

## PETRILLO OFFERS FREE CONCERTS; 'HYPOCRISY' IS NAB ANSWER

An idea which President Roosevelt has had for several years—sending large orchestras throughout the nation to give the people the “best possible music” flowered into full growth this week under the careful cultivating of James Caesar Petrillo, AFM president, who announced some 570 concerts by leading symphony orchestras of the nation would be given starting within a few days in smaller American cities. AFM has allotted \$500,000 for this. Final plans are maturing, Mr. Petrillo allowed today.

### Neville Miller Terms Plan “Hypocritical”

Following is the text of Mr. Miller's official statement on Mr. Petrillo's plan:

“James Caesar Petrillo's announcement that his union intends to give 570 symphonic concerts in small towns is unequalled for hypocrisy. Mr. Petrillo has done more to prevent symphonic music in the United States than any other man in the history of our country.

“Before Mr. Petrillo prevented the making of all recordings of symphonic music last August, the great orchestras could reach all of our people in all parts of the country through the phonograph record. The recordings so made were available for the home, schools, broadcasting stations and for all of our citizens wherever situated and whenever they wanted to hear symphonic music, not merely once each in 570 communities hand-picked by the union. The very orchestras which Mr. Petrillo now wants to bring to the people, are those which, for one full year, have been prevented from making phonograph records. If Mr. Petrillo were sincerely interested in the welfare of symphonic music, he could, by lifting his ban, permit the equivalent, not of 570, but of hundreds of thousands of times 570 concerts.”

“All of the symphony organizations are non-profit institutions. A substantial part of their revenue, in some cases as much as one-third, was derived from royalties on phonograph records, 98 per cent of which, according to Mr. Petrillo's own testimony before the United States Senate, went into the American home and formed a permanent contribution to musical education. Moreover, the musician in the symphony orchestras has been deprived by Mr. Petrillo of the substantial revenue which he previously received from his recording activity. The musicians in symphony orchestras received, in addition to the royalty obtained by the orchestra itself, a minimum fee of \$28 per man for no more than 80 minutes playing time.

“Mr. Petrillo has, therefore, stifled the major source of income for the symphonic orchestras, deprived the symphonic musicians of normal compensation and withdrawn from the American people the benefits of recorded symphonic music.

“It should be noted that in making this transparent gesture, Mr. Petrillo drops the last vestige of justification for his ban on recordings. He has contended that records commercially used in the smaller cities deprived local musicians of employment opportunities. Yet, when the union sets aside \$500,000 to bring some music to the American people it does not employ local musicians, but instead spends it on bringing into the communities the performances of the fully employed musicians who had always made recordings.

“The good faith of Mr. Petrillo's proposal may be attacked not only on these grounds, but on the basis of his own figures. His announcement says that the men in the orchestras will be paid for their services, and he sets the normal personnel of a symphony orchestra at 90 men, although in travelling, the services of baggage men, librarians, etc., are also required. At his own figures, Mr. Petrillo is allotting less than \$10 a man per concert to cover salary, railroad fares, hotels, meals, baggage car for instruments, cartage of instruments and music stands to place of performance, and incidental expenses. When a non-profit symphony society wishes to give a concert out of town today, it must pay, in addition to the high union scale, \$7.50 a man per day for mere maintenance, and the lowest union scale of symphony concert tours is \$100 a week a man, exclusive of the obligation of the orchestra to furnish first-class transportation, including sleepers. It is obvious, therefore, that Mr. Petrillo proposes to pay the men no compensation or only nominal compensation.

“The essence of Mr. Petrillo's gesture, therefore, is that he is going to compel some of his members to render free services and the orchestral societies to lend their names and reputations to his enterprise so that he may take unto himself the credit for their services.”

## WLB TO ACT SOON ON PETRILLO CASE

Within a few days the War Labor Board will issue an order stating how it will deal with the Petrillo case.

The board decided last week to appoint a panel to determine the facts in the case and to report to the board. Announcement of this decision has been held up pending its incorporation in a formal order and appointment of the panel.

## STRIKE TO COMPEL EMPLOYMENT OF UNNECESSARY MUSICIANS IS RULED UNLAWFUL IN MICHIGAN

The Supreme Court of Michigan has held that a strike to compel the employment of unnecessary musicians was unlawful.

In the case of *Lafayette Dramatic Productions Inc. v.*  
(Continued on page 334)

## Cox Hearings

Special Legislative Bulletin No. 11 is enclosed with this issue of the “Reports” to bring the Cox Select Committee hearings up to date.

Neville Miller, *President* C. E. Arney, Jr., *Secretary-Treasurer*

Lewis H. Avery, *Director of Broadcast Advertising*; Walter L. Dennis, *Chief, News Bureau*; Willard D. Egolf, *Assistant to the President*; Howard S. Frazier, *Director of Engineering*; Joseph L. Miller, *Director of Labor Relations*; Paul F. Peter, *Director of Research*; Arthur C. Stringer, *Director of Promotion*.

## STRIKE TO COMPEL EMPLOYMENT OF UNNECESSARY MUSICIANS IS RULED UNLAWFUL IN MICHIGAN

(Continued from page 333)

*Jack Ferentz, et al.*, decided April 8, 1943, Judge Starr held that:

(1) Where a labor union of stage hands, acting in combination with a musicians' union, threatened to call a sympathetic strike of the stage hands, shortly before the opening of a performance as a means of coercing a theatre owner to sign a contract for the employment of musicians which were not needed, the objective sought to be obtained invaded the theatre owner's right to conduct its business without unjust interference and its right to a free flow of labor, and did not involve a labor dispute since the object sought to be obtained was unlawful. The right to strike and carry on peaceful picketing is subject to the limitation that it shall not be employed to obtain an unlawful labor objective.

(2) Where a theatre manager, who, two hours before the opening of a theatre is confronted with the alternative of executing a contract employing unnecessary musicians or submitting to a sympathetic strike by stage hands, which would make it impossible to operate the theatre and result in the sacrifice of a financial investment, signs the contract, such a contract is induced by duress and coercion and is null and void.

## REPORT ON 7TH DISTRICT MEETING AT CINCINNATI

A very enthusiastic meeting of the broadcasters of the 7th district, NAB, was held at the Netherland-Plaza, Cincinnati, Friday, July 23. The meeting was opened by director Nate Lord, WAVE, who presided and called for discussion of the May 10th Supreme Court decision as the first order of business. There was general discussion participated in by James Shouse, WLW, Leonard Reinsch, WHIO, Neville Miller, NAB, Nate Lord, WAVE, and others.

The broadcasters were the guests at luncheon of WAVE and the principal speaker was Congressman Clarence J. Brown of Blanchester, Ohio, a member of the Interstate and Foreign Commerce Committee, who made an excellent speech on the subject of "Freedom of Radio," which is printed elsewhere in this week's "Reports."

Guests at the luncheon included Congressmen Brent Spence, of Fort Thomas, Kentucky, and Edward O. McCowen, of Wheelersburg, Ohio, and representatives of Cincinnati newspapers. A telegram of greeting was read from Senator Alben W. Barkley, of Kentucky, expressing his regret at not being able to attend.

In the afternoon Robert T. Mason, of WMRN, made a report for the NAB committee on small market stations, and discussed the work and plans of that committee. "Chick" Allison, of WLW, reported for the retail promo-

tion plan committee giving a vivid account of the recent preliminary showing held in New York. Neville Miller reported on the Petrillo ban, stating that the ban had proved a serious detriment to the war effort.

In connection with advertising plans, Vernon Pribble, WTAM, reported on the Cleveland plan which is now being considered by many other cities. A legislative committee was appointed consisting of J. Lindsay Nunn, WLAP-WCMI, Leonard Reinsch, WHIO-WSB-WIOD, Frazier Reams, WTOL, and W. Lee Coulson, WHAS, and this committee proposed the following resolution which was unanimously adopted:

(Partial Text)

"Resolved that this group petition the Congress of the United States to review sympathetically the present law and revise and enact remedial legislation to the end that radio may continue to serve the American people to its fullest possibilities."

The meeting also adopted a resolution thanking Mr. Lord and WAVE for being hosts at luncheon, and Mr. Shouse and WLW for being hosts at a cocktail party which immediately followed the meeting.

The following broadcasters were present:

Nathan Lord, WAVE, Louisville, Ky.; J. Lindsay Nunn, WLAP, Lexington-WCMI, Ashland, Ky.; Paul Wagner, WPAY, Portsmouth, Ohio; Kenneth B. Johnston, WCOL, Columbus, Ohio; Neal Smith, WCOL, Columbus, Ohio; Carl M. Everson, WHKC, Columbus, Ohio; R. D. Borland, WHK-WCLE, Cleveland, Ohio; Vernon H. Pribble, WTAM, Cleveland, Ohio; S. Bernard Berk, WAKR, Akron, Ohio; Ronald B. Woodyard, WING-WIZE, Dayton, Ohio; R. T. Mason, WMRN, Marion, Ohio; Carl George, WGAR, Cleveland, Ohio; Harry McTigue, WINN, Louisville, Ky.; Arch Shawd, WTOL, Toledo, Ohio; Frazier Reams, WTOL, Toledo, Ohio; W. Lee Coulson, WHAS, Louisville, Ky.; Henry McClaskey, WHAS, Louisville, Ky.; J. Leonard Reinsch, WHIO, Dayton, WSB, Atlanta, WIOD, Miami; R. H. Moody, WHIO, Dayton, Ohio; W. P. Williamson, Jr., WKBN, Youngstown, Ohio; Len Nasman, WFMJ, Youngstown, Ohio; James M. Patt, WKRC, Cincinnati, Ohio; James Shouse, E. K. Bauer, Walter Callahan, J. Leonard, M. F. Allison, W. Chamberlain, George C. Biggar, WLW, Cincinnati, Ohio; Carl Kindt, WMAN, Mansfield, Ohio; Sky Fields, WMAN, Mansfield, Ohio; Fred Palmer and Bob Fleming, WCKY, Cincinnati, Ohio; and Neville Miller, NAB.

## REPORT OF SPEECH MADE BY CONGRESSMAN CLARENCE BROWN BEFORE 7TH DISTRICT GROUP

Congressman Brown said he believed Congress had delegated too much power to bureaus and commissions and that the bureaus had misinterpreted the will of Congress and had assumed power which had not been delegated. He believes that Congress is now in a mood to take back some of that power because of the faulty thinking of many of those in the various commissions. For example, the FCC today is raising the question as to whether a newspaper can be trusted with a radio station. Congressman Brown cited this as just another indication of the thinking of bureaucracy.

He praised the opinion written by Justice Murphy in the network case, stating that he thought Justice Murphy was right and that he could not agree with Justice Frankfurter, when he said that Congress had not limited the authority of the Commission. Congressman Brown's thoughts regarding delegated power are that Congress does not have to set limits, but the only power a commission receives is the power which is delegated. That's the fault with the decision he said. It extends the power originally granted to the Commission. However, since the Supreme Court has spoken the FCC has the power and



the answer is for Congress to so write a new act that the court can understand it.

The decision was a strong blow against freedom of the press, freedom of speech and freedom of radio he continued because it is impossible to separate freedom of radio from freedom of speech. There is no reason for government to control program content of radio stations, so long as there is no question of morals, obscene language or libel. Congressman Brown stated that he had read the Act of 1934 and was sure that Congress did not intend for the government to be other than a referee, but he noticed that there had been a tendency on the part of the FCC to reach out for more and more power which was not good for the press, was not good for radio and was not good for the country. He believes so long as broadcasts do not violate the public interest it is no business of government. Stations which do not serve the public right will become a dead spot on the dial.

The Congressman expressed his views further by saying:

"I believe Congress was as much shocked as you were with the opinion of May 10th, and I believe you can well do something about it. Congress has been busy on many other things, on the aviation code, but it is about time for Congress to say that the FCC acts merely as a referee or a policeman and that, if a policeman, it does not go about butting into other people's business. One of the troubles is that too many businessmen are afraid of government, too many want to compromise; too few want to fight for their rights. Congress is interested in the views of businessmen. It hopes that they will speak out and that they will stand up and fight for their rights."

He hopes that the radio industry will tell Congress what kind of a law they want and then Congress will write a law which will protect radio and the public.

## STATION AEF, BRITAIN

The following article is reprinted by permission from the July 19, 1943, issue of *Newsweek Magazine*. We thought it a good job of telling the British radio story and its effect on the AEF (American Expeditionary Forces).

*Radio has something for the boys in Britain, at last. Al Newman, one of Newsweek's correspondents abroad, tell what it means:*

It is no military secret that BBC programs leave the average American G. I. colder than a top sergeant's glare. This is no particular reflection on anybody with the possible exception of the top sergeant. The BBC seems to suit the Britisher on the street or in the camp. He would rise in righteous wrath and start assaulting cops if anybody dared sully his precious wireless with advertisements for mouthwash.

But to the Yank accustomed to elaborate displays of talent in lavish, advertising-supported shows over four major networks and countless independent stations, British broadcast is incredibly small time. Listening as I write this, I have, for instance, learned from the BBC two valuable facts which undoubtedly will make later life happier; starfish can be stranded by the receding tide and survive till the next flood tide reaches them, and eels breed in the Sargasso Sea, preferably at a depth of 1,500 feet.

In Britain you PAYS your ten shillings a year license fee for your set (which completely finances the BBC), and you TAKES your choice of two networks, the Home or the Forces. If you don't like either you can turn your set to hell off. (I once made the mistake of bragging to a Britisher that in New York you had your choice of some fifteen different programs, and he pointed out that awfter all, old boy, you can only listen to one at a time.) Or you can listen to Germany, which is impossible on most sets here because lack of servicing has made them insensitive. Indeed, many of them have to be thumped from time to time like recalcitrant mules to keep them going at all.

Nevertheless some sets can still get Das Reich. I have witnessed the strange spectacle of American fliers listening

with pleasure to a program of Nazi jazz immediately before taking off to beat the living daylight out of a target in the immediate vicinity of the transmitter.

In fairness it must be said that the United States forces have gotten more than their share of time in BBC programs. Command Performance and Mail Call are prominent features, but the whole United States Army here waits for 12:40 p. m. Sunday, when a transcribed Fred Allen program, carefully denuded of advertising, takes the air. Unfortunately these canned shows are usually pretty old, and many of Allen's jokes are topical. Last Sunday's was recorded from the week of Washington's birthday.

There is no more disappointing experience than introducing an Englishman to an Allen or Bob Hope show. He sits there, deadpan, as quip succeeds quip, and you think each succeeding joke will fetch him sure. But it never does. The only way to get revenge is to wait until an English comedian comes on and then sit there deadpan yourself—no great effort on the average—while he curls up and dies over moldy wheezes which used to do no more than irritate you when you were a boy.

Thus, radiowise, east is east and west is west. And last week, to the relief of practically everybody, they got a quiet divorce with the hush-hush opening of the American Forces network, first venture of its kind in history, which took the air on the afternoon of July 4. Here again the BBC showed its good will to the Yanks in providing transmitters and studios for the use of the Special Services section of the United States Army, which stocks the new chain from 5:45 to 10:30 each evening with home news, sports reporters, and transcriptions of such favorites as Bob Hope, Bing Crosby, Edgar Bergen, Kate Smith, and top-flight American dance bands—any of which, as far as United States doughboys are concerned, makes the best British dance band sound like Ima Hick and his Six Original Hoptoads from Corn Center, Iowa.

At this date nearly everything about the American Forces network is a military secret. Nobody will admit where the studios are, and the locations of the low-power transmitters, which are designed merely to cover the small areas thickest with troop concentrations, naturally are unmentionable. Thus most newspaper correspondents treated the debut as a small and routine story. But shrewder observers who know the importance of radio in American life pronounced its creation the most important morale move in this theater since the inception of the Stars and Stripes and Yank.

## DISTRICT MEETINGS AGENDA

The following NAB district meetings have been listed by C. E. Arney, Jr., NAB secretary-treasurer:

District 11—Hotel Nicollett, Minneapolis, August 4-5.

District 15—San Francisco, August 6 (informal, coinciding with visit of Mr. Arney at that time).

District 14—Hotel Utah, Salt Lake City, August 30-31 (Mr. Arney also will attend this meeting which will elect a district director).

District 4—Asheville, North Carolina, September 3 (election of district director).

## Broadcast Advertising

### OUR SINCERE APOLOGIES

The July 23, 1943, issue of the NAB REPORTS assured its readers that a reprint of the article entitled: "Stores Can Make Radio Advertising Pay," from the May issue of *Department Store Economist* was enclosed. But it wasn't!

Nothing the department of broadcast advertising has ever tried to do has been as ill-fated as the comparatively simple process of reprinting this article.

We hope you will find the article was worth waiting for. And we do guarantee that it is enclosed with this issue.

## EAST AND WEST ASS'N REPORTS ON ASIA RECORDS

*(The following report was received from Hugh D. Beach, of the East and West Association radio department. Pearl S. Buck, the novelist, is head of this group, which is devoted to mutual knowledge and understanding of the life of the Oriental and the American peoples.)*

Recently, the East and West Association, through the NBC transcription division, offered to the first one hundred stations requesting it, a free set of thirteen recordings under the general heading, "China and India Speak to America". In a surprisingly short time the quota was filled with forty-one states heard from, including six 50,000 watt stations. The records contained talks by experts in the Oriental field. (A complete list of subjects and speakers is listed below.) To supplement coverage given by local outlets, the association also offered sets gratis to school boards in ten metropolitan districts around the nation. Requests were received from boards in Chicago, Cleveland, Detroit, St. Louis and Los Angeles. Various uses have been made of the records in these cities. Wherever the school system owned its own radio station the records formed a regular educational series. In other cases, the records are handled by the visual and audial department which sent them to schools, supplying turntable equipment whenever necessary.

Such was the interest in the series that the association notified one hundred and fifty teachers colleges that the records could be obtained at cost price (\$10.00 plus postage). Again, the results were most encouraging. Requests have been received from colleges in Ohio, New Mexico and Indiana, among others. Recently the Library of Congress requested a set for its files.

So encouraging has been the reaction to this project that the East and West Association is planning a similar series on Russia. The same plans will be followed in producing the new programs. Experts in their field will be chosen to record. All political and controversial material will be avoided. An earnest effort to present the people of Russia, their past and present and their future, in a simple, dignified and interesting manner, will be made. Only in that manner can the East and West Association fulfill the aims with which it was established by Pearl S. Buck in 1942.

I—PEARL S. BUCK—"How To Learn About Other People"

II—JEN-YING YEN—"Life in China Today."

III—ELIZABETH SEEGER—"Forty Centuries of Chinese History"

IV—LIN MOUSHENG—"China's Philosophy and Religion"

V—PEARL S. BUCK—"Chinese Humor"

VI—BANGNEE A. LIU—"China's Contributions to America"

VII—AGNES SMEDLEY—"The Fighting Chinese"

VIII—ANUP SINGH—"Life in India Today"

IX—HORACE I. POLEMAN—"India's Contributions to American Life"

X—ANANDA K. COOMARASWAMY—"India's Philosophy and Religion"

XI—TARAKNATH DAS—"Milestones of Indian History"

XII—SIR NORMAN ANGELL—"The Indian People and World War II—Part I"

XIII—KRISHNALAL SHRIDHARANI—"The Indian People and World War II—Part II"

Available to all educational institutions and groups at ten dollars plus postage. Write to Hugh D. Beach, Radio

Department, The East and West Association, 40 East 49th Street, New York 17, New York.

## NAB GETS PRAISED IN A.T.A.E. BULLETIN

(The following paragraphs appeared in a recent bulletin of the American Trade Association Executives Association)

During the first weeks of war, advertisers and agencies were being approached by numbers of Government departments and bureaus, seeking advertising aid in disseminating the essential facts about the cooperation needed from the public in order to make our war effort more effective. Due to the number and lack of central control of these requests, a chaotic situation resulted.

Early in 1942, "allocation plans" for network and radio spot broadcasting were put into effect by OWI at the suggestion of WAC. Acceptance of these plans by advertisers and their advertising agencies brought order out of chaos and has resulted in the contribution of \$100,000,000 worth of well-spaced radio time and top-flight radio talent by advertisers, their agencies, networks and stations.

Under the network allocation plan, one of the three plans in effect, 202 coast-to-coast programs, sponsored and paid for by 120 advertisers, broadcast 150 messages a week every week since April 27, 1942, covering 56 important war subjects ranging from fats salvage to Bonds, and reaching an average of 300,000,000 listeners a week.

Under the national radio spot allocation plan (for individual stations) there are approximately 9,000,000 listeners per week to war messages.

Under the station announcement plan, an additional 8,000 messages a day are broadcast to an uncounted number of listeners.

**The National Association of Broadcasters has been instrumental in setting up and operating these important allocation plans.**

## CAB SENDS OUT NAB TALKS

Three of the outstanding addresses made at the Chicago NAB War Conference and the Columbus Ohio Radio Institute have been distributed to members of the Canadian Association of Broadcasters by its president, Glen Banerman.

The addresses are: "What Is Public Interest, Convenience and Necessity as Applied to Radio?" by Earl J. Glade and these delivered by Dr. James R. Angell of NBC and William S. Paley, president, CBS, before the War Conference.

## ABELOFF NAMED P. R. HEAD

Irving G. Abeloff, program director of WRVA, has been appointed public relations chairman of the 4th district, NAB, by G. Richard Shafto, district director.

## LOTS OF "F" IN THIS SIG

Many radio stations are doing grand jobs of getting out publications of staff news and notes to be sent their per-

## J. S. McCarrens

John S. McCarrens, Sr., president of the United Broadcasting Company of Cleveland, died Monday. He was also president of the Forest City Publishing Company, publishers of the *Cleveland Plain Dealer* and *Cleveland News*, and a well-known figure in national radio and newspaper circles. United Broadcasting Company operates Station WCLE.



sonnel in the Armed Forces, but the gang at WBTM really has a clever signature to their bulletin. It is:

"Your Loving Friends, The Fathers, The Females and the 4-Fs."

## FEDERAL COMMUNICATIONS COMMISSION

### FLY SAYS SMALL STATIONS "PROTECTED" BY FCC

FCC Chairman James Lawrence Fly said at a news conference Monday that the Commission has had quite a bit of reaction from the broadcast industry as the result of the Cox hearings, particularly from small stations throughout the country and "I must say that I have been quite pleased with the reactions that have come to us. I think most of the stations realize that the Commission has perhaps done more to protect them than anything else."

Mr. Fly told newsmen the comment has been mostly favorable and encouraging. "There has been some backfire from the stations" he said, "that have been pressed by the staff of the committee to give evidence or make statements against the Commission when those stations were unwilling to do so. There has been a pretty broad circularization of the various stations by the committee's counsel in an effort to get them to make statements against the Commission and in certain cases where they have declined to make such statements they receive sharp reprimands from the counsel of the committee."

The Chairman said that the FBIS monitors placed the Mussolini ouster in the hands of the various government agencies ahead of any other government or news service.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

### HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, August 2nd. They are subject to change.

#### Tuesday, August 3

J. C. & E. W. Lee (Lee Brothers Broadcasting Company), San Bernardino, Calif.—C. P., 1240 kc., 250 watts, unlimited.

#### Further Hearing

WOKO—WOKO, Inc., Albany, N. Y.—Renewal of license (main and auxiliary), 1460 kc.; main: 500 watts night, 1 KW day; auxiliary: 500 watts; unlimited.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

WTAL—Florida Broadcasters, Inc., Tallahassee, Fla.—Granted consent to assignment of license of station WTAL, from Florida Capital Broadcasters, Inc., to Capital City Broad-

casting Corp., for a total consideration of \$22,500 (B3-AL-370). Also granted renewal of license (B3-R-869).

WAIT—WAIT, Inc., Chicago, Ill.—Granted consent to assignment of license of station WAIT, from WAIT, Inc., to a partnership composed of the 6 corporate stockholders, viz., Gene T. Dyer, Evelyn M. Ringwald, Elizabeth M. Hinzman, Adele Moulds, Vivian Christoph, and Wm. F. Moss, d/b as Radio Station WAIT (B4-AL-369).

WELI—Patrick J. Goode, New Haven, Conn.—Granted consent to transfer of control of station WELI from Patrick J. Goode to Arde Bulova (B1-TC-323).

WNBC—William J. Sanders, Hartford, Conn.—Granted consent to transfer of control of station WNBC, from William J. Sanders to Arde Bulova (B1-TC-322).

First Baptist Church, Pontiac, Mich.—Granted extension of authority to transmit programs from applicant's studio in Pontiac, over the wire line facilities of Mich. Bell Telephone Co., to Windsor, Ontario, Canada, there to be broadcast over Station CKLW (B2-FP-111).

Edwin H. Armstrong, New York City.—Granted license (B1-LH-41) for new station (transmitter at Alpine, N. J.) to operate on 43100 kc., 40 KW power, and serve an area not to exceed 15,610 square miles.

W43B—The Yankee Network, Inc., Boston, Mass.—Granted license (B1-LH-44) to cover construction permit, in part, for high frequency broadcast station; 44300 kc., unlimited time, 19,000 sq. mi.

W5XAU—WKV Radiophone Co., Oklahoma City, Okla.—License for high frequency broadcast station was further extended upon a temporary basis only, pending determination upon application for renewal, for the period ending October 1, 1943.

W9XLA—KLZ Broadcasting Co., Denver, Colo.—License for high frequency broadcast station was further extended upon a temporary basis only, pending determination upon application for renewal, for the period ending October 1, 1943.

W49BN—Wylie B. Jones Advertising Agency, Binghamton, N. Y.—Granted license (B1-LH-18) to cover construction permit (B1-PH-10 as amended) in part, and specifying 134 Chenango Street, Binghamton, N. Y., as the location of its main studio.

W2XWE—WOKO, Inc., Albany, N. Y.—License for facsimile broadcast station was further extended upon a temporary basis only, pending determination upon application for renewal, for the period ending October 1, 1943.

### LICENSE RENEWALS

The following stations were granted renewal of licenses for the period ending August 1, 1945:

KFPW, Fort Smith, Ark.; KRKO, Everett, Wash.; KTSW, Emporia, Kans.; KTTS, Springfield, Mo.; KWON, Bartlesville, Okla.; WARM, Scranton, Pa.; WATW, Ashland, Wis.; WBNY, Buffalo, N. Y.; WBTM, Danville, Va.; WCNC, Elizabeth City, N. C.; WFOR, Hattiesburg, Miss.; WGBR, Goldsboro, N. C.; WGRC, New Albany, Ind.; WEST, Easton, Pa.; WKWK, Wheeling, W. Va.; WJAC, Johnstown, Pa.; WJLB, Detroit, Mich.; WRJN, Racine, Wis.; WSAU, Wausau, Wis.; WSRR, Stamford, Conn.; WTCM, Traverse City, Mich.; WJZM, Clarksville, Tenn.; KELD, El Dorado, Ark.; KLUF, Galveston, Texas; KTOK, Oklahoma City; KVFD, Fort Dodge, Iowa; KFRU, Columbia, Mo.; KRE, Berkeley, Calif.; KTEM, Temple, Texas; WABY, Albany, N. Y.; WCOS, Columbia, S. C.; WGIL, Galesburg, Ill.; WHLB, Virginia, Minn.; WHUB, Cookeville, Tenn.; WHYN, Holyoke, Mass.; WKMO, Kokomo, Ind.; WKPT, Kingsport, Tenn.; WMBR, Jacksonville, Fla.; WMGA, Moultrie, Ga.; WORD, Spartanburg, S. C.; KOKO, La Junta, Colo.; WMFD, Wilmington, N. C.; WRAK, Williamsport, Pa.; WLLH and Synchronous Amplifier, Lowell and Lawrence, Mass.; KTNM, Tucumcari, N. Mex.; WCBM, Baltimore; WDWS, Champaign, Ill.; WINC, Winchester, Va.; WDEF, Chattanooga, Tenn.; KTUC, Tucson, Ariz.; WRDO, Augusta, Maine.

The following stations were granted renewals for the period ending June 1, 1945:

KAND, Corsicana, Texas; KPDN, Pampa, Texas; WEXL, Royal Oak, Mich.; WJPR, Greenville, Miss.; WWPB, Palm Beach, Fla.; KROC, Rochester, Minn.; WFIG, Sumter, N. C.; WLAK, Lakeland, Fla.

Licenses for the following stations were further extended upon a temporary basis only, for the period ending October 1, 1943, pending determination upon application for renewal:

KBST, Big Spring, Texas; KCMC, Texarkana, Texas; KGGF, Coffeyville, Kans.; KGKL, San Angelo, Texas; KIUL, Garden City, Kans.; KPLT, Paris, Texas; KRBC, Abilene, Texas; KRLH, Midland, Texas; KSUB, Cedar City, Utah; KVGB, Great Bend, Kans.; KVSF, Santa Fe, N. Mex.; KWFC, Hot Springs, Ark.; WABT, Bangor, Me.; WCBT, Columbus, Miss.; WCBT, Roanoke Rapids, N. C.; WCOV, Montgomery, Ala.; WGGG, Gainesville, Ga.; WHOM, Jersey City, WHOM auxiliary; WLBK, Bowling Green, Ky.; WNBZ, Saranac Lake, N. Y.; WOCB, Near Hyannis, Mass.; WSAY, Rochester, N. Y.; WSYB, Rutland, Vt.; WTEL, Philadelphia; WJW, Akron, Ohio.

Licenses for the following stations were extended upon a temporary basis only, pending determination upon application for renewal, for the period ending October 1, 1943:

KORN, Fremont, Nebr.; KSJB, Jamestown, N. Dak.; KWLK, Longview, Wash.; WATL, Atlanta, Ga.; WBLK, Clarksburg, W. Va.; WELL, Battle Creek, Mich.; WEOA, Evansville, Ind.; WHDF, Calumet, Mich.; WJHO, Opelika, Ala.; WMSL, Decatur, Ala.; WSAM, Saginaw, Mich.

WRAL—Capitol Broadcasting Co., Inc., Raleigh, N. C.—Granted renewal of license for the period ending April 1, 1945.

KXL—KXL Broadcasters, Portland, Ore.—Granted renewal of license for the regular period (B5-R-88).

KIUN—Jack W. Hawkins & Barney H. Hubbs, Pecos, Texas—Granted renewal of license for the regular period (B3-R-863).

KAVE—Barney Hubbs, et al., d/b as Carlsbad Broadcasting Co., Carlsbad, N. Mex.—Granted renewal of license for the regular period (B5-R-906).

### MISCELLANEOUS

WKAQ—Radio Corp. of Puerto Rico, San Juan, P. R.—Granted modification of construction permit (B-MP-1716) for extension of completion date from 7-26-43 to 1-26-44, in re permit to move transmitter and studio location. Also granted modification of construction permit (B-P-3501 as modified) which authorized move of auxiliary transmitter, for extension of completion date to 1-26-44 (B-MP-1717).

KMA—May Broadcasting Corp., Shenandoah, Iowa.—Granted license to cover construction permit for installation of directional antenna for night use and increase in power to 5 KW (B4-L-1768); also granted authority to determine operating power by direct measurement (B4-Z-1528).

KYOS—Merced Broadcasting Co., Merced, Calif.—Granted authority to determine operating power by direct measurement of antenna power (B5-Z-1530).

KTSA—Sunshine Broadcasting Co., San Antonio, Texas—Granted authority to determine operating power by direct measurement of antenna power (B3-Z-1514).

W2XCB—Columbia Broadcasting System, Inc., Portable-Mobile, Area of New York City—Granted modification of construction permit which authorized new experimental television relay broadcast station, for extension of completion date to 1-7-44.

WRDI—Northwestern Publishing Co., Danville, Ill.—Cancelled relay broadcast license in accordance with written request of licensee dated July 10, 1943.

W3XWT—Allen B. DuMont Labs., Inc., Washington, D. C.—Granted modification of construction permit authorizing new experimental television station, for extension of commencement and completion dates to 6-23-43 and 12-26-43, respectively (B1-MPVB).

Chattahoochee Broadcasting Co., Columbus, Ga.—Denied petition for rehearing directed against Commission's action on June 29, granting application of WDAK, West Point, Ga., for construction permit to move station from West Point to Columbus, Ga.

### APPLICATIONS FILED AT FCC

#### 560 Kilocycles

KPQ—Wescoat Broadcasting Co., Wenatchee, Wash.—Modification of construction permit (B5-P-3150 as modified, which authorized installation of new transmitter, directional antenna for night use, increase in power, and change in frequency) for extension of completion date from 8-25-43 to 12-1-43.

#### 640 Kilocycles

WOI—Iowa State College of Agriculture and Mechanic Arts, Ames, Iowa—Special service authorization to operate from

6 a. m. to local sunrise, CST, with power of 5 KW, for the period ending 2-1-44.

#### 850 Kilocycles

WHDH—Matheson Radio Co., Inc., Boston, Mass.—Authority to determine operating power by direct measurement of antenna power.

#### 1210 Kilocycles

WCAU—WCAU Broadcasting Co., Philadelphia, Pa.—Authority to determine operating power by direct measurement of antenna power of auxiliary transmitter.

### MISCELLANEOUS APPLICATIONS

W71NY—Bamberger Broadcasting Service, Inc., New York, N. Y.—License to use transmitter formerly licensed to High Frequency Experimental Station W2XOR as an auxiliary transmitter with power of 1 KW.

NEW—Columbus Broadcasting System, Inc., New York, N. Y.—Construction permit for a new international broadcast station to be operated on 6060, 6120, 6170, 9650, 11830, 15270, 17830, 21520 and 21570 kc., with power of 50 KW, A3 Emission, unlimited time except share time on all frequencies with WCRC, WCBX and WCDA; share time on 6060 kc. with KWID and KWIX, and use 6120 kc. by special authority.

NEW—Columbia Broadcasting System, Inc., New York, N. Y.—Construction permit for a new international broadcast station to be operated on 6060, 6120, 6170, 9650, 11830, 15270, 17830, 21520 and 21570 kc., with power of 50 KW, A3 Emission, unlimited time except share time on all frequencies with WCRC, WCBX and WCDA; share time on 6060 kc. with KWID and KWIX, and use 6120 kc. by special authority.

NEW—National Broadcasting Co., Inc., New York, N. Y.—Extension of authority to transmit programs originating in NBC's studios at 30 Rockefeller Plaza, New York and/or points in U. S. where network programs may originate, to CMX, Havana, Cuba, for the period beginning 8-20-43.

## FEDERAL TRADE COMMISSION DOCKET

### COMPLAINTS

The Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

**Gattis Chemical Co.**, 214 Woodland St., Nashville, Tenn., is charged in a complaint with disseminating false advertisements concerning a medicinal preparation designated "Gattis' K and B. Pills", recommended for use in the treatment of diseases and ailments of the kidneys. (5014)

**Globe Insurance Bureau**—A complaint has been issued charging Gladys H. Peiser, trading as Globe Inheritance Bureau, 401 Land Title Building, Philadelphia, with using unfair and deceptive practices in the operation of a business which she represents as an agency engaged in locating heirs to estates, but which actually is conducted to assist her customers in obtaining information concerning their debtors. (5012)

**Gotham Premium Novelty Co.**, 303 Fourth Ave., New York, are charged in a complaint with the use of lottery methods in the sale of their merchandise to ultimate purchasers and with placing in the hands of others the means of conducting lotteries. Merchandise sold by the respondents includes wearing apparel, luggage, watches, cameras, novelty jewelry, and cosmetics. (5015)



**D. E. Hamiel**—Misrepresentation of a solution designated "All-Winter Anti-Freeze" is alleged in a complaint issued against D. E. Hamiel, 329 East Long St., Columbus, Ohio, trading as All-Winter Anti-Freeze Co. (5016)

**Huddersfield Worsted Mills Corp.**, 257 Fourth Ave., New York, is charged in a complaint with misrepresentation in the sale of textile fabrics used in the manufacture of suits, slacks and other wearing apparel for men. (5009)

**Isabelle Beauteties Co.** and as **R. H. Tillson Co.**, 4058 Wyoming St., St. Louis, engaged in selling a cosmetic designated "Velskin," is charged in a complaint with misrepresenting the properties and effectiveness of the preparation. (5010)

**National Biscuit Company**, 449 West 14th St., New York, largest producer and distributor of bakery packaged food products in the United States, is charged in a complaint with violation of the Robinson-Patman Act by discrimination in price between different purchasers of its products. (5013)

**Ruberoid Company**—A complaint has been issued charging The Ruberoid Co., 500 Fifth Ave., New York, with violation of the Robinson-Patman Act by discriminating in price between different purchasers of its products. The respondent corporation is one of the country's largest manufacturers and distributors of asbestos and asphalt roofing, insulating materials and allied products, selling directly to wholesalers, retailers and applicators. The latter class of purchasers consists of contractors who apply the respondent's products to buildings. (5017)

**Union Trading Stamp Company** and **Frank A. Hayes**, individually and as an official of the corporation, 549 West Randolph St., Chicago, engaged in the manufacture of sales promotion plans or devices, trading stamps and trading cards, and in their sale and distribution to retail merchants and others, are charged in a complaint with unfair methods of competition and unfair acts and practices within the meaning of the Federal Trade Commission Act. (5011)

## CEASE AND DESIST ORDERS

The Commission issued the following cease and desist orders last week:

**Associated Laboratories, Inc.**, 5112 21st St., Long Island City, New York, has been ordered to cease and desist from misrepresenting the therapeutic properties of Kelp-A-Malt Tablets, which it advertises as a competent treatment for persons who are underweight and in a run-down condition. The respondent trades as Allied Laboratories, Kelp-A-Malt Co. and Seedol Co. (2979)

**Cigarette Smoker's Survey** and Credit Advisory Service has been ordered to cease and desist from unfair and deceptive practices in connection with the sale of printed matter consisting of circular letters with reply card attached, designed for use by creditors and collection agencies in obtaining information concerning debtors. (4935)

**Bertha M. Urban**—An order has been issued directing Bertha M. Urban, Ewing, Nebr., to cease and desist from disseminating false advertisements concerning a fruit juice product designated "Lakota," which she sells and recommends as a remedy for migraine headache, constipation, and certain other conditions. (4761)

## STIPULATIONS

During the past week the Commission has announced the following stipulations:

**Federal Victory Garden Research Institute**, 16th and West End Ave., Nashville, Tenn., stipulated that they will cease and desist from representing that instructions contained in a pamphlet they publish and sell will enable the inexperienced Victory Gardener to grow, without soil, an ample supply of "vitamin-laden" vegetables in his attic, garage, basement, or in "most any other available space." (3685)

**Albert G. Groblewski & Company**, Plymouth, Pa., selling and distributing medicinal preparations designated "Groblewski's Headache Powders," "Groblewski's Nasal Jelly," "Groblewski's Jadol," "Nervotine," "Groblewski's Preparation 'C,'" "Groblewski's Powders for Round Worms," "Oohotin," "Groblewski's Revila Powders" and "Egiutero," has stipulated to cease and desist from disseminating any advertisement pertaining to the preparations or any other preparations of substantially the same properties, whether sold under such names or any other names, which fail clearly to reveal that use of the Headache Powders may cause collapse or that repeated doses may cause dependence upon the drug, that not to exceed two powders should be taken within 24 hours, and that the preparation should not be given to children; that repeated use of "Groblewski's Nasal Jelly" by aged or debilitated persons or by infants may produce oil injury in the lungs, and that the preparation should not be used by persons afflicted with heart disease or high blood pressure; that "Groblewski's Jadol" is a laxative and should not be taken in the presence of nausea, vomiting, abdominal pains or other symptoms of appendicitis. (3684)

**Joyce Art Studio**, 7908 Justine St., Chicago, selling and distributing photographs or enlargements of photographs, has stipulated to cease and desist from use of the words "Art Studio" or "Studio" as part of its trade name, and from use of words of like meaning implying that it actually owns, operates or controls a studio or photographic establishment; representing that an offer of photographs or photographic enlargements is an introductory or special offer, when in fact it is a regular offer; and from the use of fictitious price figures on advertising cards or circulars used in connection with the sale of such products, or from otherwise representing as the customary or usual prices thereof prices which, in fact, are fictitious and in excess of the prices that he regularly and customarily charges for his products. (3682)

**James Lees & Sons Company**, Bridgeport, Pa., selling and distributing knitting yarns, has stipulated, in connection with the sale of its products, to cease using the words "Spanish," "Scotch," "Persian," "Shetland," "Saxony" or other words connoting foreign geographical origin as designations for or as descriptive of products not made of materials grown or produced in the country or locality indicated by such geographical designation or term. (3681)

**National Service and National Forwarding**, Post Office Box 200, Oklahoma City, engaged in selling club memberships in the National Service and lists of names purporting to be members of such service or club, have stipulated to cease representing that introductions of members are made in a confidential manner; that any of the results claimed in their advertising is guaranteed; that their statements relating to the financial standing, education, character, age, occupation or profession of those whose names appear on membership lists are other than mere statements of the members themselves, in the absence of some responsible investigation into the truth or falsity of such statements; that any specified price is the regular membership fee when such price is in excess of the amount regularly charged; that any offer is limited as to time, when such is not the fact, or that any offer is a "special" offer unless it is less in price than the usual or regular price and limited in time. (03122)

**Rossi Cigar Co., Inc.**, Oakland, Calif., selling and distributing cigars, has stipulated to cease representing that it is the largest manufacturer on the Pacific Coast of, "Toscani" cigars or cigars simulating Italian cigars, or of cigars generally, or that the smoking of Rossi Brand cigars or any other cigars is harmless, easy on the throat, or will not cause dryness of the mouth. (3683)

**Williamsburg Galleries**, High Point, N. C., manufacturing and distributing furniture, has stipulated to cease and desist from

use of the trade or corporate name "The Williamsburg Galleries" and the legend or motto "That the Future May Learn from the Past"; from use of the word "Williamsburg" or any other word, term or expression which may convey the belief or impression that Tomlinson of High Point or any subsidiary or agency thereof has a working agreement with, is a subsidiary of or is connected with Colonial Williamsburg, Inc.; and from using, or placing in the hands of others the means to use, any depiction or representation, the effect of which may tend to convey the belief that its furniture or any part thereof is a reproduction, that is, a true counterpart or reconstruction, of the original or reproduced Eighteenth Century furniture with which the reconstructed homes at Williamsburg, Va., are furnished. (3687)

**Winslow Engineering Company**, Oakland, Calif., engaged in manufacturing filtering elements designed for use as replaceable inserts in various alleged standard makes of oil filters, and H. G. Makelim, trading as Magneto Repair Company, Oakland, Calif., selling filtering elements supplied to him by the other respondents, have stipulated that in connection with the sale or distribution of the "Winslow Oil Conditioning Element," they will cease and desist from representing that it will consistently pass and filter more oil than, or assure superior performance to, any other type of filtering element, when used in connection with any of the alleged standard makes of oil filters; or that it will perform as represented when used in any type of oil filter or is capable of performing in excess of what is actually the fact. (3686)



# National Association of Broadcasters

1760 N STREET, N. W. \* \* \* \* \* WASHINGTON 6, D. C.

July 30, 1943

SPECIAL LEGISLATIVE BULLETIN

No. 12

## Hearings Before the Select Committee to Investigate Federal Communications Commission, House of Representatives, U. S. Seventy-Eighth Congress

*(The following reports are written in news style in digest form because the volume of material transcribed has grown to proportions beyond the means of NAB to reprint verbatim. This digest is objective and contains the full sense of each day's hearings. Should any station manager wish the full transcript of the hearings, information as to cost may be obtained from Althea Arceneaux, Shorthand Reporter, 1060 National Press Bldg., Washington, D. C.)*

Committee sitting: Representatives E. E. Cox, chairman, Edward J. Hart, Richard B. Wigglesworth and Louis E. Miller. Representative Magnuson not present.

MONDAY, JULY 19, 1943

Counsel Eugene Garey opened the session by entering on the record a number of letters from the personnel files of the Navy Department bearing on the high qualifications of Admiral Stanford C. Hooper in the field of radio communications with particular reference to military communications.

The letters established beyond all doubt Admiral Hooper's extreme capability to comment on all phases of radio communications, Mr. Garey concluded for the record as he entered the letters, which were from high government and military officers.

Mr. Garey then entered a listing of the appropriations for the FCC from the years 1935 to 1943 inclusive and made the point that in the 1943 appropriations figure given to the Select Committee by the FCC there was a variance of \$205,500—namely that the FCC listing showed a \$7,892,135 appropriation for 1943 and the Select Committee counsel totaled \$7,686,635 as being given FCC by Congress and the President. Garey also said the FCC received \$205,330 from other government agencies for services rendered them by FCC and recommended that such sum should have been added to the appropriations figure for 1943.

Included in the schedules entered on the record by Mr. Garey was the sum of \$6,172,388.71 expended by FCC for the Radio Intelligence Division, which Mr.

Garey said indicated "an expenditure for a useless Division, a Division duplicating services rendered by the Army and Navy. . . ."

### Big Rise in RID Personnel

Mr. Garey next entered into the record the fact that the number of employes in the Radio Intelligence Division, FCC, (called National Defense Operations Section of the Field Division of the Engineering Department prior to June 1, 1942) rose from 16 in July, 1940, to 815 in May, 1943.

After this, Mr. Garey called on Harry S. Barger, Select Committee chief investigator, who testified he had obtained a copy of the FCC "Oath of Allegiance and Secrecy" in which FCC employes swear allegiance to the nation and also promise not to tell anyone about anything relating to national defense providing such information is "secret, confidential or restricted." Mr. Garey developed through testimony given by Mr. Barger that this "Oath" was contrary to the U. S. Code, title 5, section 652, August 24, 1912, which provides government employes the right to furnish information to Congress or any member or committee thereof.

Further testimony by Mr. Barger showed that the Radio Intelligence Division, FCC, was not set up either by executive order or by Congress, but was created by FCC and financed by an original grant of \$1,600,000

from the President's emergency fund and thereafter financed by Congressional appropriation.

Philip C. Hamblet, assistant director of overseas operations, OWI, was put on the stand and in lengthy questioning, Mr. Garey attempted to show through Mr. Hamblet's testimony that FCC's Foreign Broadcast Intelligence Service was duplicating service rendered by OWI. The testimony showed that FBIS preceded OWI and had considerably more equipment and a far greater number of employes and consequently was doing a much bigger job than OWI. Mr. Garey tried to show that OWI, if all FBIS funds and personnel were transferred to it, could do the same job and still reduce the number of employes and the overall cost that both agencies are now doing. Mr. Hamblet did admit that some material reduction could be effected, but was not sure about reducing the number of employes.

### **RID is FCC's Biggest Function**

Following luncheon recess, Mr. Barger resumed the stand and under questioning brought out that he had determined that the RID was approximately 41% of the total FCC activity and that RID and FBIS combined made up more than two-thirds of the FCC functions.

It further was brought out by Mr. Barger that the Army, Navy and Air Force did not desire the services of either FBIS or RID, as certain officers of these services had informed him.

A considerable section of the following testimony by Mr. Barger brought out the history of the establishing of the FBIS, with the point made that the original purpose was to listen in on foreign broadcasts and to give interested government departments the substance of them—and not to branch out as a news service.

Mr. Garey frequently introduced testimony of FCC Chairman James Lawrence Fly before the Costello committee in which Mr. Fly repeatedly denied that FBIS or RID duplicated functions of the Army, Navy or OWI with respect to radio communications intelligence or monitoring.

The day's hearings were closed with Mr. Garey and Mr. Barger showing that a budget appropriation (supplemental) of \$558,000 made to the FCC in 1942 to hire 148 additional persons was contraverted shortly after the funds were made available to other purposes not stipulated in the grant, such contraversion being the hiring of only 31 new employes and the raising of salaries of many others. This matter, Mr. Barger testified, was handled without knowledge of the Bureau of the Budget.

TUESDAY, JULY 20

### **FCC "Seizes Pretext"**

Mr. Garey opened the day's hearings by continuing his introduction of material and evidence relating to the previous day's investigation of the FCC request for supplemental funds for the FBIS—said material and evidence consisting of further reports on salary raises and changes in positions of personnel of the FBIS, including further testimony from Mr. Barger.

Mr. Garey also developed through reading of several cablegrams that "the U. S. Army about two weeks after

it entered North Africa desired to have the benefit of civilian technicians for monitoring purposes" and the Army contacted FCC for this purpose. Mr. Garey said "The Commission saw in it (the Army's request) an opportunity to extend its jurisdiction and authority, immediately seized the opportunity and readily agreed" to the Army's conditions.

The "opportunity" developed, Mr. Garey pointed out, not as an Army project but as a "full-fledged FBIS unit" which "serves as an illustration of the Communications Commission's ability to seize upon any pretext to gain additional authority, dignity and prestige for itself to cloak itself with another fold of the flag as an essential war agency. . . ."

Next order of business was an exposition of how the matter of labelling material "confidential" got started so far as government agencies were concerned and it was developed that it started out of memorandum issued by OWI in November, 1942. Sharp comments by Chairman Cox ensued in which he asked Mr. Garey if the prohibitions contained in that memorandum would prevent Congress from "intelligently legislating on any subject" if such prohibitions denied Congress access to certain documents and information. Mr. Garey answered "I do not see how it (Congress) could, Congressman. It certainly could not legislate intelligently or effectively. It would become a mere rubber stamp." Mr. Garey concluded that if "this assault" (Congressman Miller's words) on the legislative authority of Congress is successful one of the three great branches of Government (legislative) would have practically been "abolished."

### **Commissioner Craven Takes Stand**

Following this Mr. Garey entered a list of the newspapers of the nation to which the FCC subscribed and it was brought out that several FCC commissioners got their "home" newspapers delivered to them at government expense.

After some brief references to the relations between the FCC and the FBI with introductions of material showing FBI radio personnel and salaries, Mr. Garey put FCC Commissioner Tunis A. M. Craven on the stand.

Commissioner Craven began his testimony with the remarks that he had been informed by FCC Chairman Fly that inasmuch as he (Craven) was "cooperating" with the Select Committee that Fly wanted Craven to know he (Fly) and the President regarded as important to the welfare of the country the preservation of the security of confidential and secret matters. Commissioner Craven in a prepared statement said he was "subject to this Committee's direction" and added that he had "nothing to fear or hide."

First questions put to Commissioner Craven after the usual brief biographical material had been recorded concerned the Commissioner's stand on the FCC charges that the military was trying to control communications. Commissioner Craven not only said he dissented from those views of the FCC but further added that the "Commission should stay out of the headlines, the country has enough to worry about."

Returning to biographical material, Mr. Garey established that Commissioner Craven had had long service



as a Naval officer, especially in the field of radio, and was well acquainted with Admiral Hooper whom he characterized as "one of the most outstanding radio men the Navy ever had." Admiral Hooper succeeded Commissioner Craven as Fleet Radio Officer.

Further testimony dealt with the early history of broadcasting in which Commissioner Craven brought out the fact that he, as a Naval representative, participated in most early national and international radio conferences, particularly those which led to the U. S. Communications Act of 1927.

It is interesting to note that Commissioner Craven was "loaned" to the Federal Radio Commission soon after it was established, relieving Admiral Hooper as supervisor of engineering. The FRC was replaced by FCC in 1934. Mr. Craven returned to FCC as chief engineer in 1935, his previous service having been only one year. He served two years as chief engineer, then was appointed commissioner in 1937 to succeed Irwin Stewart.

Balance of the day's testimony by Mr. Craven concerned an exposition of his duties as chief engineer.

WEDNESDAY, JULY 21

### Craven Resumes Testimony

Mr. Garey asked Mr. Craven to read the three letters introduced into exhibit, being correspondence between Mr. Fly and the War Department relative to the request by the Army for the withdrawal of "civilians" from North Africa, including suggestions to FCC that the Army did not desire FCC monitoring services in North Africa. Mr. Garey then asked if he knew about or had a part in authorizing the sending of FCC personnel to North Africa to operate monitoring equipment and Mr. Craven said he knew nothing about the personnel being in Africa, the hiring of them or the purchase of equipment for them to use.

The committee counsel then developed through Mr. Craven's testimony that the situation on the Commission with respect to the authority exercised by Mr. Fly in the particular matter of the North African monitoring service, which had not been brought before the FCC, was part of a condition "not satisfactory" to Mr. Craven as a commissioner.

Further questioning of Mr. Craven drew from him that although the powers of the seven FCC commissioners are equal under law Mr. Fly has assumed what Mr. Garey termed a "dominating position" and Mr. Craven a "leading part" on the commission even though the title "chairman" confers no additional powers. Mr. Garey later got Mr. Craven to admit the "domination."

In answer to a direct question, Mr. Craven admitted that the FCC had not been granted any authority by Executive order or Congressional act to establish activities engaged in by FBIS.

Mr. Craven told the committee that his opposition to the "one-man" control of FCC stemmed from procedures current before Mr. Fly's tenure when the then FCC chairman, Mr. McNinch, privately requested Mr. Craven to give him (McNinch) Mr. Craven's "proxy" in matters of FCC policy in return for which Mr. McNinch would "go along with (Mr. Craven) on engineering matters." Mr. Craven refused.

### Craven's Memorandum Read

Mr. Garey then read a memorandum Mr. Craven had submitted to his colleagues on the Commission in November, 1938. The memorandum contained the following passage:

"However, I know of no existing law which confers upon the Commission the power to change the method of control of the nation's communication systems from that prescribed by Congress. . . ."

The memorandum read consisted of three main parts: 1. The Responsibility and Independence of Individual Commissioners, 2. The Responsibility and Independence of the Entire Commission, and 3. Internal Organization of the Commission, in which the entire FCC functions were carefully delineated by Mr. Craven. Long and frequent interruptions occurred during Mr. Garey's reading of this memorandum, most of which concerned questions and answers on topics related to the memorandum's content.

Mr. Craven told the committee that the conditions outlined in the memorandum were practically the same currently as existing in 1938.

A principal point brought out in the supplemental questioning to the reading of the memorandum was that Mr. Craven is "fervently" in favor of clarification of the present Radio Act because of the recent Supreme Court decision of May 10, 1943.

Another sidelight was the admission by Mr. Craven that the functions of FBIS should not be engaged in by the FCC.

The dismissal of Counsel Hampton Gary, of FCC, because of his refusal to lend his "intellect, his integrity and his services to purposes the Commission desired to have served" was cited and Mr. Craven said the Commission was "outrageously wrong." Mr. Gary was dismissed without proper hearing, Mr. Craven added.

The memorandum also asked for the protection of Civil Service for most FCC employees, including "lawyers, examiners" and other personnel. It contained numerous procedure recommendations and cautions on the need for independence of action and thought by the Commission as a body and as individuals. (The functions of "examiners" are now handled by the FCC law department. Mr. Craven said he vigorously opposed abolishing of examiners' positions.)

### Craven's Resolutions

The memorandum listed a series of proposed resolutions, first of which was one asking the Commissioners to vote on matters according to his independent and honest judgment and not surrender any integrity of thought or action to the chairman or any other commissioner. Mr. Craven said this resolution "broke up the meeting" and was tabled.

Five other resolutions designed to protect employees under Civil Service and to urge the rightful independence of the Commission and the several commissioners to vote and to act without outside or internal influence were all tabled.

Following reading of the memorandum, Mr. Garey and Chairman Cox decided in discussion that the FCC licensing power has been used to destroy free radio and free speech and is moving to affect free press.

Remainder of the day's testimony concerned Mr. Craven's technical report and discussions on the radio or electromagnetic spectrum.

THURSDAY, JULY 22

### Craven Stopped "Fighting"

As the hearings opened, Mr. Garey referred to the November, 1938, memorandum of Mr. Craven, which was read the previous day and the counsel asked Mr. Craven if it were not true that after his resolutions were tabled by the Commission that he "stopped fighting" on those subjects. Mr. Craven said he stopped fighting the question of control by the FCC chairman.

Mr. Craven did tell the committee that he had submitted a number of memoranda over the years while he was an FCC commissioner, most bearing on the same subjects as contained in his 1938 paper.

Testimony brought out the three types of meetings FCC holds—1. Regular Commission Meetings, 2. Semi-Executive Session (concerned mostly with discussions of personnel), and 3. Full Executive Session (deals with policies and confidential organization and administration matters).

Lengthy testimony then occurred around the subject

(again) of Mr. Fly's dominance of the Commission and his assumption of many actions as chairman, which he had no right to assume legally but which he assumed by non-opposition acquiescence of the Commissioners. Mr. Craven would not answer Mr. Garey's question that this recalcitrance on the Commissioners' part was due to "a lack of integrity and character . . .?"

The hearing then switched to the value of the FBIS with Mr. Garey drawing from Mr. Craven the admissions that Mr. Craven wasn't too familiar with the FBIS set-up and that he thought FBIS information publications of monitored and other news were valueless and should be discontinued.

Charles Denny, FCC counsel, introduced 20 letters from Army, Navy and other governmental agencies and individuals which acknowledged the value of FBIS services to the persons and agencies authorizing the letters. The committee refused to accept the letters, requesting instead that Mr. Denny give them the list of authors of the letters who would then be called to testify.

An exchange between Mr. Garey and Mr. Craven on the functions and background of the FCC's RID (Radio Intelligence Division) was abruptly terminated by appointment of Congressmen Hart and Wigglesworth to conduct hearings in New York as a Select Committee sub-committee. Adjournment of the Select Committee was effected to August 9.