

# The National Association of Broadcasters

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PHILIP G. LOUCKS, Managing Director

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### PRESIDENT ASKS COMMUNICATIONS BILL

President Roosevelt sent to the Congress on Feb. 26 a special message in which he asked for passage of a Federal Communications Commission Bill during the present session, but made it clear that he was not insisting at this time that any revisions be made in the existing laws affecting communications and broadcasting. The message, the first official expression of the President on the subject, follows in full text:

"I have long felt that for the sake of clarity and effectiveness the relationship of the Federal Government to certain services known as utilities should be divided into three fields—transportation, power and communications. The problems of transportation are vested in the Interstate Commerce Commission, and the problems of power, its development, transmission and distribution, in the Federal Power Commission.

"In the field of communications, however, there is today no single government agency charged with broad authority.

"The Congress has vested certain authority over certain forms of communications in the Interstate Commerce Commission and there is in addition the agency known as the Federal Radio Commission.

"I recommend that the Congress create a new agency to be known as the Federal Communications Commission, such agency to be vested with the authority now lying in the Federal Radio Commission and with such authority over communications as now lies with the Interstate Commerce Commission—the services affected to be all of those which rely on wires, cables or radio as a medium of transmission.

"It is my thought that a new Commission such as I suggest might well be organized this year by transferring the present authority for the control of communications of the Radio Commission and the Interstate Commerce Commission. The new body should, in addition, be given full power to investigate and study the business of existing companies and make recommendations to the Congress for additional legislation at the next session."

### HEARINGS ON COMMUNICATIONS BILL

Senator C. C. Dill, chairman of the Senate Interstate Commerce Committee, announced this week that he will hold hearings on his Federal Communications Commission Bill commencing at 10:30 a. m. March 9. Henry A. Bellows, chairman of the NAB Legislative Committee, will appear and present the views of the Association. Practically all of the controversial provisions in the Dill bill have been the subject of discussion or report at NAB membership meetings in the past and Mr. Bellows' testimony will follow this policy.

Hearings on the Rayburn bill will be held shortly although no definite date has as yet been fixed. Since the Rayburn bill does not affect the Radio Act of 1927 there is no conflict between the jurisdiction of the House Interstate and Foreign Commerce Committee and the House Committee on Merchant Marine, Radio and Fisheries.

### BRINKLEY CEASES OPERATION

According to reports from Mexico City, XER, Villa Acuna, Mexico, has been ordered by the Mexican Government to cease operation because of violation of Mexican regulation relative to broadcasting of medical advertisements. The reports state that a 30-day period has been allowed for dismantling the station.

### CODE AUTHORITY MEETING IN WASHINGTON

The Code Authority for the Radio Broadcasting Industry is holding a meeting in Washington for the purpose of considering

the survey recently completed on hours and wages of broadcast technicians. Under the provisions of the code the report is due to be filed on March 11. The Code Authority will remain in session next week and will attend the general meeting of code authorities called by General Johnson.

### SENATE CONFIRMS PRALL

The Senate on March 1 confirmed the appointment of Representative Anning S. Prall of New York, as a member of the Federal Radio Commission. Representative Prall, who was named by President Roosevelt to succeed Commissioner W. D. L. Starbuck, whose term expired on February 23, has not yet taken the oath of office. He was undetermined as this issue of NAB REPORTS goes to press as to whether he will take the oath as a member of the Commission shortly or await the end of the present session of Congress. Discussion seems to revolve around the eligibility of Representative Prall for a post on the Communications Commission to be created during the present session of Congress. One view is that he would not be eligible to serve on such Commission if the present Congress passed the bill, while another view is that passage of the bill would not affect his eligibility if he were not in fact a member of the Congress at the time of its passage.

### DILL AND RAYBURN INTRODUCE BILLS

Almost simultaneously with the reading of President Roosevelt's communications bill message, Senator C. C. Dill, chairman of the Senate Interstate Commerce Committee, and Representative Sam Rayburn, chairman of the House Committee on Interstate and Foreign Commerce, introduced bills in their respective houses designed to carry out legislatively the request of the President. The Dill bill carries the number of S. 2910 and the Rayburn bill is numbered H. R. 8301.

The Dill bill repeals the Radio Act of 1927 and makes minor changes in the existing law relative to point to point communications by wire and wireless—among them being subjecting charges for broadcasting lines to the jurisdiction of the new commission. The Rayburn bill leaves the Radio Act of 1927, as amended, intact. The radio provision of the Rayburn bill (Section 501a) reads as follows:

"The Federal Radio Commission is hereby abolished, and all duties, powers, and functions of the Federal Radio Commission under the Radio Act of 1927, as amended, or under any other provision of law are hereby imposed upon and vested in the (Communications) Commission."

The Dill bill, however, departs from the present law fundamentally. For example, the bill eliminates entirely Section 16 (the section governing court appeals from decisions of the Commission) of the Radio Act and attempts to give Federal District Courts jurisdiction over radio appeals.

Aside from the omission of Section 16 from the Radio Act, the Dill bill includes most of the provisions from the old omnibus bill (H. R. 7716) which failed of enactment. The bill would cut the legislative license period for broadcasting stations from three years to one year; would allow duplication of stations on clear channel stations at a distance of 2,200 miles with the proviso that the second station would not be charged to quota; would authorize the new Commission to impose fines not to exceed \$1,000 a day for violations of Commission regulations; would further complicate the provision with respect to political speeches and discussion of public questions by radio; would allow the licensing of additional stations of not more than 250-watts power without regard to quota.

The Dill bill is 98 pages in length and the Rayburn bill is 67 pages in length. The bills are virtually identical with the exception of the inclusion of the special provisions relating to radio in the



Dill bill. Radio is covered in the Rayburn bill as pointed out above.

The general provisions contained in both bills, exclusive of definitions which have no relation to broadcasting, are as follows:

### **Title I—General Provisions**

#### **Purposes of Act; Creation of Federal Communications Commission**

Section 1. For the purpose of regulating interstate and foreign commerce in communication by wire and radio so as to make available, so far as possible, to all the people of the United States a rapid, efficient, nation-wide, and world-wide wire and radio communication service with adequate facilities at reasonable charges, and for the purpose of securing a more effective execution of this policy by centralizing authority heretofore granted by law to several agencies and by granting additional authority with respect to interstate and foreign commerce in wire and radio communication, there is hereby created a commission to be known as the "Federal Communications Commission," which shall be constituted as hereinafter provided.

#### **Application of Act**

Sec. 2. The provisions of this act shall apply to all interstate and foreign communication by wire or radio and all interstate and foreign transmission of energy by radio, which originates and/or is received within the United States, and to all persons engaged within the United States in such communication or such transmission of energy by radio; but it shall not apply to persons engaged in wire or radio communication or transmission in the Philippine Islands or the Canal Zone, or to wire or radio communication or transmission wholly within the Philippine Islands or the Canal Zone.

#### **Definitions**

Sec. 3. For the purposes of this Act—

(h) "Common carrier" or "carrier" means any person engaged in communication by wire or radio, as a common carrier for hire, except where reference is made to common carriers not subject to this Act; but a person engaged in radio broadcasting shall not, insofar as such person is so engaged, be deemed a common carrier.

(r) "Broadcasting" means the dissemination of radio communications intended to be received by the public, directly or by the intermediary of relay stations.

(s) "Chain broadcasting" means simultaneous broadcasting of an identical program by two or more connected stations.

#### **Provisions Relating to the Commission**

Sec. 4. (a) The Federal Communications Commission (in this act referred to as the "Commission"), shall be composed of seven commissioners appointed by the President, by and with the advice and consent of the Senate, one of whom the President shall designate as chairman.

(h) Each member of the Commission shall be a citizen of the United States. No member of the Commission or person in its employ shall be financially interested in the manufacture or sale of radio apparatus or of apparatus for wire or radio communication; in communication by wire or radio or in radio transmission of energy; in any company furnishing supplies or services to any company engaged in communication by wire or radio or to any company manufacturing or selling apparatus used for communication by wire or radio; or in any company owning stocks, bonds or other securities of any such company; nor he in the employ of or hold any official relation to any person subject to any of the provisions of this Act, nor own stock or bonds of any corporation subject to any of the provisions of this Act. Such commissioners shall not engage in any other business, vocation, or employment. Not more than four commissioners, nor more than one member of a division other than the chairman, shall be members of the same political party.

(c) The commissioners first appointed under this Act shall continue in office for the terms of one, two, three, four, five, six, and seven years, respectively, from the date of the taking effect of this Act, the term of each to be designated by the President, but their successors shall be appointed for terms of seven years; except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the commissioner whom he succeeds. Any commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office, but for no other cause. No vacancy in the Commission shall impair the

right of the remaining commissioners to exercise all the powers of the Commission.

(d) Each commissioner shall receive an annual salary of \$10,000, payable in monthly installments.

(e) The principal office of the Commission shall be in the District of Columbia, where its general sessions shall be held; but whenever the convenience of the public or of the parties may be promoted or delay or expense prevented thereby, the Commission may hold special sessions in any part of the United States.

(f) Without regard to the civil service laws or the Classification Act of 1923, as amended (1) the Commission may appoint and prescribe the duties and fix the salaries of a secretary, a chief engineer and one or more assistants, a general counsel and one or more assistants, experts, inspectors, and special counsel, and (2) each commissioner may appoint and prescribe the duties of an assistant at an annual salary not to exceed \$4,000 per annum. The general counsel and the chief engineer shall each receive an annual salary of not to exceed \$9,000; and no assistant, expert, or inspector shall receive an annual salary in excess of \$7,500 per annum. The Commission shall have authority, subject to the provisions of the civil service laws and the Classification Act of 1923, as amended, to appoint such other officers, examiners, and other employees as are necessary in the execution of its functions.

(g) The Commission may make such expenditures (including expenditures for rent and personal services at the seat of government and elsewhere, for office supplies, law books, periodicals, and books of reference, and for printing and binding) as may be necessary for the execution of the functions vested in the Commission and as from time to time may be appropriated for by Congress. All expenditures of the Commission, including all necessary expenses for transportation incurred by the commissioners or by their employees, under their orders, in making any investigation or upon any official business in any other places than in the city of Washington, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the chairman of the Commission or by such other member or officer thereof as may be designated by the Commission for that purpose.

(h) Four members of the Commission shall constitute a quorum thereof and two members shall constitute a quorum of a division. The Commission shall have an official seal which shall be judicially noticed.

(i) The Commission may perform any and all acts, make such rules and regulations, and issue such orders, not inconsistent with this Act, as may be necessary in the execution of its functions.

(j) The Commission may conduct its proceedings in such manner as will best conduce to the proper dispatch of business and to the ends of justice. No commissioner shall participate in any hearing or proceeding in which he has a pecuniary interest. Any party may appear before the Commission and be heard in person or by attorney. Every vote and official act of the Commission shall be entered of record, and its proceedings shall be public upon the request of any party interested.

(k) The Commission shall make an annual report to Congress, copies of which shall be distributed as are other reports transmitted to Congress. Such report shall contain such information and data collected by the Commission as may be considered of value in the determination of questions connected with the regulation of interstate and foreign wire and radio communication and radio transmission of energy, together with such recommendations as to additional legislation relating thereto as the Commission may deem necessary: *Provided*, That the Commission shall make a special report not later than February 1, 1935, recommending such amendments to this Act as it deems desirable in the public interest.

(l) All reports of investigations made by the Commission shall be entered of record, and a copy thereof shall be furnished to the party who may have complained, and to any common carrier or licensee that may have been complained of.

(m) The Commission shall provide for the publication of its reports and decisions in such form and manner as may be best adapted for public information and use, and such authorized publications shall be competent evidence of the reports and decisions of the Commission therein contained in all courts of the United States and of the several States without any further proofs or authentication thereof.

#### **Divisions of the Commission; Jurisdiction of Commission and Division**

Sec. 5. (a) The Commission shall be organized into three divisions which shall exercise the jurisdiction of the Commission as follows: (1) The radio division shall have jurisdiction of all mat-



ters relating to or connected with broadcasting, with amateur stations, and the mobile service; (2) the telephone division shall have jurisdiction of all matters relating to or connected with common carriers engaged in voice communication by wire or radio other than broadcasting; and (3) the telegraph division shall have jurisdiction of all matters relating to or connected with common carriers engaged in record communication by wire, radio, or cable. The chairman of the Commission shall be a member of all three divisions; two other commissioners, one of whom for each division shall be chosen vice chairman of the Commission presiding over the division, shall be assigned by the Commission as members of each division. Except for the chairman no member of the Commission may be a member of more than one division; but in case of a vacancy in any division, or of absence or inability to serve thereon of any commissioner thereto assigned, any commissioner designated by the chairman for that purpose may temporarily serve on said division until the Commission shall otherwise order.

(b) The whole Commission shall have jurisdiction of (1) all matters arising under this Act which do not fall within the jurisdiction of a division, as above prescribed; (2) all matters which fall within the jurisdiction of more than one division; and (3) teletype service, telephoto service, the regulation of charges made for the use of telephone wires in connection with broadcasting, and the provisions of this Act relating to valuation of property of carriers, reports of carriers, parents, subsidiaries, and affiliated persons, and accounts, records, and memoranda, to be kept by carriers and depreciation charges in respect of property of carriers. In any case where a conflict arises under this section as to jurisdiction of any division the Commission shall decide which division shall have jurisdiction of the matter, and the decision of the Commission shall be final.

(c) Each division may (1) appoint a director, without regard to the civil service laws or the Classification Act of 1923, as amended, at an annual salary which shall not exceed \$8,000 per annum; and (2) hear and determine, order, certify, report, or otherwise act as to any matter under its jurisdiction, and in respect thereof the division shall have all the jurisdiction and powers conferred by law upon the Commission, and be subject to the same duties and obligations. Any action so taken by a division and any order, decision, or report made or other action taken by any of said divisions in respect of any matters assigned to it shall have the same force and effect, and may be made, evidenced, and enforced in the same manner as if made or taken by the Commission. The secretary and seal of the Commission shall be the secretary and seal of each division thereof.

(d) The director for each division shall exercise such of the functions thereof as may be vested in him by the division, but any order of the director shall be subject to review by the division under such rules and regulations as the Commission shall prescribe.

## DILL BILL REPEALS RADIO ACT

Section 602 of the Dill bill specifically repeals the Radio Act of 1927. Title III of the Dill bill is intended as a substitution for the present radio law and does not appear in the Rayburn bill which leaves the present law intact. Sections of Title III which would change the present law are as follows:

### Title III—Special Provisions Relating to Radio

#### Allocation of Facilities; Term of Licenses

Sec. 307. (a) The Commission, if public convenience, interest, or necessity will be served thereby, subject to the limitations of this Act, shall grant to any applicant therefor a station license provided for by this Act.

(b) It is hereby declared that the people of all the zones established by this title are entitled to equality of radio broadcasting service, both of transmission and of reception, and in order to provide said equality the Commission shall as nearly as possible make and maintain an equal allocation of broadcasting licenses, or bands of frequency or wave lengths, of periods of time for operation, and of station power, to each of said zones when and insofar as there are applications therefor; and shall make a fair and equitable allocation of licenses, wave lengths, time for operation, and station power to each of the States and the District of Columbia, within each zone, according to population. The Commission shall carry into effect the equality of broadcasting service hereinbefore directed, whenever necessary or proper, by granting or refusing licenses or renewals of licenses, by changing periods of time for operation, and by increasing or decreasing station power, when applications are made for licenses or renewals of licenses: *Provided*, That if and

when there is a lack of applications from any zone for the proportionate share of licenses, wave lengths, time of operation, or station power to which such zone is entitled, the Commission may issue licenses for the balance of the proportion not applied for from any zone, to applicants from other zones for a temporary period of ninety days each, and shall specifically designate that said apportionment is only for said temporary period. Allocations shall be charged to the State or District wherein the studio of the station is located and not where the transmitter is located: *Provided further*, That no frequency used for broadcasting shall be reserved for the use of one station for a distance of more than 2,200 miles, airline, if any person, firm, or corporation, capable of rendering radio service in the public interest, make application to operate broadcasting apparatus on any frequency so reserved, at a point beyond the distance of 2,200 miles, airline, from the station or stations already licensed and operating on said frequency, and all applications and licenses considered and granted under this provision shall not be counted as a part of the quota of the zone in which said additional stations are located: *Provided further*, That the Commission may also grant applications for additional licenses for stations not exceeding 250 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.

(c) The provisions of this section shall not apply to the Virgin Islands, Puerto Rico, Alaska, Guam, American Samoa, and the Territory of Hawaii.

(d) No license granted for the operation of a broadcasting station shall be for a longer term than one year and no license so granted for any other class of station shall be for a longer term than three years, and any license granted may be revoked as hereinafter provided. Upon the expiration of any license, upon application therefor, a renewal of such license may be granted from time to time for a term of not to exceed one year in the case of broadcasting licenses and not to exceed three years in the case of other licenses, but action of the Commission with reference to the granting of such application for the renewal of a license shall be limited to and governed by the same considerations and practice which affect the granting of original applications.

(e) No renewal of an existing station license shall be granted more than thirty days prior to the expiration of the original license.

#### Limitation on Holding and Transfer of Licenses

Sec. 310. (b) The station license required hereby, the frequencies or wave length or lengths authorized to be used by the licensee, and the rights therein granted shall not be transferred, assigned, or in any manner either voluntarily or involuntarily disposed of, or indirectly by transfer of control of any company, corporation, or association holding such license, to any person or corporation, unless the Commission shall, after a hearing, decide that said transfer is in the public interest, and shall give its consent in writing.

#### Revocation of Licenses; Fines Imposed by Commission

Sec. 312. Any station license may be revoked, or the station owner fined not to exceed \$1,000 by the Commission for each and every day during which such offense occurs, for false statements either in the application or in the statement of fact which may be required by section 308 hereof, or because of conditions revealed by such statements of fact as may be required from time to time which would warrant the Commission in refusing to grant a license on an original application, or for failure to operate substantially as set forth in the license, for violation of or failure to observe any of the restrictions and conditions of this Act, or of any regulation of the Commission authorized by this Act or by a treaty ratified by the United States, or whenever any Federal body in the exercise of authority conferred upon it by law, shall find and shall certify to the Commission that any licensee bound so to do, has failed to provide reasonable facilities for the transmission of radio communications, or that any licensee has made any unjust and unreasonable charge, or has been guilty of any discrimination, either as to charge or as to service or has made or prescribed any unjust and unreasonable classification, regulation, or practice with respect to the transmission of radio communications or service: *Provided, however*, That no license shall be revoked and no station owner fined until the licensee shall have been notified in writing of the proceedings for such revocation or fine, the cause for the proposed action, and shall have been given 15 days to show cause why an order of revocation should not be issued or a fine or fines imposed.



## Facilities for Candidates for Public Office

Sec. 315. (a) If any licensee shall permit any person who is a legally qualified candidate for any public office to use a broadcasting station, he shall afford equal opportunities to all other such candidates for that office in the use of such station; and if any licensee shall permit any person to use a broadcasting station in support of or in opposition to any candidate for public office, or in the presentation of views on a public question to be voted upon at an election, he shall afford equal opportunity to an equal number of other persons to use such station in support of an opposing candidate for such public office, or to reply to a person who has used such broadcasting station in support of or in opposition to a candidate, or for the presentation of opposite views on such public questions. Furthermore, it shall be considered in the public interest for a licensee, so far as possible, to permit equal opportunity for the presentation of both sides of public questions.

(b) The Commission shall make rules and regulations to carry this provision into effect. No such licensee shall exercise censorship over any material broadcast in accordance with the provisions of this section. No obligation is imposed upon any licensee to allow the use of his station by any candidate, or in support of or in opposition to any candidate, or for the presentation of views on any side of a public question.

(c) The rates charged for the use of any station for any of the purposes set forth in this section shall not exceed the regular rates charged for the use of said station to advertisers furnishing regular programs, and shall not be discriminatory as between persons using the station for such purposes.

## Lotteries and Other Similar Schemes

Sec. 316. No person shall broadcast by means of any radio station for which a license is required by any law of the United States, and no person, firm, or corporation operating any such station shall knowingly permit the broadcasting of any advertisement or of information concerning any lottery, gift enterprise, or similar scheme, offering prizes dependent in whole or in part upon lot or chance, or any list of the prizes drawn or awarded by means of any such lottery, gift enterprise, or scheme, whether said list contains any part or all of such prizes. Any person, firm, or corporation violating any provision of this section shall, upon conviction thereof, be fined not more than \$1,000 or imprisoned not more than one year, or both, for each and every day during which such offense occurs.

## Title IV—Procedural and Administrative Provisions

### Jurisdiction to Enforce Act, and Orders of Commission

Sec. 401. (a) The district courts of the United States shall have jurisdiction, upon application of the Attorney General of the United States at the request of the Commission, alleging a failure to comply with or a violation of any of the provisions of this Act by any person, to issue a writ or writs of mandamus commanding such person to comply with the provisions of this Act; or, upon application of the Commission, any injured party, or the United States by its Attorney General, for the enforcement of an order or requirement of the Commission under the provisions of this Act, regularly made and duly served, which any person has failed or neglected to obey while in effect, to enforce obedience to such order or requirement by writ of injunction or other proper process, mandatory or otherwise, to restrain such person, its officers, agents, or representatives, from further disobedience of such order or requirement, or to enjoin upon it or them obedience to the same.

*[Sections 401 and 402 make provision for court review of orders of the Interstate Commerce Commission applicable to the Communications Commission.]*

Sections 403 and 404 provide for investigations by the Commission.

Sections 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, and 416 are administrative provisions relating to hearings, witnesses, orders, joint boards, etc., and are taken largely from the Radio Act and the Interstate Commerce Act.]

## Title V—Penal Provisions—Forfeitures

### General Penalty

Sec. 501. Any person who wilfully does or causes or suffers to be done any act, matter, or thing, in this Act prohibited or declared to be unlawful, or who wilfully omits or fails to do any act, matter, or thing in this Act required to be done, or wilfully causes or suffers such omission or failure, shall, upon conviction

thereof, be punished for each offense, for which no penalty (other than a forfeiture) is provided herein, by a fine of not more than \$10,000 or by imprisonment for a term of not more than three years, or both.

### Violations of Rules, Regulations, etc.

Sec. 502. Any person who violates any rule, regulation, restriction, or condition made or imposed by the Commission under authority of this Act, or any rule, regulation, restriction, or condition made or imposed by any international radio or wire communications treaty or convention, or regulations annexed thereto, to which the United States is or may hereafter become a party, shall, in addition to any other penalties provided by law, be punished, upon conviction thereof, by a fine of not more than \$500 for each and every day during which such offense occurs.

## Title VI—Miscellaneous Provisions

### Transfer to Commission of Duties, Powers, and Functions Under Existing Law

#### Repeals and Amendments

Sec. 602. (a) The Radio Act of 1927, as amended, is hereby repealed.

(b) The provisions of the Interstate Commerce Act, as amended, insofar as they relate to communication by wire or wireless, or to telegraph, telephone, or cable companies operating by wire or wireless, are hereby repealed.

### Transfer of Employees, Records, Property, and Appropriations

Sec. 603. (a) All officers and employees of the Federal Radio Commission (except the members thereof, whose offices are hereby abolished) are hereby transferred to the Commission, without change in classification or compensation.

### Effective Date of Act

Sec. 607. This Act shall take effect upon the organization of the Commission, except that this section and sections 1 and 4 shall take effect upon the enactment of this Act. The Commission shall be deemed to be organized upon such date as four members of the Commission have taken office.

## NAB ASKS CHANGES IN COPELAND BILL

Charging that broadcasting has been discriminated against in the so-called "dealer's section" of the revised Copeland food and drugs bill, the NAB filed a brief this week with the Senate Commerce Committee asking for modification to meet its objections. The brief signed by Henry A. Bellows, chairman of the NAB Legislative Committee, is as follows:

"The National Association of Broadcasters on Thursday, December 7, 1933, filed with your Committee a statement regarding S. 1944. That statement, together with the lists of members and officers of this Association, appears on pages 120-132 of the printed report of the hearings on S. 1944, and consequently the lists are not here repeated.

"While S. 2800 represents, from the standpoint of the radio broadcasting industry, a material improvement over S. 1944, there remain certain specific objections which this Association desires to point out to your Committee. In so doing, this Association wishes to make it clear that there are many other features of S. 2800 which appear to be open to criticism, but which, because they do not immediately and directly affect the broadcasting industry, are not specified in this memorandum.

"1. Page 3, lines 15-17. This paragraph defines advertising as 'all representations of fact or opinion disseminated in any manner or by any means other than by the labeling.'

"Such a definition, if taken literally, is manifestly absurd. It is not an advertisement if A tells B that he thinks X Remedy cured his headache, yet such a statement falls absolutely within this definition. Further, under the terms of Section 9, paragraph (b), it is, or may be, a false advertisement, in that it refers to X Remedy as a cure and not a palliative, and therefore, under the terms of Section 17, paragraph (b), the speaker is technically 'subject to imprisonment for not more than one year, or a fine of not less than \$100 nor more than \$1,000, or both such imprisonment and fine.'

"Nor is it an advertisement if a scientific speaker or writer, discussing matters relating to health, happens to refer to a par-



ticular food or drug, when his object is manifestly not to promote the sale of such food or drug.

"It is, therefore, urged that this paragraph be amended by the addition of a phrase borrowed from the copyright laws, so that the paragraph as amended shall read as follows:

"(j) The term 'advertisement' includes all representations of fact or opinion disseminated *publicly and for profit* in any manner or by any means other than by labeling."

"2. Page 15, lines 15-20. This paragraph provides that 'An advertisement of a drug shall also be deemed to be false if it contains the name of any disease for which the drug is not a specific cure but is a palliative and fails to contain a plain and conspicuous statement, so placed as to be readily observable where such name occurs, indicating that the drug is a palliative and how the palliation is effected.'

"Regarding this paragraph three specific points should be considered:

"(a) The paragraph apparently includes oral or broadcast advertising, and yet it is absolutely impossible to apply to such advertising the provision contained in the clause 'so placed as to be readily observable where such name occurs.' This difficulty can be obviated by striking out, in line 18, the words 'and conspicuous,' and in lines 18 and 19 the phrase 'so placed as to be readily observable.'

"(b) It should be pointed out that both popular and scientific opinions vary widely as to what is actually a 'cure' and what is a 'palliative.' For instance, do certain familiar remedies 'cure' headaches or are they merely 'palliatives'? In view of the apparent impossibility of securing any adequate and accurate definitions of 'cure' and 'palliative,' it appears that this paragraph should be stricken out.

"(c) The clause 'and how the palliation is effected' appears to present a condition with which it would be impossible to comply. Such a statement would, in effect, require every advertisement of a 'palliative' to include an essay or technical treatise on the manner in which the drug in question affects the system. Such a treatise may be possible on a label, though even there it seems difficult, but how is it to be included on a sign-board or in a radio announcement? It seems clear that this clause should be stricken out.

"3. Page 15, line 25. Paragraph (c) of Section 9 is 'to discourage the public advertisement—of drugs for diseases wherein self-medication may be especially dangerous.' To this end, the section provides that 'any advertisement of a drug representing it to have any effect in the treatment of any of the following diseases shall be deemed to be false.' Then follows a long list of diseases, including diphtheria, measles, mumps, pneumonia, scarlet fever and whooping cough.

"There is plenty of medical opinion to support the contention that certain drugs do have at least a palliative effect in the treatment of these and other specified diseases, if only to the extent of relieving pain or discomfort, reducing fever, or inducing restful sleep. The phrase 'have any effect in the treatment of,' therefore, seems altogether too broad, and it is suggested that this phrase be stricken out, and replaced by the word 'cure.'

"4. Page 22, lines 12-15. Section 15 provides for examinations and investigations of alleged violations of the provisions of this Act. Paragraph (a) authorizes the Secretary of Agriculture to conduct such examinations. Paragraph (c) provides that the Secretary, before reporting any violation of this Act to a United States attorney for institution of criminal proceedings thereunder, shall provide for hearings for all interested persons.

"Paragraph (b) of this Section conforms to paragraphs (a) and (c) so far as the Secretary's activities are concerned, but in lines 12-15 it adds a mandatory provision that proceedings shall be instituted by each United States attorney 'to whom any health, food, or drug officer of any state or territory, or political subdivision thereof, presents evidence satisfactory to the United States attorney of any such violations.'

"The Secretary of Agriculture cannot report a violation of the Act until after a hearing, but any local health, food or drug officer may do so without giving anyone a chance to be heard. They do not even have to report such alleged violations to the Secretary of Agriculture.

"The result would inevitably be flagrant injustice and a complete overturning of the orderly and rational procedure set up in the rest of Section 15. It is, therefore, strongly urged that the entire clause just quoted be stricken out. In view of the fact that the greater part of the advertising coming under this Act is national or at least interstate in scope, it would manifestly be

impossible to provide that any local officer shall hold hearings, as is provided in the case of the Secretary of Agriculture.

"5. Page 27, line 15. This paragraph provides that certain persons shall not be 'deemed in violation of paragraphs (b) or (c) of this section.' The prohibited acts, however, are all listed in paragraph (a), while paragraphs (b) and (c) set forth the penalties for violation of any of the provisions of paragraph (a). It is obvious, therefore, that line 15 should be amended to read 'deemed in violation of paragraph (a) or subject to any of the penalties set forth in paragraphs (b) or (c) of this section.'

"6. Page 28, lines 16-20. The following new and extraordinary provision, not included in any of the previous drafts of this bill, has been added to Section 17, paragraph (e):

"No retail dealer shall be prosecuted under this section for the dissemination, other than by radio broadcast, of any advertisement offering for sale at his place of business any product which is not distributed or sold in interstate commerce."

"Apparently the sole purpose of this sentence is to discriminate among advertising media, and to say to the retail dealer that he may safely use the United States mails or any other medium with the single exception of radio broadcasting.

"If the commodity offered for sale is actually not 'distributed or sold in interstate commerce,' why should the retail dealer be warned by Act of Congress against the use of radio broadcasting whereas the United States mails are left open to him?

"If the commodity is distributed or sold in interstate commerce, the provisions of Section 17, paragraph (a) (5) immediately apply. Otherwise the situation is fully covered by the provisions of Section 17, paragraph (a) (4).

"This deliberate and, in view of the language of the two subparagraphs just cited, absolutely uncalled-for attempt to discriminate against radio broadcasting as an advertising medium marks a new departure in the field of Federal legislation. The Congress might with equal logic declare an advertiser criminally liable for false advertising in a periodical but guiltless if he inserts the same copy in a newspaper. The principle underlying such discrimination, which is in effect a deliberate effort to dictate to advertisers what media they shall use, is so utterly foreign to all established legislation that it is not surprising that this sentence was not introduced in time to be subject to scrutiny at the hearings on the earlier draft of this bill.

"In common fairness, and still more in maintenance of the principle that it is not a function of Federal legislation to tell advertisers what media they shall or shall not use, it is urgently requested that this recently added sentence be stricken out.

"As has already been stated, the National Association of Broadcasters, in setting forth these specific suggestions for amendment of S. 2800, does not thereby imply that with these amendments the bill will be satisfactory to the broadcasting industry. The points herein covered are those which seem to the broadcasters the most obvious and self-evident defects in the measure as now drafted, and it is urged that your Committee give careful attention to the suggestions here set forth."

C. C. Parlin of Philadelphia, representing the National Periodical Publishers, said that he had no objection to the passage of the bill now that its advertising clauses have been rewritten but asked that fair consideration be given by the Committee to amendments presented by some of the manufacturers.

Representative Lamneck of Ohio opposed the bill on the ground that the Secretary of Agriculture is given too much power by the bill. He also said that the bill is too drastic.

Charles W. Dunn, New York City, representing the Associated Grocery Manufacturers of America, objected to the bill because it omitted provision for an administrative board of review.

Others who appeared before the Committee included: Mrs. Harris T. Baldwin of the National League of Women Voters; Prof. C. B. Jordan, of Purdue University; Prof. H. S. Smith, of Philadelphia; Francis L. Whitmarsh, National American Wholesale Grocery Association; Dr. James H. Beal, representing the National Drug Trade Conference, and others.

#### ASCAP BUSY IN N. C.

The following article from the February 27, 1934, bulletin of the Asheville, N. C., Merchants' Association tells its own story of the extent to which the present "radio set" campaign of the American Society of Composers, Authors and Publishers has gone:

#### "Tax Warning Notice

"It has recently come to your attention that there is a national tax on radios played in stores, hotels, cafeterias and other public places.



"The National Music Association secured a national law to tax radios played in public places. The amount of the tax is \$120 a year when playing copyright music, and most of it is copyrighted and there is no way of telling which is copyrighted, so be careful!

"These collectors have recently come to our city, but they have previously been collecting the tax in large cities in the north and it is reported that over three million dollars have been collected for worn-out or retired musicians.

"This warning is given to save our members more money than some of them pay dues. Service is a pleasure."

On the other hand, *Variety* of the same date—February 27, 1934—says:

"While rates for the hotels with dine and dance rooms have been jacked up appreciably, the American Society of Composers, Authors and Publishers has taken a benign attitude toward the small restaurants and cafes whose music is derived from phonographs and radio sets. Latter spots are in the majority of cases now granted licenses without the payment of even a nominal fee. ASCAP's board of directors figure that this policy will, in addition to garnering the organization good-will, steal the thunder of those who charge it with oppressive tactics."

Stations are urged to send to Oswald F. Schuette, National Association of Broadcasters, National Press Building, Washington, D. C., any information they have concerning ASCAP operations in their territory.

## EXAMINER REPORTS BROOKLYN (N. Y.) CASES

Recommendations were made this week in Report No. 539, by Ralph L. Walker (e), in connection with applications made by four Brooklyn (N. Y.) stations.

All four of the stations operate under a time sharing agreement on 1400 kilocycles. WBBC asked for three-quarters time, using the hours now assigned to WVFW and WARD. WLTH also asked for three-quarters time using the hours now assigned to stations WVFW and WARD. WVFW asked for full time, in other words all of the time now used by itself and the other three stations on the same frequency. WARD also asked for full time seeking the facilities of stations WBBC, WLTH and WVFW. Each of the stations asked license renewal and WBBC sought a renewal of license for its auxiliary transmitter and WARD asked to be allowed to change its location in Brooklyn.

The Examiner recommended that the applications of all of the stations both for license renewal and modification of the license be denied.

"Giving due consideration to the fact that each of the applicants has suffered an economic disadvantage because of the four-way division of time," says the Examiner, "it appears that in the operation of each station the applicant has placed the interests of the licensee as the paramount consideration, and that the interests of the public, fixed by law as paramount, have been, at the most, secondary."

## WLBW APPEALS TO COURTS

Station WLBW, Erie, Pa., this week filed an appeal in the Court of Appeals of the District of Columbia against a decision of the Radio Commission granting a permit for a new broadcasting station to be erected at Erie by Leo J. Omelian. WLBW states that there is not enough advertising in the city to support two stations.

## COPYRIGHT FEE ARBITRATION APPROVED

The dispute over copyright royalties has been settled in Australia through enactment of an amendment to the Australian Copyright Act of 1912 which provides for arbitration. The amendment approved on December 15, 1933, reads in part as follows:

"3. After section thirteen of the Principal Act the following section is inserted in Part II: '13a. (1) Where any dispute has arisen between any person (a) being an owner of copyright; or (b) claiming the right to payment of royalty in respect of copyright, in literary, dramatic, musical or other works, or between any person being a manufacturer of records by means of which any such works may be mechanically reproduced, and any person using or desirous of using any such works or records, regarding the rates and methods of payment for the right to perform such works in public or to use such records for public performance, or the terms and conditions under which such works or records may be so performed or used, any party to the dispute may apply in writing to the Attorney-General for the determination of the dispute by voluntary arbitration by an arbitrator mutually selected, or, failing such selection, appointed by the Governor-General.'

"(2) The application may state the name of the arbitrator by whom it is desired that the dispute shall be determined.

"(3) The arbitrator so selected or appointed may, upon receiving a submission to arbitration of the dispute, duly executed by the parties, hear the dispute and make his award in relation thereto.

"(4) The parties to the dispute, by themselves, or, in the case of a company, association or body of persons, by their principal officers, shall, if required by the arbitrator, submit to be examined by the arbitrator on oath in relation to the matters in dispute, and shall produce before the arbitrator all books, deeds, papers, accounts, writings and documents within their possession or power respectively which may be required or called for, and do all other things which, during the hearing of the dispute, the arbitrator may lawfully require.

"(5) The costs of the arbitration shall be in the discretion of the arbitrator who may by his award direct to and by whom, and in what manner, those costs or any part thereof shall be paid and may, if he thinks proper, tax or settle the amount of costs to be so paid or any part thereof.

"(6) Copyright in any such work shall not be deemed to be infringed by the performance or use in public of any such work or record if payment for the right to perform the work or use the record is made at the rates, in the method and subject to the terms and conditions under which such works or records may be performed or used, determined by the arbitrator in pursuance of sub-section (3) of this section.

"(7) For the purposes of this section 'person' includes any company, association or body of persons.

"(8) The regulations may prescribe any matters for and in relation to the practice and procedure before any arbitrator selected or appointed under this section and the fees payable to any such arbitrator."

## FRC DISTRIBUTES STATIONS LISTS

The Federal Radio Commission is mailing to each broadcasting station a copy of "Radio Broadcast Stations in the United States." Additional copies are obtainable from the Superintendent of Documents, Government Printing Office, Washington, D. C., for ten cents each.

The revised Rules and Regulations of the Federal Radio Commission, which are being similarly distributed by the Commission, are available from the Superintendent of Documents for thirty cents each.

## FEDERAL RADIO COMMISSION ACTION HEARING CALENDAR

Wednesday, March 7, 1934

### Oral Argument Before Commission en banc Broadcasting

NEW—Herbert H. Fette, Meriden, Minn.—C. P. 1310 kc., 100 watts (facilities of KGDE), daytime hours.

KGDE—Charles L. Jaren, Fergus Falls, Minn.—Renewal of license, 1200 kc., 100 watts, 250 watts LS, unlimited time.

## APPLICATIONS GRANTED

### First Zone

WHN—Marcus Loew Booking Agency, New York, N. Y.—Granted extension of special experimental authorization to operate from 1 a. m. to local sunset with 1 KW power. Normally licensed 1010 kc., 250 watts, unlimited time.

WSVS—Seneca Vocational High School, Buffalo, N. Y.—Granted special temporary authorization to operate from 8:15 to 9 p. m., EST, March 5, 12, 19 and 26, in order to continue certain musical lectures.

WSYB—Philip Weiss, d/b as Weiss Music Co., Rutland, Vt.—Granted special temporary authorization to operate from 11 a. m. to 12 noon, EST, March 4, 11, 18 and 25, 1934.

### Second Zone

KQV—KQV Broadcasting Co., Pittsburgh, Pa.—Granted modification of special temporary authorization granted on January 26, changing date from February 22 to February 28, to



operate simultaneously with WSMK from 10 p. m. to 12 midnight, EST.

WJBK—James F. Hopkins, Inc., Detroit, Mich.—Granted special temporary authorization to operate from 8 to 9 p. m., EST, on March 1, 4, 6, 11, 13, 15 and 18, 1934, provided WIBM remains silent.

WIBM—WIBM, Inc., Jackson, Mich.—Granted special temporary authorization to operate simultaneously with station WJBK from 8 to 11 p. m., CST, on March 2, 1934.

WKRC—WKRC, Inc., Cincinnati, Ohio—Granted extension of temporary experimental authorization to operate with additional 500 watts power for a period ending September 1, 1934.

WGBI—Scranton Broadcasters, Inc., Scranton, Pa.—Granted extension of special experimental authorization to use 250 watts experimentally in addition to the regular power of 250 watts.

WCAE—WCAE, Inc., Pittsburgh, Pa.—Granted license covering move of transmitter and changes in equipment. 1220 kc., 1 KW, unlimited time. Also authorization to make antenna measurements to determine power input.

WFDF—Flint Broadcasting Co., Flint, Mich.—Granted authorization to operate without an approved frequency monitor until March 17, while making repairs.

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Granted license covering changes in equipment. 1210 kc., 100 watts, specified hours.

W8XO—Crosley Radio Corp., Cincinnati, Ohio—Granted special temporary authorization to operate with 500 KW from 6:30 a. m. to 5 p. m. daily from Feb. 25 to March 11, 1934, on frequency of 700 kc. Call WLW to be used during this period.

### Third Zone

WNAD—University of Oklahoma, Norman, Okla.—Granted authorization to operate from 9:15 to 9:30 p. m., March 14; 2:30 to 4:30 p. m., March 16; 8 to 10 p. m., March 24; and from 3:30 to 5 p. m., CST, March 19, 21 and 26, provided KGGF remains silent.

WDAG—National Radio Broadcasting Corp., Amarillo, Tex.—Granted special temporary authorization to operate without approved frequency monitor, for a period of 21 days; station to be held responsible for any deviations of more than 50 cycles.

WPTF—WPTF Radio Co., Raleigh, N. C.—Granted modification of C. P. to extend commencement date from 8-19-34 to February 19, 1934, and extend completion date to May 17, 1934.

KTUL—J. T. Griffin, Tulsa, Okla.—Granted license covering installation of new equipment and removal of studio and transmitter; 1400 kc.; 250 watts night, 500 watts day, unlimited time.

WPTF—WPTF, Raleigh, N. C.—Granted modification of C. P. for approval of exact transmitter location at Cary, N. C.

WDAE—Tampa Publishing Co., Tampa, Fla.—Granted consent to voluntary assignment of license to Tampa Times Company.

WAMC—Raymond C. Hammett, Anniston, Ala.—Granted modification of C. P. extending commencement date to March 1, 1934, and completion date to May 1, 1934.

WHEF—Atala Milling & Produce Co., Kosciusko, Miss.—Granted modification of C. P. extending commencement date to February 24, 1934, and completion date to June 24, 1934.

### Fourth Zone

KFDY—South Dakota State College, Brookings, S. Dak.—Granted special temporary authorization to operate from 6:30 to 8 p. m., CST, on March 3, 10, 24 and 31, provided station KFYR remains silent.

KFJB—Marshall Electric Company, Inc., Marshalltown, Ia.—Granted special temporary authorization to operate on

March 1, 2 and 3, from 9 a. m. to 12 noon; 3 to 6 p. m., and 9 to 12 midnight, CST.

WSUI—State University of Iowa, Iowa City, Ia.—Granted special temporary authorization to operate from 10 p. m. to 1 a. m., CST, on March 2, and from 10 p. m. to 12 midnight, CST, on March 9, 16 and 23, 1934.

WMBH—W. M. Robertson, Joplin, Mo.—Granted special temporary authority to operate every week night during month of March, from 9:30 to 9:45 p. m., CST. Also granted authority to operate from 9:30 to 10 p. m., CST, on March 3, 10, 17, 24 and 31, and from 2:30 to 3:30 p. m., CST, on March 4, 11, 18 and 25, 1934.

WLBG—Donald A. Burton, Muncie, Ind.—Granted special temporary authority to operate simultaneously with station WTRC from 6 to 7:30 p. m., CST, on March 2, 3, 9, 10, 16 and 17, 1934.

KFYR—Meyer Broadcasting Co., Bismarck, N. Dak.—Granted special temporary authority to operate from 12:30 to 2 p. m., CST, on March 3, 10, 17, 24 and 31, provided station KFDY remains silent.

WGES—Oak Leaves Broadcasting Station, Inc., Chicago—Granted authorization to operate unlimited time on 1360 kc., pending decision on pending application, but no later than 28 days from date.

WRJN—Racine Broadcasting Corp., Racine, Wis.—Granted C. P. to make changes in equipment.

KFJB—Marshall Electric Company, Inc., Marshalltown, Ia.—Granted special temporary authority to operate from 9 a. m. to 12 noon, from 3 to 6 p. m., and from 9 p. m. to 12 midnight, CST, on March 8, 9, 10, 15, 16 and 17.

WCAZ—Superior Broadcasting Service Inc., Carthage, Ill.—Granted modification of license to increase power from 50 watts to 100 watts.

### Fifth Zone

KGMB—Honolulu Broadcasting Company, Ltd., Honolulu, T. H.—Granted C. P. to make changes in equipment.

KRE—First Congregational Church of Berkeley, Cal.—Granted special temporary authority to operate from 8:50 to 10 a. m., PST, on April 1, in order to broadcast special Easter service.

KUMA—Albert H. Schermann, Yuma, Ariz.—Granted special temporary authority to operate from 4:30 to 5 p. m., MST, on March 25th.

NEW—Big Born Broadcasting Co. (R. E. Carroll, Owner), Sheridan, Wyo.—Granted C. P. for a new station to operate on 1370 kc., 100 watts, unlimited time.

### ACTION ON EXAMINER'S REPORT

NEW—Ex. Rep. No. 538: Ark-La-Tex Radio Corp., Shreveport, La.—Denied as in case of default application for C. P. for new station to operate on 1210 kc., 100 watts, unlimited time, sustaining Examiner Geo. H. Hill.

KWEA—Hello World Broadcasting Corp., Shreveport, La.—Granted consent to voluntary assignment of license to International Broadcasting Corporation, sustaining Examiner Hill.

KWEA—International Broadcasting Corp., Shreveport, La.—Granted renewal of license to operate on 1210 kc., 100 watts, unlimited time, sustaining Examiner Hill. (The order in the above cases is effective March 9, 1934.)

### SET FOR HEARING

NEW—American Radio Productions Inst., Inc., New York.—C. P., 1400 kc., 500 watts, unlimited time. Exact location of transmitter to be determined by field survey (facilities WBBC, WLTH, WARD and WVFW).

NEW—A. V. Tidmore, Salisbury, Md.—C. P. 1200 kc., 100 watts; daytime; exact location to be determined.



## MISCELLANEOUS

- KGFX**—Red River Broadcasting Company, Inc., Moorhead, Minn.—Suspended authority granted January 30, 1934, for removal of station from Moorhead, Minn., to Duluth, Minn., and application was designated for hearing because of protests of city of Moorhead and station WEBC, Superior, Wis.
- WSPA**—Virgil V. Evans, Spartanburg, S. C.—C. P., 920 kc., 2½ KW, daytime hours, heretofore designated for hearing, was denied because applicant failed to enter appearance within time allowed.
- KFIZ**—The Reporter Printing Co., Fond du Lac, Wis.—Modification of license, 1310 kc., 100 watts, specified hours, heretofore designated for hearing, was denied because applicants failed to enter appearance within time allowed.
- WKZO**—WKZO, Inc., Kalamazoo, Mich.—Special authorization to operate from sunset at Kalamazoo to midnight; application heretofore set for hearing was dismissed at applicant's request.
- NEW**—Atlantic Broadcasting Co., New York, N. Y.—Denied license for new station to operate on 6120, 11830, 15270 kc., 15 KW, because of failure to enter appearance within time allowed in cases set for hearing.
- KGDM**—E. F. Pepper, Stockton, Cal.—Denied request to amend special temporary authorization granted January 19, 1934, to operate from 12 midnight to 6 a. m., so as to permit broadcasting of commercial programs during this experimental period.
- KFQD**—Anchorage Radio Club, Inc., Anchorage, Alaska.—License extended on temporary basis pending receipt and/or action on application for renewal.
- KTAR**—KTAR Broadcasting Co., Phoenix, Ariz.—Granted extension of modification of license to increase night power from 500 watts to 1 KW, pending final decision on application for modification of license, but no later than September 1, 1934.
- WFLA-WSUN**—Clearwater Chamber of Commerce & St. Peters-

burg Chamber of Commerce, Clearwater, Fla.—Granted extension of special temporary authorization to operate with power of 1 KW night, with directional antenna and 2½ KW daytime, to September 1, 1934.

- KFNF**—Henry Field Co., Shenandoah, Ia.—Granted renewal of license on a temporary basis and designated application for renewal for hearing.
- KTM**—Pickwick Broadcasting Corp., Los Angeles, Cal.—KELW Magnolia Park Ltd., Burbank, Cal. Granted special temporary authority to operate on 780 kc., 500 watts night, 1 KW LS, sharing with KELW, KTM to use 2/3 time, KELW 1/3 time, pending determination of case in Court of Appeals of D. C. Don Lee Broadcasting System v. Federal Radio Commission. This authorization shall extend in no event later than 3 a. m., EST, September 1, 1934.

## APPLICATIONS RECEIVED

- NEW**—Tri-State Radio, Inc., Washington, Pa.—Construction permit to erect new station to operate on 1200 kc., 100 watts, share with station WHBC. Facilities Station WNBO.
- WPFB**—Otis Perry Eure, Hattiesburg, Miss.—Construction permit to move transmitter and studio from Hattiesburg, Mississippi, to Troy, Alabama; change frequency from 1370 kc. to 1210 kc. and time of operation from unlimited to daytime.
- WPFB**—Otis Perry Eure, Hattiesburg, Miss.—Consent to voluntary assignment of license to James Glenn Crouch of Troy, Ala.
- NEW**—Cyril W. Reddoch d/b as The Friendly Broadcasting Co., Columbus, Miss.—Construction permit to erect new station to operate on 1370 kc., power of 100 watts, daytime.
- KFOR**—Cornbelt Broadcasting Corp., Lincoln, Nebr.—License to cover construction permit granted 1-2-34 to move transmitter locally. *Amended* so that application is now in proper form.
- NEW**—Abraham Shapiro, Astoria, Ore.—Construction permit to erect new station to operate on 1370 kc., power of 100 watts, unlimited time.