

The National Association of Broadcasters

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

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BEER ADVERTISING PERMITTED

By a margin of two votes, the Senate on March 16 defeated an amendment to the beer bill offered by Senator Dill, (D) Washington, which would have barred radio advertising of beer in dry states. The amendment would not have affected newspaper or magazine advertising.

"When the bill before the last Congress was reported from the Judiciary Committee it carried an amendment prohibiting advertising in dry states, either by newspapers or by any other method," Senator Dill told the Senate in arguing for his amendment.

"Considerable objection was raised because it was said that a newspaper published in a city in a State that permitted the sale of these beverages, located on the border of an adjoining State that prohibited them, would not be able to circulate in the adjoining State. I recognize that there is much basis for that objection; and for that reason I have put in the proviso that nothing in this amendment shall prohibit the circulation of a newspaper, magazine, or periodical into a State by means of the mails or other transportation. It still prohibits the publication and prohibits the use of other methods of advertising.

"I desire to speak particularly of one of the other methods of advertising that it seems to me it is impossible to control in any other way, and that is the use of advertising by radio.

"It is not sufficient to forbid the radio stations within a State from advertising these beverages, because radio reaches so far that it crosses State lines, and there is no way by which it can be shut out. It seems to me that the radio ought to be kept free from the propaganda that it can be used for if some such provision as this is not in this bill.

"Radio programs reach into the homes as no other kind of information or entertainment can. Radio programs are listened to by the children with an interest that they do not have for any other kind of entertainment. It seems to me that we ought to keep this method of disseminating information from being used to propagandize either the sale of these beverages or the minds of the people of those States where these beverages are forbidden.

"I do not care to argue or discuss the question at length, but I do want the Senate to consider the effect of this legislation if some such amendment is not provided.

"I shall not enter upon a discussion of radio and the objectionable features of the programs we now have; but I just want to suggest for a moment to your imaginations the kind of program to which this legislation will lead unless we make some forbidding provision such as this. We will have presented, no doubt, the most appealing kind of entertainment, the most informative kind of program, and have it sponsored and presented in the name of the breweries and the beer distributors of the country. Before, after, and during the rendition of a beautiful opera, radio listeners will be told of the wonders of this beer, how and where to buy it. Such advertising will accompany every kind of entertainment for children, those of middle life, or for the aged. None will be overlooked. None will be able to avoid it.

"It seems to me that if there is anything that will tend to break down what cultural influence the radio has, small as it may be, this is the worst practice that could be indulged in; and I believe that, regardless of what may be the views of Senators as to the use of this beverage or its desirability, if they will stop and consider that the people in the States that want to forbid it are entitled to be protected from having propaganda for it coming into their homes by means of the radio, they will support this amendment."

Senator Harrison, (D) Mississippi, who was in charge of the bill, at the conclusion of Dill's speech, said:

"I hope the amendment will be rejected."

The vote on the Dill amendment was as follows:

For the amendment—Adams, Ashurst, Austin, Bankhead, Black, Bone, Borah, Bratton, Capper, Caraway, Connally, Dale, Dill, Fess, Frazier, Goldsborough, Gore, Hale, Hastings, Hatfield, Hayden, Keyes, McGill, Neely, Norris, Nye, Pope, Robinson (Ind.), Russell, Sheppard, Smith, Stephens, Thomas (Okla.), Townsend, Vandenberg, and White. Total 36.

Against the amendment—Bachman, Barbour, Brown, Bulkley, Bulow, Clark, Copeland, Couzens, Dieterich, Duffy, Fletcher, Harrison, Hebert, Johnson, Kean, LaFollette, Lonergan, Long, McCarran, McKellar, McNary, Metcalf, Murphy, Overton, Patterson, Pittman, Reed, Reynolds, Robinson (Ark.), Steiwer, Thomas (Utah), Trammell, Tydings, Van Nuys, Wagner, Walcott, Walsh, Wheeler. Total 38.

Not voting—Bailey, Barkley, Byrd, Byrnes, Carey, Coolidge, Costigan, Cutting, Davis, Dickinson, George, Glass, Kendrick, King, Lewis, Logan, McAdoo, Schall, Shipstead. Total 20.

SYKES REAPPOINTED TO COMMISSION

The Senate on March 16 confirmed the reappointment of Judge Eugene O. Sykes, Mississippi, as a member of the Federal Radio Commission. Former President Hoover had reappointed Sykes to the Commission upon the expiration of his term on February 23, but no action was taken on the nomination. President Roosevelt reappointed him on March 13 and his confirmation followed within three days. Under the rules of the Senate two executive sessions must pass before his commission is formally presented to the President for signature.

Judge Sykes is the only remaining member of the original Commission which was created in 1927. He has served as active chairman and will likely become chairman after resuming his post. He headed the United States Delegation at the International Radio Conference held in Madrid last fall and has been named as one of two delegates to represent this country at the forthcoming North American Radio Conference.

President Roosevelt has not yet named a Commissioner to represent the Fourth Zone.

BROADCASTING AND BANKING CRISIS

President Roosevelt's brief radio speech from the White House on March 12, during which he discussed the steps taken by the Government in righting the banking situation, constitutes an important chapter in the history of broadcasting. Public reaction to the President's radio talk was most gratifying to Government officials who have worked long hours with the Chief Executive in the present crisis. Undoubtedly, the President will use radio frequently to keep the public informed of the progress of the Administration's legislative program.

The cooperation of the organized broadcasters was pledged to the President and other high Government officials by President Alfred J. McCosker of the NAB, who has been in Washington almost constantly since March 4, and who has been working diligently on behalf of all broadcasters in the general interests of the Government and the public.

His message, published in "Broadcasting," is worthy of repetition here. It is as follows:

"Upon the broadcasting industry—and no less upon the sponsors of broadcast programs and their agencies—rests a tremendous responsibility. Gratified as we may be with the way radio reported the inauguration ceremonies, the Presidential proclama-

tions, the convening of the new Congress and the general news of the banking crisis, we must not stop with those achievements. Each of us in radio, whether we operate stations or use the time of stations, has an intensified responsibility in the weeks to come, during which President Roosevelt and our other new leaders will unquestionably solve our financial ills.

"That responsibility, in addition to cooperation with our local as well as national leaders, is the maintenance of a spirit of calm, confidence and good humor. Such a spirit should prevail in our own business procedure, of course, but more than that it should be the keynote of our broadcast programs. On behalf of the organized broadcasting industry, I have proffered the new Administration radio's full and unqualified cooperation in the tasks before it. This offer was extended not merely with the thought that we will cheerfully clear the air for the President on an instant's notice as he sees the need, but with the idea that our own peculiarly direct and intimate relations with the people can do much to maintain morale during the crisis.

"As we radiated calm, confidence and good humor in our attitude and in our broadcasts, so will the listening public—60,000,000 of our citizens—become infused with the same spirit. Radio's stake is our country's stake. There are no interests paramount to the interests which President Roosevelt, in whom we all have boundless faith, is striving to protect."

DAVIS AMENDMENT BEFORE COURT

The Supreme Court this week granted a review of the so-called WIBO case in which is involved the withdrawal of quota facilities from an over-quota state in an over-quota zone for use in an under-quota state in the same zone.

The case grew out of an application filed by station WJKS at Gary, Indiana (an under-quota state), for the facilities of stations WIBO and WPCC, both located in Chicago, Illinois (an over-quota state). After a hearing before an examiner the Commission, in accordance with the rules set out in General Order 102 (now Rule 6), granted the application of WJKS and denied the applications for renewal of license of WIBO and WPCC. The case was appealed to the Court of Appeals of the District of Columbia by WIBO and WPCC. The Court by a 3 to 2 decision reversed the decision of the Commission, holding, among other things, that it would not be consistent with the legislative policy to equalize the comparative broadcasting facilities of the various states or zones by unnecessarily injuring stations already established which are rendering valuable services to their natural service areas.

Mr. Justice Groner filed a vigorous dissent, supporting the decision of the Commission, stating, among other things, that interstate radio broadcasting is interstate commerce, and that one who engages in interstate commerce does so subject to the regulatory power of Congress, and therefore obtains no property right to be free from the exercise of that power; that the enforcement of the regulation without compensation is not an unconstitutional taking of property, or without due process of law; that the Davis amendment is a determination of policy by Congress, and since it is based on the equality of privilege among the several states, it is neither unreasonable nor arbitrary.

The petition to the United States Supreme Court requesting a review was recommended by the Commission.

BLAND INTRODUCES RADIO BILL

Chairman Bland, (D) Virginia, of the House Merchant Marine, Radio and Fisheries Committee, on March 9, introduced in the House a bill identical with the former Davis bill which was passed by both Houses in last session but failed to win presidential approval. The new bill is designated as H. R. 1735.

The bill would authorize examiners to hold hearings in certain restricted cases and "that in all cases heard by an examiner the commission shall grant oral arguments on request of either party."

The bill would make public all opinions or memorandum opinions filed by the Commission.

Section 9 of the existing law would be amended to permit the Commission to "grant applications for additional licenses for stations not exceeding one hundred watts of power, if the Commission finds that such stations will serve the public convenience, interest or necessity, and that their operation will not interfere with the fair and efficient radio service of stations licensed under the provisions of this section."

The Commission would be empowered to impose a fine of \$1,000 for the violations of regulations under an amendment proposed to Section 14 of the present law.

Another section prohibits the broadcasting of any advertisement of or information concerning any lottery, gift enterprise, or similar scheme, offering prizes dependent in whole or in part upon lot or chance.

The bill carries the revision of Section 18 of the present law which would greatly amplify the liability of the station, with respect to political talks and discussion of public questions.

Chairman Bland has not yet decided whether the bill will be reported by his committee. House leaders have indicated that they do not desire committee reports on legislation other than that urged by President Roosevelt at this time.

SMITH HEADS NEW YORK COMMITTEE

A meeting of New York State broadcasters was held at Albany, N. Y., March 13 and a committee to be known as the New York State Committee was created to cooperate with the National Association of Broadcasters in connection with local radio matters.

Harold E. Smith, WOKO, was named chairman of the newly created committee. Other members are as follows: P. J. Hennessey, WEAJ; Sydney M. Kaye, WABC; Crane Kinnaird, WINS; I. R. Lounsbury, WGR; C. D. Masten, WBNF; William Reuman, WWRL; Clarence Wheeler, WHEC; H. C. Wilder, WSYR.

In addition to those who were named on the committee, the following were present: David Macnair, WOKO; W. G. Wandell, WBEN; S. H. Cook, WFBL; Frank Sykes, WFAS; Mr. Laubenstein, WFAS; Mr. Butts, WGR; Miss C. V. Paisley, WIBX; P. J. Kelly, WIBX; William Weisman, WMCA; and Philip G. Loucks, NAB.

The committee adopted a resolution pledging its support to the NAB and urging that similar committees be organized in other states. It was also decided that all stations in the state be urged to cooperate with the committee in state matters and with the NAB in all other matters.

U. P. READY TO BAN BROADCASTING

Karl A. Bickel, president of the United Press Associations, in a letter to L. B. Palmer, secretary of the American Newspaper Publishers Association, says that his company stands ready to prohibit broadcasting of its news dispatches at any time that the membership of the ANPA votes to support that policy and on condition that the two other major news services take similar action. The U. P. now permits client newspapers to broadcast news on condition that such news broadcasts are not commercially sponsored.

COURT ENJOINS NEWS BROADCASTS

Federal Judge J. D. Elliott on March 14 granted a temporary injunction restraining Station KSOO, Sioux Falls, S. Dak., from broadcasting news dispatches of the Associated Press. A hearing to determine whether the injunction should be made permanent will be held at the April term of the Federal Court.

WJJD APPEALS COMMISSION DECISION

Station WJJD, Mooseheart, Ill., this week appealed to the Court of Appeals of the District of Columbia, the decision of the Commission denying the station authority to operate after sunset at Salt Lake City. The station is seeking to establish its right to the use of the hours after sunset as a part of its regular license. WJJD operates on 1130 kilocycles with 20 kw.

DILL PROPOSES SENATE BROADCASTS

Senator C. C. Dill (D), Washington, on March 15 introduced a resolution (S. Res. 29) in the Senate providing for the installation of necessary apparatus to broadcast proceedings of the upper chamber. The Senate Committee on Rules would be authorized "to make arrangements for the broadcasting of such proceedings of the Senate as the committee may determine through such radio broadcasting stations as it may be possible to arrange for broadcasting without expense to the Senate or the Government."

HOUSE RADIO COMMITTEE MEMBERS

Following is a list of Democrats who have been assigned to the House Merchant Marine, Radio, and Fisheries Committee:

Schuyler Otis Bland (chairman), Virginia; Clay Stone Briggs, Texas; George W. Lindsay, New York; Oscar L. Auf der Heide, New Jersey; Bolivar E. Kemp, Louisiana; William I. Sirovich, New York; Robert Ramspeck, Georgia; Ambrose J. Kennedy, Maryland; Charles N. Crosby, Pennsylvania; A. C. Willford, Iowa; Monrad C. Wallgren, Washington; Lawrence E. Imhoff, Ohio; John Young Brown, Kentucky; Edward C. Moran, Jr., Maine; William B. Umstead, North Carolina; Lincoln L. McCandless, Hawaii; Anthony J. Dimond, Alaska.

Republican members have not yet been announced.

NORTH AMERICAN RADIO CONFERENCE

The work preparatory to the North American Radio Conference pushed forward this week with a study of the uses made of the frequencies below 6000 kc. and their adaptability to the various kinds of services. One very important phase of this study has to do with the propagation characteristics of various frequencies. This task is in the hands of a select committee made up of competent and disinterested engineers. The findings by this committee should contribute to the application of sound engineering principles in the consideration of the many problems involved. The General Committee is scheduled to meet again on March 20.

WOQ CASE GOES BACK TO COMMISSION

The Court of Appeals of the District of Columbia this week handed down a decision in the WOQ case (Docket No. 5582) the effect of which was to remand the case to the Commission to the end that a proper hearing be had before the Commission.

The Commission in its decision reversed the examiner and ordered station WOQ, Kansas City, Mo., off the air and that station KFH, Wichita, Kans., operate full time. The two stations had shared time on the frequency 1300 kc. KFH operated five-sevenths time and WOQ two-sevenths.

The examiner, after hearing, recommended that the application of KFH for full time be denied and that the application of assignment of license asked for by WOQ be granted. KFH obtained an extension of time in which to file exceptions to the examiner's report and request oral argument. According to the decision of the Court the Commission granted KFH the right of oral argument before the Commission en banc without giving WOQ a right to be heard. Concerning the furnishing of other parties with copies of exceptions and the responsibility of the Commission in giving notice to interested parties, the Court said:

"The rules of the Commission require an examiner who has taken testimony to have it transcribed and reported back to the Commission, together with a written report containing recommendations as to the decision to be made and the facts and grounds upon which the recommendations are based. That was done in the present case. The exceptions filed to that report by KFH were accompanied by the affidavit of a clerk in the office of its counsel (as required by the rules of the Commission) that she had mailed a copy of such exceptions 'to each of the parties participating in the hearing' before the examiner. Counsel for WOQ in their brief state that no such copy was received. When counsel for the parties are located in the same city we think it better practice to attempt to serve opposite counsel, and in the event mailing is necessary that notice be sent by registered mail.

The function of an examiner is analogous to that of an auditor or special master, and his report has similar weight. The examiner's report in the present case being favorable to WOQ, there was no occasion for that station to file any exceptions. When KFH filed exceptions and requested an oral hearing "before a quorum of the Commission," it was the duty of the Commission before decision to notify WOQ, whose very existence was involved, and afford that station an opportunity to be heard; otherwise, there would be a denial of due process. *Symons Broadcasting Co. v. Federal Radio Commission*, No. 5757 (present term)—App. D. C. —, — F (2d) —; *Dohany v. Rogers*, 281 U. S. 362, 369. The statute imposed upon the Commission jurisdiction to make findings of fact, and if such findings are supported by substantial evidence they are conclusive (act of July 1, 1930, ch. 788, 46 Stat. 844), but they can only be made after notice and an opportunity

for hearing. The findings in the present case having been made without notice, the decision must be set aside and the case remanded, to the end that a proper hearing be had before the Commission."

PLANS FOR RADIO PROGRAM FOUNDATION

A series of conferences to perfect the details of the Radio Program Foundation authorized by the St. Louis Convention and by the Board of Directors of the National Association of Broadcasters, have been held by Oswald F. Schuette, director of copyright. Certain legal formalities must still be complied with before the Foundation can be incorporated. In the meantime these conferences have also discussed the machinery which must be set up to make the music of independent composers and publishers speedily available to the cooperating broadcasters. Various catalogues of music, as well as individual compositions, have been offered for this purpose. Further conferences are scheduled to be held in Washington and New York.

RECOMMENDS DENIAL WEBR APPLICATION

Application of Station WEBR, Buffalo, N. Y., for permission to use its regular transmitter during daytime broadcasts and its auxiliary transmitter at night. Report No. 465 (Hyde, e.) Report recommends that the application be denied.

The report points out that the Commission had determined long before the filing of this application that for administrative purposes broadcast stations should be limited to one transmitter per station except in cases where it might be found that an auxiliary transmitter was needed or that desirable experimental work was to be carried on. "These regulations," says the examiner, "would seem to preclude the granting of this application and accordingly it is recommended that it be denied."

DILL PROPOSES COPYRIGHT REVISION

A bill (S. 342) amending and consolidating the copyright laws of the United States was introduced in the Senate on March 13 by Senator Dill (D), Washington. The bill is similar to the measure introduced by the Senator in the last Congress but which failed of action.

The most important provision of this bill from the standpoint of the broadcaster is Section 21, which attempts to control monopolistic control of music copyrights.

Section 21 reads as follows:

"If two or more persons owning or controlling copyrights or any rights therein combine either directly or by means of an association, society, or corporation to acquire or pool copyrights or rights therein, and to issue or grant licenses or other authorizations for public performance for profit, or for broadcasting performances of copyright works or for the manufacture, lease, or sale of recordings or mechanical reproductions, and to fix and collect fees, charges, or royalties for such licenses or other authorizations, then—
"(a) Every such combination of copyright owners shall file with the Register of Copyright:

"(1) Names and addresses of copyright owners, and if a corporation or association its name, officers and principal place of business, together with a true copy of its agreement or articles of incorporation and by-laws.

"(2) Lists of all copyrighted works, and rights therein, over which such combination exercises or claims control, including those of foreign origin, together with dates of beginning and end of each copyright work.

"(3) Names of the owners of said copyrighted works and the dates on which the term of their copyright begins and ends.

"(4) Statements of all fees, charges, or royalties which such combination of copyright owners collects as compensation for the grants or other authorization, together with such revisions thereof as from time to time shall be made.

"(b) The lists and statements required to be filed under the preceding subsection (a) shall be kept open for public inspection at the Copyright Office.

"(c) Any such combination of copyright owners upon compliance with the foregoing provisions shall be entitled to make a fair and reasonable charge for the rights conferred. Such charge shall be a fixed amount for a definite period of time.

"Proof of failure to comply with the provisions of this section shall be a complete defense to any suit for infringement of a copyrighted work, and no combination of copyright owners or individual owner shall be entitled to sue for or to collect any license fees or royalties with respect to any copyrighted works not specified in the lists filed by it with the Register of Copyrights as herein provided, nor to sue for or collect any fees or royalties which are unreasonable or discriminatory, nor withdraw the performance of more than 10 per centum of the works covered by a license during the period covered by the license.

"Whenever such combination of copyright owners has granted licenses for the use of copyrighted works which it controls, or changes its fees or its lists of copyrighted works covered by an outstanding license not yet expired, any person within each class of users operating under practically the same economic conditions and desiring to make similar use of such works shall, upon application therefor, be entitled to a license under the same terms and conditions as such licensees and it shall be the duty of said combination of copyright owners to grant such license upon payment of the stipulated fee.

"In any action or proceeding brought by such combination of copyright owners, or by any individual owner, for infringement of the copyright in any work which the said combination controls, the infringing party shall be liable—

"(a) To an injunction only with respect to works proved to have been infringed.

"(b) To pay to the owner of the right infringed in lieu of actual damages and profits, damages in accordance with the provisions of this Act, and, in assessing such damages, the court may, in its discretion, allow the amounts stated as payment in full for all infringements by the infringing party of all works controlled by such combination up to the date of suit.

"Provided, That whenever any such combination of copyright owners shall discriminate or propose to discriminate against any person within a class of users operating under practically the same economic condition, or shall demand an unreasonable charge for license of the rights to any work which it permits to be used for public performance, then the Federal Trade Commission on request of the person desiring a license, or demanding equal treatment, shall designate a representative, who, together with the representative of the licensor and the representative of the person asking for a license or for equal treatment, shall constitute a committee of arbitration. Such committee is hereby authorized to revise or otherwise prescribe the fees or royalties which the said combination of copyright owners may collect from the aggrieved person in return for the grant or license, said fees and conditions to be such as to prevent discrimination.

"If such combination of copyright owners shall refuse to appoint a representative for arbitration on the request of any party aggrieved as aforesaid, the aggrieved party may petition the Supreme Court of the District of Columbia for an order directing that such arbitration proceed as hereinbefore provided. Ten days' notice in writing of such application shall be made upon the defaulting party and a certified copy of such notice shall be served upon the Federal Trade Commission, which, for purposes of accepting service thereof, shall be deemed its agent. Any petition to the court hereunder shall be made and heard in the manner provided by law for the making and hearing of motions, except as otherwise herein expressly provided. Each arbitrator shall be paid \$10 per day and expenses, to be paid by the person asking for the arbitration."

It is not likely that action will be had on the bill during the present session of Congress.

CONGRESS PASSES ECONOMY BILL

The Congress this week passed the so-called economy bill giving President Roosevelt broad powers to reorganize governmental bureaus and commissions. No general reorganization has as yet been announced.

ASCAP PUBLISHES OWN BULLETIN

The first issue of "Words and Music," new bulletin of the American Society of Composers, Authors and Publishers, made its appearance on March 14. The purpose of the bulletin, it is stated, is "to give news of the Society to its members and others interested and to publish bits of information about songs and song writers."

The leading article in the publication is entitled "Music and Radio," which reviews briefly the formation of the Society and relates in a general way events leading up to the conclusion of the new radio license agreements.

"The Society is not irrevocably committed to this contract and as E. C. Mills, General Manager of the Society, said in a letter to the National Association of Broadcasters, dated January 18, 1933, the Society will welcome conferences with any committee of representative broadcasters looking toward a revision of the formula," the article says in part. "The Society has always been willing to negotiate with any users of its music and it stands ready at any time to meet and discuss mutual problems with any representatives of the broadcasting companies or other licensees."

FEBRUARY RADIO BULLETIN ISSUED

Federal Radio Commission has just issued its Radio Service Bulletin (February) No. 191. Copies may be secured through the Secretary of the Federal Radio Commission or NAB Headquarters, National Press Building, Washington, D. C.

CANADA BUYS BROADCASTING STATIONS

The Canadian Radio Commission has acquired three radio transmitting stations in Canada, according to word received by the Department of Commerce, as the first step in the establishment of a chain of broadcasting stations across the Dominion.

The three stations, situated in Ottawa, Moncton, and Vancouver, were purchased from the Canadian National Railways for a reported price of \$50,000. Negotiations are now under way for the leasing of land wires enabling the broadcasting of Dominion-wide chain programs. It is understood, says the report, that after April 1 the regulation restricting advertising to 5 per cent of the time will go into effect. This will govern all Canadian radio broadcasting stations.

WOULD DENY KVOA LICENSE RENEWAL

Application of Robert M. Riculfi (KVOA, Tucson, Ariz.) for renewal of license and assignment of license to Arizona Broadcasting Company, Inc. Report No. 464. (Pratt, e.)

The examiner points out that the licensee is indebted in various amounts to local business people in Tucson and that a judgment was recently rendered against the applicant in the United States District Court for the District of Arizona in favor of the ASCAP in the sum of \$1,384; that title to all the physical equipment of the station had been acquired by Mrs. Riculfi; and concluded, that there was not a sufficient showing of financial responsibility to warrant a renewal of license; that while the transfer of the station equipment to Mrs. Riculfi did not appear to constitute a violation of Section 12 of the Radio Act of 1927, the affairs of the licensee generally were in such condition as to militate against the efficient operation of the station; that the record contained no evidence whatever which would warrant a finding that the operation of the station by the Arizona Broadcasting Company, Inc., would serve public interest; and that both applications should be denied.

MANY STATE LEGISLATURES ADJOURN

While many state legislatures have adjourned, it is known that adjournment was decided upon in most cases with an agreement that a special session would be called in the near future. The states seem to be reconciled to the fact that regulation of broadcasting is exclusively a federal function so that there has been practically no regulatory legislation proposed in state legislatures. However, taxation of broadcasters, either on property or income, when proposed at unreasonable rates, is a menace in several states, and must be watched closely. While this is essentially a problem to be solved in each state separately, the NAB Reports try to give a cross section of what is proposed in each state pertaining to radio broadcasting, so that members may have general information on the subject.

OREGON OWNERSHIP BILL KILLED

What might have been a step toward state broadcasting has no doubt been averted by the indefinite postponement (and subsequent adjournment of the legislature) of H. J. Res. 17, which would have amended the Oregon Constitution to permit the state to acquire radio systems to transmit messages.

TENNESSEE FAVORS ATHLETIC BROADCASTS

Tennessee has joined the ranks of Southern States that would permit or compel broadcasting of college football games—all of which was started a couple of years ago when the Southern Conference took a stand against it. South Carolina is the only state that has actually put the law on the statute books this year (March 13), and Tennessee is the latest state to fall in line by H. 417, introduced by Mr. DeLozier on March 7th.

LIABILITY FOR ARTIST'S COAT

When a broadcasting station invites a singer, without compensation, to perform at its studios, and she leaves her coat in a reception room, which she knows is open to the public, and not in the custody of an employee, she assumes the risk of loss and the station is not responsible. This is the decision of the Superior Court of Pennsylvania in *Nolde vs. WDAS Broadcasting Station, Inc.* (Philadelphia), reversing, March 3, 1933, the lower court which found for the plaintiff for \$250.

EXEMPT RADIOS FROM TAXATION

Iowa followed Oklahoma in consideration of a proposal to add radio receiving sets to the exempt class when Mr. Reese introduced Bill No. 356 in the Iowa Senate; but a day later it was learned that on March 9th the Oklahoma bill (H. 596) was killed.

LOTTERY CONSPIRACY IS UPHELD

A conspiracy to use the United States mail to deliver circulars, letters, etc., concerning a lottery was sufficiently charged where it was alleged that the prize checks were drawn on a Texas bank, deposited in the United States Mail, and reached their destinations, even though the information concerning the lottery was broadcast from a Mexican station (XED at Reynosa) and regardless of whether or not the conspiracy was originally entered into in the United States or Mexico. Judgment of conviction affirmed by Circuit Court of Appeals, 5th Circuit (Texas) on February 20, 1933, *Horwitz et al. vs. United States*.

FULMER ASKS RADIO INVESTIGATION

Representative Fulmer (D) South Carolina, on March 9 introduced a resolution (H. Con. Res. 1) providing for a study of radio broadcasting in the United States and other countries to obtain information to be used as a basis for legislation. The committee proposed in the measure would be composed of two members of the Senate, two members of the House, one each representing labor, education, religion, the press, the home, and the radio industry. The resolution is similar to one which died with the last session of Congress. It has been referred to the Committee on Rules.

NATIONAL COMMITTEE NAMES CRAVEN

The National Committee on Education by Radio has announced the appointment of Commander T. A. M. Craven, Washington, consulting radio engineer, as its representative to the forthcoming North American Radio Conference. Commander Craven, who has wide experience in international radio conferences, has been named a member of the general committee, headed by Judge Sykes and Senator White, which is preparing for the conference.

McFADDEN PROPOSES INVESTIGATION

Representative McFadden (R), Pennsylvania, on March 9, re-introduced his resolution (H. Res. 19) providing for the creation of a committee of five members to investigate the earnings and expenditures of the National Broadcasting Company and the Columbia Broadcasting System and to determine whether "these major organizations do tend to dominate or monopolize the radio broadcasting field." The resolution is similar to one introduced by Representative McFadden in the last Congress. It has been referred to the Committee on Rules.

FEDERAL TRADE VOTES COMPLAINTS

Formal complaints charging corporations, partnerships and persons engaged in commerce with violations of the laws over which the Federal Trade Commission has jurisdiction were made public in five cases during February. These cases are as follows:

2085—Carleton Mills, Inc., New York City, engaged in the sale of men's clothing. Charged with alleged representation of retail dealer as wholesale dealer.

2086—S. W. Pike, Seedsman, Inc., St. Charles, engaged in the sale of seeds. Charged with alleged representation of articles as gratuities when their cost is included in the price charged for the merchandise with which they are alleged to be given free of charge.

2087—Charles H. Bacon Company et al., Lenoir City, Tenn., manufacturer of hosiery. Charged with alleged misbranding.

2088—Nursol Laboratories, Inc., et al., New York, engaged in the sale of an alleged treatment for epilepsy; and 2089—Charles R. Spicer Company, Inc., Memphis, engaged in the sale of proprietary medicines. Both charged with alleged misrepresentation of the therapeutic value.

Orders to cease and desist were made public in the case of Armand Company, Inc., Des Moines (1329), manufacturer of toilet articles and cosmetics, ordered to discontinue the policy of requiring purchasers of products for resale to agree to maintain resale prices fixed by respondent and to agree not to sell to price-cutting retail dealers; and in the case of T. H. Banfield, Berkeley, Calif. (2051), engaged in furnishing correspondence courses of instruction in secretarial duties and business administration and in selling rebuilt typewriters, ordered to discontinue the use of the word "University" in trade name or in any way as descriptive of the business conducted by respondent, to discontinue representing that a students' foundation cooperates with respondent's school or assists the pupils, when such is not the fact, and to discontinue representing the regular prices as special, reduced prices.

Orders of dismissal were issued by the Commission in the case of San Martin and Leon Company, Inc., Tampa (1458), engaged in the sale of cigars; and in the case of Pond's Extract Company, New York City (2019), engaged in the manufacture of toilet preparations.

HEARING CALENDAR

A hearing on a constructive permit application filed by WBEN, Inc., Buffalo, N. Y., for an ultra-high frequency visual broadcasting station will be held Monday, March 20, 1933, at 10 a. m.

On Wednesday, March 22, 1933, at 10 a. m., oral argument will be heard by the Commission sitting en banc on the applications of WKRC, Cincinnati, Ohio, for renewal license (500 watts, and 500 watts additional experimentally); KWEA, Hello World Broadcasting Corp., for renewal and for construction permit to move to Baton Rouge, and W. H. Allen & Co., Alexandria, La., for the facilities of KWEA; WFIW, Hopkinsville, Ky., for renewal and for construction permit to move to Louisville, and WLAP, Louisville, Ky., for the facilities of WFIW.

The application of W1XAL, Shortwave Broadcasting Corp., Boston, Mass., for a relay broadcasting license has been remanded to examiner for further hearing, which will be conducted Friday, March 24, 1933, at 10 a. m.

APPLICATIONS SET FOR HEARING

New, W. L. Gleason, Sacramento, Calif.—C. P. for new station to operate on 1490 kc., unlimited time.

New, Don Lee Broadcasting System, Redlands, Calif.—C. P. for new station to operate on 780 kc., 500 watts, unlimited time (facilities of KTM and KELW).

New, Visual Broadcasting Laboratories, Kansas City, Mo.—C. P. for visual broadcasting; 2750-2850 kc. and 43000-46000 kc., 500 watts.

WMAS, WMAS, Inc., Springfield, Mass.—C. P. to increase day power from 100 to 250 watts, and make changes in equipment increasing maximum rated power from 100 to 250 watts.

WINS, American Radio News Corp., New York, N. Y.—Modification of License to increase operating power from 500 watts to 1 kw.

WIP, Pennsylvania Broadcasting Co., Philadelphia, Pa.—Special authority to increase power from 500 watts to 1 kw. experimentally.

WRDO, WRDO, Inc., Augusta, Me.—C. P. to move to Portland, Me.

APPLICATIONS DISMISSED

The following applications were dismissed at request of applicants:

WEHS	WEHS, Inc., Cicero, Ill.	Mod. of Lic. 1310 kc., 100 watts, S. H.
WCLS	WCLS, Inc., Joliet, Ill.	C. P., 1420 kc., 100 watts, S. H.
WHFC	WHFC, Inc., Cicero, Ill.	C. P., 1310 kc., 100 watts, S. H.
WKBI	WKBI, Inc., Cicero, Ill.	Mod. Lic. 1310 kc., 100 watts, S. H.
NEW	Joel E. Wharton Shreveport, La.	C. P., all exp. freqs., 100 watts, unlt'd. time.

MISCELLANEOUS COMMISSION ACTION

WJBY	Gadsden Broad- casting Co., Gadsden, Ala.	Denied authority to operate at a different lo- cation than that specified in license.
KTAB	Associated Broad- casters, Inc., San Francisco, Calif.	Reconsidered action of Feb. 24 in granting C. P. to move station to Oakland, Calif., and on re- quest of applicant cancelled application.

APPLICATION RETURNED

During the current week the Commission returned the following application for the reason it did not comply with Commission regulations:
New, Philip J. Wiseman, Lewiston, Me.

RENEWAL APPLICATIONS RECEIVED

WRC, Washington, D. C.; WHA, Madison, Wis.; WCAP, Asbury Park, N. J.; WODX, Mobile, Ala.; KALE, Portland, Ore.; WCKY, Covington, Ky.; WCAM, Camden, N. J.; WSMB, New Orleans, La.; WLAC, Nashville, Tenn.; WRAW, Reading, Pa.; KOH, Reno, Nevada; KFAC, Los Angeles, Calif.; WHEC, Rochester, N. Y.

RENEWALS GRANTED

The Commission granted renewal of licenses for the regular period, to the following stations:

WAAM, Newark, N. J.; WCAL, Northfield, Minn.; WCSH, Portland, Me.; WDEL, Wilmington, Del.; WOOD, Chattanooga, Tenn.; WDSU, New Orleans; WEBC, Superior, Wis., and auxiliary; WFBM and auxiliary, Indianapolis, Ind.; WFBR, Baltimore, Md.; WHAD, Milwaukee, Wis.; WIBA, Madison, Wis.; WISN, Milwaukee, Wis.; WLBW, Erie, Pa.; WMBX, Springfield, Vt.; WNBZ, Saranac Lake, N. Y.; WODA, Paterson, N. J.; WRHM, Minneapolis, Minn.; WRR, Dallas, Tex.; WTNJ, Trenton, N. J.; WTOG, Savannah, Ga.; KFIO, Spokane, Wash.; KFOX, Long Beach, Cal.; KGBZ, York, Nebr.; KGCA, Decorah, Ia.; KGCU, Mandan, N. Dak.; KMA, Shenandoah, Ia.; KMBC, Kansas City, Mo., and auxiliary; KOIN, Portland, Ore.; KRGV, Harlingen, Texas; KTRH, Houston, Texas; KVOR, Colorado Springs, Colo.; KWLC, Decorah, Iowa.

APPLICATIONS GRANTED

First Zone

WHAM	Stromberg-Carl- son Tel. Mfg. Co., Rochester, N. Y.	Granted authority to determine operating power by direct measurement, and granted license to cover installation of new equipment, moving of transmitter, and power increase to 25 kw. 1150 kc.
WGNY	Peter Goelet, Chester Town- ship, N. Y.	Granted license covering erection new station 1210 kc., 50 watts, specified hours, also au- thority determine operating power by direct measurement.
WRNY	Marcus Loew Booking Agency, New York, N. Y.	Granted authority make changes in automatic frequency control.
WGLC	O. T. Griffin & G. F. Bissell, Glens Falls, N. Y.	Granted authority to use new transmitter on program tests pending action on formal appli- cation for C. P., for period of 30 days.
WHN	Marcus Loew Booking Agency, New York, N. Y.	Granted special authority to operate 75-watt transmitter for field intensity survey to locate new site. 1010 kc.

APPLICATIONS GRANTED

Second Zone

WGBI	Scranton Broad- casters, Inc., Scranton, Pa.	Granted C. P. to make equipment changes.
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APPLICATIONS GRANTED

Third Zone

WFBC	Greenville News Piedmont Co., Greenville, S. C.	Granted modification of C. P. to change trans- mitter and studio location locally.
KRMD	Radio Station KRMD, Inc., Shreveport, La.	Granted authority make changes in automatic frequency control.
WAML	Southland Radio Corp., Shreveport, La.	Granted 30 day extension of program test period.
WHET	Troy Broadcast- ing Co., Troy, Ala.	Granted modification of license to operate from 8 to 9 p. m. Sundays in addition to present hours.

KVOO	Southwestern Sales Corp., Tulsa, Okla.	Granted modification of C. P. extending com- pletion date to 6-17-33.
WGCM	Great Southern Land Co., Gulfport, Miss.	Granted modification of license to change hours from unlimited to specified.
WAML	Southland Radio Corp., Laurel, Miss.	Granted modification of license to change speci- fied hours.
WPTF	Durham Life Insurance Com- pany, Raleigh, N. C.	Granted authority to determine operating power by direct measurement; also consent to volun- tary assignment of license to WPTF Radio Company.
WGST	Georgia School of Technology Atlanta, Ga.	Granted authority to take depositions in the matter of hearing on application of Coleman & Dobbins Co.

APPLICATIONS GRANTED

Fourth Zone

KSTP	National Battery Broadcasting Co., St. Paul, Minn.	Granted license covering increase in power from 10 KW to 25 KW on experimental basis. 1460 kc.
WSUI	State University of Iowa, Iowa City, Iowa	Granted special authority to operate from 10 p. m. CST, March 24, to 1 a. m., March 25.
WTRC	The Truth Pub- lishing Co., Elkhart, Ind.	Granted license covering equipment changes and increase in day power from 50 to 100 watts; 1310 kc., 50 watts night, 100 watts L.S. Simul- taneous day with WLBC and share night with WLBC. 1310 kc.
KGFK	Red River Broadcasting Company, Moorhead, Minn.	Granted license covering increase in power from 50 to 100 watts and making changes in equipment. 1500 kc., 100 watts unlt'd. time.

APPLICATIONS GRANTED

Fifth Zone

KIEM	H. H. Hanseth, Eureka, Calif.	Granted modification of C. P. to change equip- ment and extend completion date.
KTAB	Associated Broad- casters, Inc., San Francisco, Calif.	Granted modification of license to move main studio locally.
KGCX	First State Bank of Vida, Wolf Point, Mont.	Granted consent to voluntary assignment of li- cense to E. E. Krebsbach.
KPO	National Broad- casting Co., San Francisco, Calif.	Granted 10-day extension of program test pe- riod.

APPLICATIONS RECEIVED

First Zone

WGLC	O. T. Griffin & G. F. Bissell, Hudson, Falls, N. Y.	Modification C. P. to change equipment. 1370 kc.
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APPLICATIONS RECEIVED

Second Zone

WHBC	Edward P. Graham, Canton, Ohio	License to cover C. P. granted for equipment changes. 1200 kc.
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APPLICATIONS RECEIVED

Third Zone

NEW	Church of Christ, Guy N. Woods, Minister, Post, Texas.	C. P. new station to use 950 kc., 5 watts, speci- fied day hours (12 noon to 5 p. m.).
WJEM	Britt A. Rogers, Jr., Tupelo, Miss.	Modification of C. P. for new station to ex- tend commencement and completion dates to 4- 9-33 and 7-9-33. 990 kc.

APPLICATIONS RECEIVED

Fourth Zone

WCAL	St. Olaf College, Northfield, Minn.	C. P. for equipment changes, increase power from 1 KW to 1 KW night, 2½ KW to local sunset. 1250 kc.
WRHM	Minnesota Broadcasting Corp., Minneapolis, Minn.	Modification license to increase hours of oper- ation to include hours now assigned to KFMM —facilities of KFMM and WLB-WGMS (as- signed 8 to 9:30 p. m. Saturdays during Jan., Feb., and March). 1250 kc.
WKBF	Indianapolis Broadcasting Co., Indianapolis, Ind.	C. P. erect and use transmitter formerly used by WCMA as auxiliary while main transmitter is being moved.

APPLICATIONS RECEIVED

Fifth Zone

NEW	W. L. Gleeson, Monterey, Calif.	C. P. for new station amended to change trans- mitter and studio location to Monterey, Calif. 1210 kc., 100 watts.
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