiana, proposed that there be a Senatorial investigation of the entire situation.

Senator Dickinson prefaced his attack by saying that though the Senate had passed a voluminous Communications Bill "in all likelihood very few of us were sufficiently familiar with the technical aspects of the subject and its many ramifications to have any definite idea of what the Bill did or did not accomplish." The Senator declared his greatest concern was the personnel of the Commission.

"The rumor is current that the White House has already prepared its slate of appointments, at least in part, and that conferences on this subject have taken place between the President, certain Senate Democratic leaders, and last but not least, Postmaster General Farley", Senator Dickinson said. "I do not know what names, if any, have been agreed on, although the same rumor has it that the present Chairman of the Federal Radio Commission (Judge Sykes) is certain of reappointment. I have even been told that to get this reappointment, he has had to agree to provide more and better jobs to help assuage the appetite of the Democratic patronage machine, and that this involves the sacrifice of several important and competent members of the Radio Commission staff, including Dr. Jolliffe, the Chief Engineer, who are so unfortunate as to be suspected of Republican tendencies. I do not charge that this is so; I hope it is not; for it would be a calamity if the Radio Commission should lose the services of a man like Dr. Jolliffe.

"It is also said that among those slated to be ousted is Commissioner H. A. Lafount, of the Fifth Zone, who, the broadcasters tell me, is head and shoulders above the rest of the Commissioners in ability, in industry, in common sense, and in all other qualifications which go toward making a good Commissioner."

"Mr. Lafount has been the least subject to political pressure. I regret to say, however, that he is a Republican, one of the two Republicans on the present Commission. What is even more unfortunate, I am told, he failed to vote according to instructions from the White House in a case which the Commission had before it, the so-called 'Shreveport-New Orleans case', in which one or more of the other Commissioners shifted their votes back and forth at least three times in an endeavor to accommodate the conflicting desires of Postmaster General Farley and the White House, the latter speaking through Col. Louis Howe, of mess-kit fame. * * * * *

"Will the Senate of the United States have an opportunity to pass intelligent judgment on the fitness of the new appointees? Or will the appointments be thrust at us at the last moment, with no opportunity to study their merits, thus facing us with the unpleasant dilemma of either accepting the President's choice blindly and with misgiving, or leaving the new Commission completely up in the air by our failure to confirm, to be followed by recess appointment?"

Senator Dickinson declared that the Senate should pass his resolution to investigate the present Radio Commission.

"Why I am told that at the Radio Commission, the Commission first decides a case and afterward has its lawyers write the decision", the Senator continued. "Ridiculous as it may seem, these lawyers decide and state the Commission's reasons for a particular decision. These are the same lawyers who later must defend the decision from attack in court, if an appeal is taken. In the Shreveport-New Orleans case, I am told, a young attorney in the Commission's legal division wrote and rewrote the Commission's decision and the Commission's reasons for the decision three times to keep time to the dance of the Commissioners' chameleon-like votes to the tune of White House music. Mind you, this was all on the basis of the same hearing, the same evidence."

The Senator said that these Radio Commissioners are not appointed for life and, unlike our Federal judges, are all too likely to yield to considerations which may have an effect on their reappointment, or even on the amount of their appropriation.

"They are legitimately accessible to parties, attorneys, Congressmen, and White House secretaries on matters having to do with the exercise of their purely routine administrative functions, and perhaps also their legislative functions", he argued. "This makes it all too easy for them to be similarly accessible to persons who wish to talk to them in chambers about some pending case. Having made the very rules under which they decide cases, it is all too easy for them to wink at a violation in one case and to make it the vehicle for drastic discipline, such as closing down a radio station, in another, although in the latter case the reas reason may be something entirely behind the scenes."

Senator Dickinson referred to a series of articles by Arthur S. Henning in the <u>Chicago Tribune</u>, alleging White House and other political influencing of Radio Commission decisions.

"If one-half of what Mr. Henning states is true, impeacament would be a mild reward for the conduct of some of the Commissioners. We have impeached judges for far less", the Senator concluded. "What our friends on the other side of the aisle are pleased to call the 'air-mail scandals' pale into virtuous dealing beside these charges. We cannot abide that such men should be entrusted with the regulation of the transmission of all intelligence in this country, including broadcasting and the communication of news by telegraph and cable."

It was a coincidence that on the day Senator Dickinson referred to the Shreveport-New Orleans case, that the District Court of Appeals dismissed at the station's own request, an appeal filed by Station WWL, of New Orleans, against the action of the Radio Commission favoring KWKH at Shreveport.

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NEWSPAPER GUILD SEES CENSORSHIP PERIL

A resolution adopted by the American Newspaper Guild National Convention at St. Paul called for action on the part of newspaper publishers against the Rayburn Communications Bill. The convention asserted that Section 606(c) of the Bill constituted a menace to freedom of the press. Members said that under it the President, in event of war or national emergency, could close wire and radio news stations or censor news passing through such agencies.

That section of the Bill, the resolution said, was "most alarming and contained a dire threat against freedom", and was "un-American and inhuman, an irrestible invitation to dictatorship in its ugliest forms."

"Without free channels of information, there can be no guarantee of liberty and the bill of rights in the Constitution of this Republic becomes a naked fraud", the resolution said.

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JENKINS, TELEVISION PIONEER DIES

Dr. C. Francis Jenkins, inventor of the radiovision and telephotography systems bearing his name, the motion picture projector and countless other notable devices, died on Wednesday, June 6, of heart trouble at his home, 5502 Sixteenth Street. He was 67 years old.

Dr. Jenkins had been in ill health for more than three years. He was stricken with angina pectoris in June, 1931, while on his way to the West Coast, and was taken from the train at Chicago in a serious condition. Returning to Washington, he began a long battle to regain his health, and apparently was well on the road to recovery when he suffered another severe attack last March. His condition had been grave since that time.

During recuperative periods after his original attack, Dr. Jenkins had endeavored to continue supervision of certain experiments at his laboratory in connection with his most recent development, a home movie and sound recording camera.

Jenkins was born in Ohio, but was raised in a Quaker settlement in Richmond, Ind. It was while working as a clerk in the United States Life Saving Service, forerunner of the Coast Guard, in 1890, that Jenkins began dabbling in inventive matters. He later told friends how his office colleagues decided he was "queer" because he contended it was possible to make pictures move. He was in danger of being fired for neglecting his office work, when he decided to resign anddevote all his time to inventions. His long struggles against cynicism and adversity were climaxed in 1928 by the sale of his television patents to the Jenkins Television Corporation for \$250,000 in cash and stock valued at the time in the millions.

Dr. Jenkins built one of the first automobiles in Washington - a steamer and was required to take out a steamboiler engineer's license to operate it.

On March 3, 1923, he transmitter to Philadelphia by radio, pictures of President Harding, Herbert Hoover - then Secretary of Commerce - and Governor Pinchot. Jenkins successfully photographed bullets in flight, humming-birds and other fastmoving objects.

Jenkins built a broadcasting station in Maryland and purchased a plane, which he called his "flying laboratory". Installing sending apparatus in the plane, Jenkins flew over Washington and sent radiovision broadcasts to the ground station. He later inaugurated a regular daily broadcast of radio movies synchronized with sound - said to have been the first undertaking, of its kind.

In addition to his widow, Dr. Jenkins is survived by his father, A. M. Jenkins, 90, and two brothers, William A. and Atwood L. Jenkins, all of Richmond, Ind. Funeral services will be held tomorrow (Saturday, June 9). Interment will be in Rock Creek Cemetery, in Washington.

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COMMUNICATIONS BILL MAY GO TO PRESIDENT WITHIN WEEK

With conferees having reached an agreement on differing Senate and House Bills to create a Communications Commission, it may be ratified by Congress and in the hands of President Roosevelt for his signature within the week. It is believed the President will lose no time signing the bill.

As agreed upon by the conferees, the date for the Communications Commission Act to become effective is July 1st. The Senate proposed a five-man Commission, but yielded to the House to expand the membership to seven Commissioners. This means that it will be composed of four Democrats and three Republicans at a salary of \$10,000 a year each.

The conferees also accepted the House language regarding division of powers within the Commission, permitting the control body to create its own divisions, as under the Interstate Commerce Commission, but forbidding decisions of any division to stand as final, as the Senate measure would have provided.

The Senate Bill called for the repeal of the Radio Act but in conference it was agreed to allow the Act to stand. This means that in the House, radio matters will continue to be considered by the Merchant Marine and Radio Committee, of which Judge Bland, of Virginia, is Chairman, and in the Senate by the Interstate Commerce Committee, of which Senator Dill is Chairman.

The amendment offered by Senator Dill to prevent a monopoly of broadcasting stations in any one community was dropped. The Senate provision with regard to alien ownership. Section 310, was allowed to stand but to be exercised in the discretion of the Commission. It reads that no radio station license station shall be granted to "any corporation of which any officer of 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 any foreign government or representative thereof, or by any corporation organized under the laws of a foreign country."

Also that no radio license be granted to "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."

The Senate amendments enlarging the political broad-casts and censorship provisions were struck out. In their stead, Sections 18 and 29 in the present Radio Act will be allowed to stand. The former reads: "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 opportuni-

ties to all other such candidates for that office in the use of such broadcasting station, and the licensing authority shall make rules and regulations to carry this provision into effect. Provided that such licensee shall have no power of censorship over material broadcast."

The censorship section, (29), which remains unchanged in the new Bill reads: "Nothing in this act shall be understood or construed to give the licensing authority the power of censorship over radio communications and nothing which shall interfere with the right of free speech."

The conferees agreed to the Senate provision that a study be made by the new Commission of the question of affording special facilities to educational, religious and other non-profit making institutions. This was a concession to those who favored the so-called "Father Harney amendment", which was beaten in the Senate and which would have allocated 25% of all radio facilities to religious, educational and non-profit making stations.

An amendment added to the Senate Bill by Senator King, of Utah, was dropped. It was to the effect that the Commission may, without regard to requirements, grant additional licenses for stations if the Commission finds that such stations are required in order to furnish adequate broadcasting service and that their operation will not interfere with other stations.

The new Act will have a provision prohibiting programs originating in the United States being sent to a foreign country by remote control and broadcast back into this country. This is aimed at stations just across the Mexican border which have been fed by remote control stations in this country. The Conferees likewise allowed the Senate provision to stand which would prevent a station from broadcasting any advertisement of or any information concerning any lottery or similar prize awards.

The Senate appeals section, sponsored by Senator Dill, was agreed to. It would allow court review of most Commission decisions, whereas now appeals under the Radio Law can only be taken to the courts of the District of Columbia, with great expense incident to the protestant. Orders relating to the granting or the refusal of an application for a new station license, or renewal or modification, can, however, only be appealed to the District Court of Appeals.

Apparently the broadcasters are well disposed towards the new Bill. "There is nothing very bad in it", Henry A. Bellows, Chairman of the Legislative Committee of the National Association of Broadcasters, said laughingly. "Considering what was originally proposed, we are satisfied with the result. I believe the seven-man Commission is an enormous gain for radio, and I think this affords an opportunity for at least two good radio appointments."

Both Mr. Bellows and Phil Loucks, Executive Secretary of the NAB, have been working overtime the past three months in connection with the legislation and are being congratulated by

the Broadcasters upon the success of their efforts.
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BELIEVED NEW COMMISSIONERS WILL BE APPOINTED SOON

It is expected that Mr. Roosevelt will name the new Commissioners at once so that they may be confirmed by the Senate before Congress adjourns, the time for which is tentatively June 15th. If the Commissioners are appointed after adjournment, the fact that they are recess appointees, and would be held accountable for their actions during the Summer when the Senate considered their qualifications next December, it is believed might hamper their freedom of action. President Roosevelt, of course, understands this and therefore is doubtless prepared to act quickly.

The name of Capt. S. C. Hooper, Chief of Naval Communications, continues to be mentioned as a probable appointee. One person went so far as to say that the President had already consulted Captain Hooper on two different occasions with regard to the new Commission. They were associated together in the old days when Mr. Roosevelt was Assistant Secretary of the Navy.

Also, Dr. W. M. W. Splawn, author of the now famous A. T. & T. report, continues to be heard. In one quarter, it is said, however, that Dr. Splawn prefers his present work at the Interstate Commerce Commission, and also is in poor health.

Col. Thad Brown, a Republican member of the Radio Commission, is said to have a good chance due to the fact that he is a friend of former Governor James M. Cox, of Ohio, once Democratic presidential nominee. Judge E. O. Sykes, Chairman of the Radio Commission is spoken of favorably.

Senator Dill, of Washington, who it is believed may have something to say about the new Commissioners, said he had not as yet talked with the President. It is expected that the President will turn to Representative Rayburn, of Texas, in the matter of appointments, but Mr. Rayburn is silent on the subject.

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GERMANS PREFER AMERICAN PITCHPINE IN RADIO CONSTRUCTION

The superiority of American pitchpine over native woods is considered so outstanding that despite protests from patriotic associations and lumber trade organizations, the German Post Office authorities continue to utilize it in the construction of all important Government radio receiving and sending stations, according to Vice Consul A. N. Steyne, Hamburg.

In view of the wide-spread propaganda in the Reich for the employment of German products in all enterprises financed either directly or indirectly by the Government, this preference for American pitchpine is a notable tribute to its quality, Steyne declares.

In answering protests against the utilization of foreign wood instead of native pine in connection with the construction of radio towers, Government technical experts point out that German pine has not the weather resistance qualities required by the larger radio stations. On the other hand, they call attention to the fact that wherever American pitchpine has been used, it has satisfactorily withstood the most rigorous tests.

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RADIO ADVERTISERS TO MEET IN N. Y.

A revised program for the National Association of Broadcasters' radio departmental meeting and the thirtieth annual convention of the Advertising Federation of America has been announced. The radio departmental is one of 17 national advertising groups that will meet in conjunction with the main AFA convention in New York, June 17 and 20.

The radio session is scheduled for 10 A.M. Tuesday, June 19, and to it all the advertising executives attending the AFA convention will be invited. It will end at 1 p.m. with a luncheon with the radio committee of the American Association of Advertising Agencies, after which there will be an executive session of the NAB commercial committee.

Chairman Arthur B. Church, of the NAB Commercial Committee, drew up the program for the AFA departmental. It follows in full:

"Standardizing Units of Sale and Rate Practices Under the Code", by James W. Baldwin, executive of the Code Authority for the broadcasting industry.

"Studying Listener Habits", by Walter Damm, WTMJ, with discussion to be led by Martin Campbell, WFAA.

"What We Have Learned About StationCoverage", by C. M. Jans};

Jr., Jansky & Bailey.

Address by representative of the A.A.A. Radio Committee on "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.

"Making a Program Work", Francis D. Bowman, advertising manager, the Carborundum Co., Niagara Falls, N. Y.

"Station Merchandising and the Radio Program", Harry C.

Howlett, WHK.

"The Market for Radio Advertising", Dr. Herman S. Hettinger, University of Pennsylvania; "Pertinent Problems in Radio Sales", J. Leslie Fox, WMCA; "Are You Making a Profit and How Do You Know' H. K. Carpenter, WPTF; "Solving Relations of the Station and the

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Although we have seen no printed comment upon it, the Times Wide World photo of the finish of the English Derby, flashed across from Epsom Downs, as reproduced in the New York Times of Thursday, June 7, seemed to us to be one of the best radiophotos we have seen, and to mark a distinct step in the transmission of photographs by wireless. The picture was also distributed in the United States by the Associated Press and other agencies, and printed the morning after the race.

A message from President Roosevelt to the Radio Manufacturers' Association, meeting in Chicago for its annual convention, will be read over an NBC-WEAF network on Wednesday, June 13, at 9:30 P.M. EST., during a broadcast from the RMA banquet in the grand ballroom of the Stevens Hotel. The message will be read by Paul Klugh, Chairman of the Convention Committee.

The St. Paul Dispatch, and the Minneapolis Tribune have purchased WRHM, a 1000 watt station in St. Paul. It is believed under the new ownership, this station will elaborate its news presentations. KSTP, NBC outlet in St. Paul, broadcasts Radio News Service, Inc., bulletins, Stanley Hubbard, Vice-President, being one of the organizers of the service. WCCO, Minneapolis, of which Henry A. Bellows is President, broadcasts the Publishers National Radio Committee news bulletins.

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SUIT FOR ALLEGED LIFTING OF MAGAZINE LINE

The value of the line "when a dog bites a man, that's news", was placed at \$25,000 by Life Magazine, Inc., in a suit for that sum recently filed in the Federal Court in New York against the National Broadcasting Company, Standard Brands, Inc., and Eddie Cantor, the comedian.

The suit alleged that in March, 1934, the magazine printed a humorous piece, which purported to be a conversation between a collie and an Airedale, in which the line was used.

The magazine, through its attorney, Henry M. Sommers, alleged that after the publication of the piece, Eddie Cantor repeated substantially all the humor in it in a radio broadcast. The comedian, the sponsoring company and the broadcasting company were held to be jointly responsible for infringement of copyright.

DECISIONS OF THE FEDERAL RADIO COMMISSION

Applications Granted (June 8, 1934)

WWL, Loyola University, New Orleans, La., modification of license for special experimental authority to change hours of operation from Specified to Unlimited, facilities of KWKH, to be considered with application of KWKH(to change frequency 850 kc. and power to 10 KW) (Lafount voted for hearing); KWKH, International Broadcasting Corp., Shreveport, La., 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 direction antenna. To be considered with application of WWL above (Lafount voted for hearing); WTBO, Associated Broadcasting Corp., Cumberland, Md., C.P. to install new equipment, 1420 kc., 100 w.n., 250 w-LS-unl; KDKA Westinghouse Electric & Manufacturing Co., Pittsburgh, Pa., C.P. to install new equipment (alternate main transmitter); also license to cover C.P.

Also, <u>WRHM</u>, Minnesota Broadcasting Corp., Minneapolis, Minn., T-Richfield, Minn., 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); <u>KFOX</u>, Nichols & Warinner, Inc., Long Beach, Cal., authority to determine operating power by direct antenna measurement; <u>KOA</u>, National Broadcasting Co., Inc., Denver, Colo. (auxiliary), modification of license to use old transmitter of KOA as auxiliary transmitter (license covering use of new transmitter granted 6/5/3 KGIR, KGIR, Inc., Butte, Mont., modification of license to increase night power from 500 watts to 1 KW (no change frequency 1360 kc. or day power 1 KW or hrs. unlimited);

Also, National Broadcasting Co., Inc.: New, portable - mobile, C.P. (Spec. exp.) for 13050 kc., 10 watts, Al, A3 emission; New, license to cover above C.P.; New, C.P. and license to cover same, (Spec. exp.) for 6350 kc., 200 watts, Al, A3 emission; City of Hammond (Police Dept.), Hammond, Ind., C.P. (gen. exp. for 30100 33100, 37100, 40100 kc., 20 w., A3 emission, location: portable-mobile; Same applicant, Mobile, Same grant except 5 watts power; same for 11 other grants; WNEJ, Mackay Radio & Telegraph Co., Inc., Washington, D. C., modification of C.P. (fixed public point-to-point telegraph) for specified transmitter site at Muirkirk, Md.; WlOXAP, National Broadcasting Co., New York, N. Y., special authority to operate general experimental station WlOXAP as broadcast pickup station on 27100 kc., subject to filing application for modification of license.

Also, <u>Press Wireless</u>, <u>Inc.</u>: New, at Hicksville, N. Y., and Elgin, Ill., C.P. (general experimental) and licenses to cover same, for 1614, 2398, 3492.5, 4797.5, 6425, 8655, 12862.5, 17310 kc., 5 kw., Al, A2, A3 and special emission; <u>New, RCA Radiotron</u> Co., Inc., Portable-mobile, initially located at World's Fair Grounds, Chicago, Ill., C.P. and license to cover same (Gen. Exp.)

for 86000 to 400000, 401000 kc. and above, 5 watts, Emission: Al, A2, A3; New, C.P. and license to cover same (Gen. Exp.) for 86000 to 400000, 401000 kc. and above, 5 watts, Emission: Al, A2, A3; WHER, Westinghouse Elec. & Mfg. Co., Portable-mobile, modification of license (Temp. Broadcast pickup) to add the frequencies 2020 and 2760 kc.; KEE, RCA Communications, Inc., Bolinas, Calif., special authority to operate fixed public service station KEE for "contact-control" or "order wire" communication with broadcast pickup station KILS, aboard U. S. Coast Guard vessel "Northland" which has left or will leave Seattle, Wash. for its annual cruise to Arctic waters.

Action on Examiner's Report

Doctors' Telephone Service, Inc., New York, N. Y., denied C.P. for new general experimental station to operate on 31600, 41000, 35600 and 38600 kc., 15 watts; unlimited time, A3 emission (sustained Ralph & Walker, examiners), effective June 15, 1934.

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 w., daytime; New, Roy W. Buebland, Chippewa Falls, Wis., submitted for dismissal at request of applicant, C.P. 1530 kc., 150 watts, 12:00 M to 9:00 P.M.

Ratifications

New, County & City of Kenosha, Kenosha, Wis., granted C.P. for 2450 kc., power, 100 w., Emission: A3 (action taken 6/6/34) Crosley Radio Corp., Cincinnati, Ohio, granted special temporary authority for broadcast pickup station on airplane NC-408-H, frequency: 1606 kc., power, 50 w., A3, use June 7, 1934 (action taken 6/6/34); KGQI, Radiomarine Corp. of America, New York, N. Y., granted temporary authority not exceeding 60 days, pending receipt and action formal application to operate 50 w. transmitter, 375 to 500 kc. oceanic and 375 to 425 kc. Great Lakes, A2, third class public service; official No. 229492; change name of vessel from "Lamora KGWI" to "Albo KGWI", action taken 6/6/34; WKBB, Sanders Bros. Radio Station, East Dubuque, Ill., granted special temporary authority to operate from 9:00 P.M. to 12:00 midngith CST, June 4, 1934, in order to broadcast State election (action taken 6/5/34); KGGF, Hugh J. Powell & Stanley, granted special temporary authority to operate Tuesday and Thursdays from 7:15 P.M. to 9:15 P.M., Wednesdays from 8:15 P.M. to 9:15 P.M. CST for period beginning June 8, 1934, and ending in no event later than July 7, 1934, provided WNAD remains silent.