

## NEW CENSORSHIP CODE

Byron Price, Director of Censorship, issued today (Friday) the third revision of the Code of Wartime Practices for American Broadcasters. This new edition replaces the one of February 1, 1943. Copies of the Code will be sent to all broadcasting stations by the Office of Censorship.

Several important changes have been made in Section I relating to News Broadcasts and Commentaries. The following paragraph is significant:

"Caution is advised against reporting, under the guise of opinion, speculation, or prediction, any fact which has not been released by appropriate authority."

The provision with respect to weather has been materially changed and some minor changes have been made with respect to news concerning the armed forces in the United States and outside the United States. The weather request now provides that unless made available for broadcast or specifically cleared by the Office of Censorship, weather forecasts other than those officially released by the Weather Bureau should not be mentioned. Mention of wind direction or barometric pressure in current or past weather should not be made except when contained in emergency warnings released specifically for broadcast by the Weather Bureau authorities. A note of caution is also sounded to special events reporters covering sports or outdoor assignments such as fires, floods, storms, etc., against mentioning wind directions.

Section (b)(1), which is the exception to the Armed Forces provision has been changed. This exception now reads:

"(1) Armed forces in the United States.—Those in training camps and units assigned to domestic police duty, as regards names, addresses, location and general character."

The language which prohibits the mention of an air raid in the United States during its course "by stations OUTSIDE the zone of action unless especially authorized by the War Department" has been eliminated and the new Code provides that mention of such raids can be made only on "appropriate authority of the designated representatives of the Defense Commander in whose area the raid occurs or the War Department."

Several important changes have been made in respect to broadcasts on production. A new provision with respect to war news reads as follows: "Any recordings or information for broadcast gathered in any form that is sent across the United States-Canadian border should contain nothing that will conflict with the censorship of the country in which the information originates." This provision will necessitate broadcasters acquiring a copy of the Canadian code in order that they may conform.

No significant changes are made in Section II of the Code with respect to Programs, but the foreign language section contains a new provision, reading as follows:

"(c) Censors and monitors.—In order that these functions can be performed in a manner consistent with the demands of security, station managers are reminded that their staffs should include capable linguists as censors and monitors whose duty it will be to review all scripts in advance of broadcast and check them during broadcast against deviation."

The former provision that requests from the Office of Censorship to submit specified scripts in the original language, as well as English translations thereof, has been deleted.

It is felt that the new Code will relieve broadcasters of some of the restrictions heretofore applicable.

## MUSIC COMMITTEE MEETING

*A special Music Bulletin will be issued shortly giving results of conferences with ASCAP regarding audits and other information in connection with various phases of the music field.*

The NAB Music Committee met Wednesday and Thursday, December 1-2, at the Roosevelt Hotel in New York City. The following members were present: Campbell Arnoux, WTAR, Norfolk, Virginia; James P. Begley, KYW, Philadelphia, Pennsylvania; Thomas Belviso, NBC, New York City; Arthur Church, KMBC, Kansas City, Missouri; Robert Enoch, KTOK, Oklahoma City, Oklahoma; C. W. Myers, KALE, Portland, Oregon; Elliott Sanger, WQXR, New York City; Frank R. Smith, Jr., WWSW, Pittsburgh, Pennsylvania; John Wahlstedt, WHB, Kansas City, Missouri; Frank White, CBS, New York; and Neville Miller, NAB, Washington, D. C. Warren Williamson, WKBN, Youngstown, Ohio, was unable to attend.

Neville Miller, in outlining the purpose of the meeting, stated that music in its many aspects played a most important part in broadcasting and the committee had been appointed to study the whole field of music as it related to broadcasting, to anticipate the problems which the industry would face in the future and to outline constructive approaches to the various problems and carry on educational work within the industry in connection with the use of music by broadcasters.

Various phases of the legal side of the copyright problem were discussed by Robert J. Burton, of BMI, who emphasized the importance of maintaining BMI as an aggressive and active competitor rather than merely as an organization devoted to the maintenance of supplementary or alternative supply of music.

General discussion of the various problems brought out the fact that ASCAP at present was attempting to frus-

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

Robert T. Bartley, *Director of War Activities*; Lewis H. Avery, *Director of Broadcast Advertising*; 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*.

## MUSIC COMMITTEE MEETING

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trate true competition in the field of music licensing in violation of the terms of the consent decree. It had succeeded in obscuring the legal status of the various rights of its authors, composers and publisher members; it was consistently attempting to prevent composer members of ASCAP from exercising their rights under the ASCAP consent decree to grant performing rights licenses direct to broadcasters and appeared to have adopted a policy in connection with the auditing of stations designed to drive stations from per program licenses to blanket licenses.

It was pointed out that the cost for music licenses paid to all the licensing organizations was today less than that formerly paid to ASCAP alone, and that the industry, due to its determined stand in the ASCAP controversy, would save approximately \$50,000,000 over the period of the present ASCAP contracts.

It was the opinion of the Committee that BMI was rendering the industry excellent service. It was pointed out that tunes licensed by BMI consisted of more than 25 per cent of the tunes listed on the various lists of most popular tunes and for four consecutive weeks had had the top tune on the Hit Parade. The industry was urged to support the management of BMI in the constructive work which it was doing.

Late Wednesday afternoon the committee witnessed a demonstration of logging of station performances at BMI and later met informally with representatives of the licensing organizations and the trade press.

Thursday morning was devoted to the consideration of the musical needs of stations and formulation of suggestions to licensing agencies.

Roy Harlow and Ralph Wentworth of BMI reported to the Committee their views formed as the result of recent trips to stations. Clint Finney, William Reddick and Ben Selvin of AMP outlined plans of that organization; Leonard Callahan and Gus Hagenah gave a detailed account of SESAC's operations; John Paine and Herman Greenberg discussed ASCAP's plans, policies and audits; Sydney Kaye, Merritt Tompkins and Carl Haverlin outlined BMI's activities, and Claude Mills spoke on the work of SPA.

The Committee pointed out to the ASCAP representatives that several years ago at the time the new contracts were signed, ASCAP had advertised the fact that for the future it would adopt a policy of cooperation with the industry which announcement had met with much approval by broadcasters. However, it was the opinion of the Committee that ASCAP was not following that policy and that it hoped ASCAP would give serious consideration to the suggestions which the Committee had to offer to the end that greater cooperation would be forthcoming in the future.

In connection with the ASCAP audits, it was pointed out

that in spite of the consent decree which provided that ASCAP should not require a license fee in respect of commercial programs upon which no ASCAP music was performed, and in spite of explanations given by ASCAP representatives at district meetings and at numerous other times and places at the time ASCAP was urging stations to sign the present contracts, ASCAP now had adopted interpretations under which it claimed fees on spot announcements and completed quarter hour programs containing no ASCAP music but adjacent to programs which contain such music, government programs which had been granted clearances, and inter-company business all of which clearly were not subject to fee under the per program type of contract.

It was also pointed out that ASCAP evidently had adopted a policy of making no written reply to NAB's request for rulings on such matters and that it was absolutely necessary for good relations between the industry and ASCAP that such a policy be abandoned and that these matters be discussed and ironed out at an early date. It was stated that NAB did not propose to attempt in any way to assist chiseling on the ASCAP contract, but it did propose to oppose ASCAP's present policy for harassing the stations holding per program contracts.

The NAB plans to present to ASCAP a memorandum outlining the various problems which have arisen in the hope and expectation that ASCAP will discuss and arrive at a mutual understanding concerning the interpretation of the ASCAP contract in the light of the consent decree. This memorandum will be presented to ASCAP in the immediate future and the industry will be advised of developments.

Plans for development of educational material for use by music directors were discussed. A special music bulletin will be issued shortly giving detailed information concerning the various items considered by the Committee.

The Committee enjoyed two very interesting talks at the luncheons from well known authorities in the radio music field. Paul Whiteman of the Music Department of the

## ATT: STATION MANAGER

Re: "There IS an Indispensable Man!"

A folder with the above title was sent to all station managers requesting their signatures on the return blank.

Station managers were requested to assume the responsibility of directing public relations activities or designate someone with similar authority, particularly any full time Public Relations Directors.

Response has been very satisfactory, but there are still some stations unheard from.

If you have not sent in the return blank, please do so.

Edgar Bill, Chairman of the NAB Public Relations Committee, says: "It will be necessary for District Public Relations Chairmen to contact personally all station managers who have not replied. We should like to minimize this job in the interest of the greater work ahead."

*Please Send NAB the Return Blank*



Blue Network, the luncheon speaker on Wednesday, spoke on the need for music written especially for radio. Dr. Ernest LaPrade, of the Music Department of NBC, the luncheon speaker on Thursday, spoke on symphonic music.

The Committee will give further consideration to the various subjects discussed and keep the industry advised of developments.

## LEADING BROADCASTERS PARTICIPATE IN SCHOOL BROADCAST CONFERENCE, CHICAGO

A panel of "Quiz Kid" broadcasters, attired in caps and gowns, featured the Sunday night session of the School Broadcast Conference, November 28, 29, 30, in Chicago. Miller McClintock, MBS; Mark L. Haas, WJR; James W. Sterton, Blue Network; John J. Gillin, Jr., WOW; William Qarton, WMT, and Mike Hannah, WHCU were "quizzed" by two of the genuine Quiz Kids on American radio.

Willard D. Egolf, Assistant to the President, and Dorothy Lewis, Coordinator of Listener Activity, represented NAB at the Conference and supervised the NAB both which provided information on the membership of the Association and pamphlets of educational and general interest.

Following is a story of the Chicago meeting as released by the SBC News Bureau.

The Seventh Annual meeting of the School Broadcast Conference opened Sunday evening, November 28th in Chicago with a joint NAB-SBC special session considering the subject of "The Listener's Stake in Radio." The session was chairmaned by Mrs. Dorothy Lewis, Listener Coordinator for NAB and the feature of the program was a panel of station managers as Quiz Kids, with two Quiz Kids asking questions concerned with American Radio. Commissioner James L. Fly spoke from Washington on the regular Sunday evening Quiz Kid show, saying, "Even more important, the Quiz Kids prove that the entertainment and educational functions of radio are not opposed to one another."

In his talk of welcome to the conference Mayor Edward J. Kelly of Chicago stated that "radio is a tool of science that, of necessity must be made an adjunct of education if you, as educators are to train our children properly to face the responsibilities which they must assume as adults in a troubled world." Dr. William H. Johnson, Superintendent of Chicago Public Schools, stated, "In American radio the modern classroom teacher has at hand an educational device for the furtherance of democracy which is more powerful than any yet given him," and continued by saying, "Broadcasters and teachers in the schools of America have assumed their responsibilities. Out of such meetings as this will grow a stronger understanding between classroom and studio, teacher and broadcaster, to the end that radio will play the part in modern education that the leaders in both fields see for it."

Keynotes of Monday's session were an address by Colonel Edward M. Kirby, chief of the Radio Branch, Bureau of Public Relations, U. S. Army and the awarding of the annual scroll of merit to Major Harold W. Kent, Director of the Radio Council of the Chicago Public Schools, on military leave of absence. Colonel Kirby said in part that, "The mission of army radio is to convey the military facts of the war to the American people." In praising the effectiveness of radio in the war effort, Colonel Kirby said, "The Army has sought the cooperation of American Radio both at home and abroad, and it has never failed to receive it. For this, the salute of the Army."

Miller McClintock, president of MBS, in a panel devoted to the educational aspects of radio said, "American radio, after only twenty years of growth, is the most potent educational influence for the masses of our people which has

ever been developed." The educator and radio executive are both coming to understand the problems of the other, and both have agreed that, "Together the schoolmen and the broadcasters of the nation can build educational influences assuring a perpetuation of individual freedom of thought and a guarantee of democratic processes for the future of our country."

General sessions of the conference were attended by teachers, school administrators, and radio executives who saw demonstrations of the classroom use of radio. Special workshops were held in Radio Script and Production for Schools; University Broadcasting; Radio and the Vocational School, and Training the Radio Worker.

Radio Station KOA, Denver, Colorado College, and the Rocky Mountain Radio Council were cited by the SBC in the annual station-promotion of a public service program for "Let's Make Music." A number of teachers were cited for their classroom use of radio. Series cited included programs from the School of the Air of the Americas; the Canadian Broadcasting Corporation; stations KEX, KOIN, WJR, WJJD, and WIND.

George Jennings, Acting Director of the Radio Council-WBEZ for the Chicago Public Schools, and Director of the School Broadcast Conference announced that the eighth annual meeting will be held in Chicago during the month of November, 1944.

## SEABEE COMMANDER AIRS RECOGNITION OF WRVA

For many weeks WRVA broadcast a studio show for Camp Peary, Naval Construction Training Center, sixty miles from Richmond, because the camp had no building suitable. At the station's suggestion, however, a building was located, equipment purchased and installed under the guidance and supervision of the station's remote staff.

On the first broadcast from the Camp, November 20, Commander H. F. Ransford, Civil Engineers Corps, United States Navy, made the following remarks:

"We are grateful to the members of the staff of Station WRVA for their valuable and generous help. A great deal of hard work went into the arrangements for the installation of these facilities which will bring about radio broadcasting direct from Camp Peary. Those who contributed their time and their efforts did so with a will and a determination to make broadcasting from this point a successful reality. Now the men in camp can witness and enjoy seeing as well as hearing them. From camp will come our weekly "Builders for Victory" series which brings you behind-the-scenes stories of the Seabees in action with music by the Seabee Orchestra and chorus. Here you will meet the members of the United States Naval Construction Battalions, as their voices come to you over the air waves. It will be the Seabees' own program.

"Music and entertainment of the clean type is most beneficial to the well being of the men. And I take this opportunity to commend those entertainers and famous personalities who have appeared at this camp and have given so freely of their time and talents. Their numbers are legion . . . to mention one would be to neglect the others, but the people of the stage, the screen and the radio have made contributions to the morale of the men in service that will have one of the brightest chapters in the history of this war. Yes, thanks to Broadway, Hollywood and the other theatrical centers of America. To all you splendid American men and women we can only say we're grateful, but the fruits of your work can be found in the smile on the face of the fighter overseas who is going into battle, his morale at its highest through your fine efforts.

"As Commanding Officer of the thousands of Seabees in training here, I dedicate these new radio facilities to the continuance of radio programs which will help the men in their time of relaxation from the arduous tasks of training. I also dedicate these facilities to the fond recollections of the many thousands of Seabees now in action overseas who have trained here. To all responsible for the opening of

radio facilities at this point, I greet you with the traditional Navy commendation . . . 'Well Done' . . . 'Carry On.'"

(NAB welcomes promotion stories of this type for use in the REPORTS.)

## LOCAL RADIO NEWS NEGLECTED SAYS PRINTERS' INK ARTICLE

A Manhattan murder, grabbing New Yorkers' news interest away from important war-front developments, is used as an illustration by Charles P. Fitzpatrick, of Philadelphia, in November 26 *Printers' Ink*, to prove that local news deserves more attention from radio stations. His story is backed up by a spot survey made among several hundred adults selected as average newspaper readers and radio listeners, which disclosed that they gave the Manhattan murder a huge chunk of their reading time.

"That's the way it always has been and always will be," says Fitzpatrick. "Men and women who sincerely and honestly regret the passing of fighting men in far-away, unfamiliar places will give such news but a fraction of the time they eagerly devote to accounts of the wedding of the girl next door, the fire around the corner, the robbery in a prominent local store."

Listeners cannot remember details of world-wide news, the article states, whereas they can name names, quote figures and specify locations with surprising accuracy when the story is local.

A swing to local news after the war is over will pay dividends to stations, Fitzpatrick claims. Local news departments must be properly staffed, however, unless there is a newspaper connection which can be utilized.

(NAB comment. *Local news, news staffs and news handling were set down as one of the primary activities of the NAB Radio News Committee, which held its first meeting in September. The Committee, now also studying the inauguration of radio news curricula in universities, plans to meet again early in 1944, under the chairmanship of Karl Koerper, KMBC.*)

## WJR, WGAR STAFF TEAMS VISIT OTHER STATIONS

"Believing that an exchange of ideas within the radio industry is not only worthwhile but essential to the development of the industry," writes Mark L. Haas, Educational Director of WJR, "stations WJR and WGAR are sending teams of their respective staffs to study the operation of stations throughout the middle west and east."

"The WJR and WGAR representatives will carry the story of the operation of their respective stations to those stations visited and in return hope to obtain ideas that can be applied to WJR or WGAR."

"The study will include the entire scope of station activity, with emphasis on programming, promotion, selling functions, inter-department routine and post-war planning. The teams will be on the lookout for ideas of all kinds, ideas on how radio is being used in the war effort, on what is being done to promote listening, selling practices, etc."

An elaborate questionnaire is used as a guide for the teams and these will be studied by department heads and program personnel of WJR and WGAR when the tours are completed.

(NAB welcomes information of this type for inclusion in the REPORTS.)

## LISTENER WANTS NAME OF TOWN FIRST IN NEWS

James Campiglia, Jr., of Ventura, California, says that it will make for better news listening if the name of his town precedes the name of a person who is listed, for example, among the casualties of a wreck or other accident.

Here is a portion of his letter to NAB: "The name of the killed or injured party is given out—the listener listens half-heartedly—then follows the name of the person's city or state and the listener hears his home mentioned—immediately he is all ears—but alas too late because the person's name has already been mentioned and he missed it. This is very disconcerting."

To use the writer's own name to complete the example, the listener would hear: "From Ventura, California, James Campiglia, Jr."

"This makes the listener more attentive if even for a few seconds," Campiglia states. This is what you are striving for, is it not?"

The letter has been turned over to the NAB Radio News Committee.

## RADIO EDUCATION IN IOWA

On December 1st, Governor Bourke B. Hickenlooper of Iowa, in cooperation with the Des Moines Radio Council, called a conference of significance to radio education. Meeting in the Senate Committee Room at the State House, outstanding educators representing the Board of Education, the Department of Public Instruction, Iowa University, Iowa State College, Drake University, State Teachers Association, Iowa Parent-Teachers Congress, and leading Iowa broadcasters explored the subject exhaustively. Plans were perfected for a four-point campaign, as follows:

1) A survey of all urban and rural schools in Iowa will be conducted as to the radio and sound equipment of classrooms, utilization of radio, teacher interest, libraries of recordings, etc.

2) Lists of recommended national programs provided by the Office of Education, recently compiled by leading radio educators, together with lists of local programs heard in the state, will be distributed to teachers.

3) Next summer attempts will be made to augment the courses in local universities and colleges to train teachers in the utilization of radio in the classroom.

4) Effort will be made to develop more radio workshops in local colleges and high schools.

Iowa has taken leadership in this field through two outstanding radio stations operated by Iowa University and Iowa State College. Both their radio students and their programming are nationally accepted.

The Des Moines Radio Council, numbering some 70,000 persons, is composed of leaders in all fields of civic, club and educational life. Radio Education is one phase of their activities.

Those broadcasters present at the conference included:

Craig Lawrence—KSO-KRNT, Des Moines  
Ralph Evans—Woody Woods, WHO, Des Moines  
Buryl Lottridge—WOC, Davenport  
Merritt Milligan—KGLO, Mason City  
Deane Long—KXEL, Waterloo  
Sumner Quarton—WMT, Cedar Rapids  
Carl Menzer—WSUI, Iowa City  
W. I. Griffiths—WOI, Ames  
Earl J. Glade—KSL, Salt Lake City  
Dorothy Lewis—NAB, New York

Mr. Craig Lawrence moved that a report of the recommendations be adopted and presented to the Governor, the Right Honorable Bourke B. Hickenlooper.

The following persons will serve on the Committee on Radio Education for the State of Iowa:

Mrs. Cyrus B. Hillis, Director, Des Moines Radio Council, 1625 Sixth Avenue, Des Moines 14, Iowa—Chairman.

Mrs. F. R. Kenison, President, Iowa Congress of Parents and Teachers, Madrid, Iowa.

Dr. Bruce E. Mahan, Director, Extension Division, University of Iowa—member of Federal Radio Education Committee, University of Iowa—Iowa City, Iowa.

Mr. Ralph Evans, Director, Public Relations, Central Broadcasting Co., 1002 Brady Street, Davenport, Iowa.



Mr. Craig Lawrence, Vice-President, Iowa Broadcasting Company—General Manager, KSO-KRNT—Register & Tribune Building, Des Moines, Iowa.

Mr. Edwin G. Barrett, Director Department of Radio, Drake University, 25th and University, Des Moines, Iowa.

Miss Agnes Samuelson, Executive Secretary, Iowa State Teachers Assn., 415 Shops Building, Des Moines, Iowa.

Mrs. R. K. Stoddard, Regional Director, Listener Activities, National Association of Broadcasters, 2212 Country Club Parkway, Cedar Rapids, Iowa.

Mr. W. I. Griffith, Director, WOI—President, Iowa Council for Better Education—Iowa State College, Ames, Iowa.

Mr. William Quarton, Chairman Code Committee, National Association of Broadcasters—Radio Station WMT, Cedar Rapids, Iowa.

Mr. Thomas M. Clark, Secretary, Iowa Assn. of School Boards, Elkhart, Iowa.

Mr. Roger Fleming, Secretary, Iowa Council for Better Education—Iowa Farm Bureau Federation, 1005 Valley Bank Building, Des Moines, Iowa.

Mrs. I. H. Hart, member National Committee A.A.U.W.

Mr. William S. Rupe, member Iowa Board of Education—Publisher Ames Tribune, Ames, Iowa.

Mr. Forrest B. Spaulding, Librarian, Des Moines Public Library, 1st and Locust, Des Moines, Iowa.

Mr. Frank Frost, President, Trades and Labor Assembly, 2nd and Locust, Des Moines, Iowa.

Jessie Parker, State Superintendent, Public Instruction; Mrs. Raymond Sayre, Chairman, Women's Committee, Iowa Farm Bureau, Ackworth; Lee H. Campbell, President, Iowa State Teachers Association; Spencer B. C. Berg, Superintendent Schools, Newton; Grenn Pringre, Principal, Junior High, Muscatine; Hazel V. Thomas, Superintendent Schools, Gerrogorde County, Mason City; H. C. Englebrecht, Superintendent Schools, Nevada; B. R. Miller, Principal, Junior High, Marshalltown; Myron S. Olson, Principal, Junior High, Fort Dodge; Wallace Wood, Principal, Grant Elementary School, Oskaloosa.

## PEABODY AWARDS

On Tuesday, December 7th, the New York sub-committee for the George Foster Peabody Radio Awards met at the Women's City Club. Mrs. Harold V. Milligan, President of the National Council of Women, is chairman and her distinguished committee of leading New Yorkers include:

Dr. Harry D. Gideonse, President, Brooklyn College

Dr. Paul Dawson Eddy, President, Adelphia College

Dr. Ralph Sochman, Christ Church, New York

Mrs. Sidney Borg, New York

Mrs. Henriette Harrison, Radio Director, YMCA, New York

Mr. Edwin Hughes, pianist, New York

Mrs. Joseph E. Goodbar, New York City Federation of Women's Clubs

Mr. George Hecht, Parents' Magazine

Miss Dorothy Gordan, National OCD, New York

## WOMEN DIRECTORS MEET

Dorothy Lewis, Coordinator of Listener Activity of the National Association of Broadcasters, spent December 10th in Philadelphia, where she met with the Philadelphia Regional Group of the Association of Women Directors—of which Ruth Chilton, WCAU, is National President. Mrs. Lewis made a report on her recent tour. During the day she met with station executives and Radio Council officials.

## RTPB TO STUDY FACSIMILE

Panel 7 on Facsimile of the Radio Technical Planning Board is now in process of organization. John V. L. Hogan, Chairman of the NAB Executive Engineering Committee and a nationally known consulting radio engineer, is Chairman of the Panel. Mr. Hogan has conducted facsimile research work for many years and his contributions to this art are important.

Mr. Hogan asks that broadcast engineers having expe-

rience or an interest in facsimile communicate with him for the purpose of securing membership on this panel. Those who are unable to take an active part in the work may keep abreast of the panel's activities by becoming observers.

Further information can be obtained directly from John V. L. Hogan, President of WQXR, 730 Fifth Avenue, New York.

## IRE WINTER TECHNICAL MEETING

On Friday and Saturday, January 28 and 29, 1944, the Institute of Radio Engineers will hold its winter technical meeting at the Hotel Commodore, New York City. This meeting will be of great interest to all engineers working with electronics and radio.

Many highlights have been planned for the two days of the session covering a large sphere of activities. Under the chairmanship of Dr. L. P. Wheeler, retiring president of the IRE, a general conference will be held on the morning of January 28, at which technical papers will be presented and open discussions held. Dr. W. R. G. Baker, head of the Radio Technical Planning Board, will address a meeting at which Howard S. Frazier, Chairman, Panel 4, Standard Broadcasting, and several other chairmen of the panels will discuss problems and technical activities upon which the panels will be engaged.

E. K. Jett, Chief Engineer of the Federal Communications Commission, will head a discussion by engineers of the FCC covering police, aviation, and maritime service; international point to point problems and allocation problems; and matters of general interest to the Commission as of the time of the convention. Other interesting sessions will be held during the two days of the convention.

A President's luncheon will be given, as well as a banquet at which the presentation of Institute awards will be made and the inauguration of Prof. H. M. Turner of Yale University, President-Elect of the IRE for 1944, will take place.

The American Institute of Electrical Engineers are holding their technical meeting beginning in the early part of the same week. They are reserving their communications papers for presentation on Thursday afternoon, January 27. In this way the participants of the IRE convention may have the opportunity to hear them. On Thursday evening, Major General Colton will speak on "Enemy Communication Equipment" at a joint AIEE-IRE session. Exhibits of the equipment will be shown. Both of these meetings will be held at the Engineering Societies Building, 29 West 39th Street, New York City.

## EARPHONES WANTED

The Atlantic County Chapter (New Jersey) of the American Red Cross is now engaged in a project to furnish radio service to the England General Hospital. This is the hospital located in Atlantic City to which many of the overseas wounded are being sent.

NAB is informed that the central radio unit has already been installed, but additional earphones are needed to provide service at the bed of each veteran. Broadcasters who have surplus earphones available are urged to forward them promptly to Monroe L. Mendelsohn, Business Manager, Station WBAB, Atlantic City, New Jersey.

## PLAY SAFE

One of our highly reputable member stations advises that a party conducting a rodeo is securing radio time in a manner not consistent with good business practice. Any station approached by a person wanting spot announcements in connection with a rodeo is asked to consult NAB for further information.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

### HEARING

The following broadcast hearing is scheduled to be heard before the Commission during the week beginning Monday, December 13th. It is subject to change.

**Wednesday, December 15**

Oral Argument Before the Commission

REPORT NO. B-194:

The Voice of The Orange Empire, Inc., Ltd., Santa Ana, Calif.—  
C. P., 1480 kc., 1 KW, unlimited.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

Worcester Telegram Publishing Co., Inc., Worcester, Mass.—Granted construction permit for new FM station; frequency **46100 kc.**; service area: 4,465 square miles. This action is taken without prejudice to determination of the issues in the hearing on Commission Order No. 79, and is subject to the application of any rules and regulations that may be adopted by the Commission as a result of such hearing; also subject to the condition that compliance with the rules, regulations and standards of the Commission be required when necessary materials become available. (B1-PH-29).

KVAK—S. H. Patterson, Atchison, Kans.—Granted construction permit to increase power from 100 to 250 watts, and make changes in transmitting equipment (B3-P-3550).

### DESIGNATED FOR HEARING

KVAN—Vancouver Radio Corp., Vancouver, Wash.—Designated for hearing application for construction permit to change frequency from **910 to 930 kc.**, and authorize nighttime operation with power of 250 watts, day power of 500 watts, unlimited time (B5-P-3552).

WSPR—WSPR, Inc., Springfield, Mass.—Designated for hearing application for construction permit to increase power from 500 watts to 1 KW, employing directional antenna day and night and make changes in transmitting equipment (B1-P-3554).

WTMA—Atlantic Coast Broadcasting Co., Charleston, S. C.—Designated for hearing application to move formerly licensed RCA 250-D transmitter to the site of main transmitter to be used as an auxiliary transmitter with power of 250 watts, employing a non-directional antenna both day and night (B3-P-3513).

### LICENSE RENEWALS

KXO—Valradio, Inc., El Centro, Calif.—Granted renewal of license for the period ending December 1, 1945.

WERC—Presque Isle Broadcasting Co., Erie, Pa.—Granted renewal of license for the period ending December 1, 1945.

KSAN—Golden Gate Broadcasting Corp., San Francisco, Calif.—Granted renewal of license for the period ending October 1, 1945.

WAZL—Hazleton Broadcasting Service, Inc., Hazleton, Pa.—Granted renewal of license for the period ending October 1, 1945.

WMAS—WMAS, Inc., Springfield, Mass.—Granted renewal of license for the period ending October 1, 1945.

The Commission granted request of attorney for licensee of station KGNF, North Platte, Nebraska, authorizing change in call letters from KGNF to KODY.

### MISCELLANEOUS

WHAM—Stromberg-Carlson Telephone Mfg. Co., Rochester, N. Y.—Granted modification of license to change corporate name of licensee to Stromberg-Carlson Company (B1-ML-1160).

WTAL—Capital City Broadcasting Corp., Tallahassee, Fla.—Granted authority to determine operating power by direct measurement of antenna power (B3-Z-1563).

KTBC—State Capital Broadcasting Assn., Inc., Austin, Tex.—Granted authority to determine operating power by direct measurement of antenna power (B3-Z-1549).

WJEN-WJEP-WHFM—Stromberg-Carlson Telephone Mfg. Co., area of Rochester, N. Y.—Granted modification of license to change corporate name to Stromberg-Carlson Co. (B1-MLRY-47), (B1-MLRY-48), (B1-MLH-3).

KOH—The Bee, Inc., Reno, Nevada.—Granted modification of license to change corporate name to McClatchy Broadcasting Co. of Nevada (B5-ML-1175).

WDSM—WDSM, Inc., Superior, Wis.—Granted license to cover construction permit which authorized change in power and changes in transmitting equipment (B4-L-1782).

WRRB—WHEC, Inc., area of Rochester, N. Y.—Granted license to cover construction permit for new relay broadcast station (B1-LRE-427).

Placed in pending files the following applications: Green Bay Newspaper Co., Green Bay, Wis. (B4-PH-147); W59 NY, Interstate Broadcasting Co., Inc., New York, N. Y. (B1-MPH-111); KRIC, Inc., Beaumont, Tex. (B3-PH-148); WTZR, Zenith Radio Corp., Chicago, Ill. (B4-MPCT-19).

KGBK—Helen Townsley, area of Great Bend, Kans.—Granted further extension of relay station license upon a temporary basis only, pending determination upon application for renewal of license, in no event later than February 1, 1944 (B4-SRY-240).

Granted extension of following relay broadcast station licenses upon a temporary basis only, pending determination upon applications for renewal of licenses, in no event later than February 1, 1944:

WJOT, The Birmingham News Co.; WEIH, WEIL, Indianapolis Broadcasting, Inc.; KEID, KEIE, KCMO Broadcasting Co.; KEIV, Nichols and Warinner, Inc.; WRGG, Rome Broadcasting Corp.; WEMV, The WGAR Broadcasting Co.; WEIQ, Cosmopolitan Broadcasting Corp.

KPAK—Wichita Broadcasting Co., area of Wichita Falls, Tex.—Granted voluntary assignment of license to Wichita Broadcasters, a partnership, Joe B. Carrigan, Mrs. Joe B. Carrigan, P. K. Smith, Trustee, P. K. Smith, Mrs. Claude M. Simpson, Jr. (B3-ALRE-29). Also granted renewal of relay broadcast station KPAK for the period December 1, 1943, to not later than December 1, 1945 (B3-RRE-384).

KEJN—Puget Sound Broadcasting Co., Inc., area of Tacoma, Wash.—Granted extension of relay broadcast station license for station KEJN, upon a temporary basis only, pending determination upon application for renewal of license, in no event later than February 1, 1944 (B5-RRE-83).

WENI—WJW, Inc., area of Cleveland, Ohio.—Granted renewal of license for relay broadcast station WENI for the period ending no later than December 1, 1945, in exact accordance with the present license except to be operated with WJW, Cleveland, Ohio, instead of WJW, Akron, Ohio (B2-RRE-186).

WOKO—WOKO, Inc., Albany, N. Y.—Granted petition for extension of time (to December 20, 1943), within which to file proposed findings in re application for renewal of license.

KOBH—Black Hills Broadcast Co. of Rapid City, Rapid City, S. Dak.—Granted motion to dismiss without prejudice application for construction permit (B4-P-3339, Docket 6430).

Charles Swaringen, et al., d/b as Buckeye Broadcasting Co., Akron, Ohio.—Granted petition to dismiss without prejudice application for construction permit (B2-P-3529, Docket 6559), requesting facilities of WJW.



## APPLICATIONS FILED AT FCC

### 560 Kilocycles

KPQ—Wescoat Broadcasting Co., Wenatchee, Wash.—Extension of special service authorization to operate on 560 kc., 500 watts power night, 1 KW daytime, unlimited hours of operation using transmitter authorized by B5-P-3150 as modified for the period 2-1-44 to 5-1-44.

### 780 Kilocycles

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—Extension of special service authorization to operate synchronously with station WBBM from sunset at Lincoln, Nebr., to 12 midnight, CST, for period ending 2-1-46.

WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—Extension of special service authorization to operate synchronously with KFAB from sunset at Lincoln, Nebr., to 12 midnight, CST for the period ending 2-1-46.

### 790 Kilocycles

KFQD—Wm. J. Wagner, trading as Alaska Broadcasting Co., Anchorage, Alaska.—License to cover construction permit (B-P-3506) which authorized installation of new transmitter and increase in power from 250 watts to 1 KW.

KFQD—Wm. J. Wagner, trading as Alaska Broadcasting Co., Anchorage, Alaska.—Authority to determine operating power by direct measurement of antenna power.

KFQD—Wm. J. Wagner, trading as Alaska Broadcasting Co., Anchorage, Alaska.—License to use old 250 watt composite transmitter as an auxiliary.

### 1230 Kilocycles

WRBL—The Columbus Broadcasting Co., Inc., Columbus, Ga.—Construction permit to install a synchronous amplifier near Ft. Benning, Georgia, to be operated with 1230 kc., 250 watts power and synchronized with WRBL.

### 1240 Kilocycles

NEW—Charles P. Blackley, Staunton, Va.—Construction permit for a new standard broadcast station to be operated on 1240 kc., 250 watts power, unlimited time. Amended: re change in type of transmitter and antenna and change in studio location.

NEW—E. Anthony & Sons, Inc., near Hyannis, Mass.—Construction permit for a new standard broadcast station to be operated on 1240 kc., 250 watts power and unlimited hours of operation—facilities of formerly licensed station WOCB.

### 1340 Kilocycles

WHAT—Independence Broadcasting Co., Inc.—Voluntary transfer of control of licensee corporation from Philadelphia Record Company to William A. Banks—200 shares of common stock, 100%.

### 1410 Kilocycles

WLAP—American Broadcasting Corp. of Kentucky, Lexington, Ky.—Modification of license to change corporate name of licensee to American Broadcasting Corporation.

### 1420 Kilocycles

NEW—Broadcasting Corporation of America, Brawley, Calif.—Construction permit for a new standard broadcast station to be located S. W. of Brawley, Calif., and operated on 1420 kc., 1 KW power, unlimited hour of operation.

## MISCELLANEOUS

WSOH—The Ohio State University, area of Columbus, Ohio.—License to cover construction permit (B2-PRY-286) which authorized construction of a new relay broadcast station.

NEW—The Crosley Corp., Mason, Ohio.—Construction permit for a new international broadcast station to be operated on 6080, 9590, 11710, 15250, 17800 and 21650 kc., 200 KW, A-3 emission. Amended: re transmitter site.

NEW—The Crosley Corp., Mason, Ohio.—Construction permit for a new international broadcast station to be operated

on 6080, 9590, 11710, 15250, 17800 and 21650 kc., 200 KW, A-3 emission. Amended: re transmitter site.

NEW—The Crosley Corp., Mason, Ohio.—Construction permit for a new international broadcast station to be operated on 6080, 9590, 11710, 15250, 17800 and 21650 kc., 200 KW, A-3 emission. Amended: re transmitter site.

W2XMT—Metropolitan Television, Inc., New York, N. Y.—Modification of construction permit (B1-PVB-40 as modified, which authorized construction of a new experimental television broadcast station) for extension of completion date from 12-31-43 to 6-30-44.

## 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.

**William H. Howe**, 122 Jewett St., Lowell, Mass., engaged in selling Lady Ashton Foot Ease, is charged in a complaint with misrepresenting the effectiveness of the preparation. (5089)

**F. H. Noble & Co.**, 535-559 West 59th St., Chicago, manufacturing and selling jeweler's findings and gold solders, is charged in a complaint with the use of unfair acts and practices in commerce. (5092)

**Olive Tablet Company**, 29 East Fifth Ave., Columbus, Ohio, selling and distributing a medicinal preparation designated "Dr. Edwards' Olive Tablets," and Erwin, Wasey and Co., Graybar Bldg., New York, an advertising agency which prepares, edits and places all advertising material used by The Olive Tablet Co., are charged in a complaint with false advertising and misrepresentation. In advertisements in newspapers, periodicals and other media, the complaint alleges, the respondents represented, among other things, "'Nudge' Your Lazy Liver Tonight!" and "Olive Tablets are simply wonderful, not only to relieve constipation, but also to stir up liver bile secretion and tone up intestinal muscular action." (5090)

**Wakita Herb Co.**, 110 West 42nd St., New York, is charged in a complaint with false advertising and misrepresentation in connection with the sale of a medicinal preparation designated "Indian Herbal Roots." (5091)

### STIPULATIONS

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

**Church & Dwight Co., Inc.**, 70 Pine St., New York, selling a bicarbonate of soda designated "Arm & Hammer Baking Soda," and "Cow Brand Baking Soda," and Brooke, Smith, French & Dorrance, Inc., 347 Madison Ave., New York, an advertising agency disseminating advertisements for the products, have stipulated to cease and desist representing that the products will prevent shipping fever; that Church & Dwight Co., Inc., now manufactures Arm & Hammer Baking Soda or Cow Brand Baking Soda; that the products possess any therapeutic value in the treatment of "off feed," colds, scours or acetoneemia in cattle in excess of that which may result from the action of any such products on any acidity or flatulence which may exist; that the products are general conditioners for hogs or poultry, or possess any therapeutic value in the treatment of influenza, scours or diarrhea in swine in excess of that which may result from the action of such products on any acidity or flatulence; or that the products alone will relieve or cure azoturia, or relieve colds or roup in poultry. (03170)

**Dodge, Incorporated**, an Illinois corporation with its principal place of business in Chicago, and **Dodge, Incorporated**, a California corporation with its principal place of business at 401 East Sixth St., Los Angeles, each engaged in the manufacture and sale of trophies, consisting of plaques, medals, statuettes and cups, have entered into separate stipulations in which they and Ray E. Dodge, of Los Angeles, president of both corporations, have agreed to cease and desist from use, in connection with the sale of their merchandise, of any false or misleading price representation which purports to be the retail sales price but which in fact is in excess of the price for which such merchandise is customarily sold, and from directly or inferentially representing, through the use of a fictitious or marked-up price, that the price for which such merchandise is offered for sale is an exceptional price, a low price or a discount price, when the price is that for which such merchandise is customarily sold in the usual course of retail trade. (3761-3762)

**Filmiland Studios and Film Studios**, P. O. Box 1109, Hollywood, Calif., selling and distributing photo enlargements, has stipulated that in connection with the advertisement of his products he will cease and desist from representing that 16 prints and 2 enlargements of developed exposures, or any stated quantity of merchandise, will be furnished to a customer upon receipt of 25 cents, or other amount, unless delivery of such merchandise is made in strict conformity with the offer, and from use of the word "free" or any word of similar meaning as descriptive of an enlargement or any item which forms a part of a combination offer of merchandise for which an inclusive charge is made. (3766)

**Geo. C. Gordon Chemical Co.**, 1100 Hickory St., Kansas City, Mo., selling and distributing a preparation designated "Gordon's Boiled Oil Blended" for use as a vehicle in preparing paints, has stipulated to cease and desist from use of the terms "Boiled Oil Blended" or "Boiled Oil" as a designation for or as descriptive of a preparation other than boiled linseed oil, and from use of any words or terms implying that a preparation containing ingredients other than linseed oil is linseed oil or a blend of linseed oils. (3764)

**Green United Stores, Inc., et al.**—Nine corporations engaged in the sale and distribution of wearing apparel have stipulated to cease and desist from representing that certain underwear they sell has been manufactured under the supervision of a doctor and has therapeutic value. The stipulation was entered into by the following corporations:

Green United Stores, Inc., 902 Broadway, New York; E-Z Mills, Inc., and its selling agent, A. S. Haight & Co., Inc., 57 Worth St., New York; Carmi-Feature Underwear, Inc., Carmi, Ill., and Century-Beverly Corp., Pottstown, Pa., and their selling agent, the Campe Corp., 85 Franklin St., New York; Brown Knitting Mills, Warsaw, N. Y.; P. H. Hanes Knitting Co., Winston-Salem, N. C., and Appalachian Mills Co., Knoxville, Tenn. (3760)

**Lee Products and as Chemi-Culture Laboratories**, 4730 Sheridan Rd., Chicago, selling and distributing feminine hygiene preparations, has stipulated to cease and desist from use of the word "Periodic" or other similar connotation as a part of the trade designation of pills or capsules heretofore offered for sale as "Lee's Periodic Pills" or "Lee's Periodic Capsules," or reference to the menstrual period in any way which may indicate that such a preparation has predictable or reliable influence upon such period; from representing that either of the preparations is a well-known formula that has been used successfully for such purpose; from use of symbols or legends such as "XXX" or "triple strength" as indicative of the extra strength or unusual potency of the preparations, and from use of the word "Laboratories" as a part of his trade name until such time as he may actually own or operate a laboratory in connection with his business. (3763)

**Skrudland Photo Service**, 6444 Diversey Ave., Chicago, engaged in selling photo enlargements, and **United Advertising Companies, Inc.**, 205 North Michigan Ave., Chicago, an advertising agency disseminating advertisements for the products, have stipulated to cease and desist from representing that the offer to sell framed photographic enlargements for 49¢ is a limited offer; that the prices of their enlargements are lower than those at which similar or comparable photo enlargements can be obtained anywhere else; that the dyes used in coloring the products never fade, and that the hand coloring of the photo enlargements is done by an artist. (03171)

**United States Beauty Products Corporation**, 421 Seventh Ave., New York, selling and distributing beauty and barber supplies, has stipulated that it will cease and desist from the use of any statement or representation conveying the impression or belief that the resources available to the corporation, or employed by it in the interests of its customers, are in excess of what is a fact; that its customer trade is of a magnitude which is an exaggeration of the true facts; that its customers enjoy dividends or benefits which are the result of its merchandising policy, when such representation is not capable of substantiation or that the prices of its merchandise generally are lower by any indicated amount than prices charged by competitors, unless such price representation is true. (3765)

**O. B. Whitaker Mfg. Co.**, 529 Joplin St., Joplin, Mo., selling drug preparations designated "Sar-Tol Cough Syrup," "Sar-Tol Nose Drops" and "Sar-Tol Cough Drops," and Joplin Broadcasting Company, which operates Radio Station WMBH, Joplin, Mo., and which disseminated advertisements for the products on behalf of O. B. Whitaker Mfg. Co., have stipulated to cease and desist from representing that the preparations used alone or in combination prevent or cure colds or have any curative effect on the underlying factors which cause colds, or alone or in combination prevent or cure throat irritations; that alone or in combination they will prevent fatigue, maintain health or maintain or aid in building body resistance; or that Sar-Tol Cough Drops neutralize tobacco, onion, or other odors. (03172)

## CEASE AND DESIST ORDERS

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

**Chemicals of the South**, Tennessee Valley Associated Marketers, Bond Anti-Freeze Factory, Lo-Temp Chemical Works, and Lo-Zone Chemical Works, with offices and principal place of business at 117-119 Ninth Ave. North, Nashville, Tenn., manufacturing and distributing products designated "Lo-Temp Anti-Freeze," "Lo-Zone Anti-Freeze" and "Bond Top Line Anti-Freeze," intended for use in the cooling systems of automobiles and other combustion types of engines, have been ordered to cease and desist from misrepresentation of the products. (4999)

**McFadden 3 Sisters Springs**, with their principal place of business at Hot Springs National Park, Ark., have been ordered to cease and desist from misrepresentation in connection with the sale and distribution of mineral waters. (4940)

**J. Silverman and Associates**, General Forwarding System, and **Commercial Pen Co.**, 821 Market St., San Francisco, selling and distributing post cards intended for use by creditors and collection agencies in obtaining information concerning debtors, has been ordered to cease and desist from false and misleading representations and unfair and deceptive acts and practices in commerce. (4846)



# National Association of Broadcasters

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

December 10, 1943

SPECIAL LEGISLATIVE BULLETIN

No. 26

## Jansky, Wakefield, Armstrong, Trammell, Weber, Hogan Testify

The hearings continued on December 3, with Dr. C. M. Jansky, Jr., as the first witness. Present were Senators Wheeler, Chairman; White, McFarland, Clark, Moore, Hawkes, Brooks and Tunnell. Dr. Jansky's testimony related primarily to development of FM. He pointed out the advantages from an engineering standpoint to licensing problems and economic situations in which the limitation of the number of stations would be an economic one instead of an engineering limitation. He drew comparisons between the possibilities of duplication of FM stations on the same channels in FM Band and duplication of AM stations on channels in the Standard Band, pointing out the possibility of thousands of stations from an engineering standpoint.

He outlined the practicability of network hookups without the use of wire lines and stated that he felt that wire lines in connection with FM stations would be the most feasible method in certain cases. He said the fact that FM stations could be hooked up without wire lines was simply to show the possibilities.

He recommended the extension of the present FM Band in order to accommodate the licensing of a greater number of stations in densely populated areas. Asked by the Chairman whether he felt this should be by statute he said that FM could not be retarded and that, based on historical experience he believed it would not be necessary for the provision that additional channels be assigned by statute.

Commissioner Ray C. Wakefield was the next witness, and he spoke first in connection with Section 3 of the Bill (which section has to do with the setting up of Divisions of the Commission) and said that he favored the smaller divisions for the consideration of certain problems, and that during the past two years the Commission had been moving in that direction, citing as an example the three member committee that has considered such matters as the Merger question, and certain discussions in connection with the 'phone rate reductions, and said he was in accord with the development and trend.

He pointed out that the present Act now allows such division, and was opposed to its being set by law. He said the Commission needed flexibility in the handling of various problems, but if division

is to be required by statute he was opposed to the provision making the Chairman spokesman for the division as he felt that all members of the division should be in a position where they could be contacted by the interests involved.

With reference to chain regulations, he said it was not his contention that they are "letter perfect" but that they enhanced rather than endangered free speech. He said that in spite of Mr. Paley's statement that the network regulations are bad and unsound, CBS was still making money, and said that in a Brochure to advertisers they maintained to the advertisers that the network rules would not adversely affect them. He placed in the record the CBS Brochure.

Mr. Wakefield said he could not understand the consistency of Mr. Paley's position in being opposed to the rules—and then to say if they were to be adhered to they should be put in the law—to which the Chairman observed "They are afraid of what you'll do with them." Senator Hawkes asked Commissioner Wakefield whether he did not feel that these were poor times to be comparing revenues, since these are "abnormal times and many companies are now making larger profits than ever before." Commissioner Wakefield agreed that these are "abnormal times" but the fact is that CBS is still making a profit.

Commissioner Wakefield indicated in his testimony that an effort was being made to reach a decision in the newspaper cases while the Bill is still under consideration and he was supporting an immediate decision.

Senator Brooks went into the Press Wireless case and Commissioner Wakefield pointed out that a fundamental determination of policy was involved as to whether additional commercial carriers should be allowed to enter the field at this time in view of the impending decisions regarding the international communications merger.

He did not complete his testimony, and the hearings were adjourned until Saturday, December 4.

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Commissioner Ray C. Wakefield resumed the stand on Saturday, December 4, 1943, with Senators Wheeler, Chairman; Tunnell, McFarland, Hawkes, and Moore present. Mr. Wakefield continued the discussion of the Press Wireless denials

for circuits and stated that the recommendation that only one company be authorized to operate from a point came from the joint Chiefs of Staff and that the Commission was not aware that Press Wireless had a working arrangement with the French company at the time they granted the Mackay license. Asked by the Chairman why the Commission did not find out about it, Mr. Wakefield replied that it was a matter that had to be acted on fairly expeditiously. Senator Hawkes observed that he understood from Mr. Wakefield's previous testimony that the application had been pending from December 18 to February 8.

Mr. Wakefield read from his prepared statement as follows: "So far as I know, no one at the FCC, and certainly no member of the Commission itself, wants, or thinks the Commission should have, the power to censor radio programs. In fact, more than one member of the Commission, including myself, has expressed considerable concern that there is any censoring by anyone at all. . . . It would be unwise to give a government department power to decide what the people should or should not hear. It would be just as unwise to permit a business to have that power without any restrictions. It occurs to me that the happy solution is to permit the government agency to lay down general rules which permit and require the widest possible freedom of speech and freedom of access in distributing that speech, and then permit the licensee freedom of operation within the confines of those rules. It is my belief that this is what we are doing.

"The Chairman: I think the industry would feel much better about the situation if we wrote it into the law.

"Mr. Wakefield: Well, I agree that if there is any confusion as to what the Commission is doing, or should do, it should be written into the law. . . .

"The Chairman: Well it is probably a fact that not one of these commissions wants to have its powers limited in any way. While it is a difficult thing to always put in a law specific details of what is desired, yet I think as far as we can, Congress should write into the law pretty definitely what is intended and not leave it up to the whims of the Commission, that be the Communications Commission or any other commission—I mean, not leave up to a commission the broadest kind of leeway for interpretation. There has been entirely too much of it, and the reason there is so much concern at the present time is because some of these commissions have gone far beyond the powers granted to them by the Congress of the United States." . . .

Mr. Wakefield said that the contentions of the proponents of the bill is "really nothing more or less than a smoke screen raised to confuse the issue and to conceal their really significant activities—activities designed to secure the repeal of the regulations if possible, and, if that is not possible, to get them diluted . . . I discussed somewhat yesterday, in answer to questions, the fear of the Commission which exists among broadcasters. I stated then, and I repeat that I think this thing is a real thing and something greatly to be re-

gretted. I am not sure to what extent it has been exaggerated, but to the extent that it exists at all, it is unfortunate for the Commission and for the industry. I don't want to pass this subject without commenting on the fact, however, that a great part of this fear is manufactured and possibly manufactured for a purpose." . . . Mr. Wakefield attributed this fear to the distance between Washington and other parts of the country—the lack of acquaintance between the Commission and the licensee and the fact that hearings were not "held in the field" due to limited appropriations. He said that the distrust between the Commission and the industry should be eliminated through the "public utility" parallel and cited the independent telephone industry's previous distrust of the Commission which "today have come to realize that the Commission can be, and in some instances is, one of its best friends. Many of the people in this industry are coming to the Commission voluntarily with their problems. This is as it should be. Such mutual confidence will be in the interest of the Broadcasting industry." He defined Freedom of speech as having three important aspects: "Freedom on the part of the speaker to express his views, freedom of access to the vehicles that will carry those views to an audience, and freedom on the part of the audience to listen to all of those who desire to express themselves."

He said the network regulations "particularly enhanced and broadened" freedom of access, and that they had encouraged the wider distribution of both chain and local programs by making it possible for people in a one station area to hear programs emanating from more than one network.

He said the rules did not completely satisfy him; with particular reference to the option rule he thought it inadequate but thought that it may need revision as time goes on and that he was not completely satisfied that the application of the rule to regional networks did not require further consideration. In view of this fluidity he said it would be a mistake to attempt to write the regulations into the statute itself. He said, "I deplore the rule that no time shall be sold for the discussion of controversial questions. Every question worth discussing is controversial."

Chairman Wheeler then said, "Let me ask you this: I have given quite a lot of thought to this matter of the sale of time for the discussion of controversial questions. If you have the sale of time for controversial issues, aren't you then going to limit free speech? Supposing some big corporation or some big labor union goes on and buys up a lot of time for controversial issues. Then the man with the biggest purse string is able to get on the air where the fellow with the little purse string who cannot afford to buy the time cannot get on.

"Mr. Wakefield: I think not. I think the time sold will be sold to such persons as you indicate but if a station is going to operate in the public interest it will see that the other side of the question has a chance to be heard. It still has the ob-



ligation to operate in the public-interest and give balanced programs.

"The Chairman: Well, if you sell the time for controversial issues everybody who wants to get on the air with some controversial issue with government money to pay for it can get on.

"Mr. Wakefield: I think not. I discuss that in some detail here.

"The Chairman: All right.

"Senator McFarland: Don't you think the increase in the number of stations will help solve that problem? If you are able to have several more stations in every community, a station may become unpopular if it allows one side to monopolize all the time. People will tune in on other stations, and public opinion will help regulate it.

"Mr. Wakefield: I think it will be some help in answering the problem. On the other hand an unlimited number of stations is not going to help any if they all say, 'We are not going to let anything controversial be discussed on the program.' Ideas are a valuable thing to me, and I just cannot understand not allowing one of the best mediums that has been devised by man or nature to be used for that purpose.

"Senator McFarland: I do not understand that the chairman was directing his question as to not allowing controversial issues to go on. What I understood he was speaking about was allowing them to charge for that. I think everyone wants to go on, but they want both sides represented.

"Mr. Wakefield: Well, I fully agree that both sides should be represented. . . . I would like to see people on the air continuously discussing issues and ideas. Some of them may be highly controversial, some of them less so. I think the ideal program from this standpoint, the one that would have great public interest and great audience appeal, would be to get two men whom you would hear year in and year out who would be on opposite sides of questions and put them on every night or three nights a week and let them debate those issues for a half hour. . . .

"The Chairman: You mean you would pick out two men of opposite views and have them discuss them?

"Mr. Wakefield: I think so. Take Fulton Lewis, Jr., and Leon Henderson, for example.

"The Chairman: I think the people would get awfully sick of them in a very short time.

"Mr. Wakefield: I think it would have audience appeal.

"The Chairman: I don't think it would have much audience appeal for a very long time."

Mr. Wakefield continued and then said, "Many people have in the same breath praised the Columbia Broadcasting System's announced policy and that which Mr. Ed. Crane of Station KGIR advanced without apparently realizing there is a fundamental difference in their solutions. Columbia would bar all discussion of controversial subjects except on occasional sustaining programs. Mr. Crane on the other hand would have an editorial 'box' on his programs where he could bring together a variety of commentators to discuss all

sides of public question. They apparently agree in that they would separate what is offered as straight news broadcasting from comment, and I can agree with both of them on that, but Mr. Crane's solution of wide and free discussion seems to me widely different from and vastly preferable to Columbia's policy of very limited discussion.

"There are two other points I wish to cover and then I am finished unless there are further questions.

"The Chairman: I don't understand the Columbia Broadcasting Company's policy is that they want to cut out discussion. What I understand, if I understand it correctly, is that they want to confine their news commentators to news rather than to have the commentators, under the heading of news, inject into the news the opinions and interpretations of what that news means.

"Mr. Wakefield: I think it goes somewhat further, Senator. I think they will not sell time for the discussion of controversial subjects.

"The Chairman: I think all the radio companies have done that, that is, they won't sell time for controversial subjects.

"Mr. Wakefield: I think not all radio. There are large segments—

"The Chairman: Well, I mean all the chains. As I understand it—I may be wrong about it—Mutual, Columbia, Blue and the Red networks, none of them sell time for controversial subjects.

"Mr. Wakefield: I think Blue is departing from that. That is my understanding.

"The Chairman: I see. Well, if they have, in my judgment they are wrong."

In connection with the KOA case Mr. Wakefield said, "While the Commission intends to abide by the letter and the spirit of the decision, I for one would hate to see any extension of this doctrine which will give parties with no substantial interest a legal right to intervene in Commission cases. . . ." He said that "radio is now in its adolescent years, but it will soon reach its majority and I am satisfied its leaders will then recognize the value of constructive regulations and there will be no longer this state of unrest and uncertainty. . . ."

Senator McFarland asked, "Why do you think these notices of appearance will make for undue delay?

"Mr. Wakefield: I think that section could be interpreted to mean that anybody with a competitive interest is entitled to a hearing.

"Senator McFarland: Well why wouldn't they be?

"Mr. Wakefield: Possibly so. But if you have a station in a town and someone comes in and wants another station in that town and the frequency is available and everything set up for it and it seems important that there should be another station, I don't feel that the man with the existing station should hold up the granting of that for an indefinite time, just to give him an opportunity to say, 'My business will suffer if you grant another license in this town.'

"Senator McFarland: Let us assume a situation like this: We have a town of 5,000 people. They have a little radio station now. Two radio stations probably would not be able to exist in that kind of a town. A man comes along or maybe an industry comes along and says: Well we want that station. They go and try to buy it and they cannot buy it so they come in and ask permission to put up another one. Why shouldn't that other station have the right to come in and say there is only room for one station.

"Mr. Wakefield: I would rather leave it Senator just as you do with the newspapers in that regard, that anybody that can get the money to do it can go ahead, that is, where there is a frequency available and the man has reasonable qualifications, that he should have an opportunity to start out and let them see which one survives.

"Senator Moore: Isn't the public interest liable to suffer in that connection if you make it economically unsound for a station to exist. Doesn't that affect the public's rights in not having a properly conducted and economically sound existing station?

"Mr. Wakefield: I think there are considerations of public interest on both sides. The public interest may suffer if there is a newspaper in town and another newspaper comes in and creates a competitive situation, but on the whole I think the public interest is served better by having two newspapers in a town instead of one.

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"The Chairman: In considering applications for radio stations, to what extent does the Commission go into the program service the applicants intends to render?

"Mr. Wakefield: In a general way, Senator, in the application form there is a question as to—I cannot give it to you verbatim—as to what is your proposed program structure. That is broken down into how much time for music, how much time for news, how much for discussion of public matters. It is not broken down into what kind of news are you going to put out, what kind of music are you going to offer, or what public men are you going to allow on the air. It is just the general categories of program content—structure, rather than content—that are inquired about?

"The Chairman: In considering applicants for renewal of license, does the Commission consider the program service the applicant has rendered?

"Mr. Wakefield: In renewal proceedings?

"The Chairman: Yes.

"Mr. Wakefield: In a very general way.

"Senator Moore: That gives the Commission almost supreme power over the character of programs to impress their notions of the character of programs by either granting or withholding the license."

\* \* \* \*

"Senator McFarland: If you are going to have a hearing why shouldn't it be a complete hearing?

"Mr. Wakefield: It should be a complete hearing.

"Senator Hawkes: You spoke a moment ago

about the thing being open, just the same as it is open for a newspaper to come in there there is another newspaper in a town. A newspaper doesn't have to go to a government agency to ask for the privilege of coming into that community. As I understand it, they can go in there and start another newspaper any time they want to and it is just competitive free enterprise. But here you have got something that is entirely different. You have got something which is under government control, because you say it is a quasi-public affair and it is in the public interest to control it and the Government is granting this channel and so forth. It is conceivable to me that you don't give this man who is in that community a chance to be heard from you are considering the granting of an application for a new station. That man might be in disrepute with the Commission. He might have done something you did not like or that your Commission did not like. You are human just like all the rest of us. Your action in granting a new station the right to go in there and compete with him might be governed by something that he should have a right to defend himself on. That is a point I had in mind.

"Mr. Wakefield: I think the basis on which grants are made of new stations is whether or not the frequency is available, whether or not the man is properly qualified and financed, and other considerations, rather than the competitive situation. I think this is free enterprise.

"The Chairman: No you are mistaken about that. You don't put another station in a community just because there is a frequency available.

"Mr. Wakefield: We do not initiate the proceedings.

"The Chairman: No, but I mean you don't permit it to go in under certain circumstances.

"Mr. Wakefield: If there is a frequency available and there is no other request for the frequency and the man is qualified—

"The Chairman: Don't you take into consideration—I am sure in fact you have taken into consideration whether or not in a certain community the other station could live, from an economic standpoint, if you put them in there.

"Mr. Wakefield: We have not. That is exactly the holding in the Sanders case. The material from the Sanders case has been used here and is incorporated to a certain extent in the proposed bill—the dictum in that case.

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"Senator McFarland: Don't you take into consideration the future need for channels and determine whether in a community there is any need for that station, and determine whether there might be a future need for that particular channel from any other community close by?

"Mr. Wakefield: Not to a great extent. Those questions, of course, are posed if there are two applications, one for Community A and the other for Community B. Then certainly we would say, A has enough service already and B has not, so



we will give it to B or vice-versa. But we are not trying to look forward and say we will hold this for a long time because somebody may come along later and ask for a license there. There are qualifications to that, of course. I would not say that as a categorical fact, but by and large applications are granted on the basis of present conditions."

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In connection with the question raised by Senator Wheeler as to whether, when a person is slandered he shall have the right to reply to the slander on the same program, Senator Moore said: "well if there is a slander of someone, or an alleged slander, that is this radio station who is responsible for his program going to be permitted to put on the air another alleged slander of somebody else?"

"The Chairman: No, in the first place I don't think these radio stations should have permitted it in the first place. But if they do permit it, certainly they ought to permit the person attacked to go on."

\* \* \* \*

"Mr. Wakefield: I wish the problem could be approached from the source, instead of making necessary an opportunity to answer. I think that opportunity should exist, but I think better care should be taken in the selection of broadcasters and then let them go on and say what they please, instead of some office using a blue pencil and saying you cannot say this and you cannot say that.

"The Chairman: Well, I certainly think a station ought to have the opportunity to use a blue pencil if these men are going to make slanderous statements because they are responsible.

\* \* \* \*

"Mr. Wakefield: Much of that can be cured by the type of commentator and broadcaster they select.

"Senator Hawkes: Mr. Chairman, you have in mind, I take it, that the radio stations ought to have the same right to blue pencil and cut out things that commentators are saying that they exercise with you and me.

"The Chairman: Why, of course.

"Senator Hawkes: They certainly exercise it with me every time and whenever I have seen anybody else that was going to make a speech over the radio they have to have a manuscript and they have to send it out to the station 24 hours beforehand, and the radio stations have said "this has got to come out and that has got to come out."

\* \* \* \*

"Senator Hawkes: You don't believe the competitive situation should be given any consideration at all by the Commission in the building up of an industry which is being pioneered.

"Mr. Wakefield: I am not sure radio is being pioneered. It is pretty well established.

"Senator Hawkes: You have mentioned a lot of things that are going to be pioneered in radio when the war is over.

"Mr. Wakefield: That is right, but I would rather keep the avenue of approach free for the granting of as many licenses as possible, just as I would like to see as many newspapers as possible.

"Senator Moore: They are entirely different situations, newspapers and radio stations.

"Mr. Wakefield: I think in this regard there is a similarity. I wouldn't want the authority to say that in this community there are enough stations and in that one there are not. I would rather leave it to competitive operation and let the public decide between the two stations if there is not room for both.

\* \* \* \*

"The Chairman: What has the Commission done to see that on network broadcasts when public questions are discussed, both sides are heard over identical networks?"

"Mr. Wakefield: We have taken no decisive or definitive action in that matter. I think it is a matter that should have wide public discussion. I am hopeful it is something that the industry can work out. I think it does get into that question of too much government operation in the field of controlling programs and that we should not have to do. I think there are brains enough in the radio industry to settle that problem itself if it will do it and I hope it will.

"The Chairman: Do you believe networks can be made responsible for fair division of their time on public questions without licensing the networks.

"Mr. Wakefield: I think so. I am hopeful of it and I am willing to take a chance on that if they will assume the responsibility.

"The Chairman: Would it simplify FCC procedure for the networks to be licensed?"

"Mr. Wakefield: I have no strong feeling on the question of licensing networks, if the only thing to be done is to say that the Commission can license networks but after it has licensed them it cannot do anything about it. Certainly we are no better off than we are now. But if we are going into the supervision of their programs, then we are getting into a field that the Commission should stay out of as much as it can. If the Commission can duck that problem, as I am hopeful it will, I prefer it be left there. Licensing networks would naturally give the Commission some supervision over them and if Congress wants us to, I think we should try to exercise it fairly.

"Senator Hawkes: If you are going to license networks then you are getting into the field of licensing of business, because networks are nothing more than a business. If they own a particular station or stations, they have had to take their license for those stations. The business of the networks does not come in the field of licensing of their stations, and I think when you step into the field of licensing networks I personally would be strongly opposed to it, unless we are going to license everyone in business in the United States. I am opposed to that."

"The Chairman: What is the situation with respect to ownership of radio stations by attorneys or engineers practicing before the FCC?"

"Mr. Wakefield: I don't believe I can answer that in detail or very intelligently. I know of instances. I could not make an intelligent guess as to how many instances of that kind exist but they do exist.

"The Chairman: Would you furnish the committee with the stations that are owned by engineers practicing before the Commission and by attorneys practicing before the Commission?"

"Mr. Wakefield: I shall be glad to.

"The Chairman: Now since we have been holding these hearings, the FCC promulgated an order limiting ownership to but a single station in a city. What is your thought in this matter? Do you believe any greater monopoly of thought is expressed in the ownership of two radio stations in an area than by the ownership of a radio station and a newspaper in the same area?"

"Mr. Wakefield: I don't know. I think you have an analogy there. I do think that in the case of two radio stations you do have something where the grant in both cases is from the Government—the right to do business in both cases is being given by the Government. I think you might make the distinction there that the Government would not give one person the right to have two radio stations so the Government is only concerned with one operation, even though the other man owns a newspaper.

"The Chairman: In other words, where there is multiple ownership there might be a question because of your limited number of wave lengths which could be furnished to the city that you feel that it would not be fair for them to monopolize the air? If they could own more than one they could own three or four, unless there was some limitation; is that your idea?"

"Mr. Wakefield: That is right, yes, sir.

"The Chairman: What proportion of the Commission's time and personnel is devoted to station broadcast regulations—that is the regulations of broadcasting—what portion of the Commission's time is taken up with that?"

"Mr. Wakefield: I think probably before the war something more than 50 per cent. . . ."

The hearings were adjourned until Monday, Dec. 6.

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The hearings continued on Monday, December 6, 1943, with Major Edwin H. Armstrong, inventor of FM, as the witness for the day. Senators Wheeler, Chairman, White, Moore, McFarland, and Hawkes were present.

After going into the historical background of FM and the RCA tests, Major Armstrong was asked by Senator Wheeler why it was that FM was not adopted at the time of the tests, to which Major Armstrong replied that he believed there were two reasons—first—the advantages of FM were underestimated—and second there might

have been the thought that there would be too many news stations or new networks, "but as to which factor was controlling I do not know at the present time."

With reference to the June 1936 (the Cross-roads) Hearings, Major Armstrong said they resulted in an allocation being made on a sound basis, but it had an unfortunate effect as it led the industry to believe there was no room left for FM on a national basis. Since then an effort had been made to establish a great number of television receivers in the hands of the public which could be tuned in on the first Television Band. The hearings of January 1940 were called for the purpose of establishing television channels, and he said if these hearings had resulted in the establishment of number one channel on a permanent basis FM would have been effectively stopped.

He pointed out that a hearing by the Commission was set for March 1940 to consider the possibilities of FM.

He said he had heard that the Commission was holding up FM but that he wanted to say that Chairman Fly had given FM its greatest impetus at that time, but since that time through failure to make available FM relay channels development of FM had been retarded.

He said in a new invention the only man who is right is the inventor himself—everybody else is wrong. Senator Hawkes asked whether that wasn't true of all types of inventions and Major Armstrong agreed but pointed out that radio is an instance where, if the Commission makes a mistake in granting authority for experimental purposes development might be forever stopped.

He gave as his opinion that due to expansion and prospects for expansion of FM too few channels are at present available and recommended that Television No. 1 be allocated to FM. He said such reallocation would not adversely affect television since in order for television to be available on a national basis it should operate on higher frequencies in order to accommodate sufficient licensees.

In answer to a question he said he thought that FM would be the major development in radio after the war.

In recessing the hearings until Tuesday, December 7, Chairman Wheeler said we will have Mr. Trammell on for "cross-examination."

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December 7, 1943

Present: Senators Wheeler, Chairman; White, Gurney, Tunnell, Tobey, Moore, Smith, Hawkes, Clark, McFarland, Bone, Shipstead, Truman, Austin.

Niles Trammell, President of the National Broadcasting Company, was the only witness. He endorsed generally the objectives of the Wheeler-White Bill and urged Congressional consideration of the need for new radio legislation.

He said there were two primary legislative objectives, namely:



"First, to guarantee broadcasting in all its forms as a free and unfettered medium of mass communications, secure from government censorship and bureaucratic domination.

"Second, to guarantee a sound economic system of broadcasting so that private enterprise may give to the American public, television, frequency modulation, facsimile, and all the other developments which science and the war research have made available, and thus continue to provide the radio audience with the world's finest radio service.

He said, "I shall support any change in the present Radio Act which accomplishes these objectives. I urge, however, that you guard against writing into the law restrictions which may seem expedient at the moment but which may prove to be a strait-jacket for this fast developing industry. . . . Only free private enterprise can obtain from these achievements the largest dividend in public service. . . . I consider it of prime importance that your Committee and the Congress write a clear and definite declaration that the Commission has no such power to control the 'composition of the traffic' directly or indirectly, either by the regulation of program policies or business practices. If American radio is to remain the greatest radio service in the world, it must be given a new freedom from fear, the fear of the blight of government control. . . . In radio the need for government regulation resulted from the physical characteristics of the transmission and reception of radio energy."

There was considerable discussion as to fundamentals of radio legislation, as follows:

Mr. Trammell: No, sir; go ahead, Senator Wheeler.

The Chairman: You have just stated that "the need for government regulation resulted from the physical characteristics of the transmission and reception of radio energy." Do you think that was the only reason why Congress enacted legislation?

Mr. Trammell: Yes, sir.

The Chairman: Why did we write into the law "public interest, convenience or necessity"? Why did we provide that radio should be regulated in the public interest?

Mr. Trammell: Because in order to get a wave length a man has to assure the Commission he is going to operate his station in the public interest.

The Chairman: Exactly.

Mr. Trammell: In other words, he must be qualified to operate his station in the public interest. His character must be such as to give assurance he will not misuse that facility. He must have financial stability. He must have a proper technical setup, a proper organization to run the station. In my opinion that was the primary reason for that provision of the law.

If you will recall, back in 1926—

The Chairman: So that it was not just simply

for technical reasons, as you mentioned a moment ago.

Mr. Trammell: Yes, sir; that was the thing that prompted the original legislation, in 1926.

The Chairman: That was one of the reasons, yes; and I was on this committee at the time when that legislation was considered and recommended. I think I know some of the reasons that actuated the committee in recommending legislation, and I know some of the reasons given in the discussion in the Senate when the committee made its recommendation. It was not simply to cover the technical situation. That was one of the controlling reasons, yes, but that was not the only reason. We wrote into the law the public interest provision, and while that, among other things, would cover the prevention of interference of one station with another, or one wave length with another, that "in the public interest" covers a number of things. We also wrote into the law a provision—and this comes down to a later time and is in the present law—that the Commission shall not have anything to say with reference to program content. That is in the law now.

Mr. Trammell: That is quite true, Mr. Chairman, but the decision of the Supreme Court—

The Chairman: The Supreme Court's decision could not possibly be interpreted as writing out of the statute that provision.

Mr. Trammell: Well, Senator Wheeler, what is composition of traffic, if it is not your program?

The Chairman: I do not know what the Supreme Court meant by that reference, to be perfectly frank with you.

Mr. Trammell: Neither do we, and that is the reason we think we have to have it clarified.

The Chairman: It could not be within the province of the United States Supreme Court to say that the Commission had the right to regulate program content when there was a specific provision in the law saying the Commission could not do that.

Mr. Trammell: The point I am making here is that composition of traffic to broadcasters, at least to us, means regulation of programs.

Now, I think that is one of the prime reasons why we are having these hearings. I think the members of your committee are very much concerned as to what the term "composition of traffic" means. I do not believe it is your intention that the Commission shall have a censorship over programs, but I do think in view of the Supreme Court's decision it has got to be clarified.

The Chairman: I think it is quite clear that so far as program content is concerned, the Commission has no right to regulate that.

Mr. Trammell: I was not here last Saturday, but as I read the statement of Commissioner Wakefield, and I admit that I read it rather hurriedly, that statement it seemed to me indicates his belief that the Commission does have cer-

tain controls over program schedules of stations. In other words, that they have authority to say you cannot have all commentators on your station, or you cannot have all speakers on your station, or cannot have all symphony music, or all jazz music.

As I say, I was not here on last Saturday and did not listen to Commissioner Wakefield's statement, but from reading his statement I think he indicated the Commission did have a certain amount of control over broadcasting so far as program scheduling is concerned.

The Chairman: Well, he advocated several things with which I do not agree myself. I was not very much impressed with some of the suggestions he made. But let me ask you this question: Let us say that here is a station and it goes on the air and simply puts on very bad programs; or they simply put out their own advertising; or put on the air their own ideas to the exclusion of everybody else, would that be in the public interest?

Mr. Trammell: I think it depends largely upon the number of wave lengths in that particular community. If you have an ample supply of wave lengths in that particular community and, let us say, the Methodists want to have a radio station, and the Catholics want to have a radio station, and agriculture wants to have a radio station, and labor wants to have a radio station, just as there are class publications or newspapers, it is perfectly all right to have such radio stations, and they can go on the air and express their views.

But under our present setup, and as the head of the National Broadcasting Company, I will say that is not our idea of operating according to public convenience, interest or necessity, so far as general over-all service is concerned.

The Chairman: When you come to the question of a local station, that is one thing.

Mr. Trammell: Yes, sir.

The Chairman: And then, when you come to a network, that is quite a different thing.

Mr. Trammell: That is true.

The Chairman: Because after all, networks are limited.

Mr. Trammell: They are at the present time.

The Chairman: They are limited because there is a limitation on the number of stations.

Mr. Trammell: That is right.

The Chairman: And there is a limitation in the matter of wave lengths.

Mr. Trammell: That is right.

The Chairman: Let us say that a network—and I know the networks are not doing it, but let us say here is a network operating throughout the country, and it just puts on the ideas—oh, well, it doesn't make any difference, but as an illustration we will say, the ideas of the Radio Corporation of America, which owns the National Broadcasting Company; or that they just want to put on their own philosophy of government, or their own theories on economics, or their own theories with reference to taxation.

Now, let us suppose that that is done, to the exclusion of everybody else, would that be operating in the public interest?

Mr. Trammell: Senator Wheeler, I cover that a little bit further along in my statement, but since we have started on it we might as well discuss it now, if you so desire.

The Chairman: All right.

Mr. Trammell: Under the present setup, with the limitation of networks, that would not be in the public interest. That is quite true, but—

The Chairman: When the Commission comes to pass upon the question of renewal of license—and I am not talking now about whether they should have any authority over each individual program, but in considering the over-all picture, shouldn't the Commission say whether or not it is in the public interest for a network to just put on their own theories and philosophies?

Mr. Trammell: I think as I develop this statement of mine you will see that you might have ten or twelve networks in this country, or there might be an ample number of networks—

The Chairman: Let us say there are eight or ten networks. And then let us suppose that all networks were to be left free as you suggest, with no one to determine what was in the public interest; everything left free to advocate their particular theories. Let us say that the Radio Corporation of America were left free to advocate its theories; or that the Blue Network owned by Mr. Noble, or the Mutual Network owned by certain large interests, or that Columbia owned by certain large financial interests, all went on the air and voiced the political theories of government, economics, and taxation that they favored. That would not be in the public interest, would it?

Mr. Trammell: No, sir. But there are two things that would preclude that from happening. First, you would lose your audience; and, secondly, you would lose your advertisers, which are the life blood of the broadcasting networks. In other words, you would not have any circulation if you advocated only one theory.

The Chairman: Let us see whether or not that is true. We know that in certain communities in this country there are newspapers owned by corporations, and that those newspapers express only the views or political philosophy of the owners.

Mr. Trammell: In their editorial columns, yes. But in the news columns they give a complete coverage of news.

The Chairman: Yes, they give a complete coverage of the news.

Mr. Trammell: Yes, sir.

The Chairman: But let us suppose that a radio station goes on the air, and even though it does give a complete coverage of the news, yet it puts on a commentator or commentators—and a commentator, after all, is merely an editor, expressing editorial views, not only upon the news but giving voice to his own particular views—let us say that they all went on and did



that identical thing. You realize that a network is far different from a local newspaper because it reaches into the homes throughout the country, whereas the newspaper is confined to a certain locality. If one wants to hear radio programs then he has to listen to some of the stations.

Mr. Trammell: I do not want to——

The Chairman: Suppose they all went on the air and expressed identical views, political, economic, social, and moral, and everything else, that would not be in the public interest, would it?

Mr. Trammell: No, sir. But please do not misunderstand me. I am not arguing that we should not operate according to public convenience, interest or necessity. We have always so operated, and I think we should. The point I think you want me to bring out is whether the Commission should have jurisdiction over determining whether we are operating according to the public interest, convenience or necessity; is that right?

The Chairman: Yes, sir.

Mr. Trammell: Of course, someone must determine that. I bring out later in my statement that the Commission has the right under certain procedure to bring about revocation proceedings, revocation of license, and I cover that later in my statement. But if you want me to go into it now I will do so.

The Chairman: I do not care about going into it now, but do want your views. I do not disagree with you in some ways, but do say that you cannot leave it up to an industry which has such tremendous power over public opinion; you cannot let them say that they will give expression to the views of only one side of a question. If that happened in this country we might very easily have what they have in Germany, because that is what Germany does, and that is what Russia does, and that is what Italy does.

Mr. Trammell: That is true; but let me say to you——

The Chairman: Or let us say a station, or a group of stations, are owned by an individual or a group of individuals, and they go on the air and say constantly what their theories are, or the theories set out by the President of the United States, or by a Republican Administration, or by a Democratic Administration, that would be a very bad thing because democracy is based upon discussion.

Mr. Trammell: Yes, sir. But I was going on to say——

The Chairman: And you cannot have in the true sense a democracy without giving opportunity for both sides to express their views.

Mr. Trammell: That is true.

Senator Smith: But who is to be the judge of public convenience, interest or necessity?

The Chairman: As I say, they are the representatives of the public, the Congress. But after all, they have to delegate that duty to some

commission, and it is an arm of the legislative branch of the Government.

Mr. Trammell: That is true.

The Chairman: I am trying to bring out the situation as I see it.

Senator Moore: Mr. Chairman, isn't the question here largely governed by this, that in so far as the radio industry needs to be regulated, the question is as to what extent there shall be a delegation by Congress of its power to regulate, or what guarantees should be set up by the Congress against arbitrary regulation by a commission?

The Chairman: I think that is exactly correct.

Senator Hawkes: Isn't Mr. Trammell presenting a very important fact in connection with the public, which is the most rigid censor after all?

Mr. Trammell: That is right.

Senator Hawkes: In other words, if you run your radio broadcasting so that the American public—who I believe still are in favor of free enterprise, in favor of freedom of thought and of speech—I say, if you run your broadcasting so that the American public do not like it, all they have to do is to turn a button and you are through, and then you have lost your position with your advertisers, and that is the whole business.

Mr. Trammell: That is quite true.

Senator Hawkes: Isn't that the point you really have in mind?

Mr. Trammell: That is quite true.

The Chairman: But I do not think that answers the question I have in mind. You have a different factor when you consider radio, and it is my contention that the public is entitled to have an opportunity to hear both sides of every question.

Mr. Trammell: That is our policy.

The Chairman: And I am not suggesting that that is not your policy. But I say there is a difference between saying a man who is not interested or who is disgusted or whatnot, may turn off his radio, and giving the public both sides of questions. The theory is not that a man can give whatever program he wants to give. A radio broadcaster must give the public an opportunity to hear both sides, and that is a vastly different question from giving the radio listener an opportunity to turn off his radio.

Senator Hawkes: But that opportunity on the part of the listener certainly does have a tremendous effect upon radio.

Mr. Trammell: That is true. Of course, it all comes back to one thing, and that is: What do you mean by public interest, convenience or necessity? Just think of the interpretation that can be placed upon that very broad general term and you will see where it affects——

The Chairman: You might say that with reference to a railroad.

Mr. Trammell: Mr. Chairman, might I finish this thought?

The Chairman: Certainly.

Mr. Trammell: We have 900 radio stations in this country, and we have 4 networks, and we are all operating in the public interest, convenience or necessity. Now, the checks and balances and competition between those four networks and the 900 radio stations for the listening audience, which is indirectly reflected in the advertising dollar; and I go back again and say that the checks and balances of these various things, one against another, is much safer than to leave control in determining public interest, convenience or necessity in the hands of a bureau of the Government. I mean, that has the final say-so. I think they have to be the real check, and you certainly have to have appeals to the courts before you have revocation of license.

The Chairman: I agree with you entirely that you have to have appeals to the courts, and that pending any such appeal you ought to have a stay of proceedings so the court can review the matter. I am inclined to believe that we ought to write into the law and not leave up to the whims of a bureau, certain directions as nearly as we can. I do not agree with Commissioner Wakefield, who said the other day he thought we ought to leave it entirely up to the Commission, and let them decide anything they want to decide. I think we have to lay down certain definite authority, the same as in the case of the Interstate Commerce Commission, but we do have to leave a certain leeway to the Commission.

Mr. Trammell: As I said a few moments ago, the one thing I hope this committee and the Congress will do is to relieve the broadcaster of the fear he is now subjected to—revocation of license. And, perhaps, because of some minor infraction of the rules and regulations.

The Chairman: I am thoroughly in favor of that position.

Senator Smith: Just leave it up to the United States Supreme Court and they will fix it. They have fixed the other law, and doubtless they will fix this one.

Senator White: Mr. Chairman, might I say a word about the situation?

The Chairman: Certainly.

Senator White: I am not so much in doubt about what we had in mind when we enacted the 1927 Act as I am as to what we should do now. I agree with the witness that the basic thought, both when the 1912 Act was passed and when the 1927 Act was passed, was that we were trying to regulate the transmission service so that interference would be reduced to a very minimum. The 1927 Act superseded the 1912 Act, and of course in 1912 broadcasting was in its swaddling clothes even if it had been born, and I take it then it only extended as far as communication to ships was concerned. If you will look at section 4 of 1912 Act this is what you will find:

“That for the purpose of preventing or

minimizing interference with communication between stations in which such apparatus is operated, to facilitate radio communication, and to further the prompt receipt of distress signals, said private and commercial stations shall be subject to the regulations of this section.”

There the regulations were limited to specific purposes, and were authorized for the specific purpose of reducing to a minimum interferences.

Now, when you come to the 1927 Act, as you will doubtless recall the passage of that Act was preceded by what we know as the breakdown of 1926.

Mr. Trammell: Yes, sir; when we had interference all over the country.

Senator White: It was asserted that anyone was entitled to a license who wanted one, in which the courts seemed to agree, and there was no effective control whatsoever of the physical aspects of radio communication, no effective control over transmissions, nor elimination or minimizing of interferences.

When we came to the 1927 Act we wrote section 303, which provides:

“Except as otherwise provided in this Act, the Commission from time to time, as public convenience, interest, or necessity requires, shall—”

And then it goes on to enumerate a number of powers, all of which have reference to physical things, a wave length a station may have, the power upon which it may operate, the time during which it may operate, the location of the station, and a number of other proscriptions, which make perfectly clear to me that at that time this reference to public convenience, interest, or necessity, first appearing in section 303, we were thinking again in terms of freeing the ether, of freeing communications from all unnecessary and avoidable interferences.

And so it is that I feel perfectly satisfied in my own mind that in 1927 as in 1912 we were undertaking to provide authority with respect to physical things in connection with communications. We are referred to public convenience, interest, or necessity in that connection. It unquestionably being the thought that as you reduced interference, as you minimized interference, you were making a contribution to public interest, convenience, or necessity.

It does not mean from what I have just said that expression “public convenience, interest, or necessity” should not have a larger meaning and a larger significance than that in which it was originally used. I am in pretty close accord with you, Mr. Chairman, on that. But I do not see how one can read the legislation of the past and be familiar with the circumstances existing 1926, without agreeing with the witness that we were primarily endeavoring to work out a system by which interferences should be kept at a minimum. And I repeat again, Mr. Chairman, that that does not mean that that definition



or that thought is a static one. We may have to move on.

The Chairman: There isn't any question but what that was one of the prime considerations. But as a member of this committee I know we discussed, both in the committee and during the hearings, various other subjects with reference to public interest, convenience, or necessity. I do not know what was in the mind of the Senator from Maine with reference to it, but certainly the Committee on Interstate Commerce of the Senate, while it had that thought in mind, and that was one thing that prompted it to take up the subject, yet it was done because the industry was here crying for it.

Senator Wheeler then expressed his opinion regarding controversial issues, licensing of networks, and so on, and on the hypothetical question as to monopoly of control of expression over the air by small groups of people, drew from Mr. Trammell the statement that "the checks and balances between four networks and 900 stations is safer in the hands of the public who have the alternative of listening to control the circulation and thereby the advertising dollar than it would be in the hands of a politically appointed bureau."

Mr. Trammell pointed to the fact that the entire broadcasting industry of the United States "has been built on the use of less than 100 roads or wave-lengths. We know now that we have available for future use many thousands and possibly millions of new roadways through the ether."

He said "Traffic regulations must always control the use of these radio roadways but the argument of limitation of radio wave lengths makes government control of the business or program aspects of broadcasting necessary is no longer true. Even in the present state of the art, there is no more reason for such controls than there is for similar control and regulation of the press.

"Contrary to general opinion, more radio stations are now licensed to operate in the leading cities of the country than there are daily newspapers in those cities. \* \* \* In cities where there are NBC outlets there are 386 radio stations compared with 280 newspapers or 106 more radio stations than newspapers.

"In New York City, for instance, there are 17 stations compared with a total of 11 Metropolitan newspapers. In Chicago there are 14 stations and 5 newspapers. In Denver 6 stations and 2 newspapers. In Washington 6 radio stations and 4 newspapers; in Cleveland, 4 radio stations and 3 newspapers; in San Francisco 8 stations and 4 newspapers.

"It is easier to acquire an existing radio station or to establish a new one in any city of the country than it is to acquire or establish a daily newspaper there."

"As to the future there should be no concern about the possible monopoly by the single ownership of a newspaper and a radio station in any community. Wave lengths are now available for the establishment of additional radio stations in any city, town or country village. Economic

conditions and government restrictions may prevent their establishment, but not the scientist."

He said that electronics is shaping a new world in the air—referring to television, facsimile, and so forth.

He said "The burden of transforming present day sound broadcasting into a national service of television, will fall in the first instance on the present day network companies, with newcomers adding to the competition for public favor and approval. Ownership and operation of key stations by networks will be as important in this new service as they are now in standard broadcasting. These key stations will be needed to create the network program service and to provide the economic basis to meet the tremendous development costs. It is clear that such an enterprise can not be self-sustaining until millions of television receivers have been sold.

"The questions that arise in these respects bear upon the fundamental philosophy of radio legislation in determining whether radio will be made to creep or will be allowed to walk in post-war development. For example present FCC regulations have already imposed a strait-jacket on the creation of television networks by prohibiting the ownership of more than three television stations by any one company."

He said "the entire broadcasting plant of this country will need to be remodeled—hundreds of new stations erected—new studio facilities constructed, new networks established and thousands of miles of new telephone lines and coaxial cables provided. All this means more jobs. \* \* \* Broadcasting began at the end of the first world war and in the intervening years a great industry has been established, as I have said before, on the use of less than one hundred wave lengths. I firmly believe that at the close of this war our potentialities are perhaps a hundred-fold-greater. It is our American system of network broadcasting that has attracted strong financial support, so that without subsidy by government, or tax on receiving sets—the only alternatives—American business and American business methods have provided the broadcasting service now a vital part of our national economy and culture."

Pointing to the need for financial support he cited the fact that "in the NBC network system the ownership of the affiliated stations, in addition to the six NBC itself owns and operates is as follows: other broadcasting concerns own 46, newspapers, 49, manufacturers 11, insurance firms 7, automotive dealers, 6, department stores and retailers 5, hotels and theaters, 4, and miscellaneous, 3."

He said that "if private enterprise is to develop the new services now potentially available, it must be given the opportunity to do so free from fear either of confiscation of investment or bureaucratic control of operations. Either would result in discouraging the risk, the initiative and the necessary enterprise."

With reference to the social and program aspects of broadcasting, he said "In the beginning,

and it will always prevail, the radio audience must first be induced to purchase receiving equipment and then to use the receiving set. With all the radio facilities in the world at our command we still cannot gather together a radio audience except on their own volition and because they desire to listen to what we broadcast."

The hearings recessed until Wednesday, with Mr. Trammell to resume the stand.

\* \* \* \*

December 8, 1943

Present: Senators Tunnell, Acting Chairman, White, Tobey, Moore, McFarland, Hawkes, Clark, Gurney, and Reed.

Niles Trammell continued his testimony. The full text of this testimony will be reproduced below. During the course of the hearing Senator Reed asked Mr. Trammell whether NAB was a "stooge" of the large networks. Mr. Trammell said that he thought Mr. Fly had been facetious in that remark but that certainly with the Board of Directors set up such as it is, with only two network members on it the NAB is not a "stooge" and the statement "just isn't true."

Mr. Trammell referred to the "dead mackerel in the moonlight" mentioned by Mr. Fly at the St. Louis Convention and said that whenever Mr. Fly gets in the spotlight he drags in one of these "red herrings."

Senator Clark, before leaving to attend another Committee assignment asked Mr. Trammell about the Petrillo situation in view of the fact that he and another member of that Sub-Committee were present. Mr. Trammell explained the situation and said that the funds requested by Mr. Petrillo would be uncontrolled and that it had been their policy not to go into any such arrangement. Senator Moore observed that it looked to him like it was "more or less of a legalized blackmail." Senator Clark asked whether the fact that Decca had signed had put the other record and transcription companies at a competitive disadvantage. Mr. Trammell agreed that this was so—extremely so. Senator Clark said that the Committee had racked its brains for a legislative solution but that they had been advised by the Department of Justice that they couldn't do anything about it under the Constitution and asked what consideration or what solution Mr. Trammell had to suggest. Mr. Trammell replied that while he did not advocate it as a policy that there might be a possible solution through amendment of the copyright law to provide for royalty payments.

During the course of the hearings in connection with free speech and government control, Senator Hawkes observed: "When you get to the place where the government tells the people and the people can't tell the government then we are through."

Mr. Trammell's statement is as follows:

"With the advent of war, the entire program structure of broadcasting was turned to aid the war effort. In the case of the National Broad-

casting Company alone, we now average three hours a day of broadcasts to promote the cause of victory. Of these programs 44% are in sponsored time and 56% in sustaining time. It is significant that the most effective war effort has been carried on the commercial programs, which have by far the largest audiences. For example, "Information Please" was used by its sponsors to sell \$678,000,000 worth of war bonds. The "Truth or Consequences" program has sold \$198,000,000 worth. All together the NBC has accounted for nearly a billion dollars worth of war bond sales.

"According to the OWI Domestic Radio Bureau, the broadcasting industry is contributing free of charge to the government approximately \$103,000,000 worth of time and talents a year.

"The National Broadcasting Company and the broadcasting industry acknowledge their social obligations. That does not mean that the broadcaster wants these social obligations imposed upon him as a matter of licensed authority. He wants them as a free citizen in a democracy, and I submit that there is a vast distinction between the two. The entire concept of broadcasting since the beginning has been one of public service. It is at once a policy of high standards and high ideals, and a policy of enlightened business methods. As the broadcaster satisfies his audience so he obtains and satisfies his clients, the advertisers.

"Broadcast advertisers, too, acknowledge the same social responsibilities and provide, day in and day out, the finest program service in the world.

"Last week, in celebrating fifteen years of fine musical programs on NBC, Harvey S. Firestone told the radio audience:

"The Voice of Firestone has endured the test of time in depression and war; because it is founded on the fundamental principle that whatever the sorrows or joys of life may be, the influence of good music is always inspiring and helpful. This is particularly true in these critical times when the pressure of work and the sorrow of war weigh so heavily upon us."

"The National Broadcasting Company's concept of broadcasting from the start has been one of maintaining the highest possible standards in all fields of program service.

"It was the National Broadcasting Company that broadcast the first radio performances of the Metropolitan Opera Company and of the Chicago Civic Opera. At first, operatic broadcasts attracted but a handful of listeners; today they command the weekly attention of millions. It was the National Broadcasting Company that organized the first symphony orchestra exclusively for radio; today it is one of the finest symphony orchestras in this country, again, with an audience of millions. It was the National Broadcasting Company that organized the first national service in the interests of agriculture; the first music appreciation hour for the nation's schools; the first presentation of the masterpieces of dramatic literature; and the first forum for public discussion.

"By throwing a switch and turning a dial, there



are available to the American home commercial or sustaining programs to meet the interests of all. Every night \$75,000 worth of talent performs on the American network radio stage. Every day an additional \$25,000 worth of talent works to attract and interest the daytime listeners. A total of \$100,000 daily for talent alone!

"In order to maintain the soundest concept of public service, the National Broadcasting Company at its inception announced a code of principles and practices which it has developed and expanded through the years, as a guide to its daily operations.

"We adopted principles to insure the reverent treatment of religious subjects, and a respectful presentation of creed and sacrament; we adopted principles to deal wholesomely with subjects of marriage and the home, of sex and crime. We have strict standards against morbidity and against dramatizations that would encourage insobriety and narcotic addiction. We broadcast no lotteries or gambling ads.

"We recognize that radio is a universal medium, that it appeals to men, women and children. Programs for children receive the closest scrutiny to encourage respect for law and order, parental authority, good morals and to avoid suggestions of horror and other undesirable features.

"Equally strict are the advertising policies governing the sale of broadcast time that have been adopted by the Company. We do not accept advertising of products which contain dangerous or habit-forming drugs. The Company will not accept for commercial sponsorship speculative enterprises, alleged cures, fortune telling services, racing organizations or of professions or services whose advertising is generally regarded as unethical.

"These are some of the principles and practices that we have established under our own Code of self-regulation of program content. As we gain in experience, we revise or add new rules to guide us in our daily operations. Broadcasting should not be bound by inflexible restrictions.

## NEWS POLICIES

"Freedom of the air is a freedom which must be preserved for the American public. Those who exercise a stewardship over the broadcast facilities of this nation have the duty to bring to radio listeners a full and impartial presentation of news and public affairs and of men and events which affect the American way of life. The fundamental purpose of news dissemination in a democracy is to enable people to know what is happening and to understand the events so that they may form their own conclusions. That purpose can be accomplished only if radio is kept free from government and bureaucratic control.

"In the field of news broadcasting, now such an important part of our program structure, we have developed principles and practices in the public interest governing all of our news broadcasts both sponsored and sustaining.

"The company broadcasts no editorial opinion

on its own account and will not allow newscaster or commentator to reflect an opinion on the company's behalf.

"The editorial responsibility of the National Broadcasting Company in its service of news, commentary and public discussion is to maintain freedom of expression, but to guard against inaccuracy, unfairness and partiality; to see that all phases of opinion are reflected in its broadcasting services; to cooperate in every way with public authority and government in the interests of national defense and civilian morale; and finally, to eliminate from the current flow of day-by-day news and commentary, the trivial, the harmful, the slanderous or the malicious.

"The National Broadcasting Company, in addition, labels and identifies "opinion" or "editorial" broadcasts by commentators and other speakers as distinguished from news reports.

"We apply common sense based on experienced judgment to the consideration of every program of news, commentary, and public discussion. We cannot avoid occasional mistakes and we cannot avoid occasional criticism. We employ the best qualified people we can engage, and day in and day out there is a continuous check on what goes out over the air.

"I would like to introduce for the record as an Exhibit C the names and the qualifications of the 36 members of our reporting staff who produce our news broadcasts.

## PUBLIC SERVICE

"I believe I have indicated sufficiently that as one of the four national network services of the country, the National Broadcasting Company is alive to the problems of public service discussed at these hearings. No medium is more directly in contact with the public which it serves. None is more immediately aware of public acceptance or public rejection. The broadcaster knows by telephone, by letters and by frequent measurement of listening what the public thinks of his service.

"In the educational activities of National Broadcasting Company headed by Dr. James Rowland Angell, the distinguished President Emeritus of Yale University, the company has a solid record of achievement. Each year the National Broadcasting Company has been awarded honors for outstanding service by the various educational groups of the country. At this point I would like to introduce for the record as our Exhibit D, a report of our Public Service Department for the first eleven months of this year.

"In the field of religious education, in which National Broadcasting programs have been outstanding, I quote Monsignor Fulton J. Sheen, representing the Catholic Church, who said "There is no corporation in the entire United States which has made such a contribution to religion as the National Broadcasting Co."

"For the Protestant Church the Rev. Harry Emerson Fosdick said "No religious opportunity comparable with that furnished by the National Broadcasting Company to reach every conceivable

kind of human being in the country ever existed before."

"For the Jewish faith, Rabbi Jonah B. Wise stated, and again I quote: "It is difficult to put a value on the kind of service rendered by this means—we find that this communication means a spiritual rebirth and a spiritual companionship."

### DAYTIME SERIALS

"Referring to daytime serials for a moment I should like to say first that the criticism of these programs, referred to as "soap operas" by those who wish to disparage them, is almost entirely without foundation. They are a form of Americana, listened to by millions, who find in them both relaxation and inspiration. Today these daytime serials are also making a substantial contribution to the war effort, many of them with war and patriotic themes, and all of them carrying the various message of information helpful to the American public and the armed services.

"We have excellent daytime serials, some better than others. Those that do not attract audiences are always displaced. There is continuous improvement in this field as in every other field of radio programs.

"Some months ago the National Broadcasting Company asked a committee to conduct a preliminary study of the daytime serial. The committee consisted of Dr. Henry R. Viets, noted Boston neurologist and lecturer on neurology at the Harvard Medical School, Dr. Winifred Overholser, widely known psychiatrist and professor of psychiatry at George Washington University School of Medicine, and Dr. Morris Fishbein, Editor of the Journal of the American Medical Association. Let me quote some findings from their report:

"The psychological problems which are featured in the daytime serial dramas studied are essentially the problems of daily life: love, marriage, divorce, ambition, adoption, illness, parent-child adjustments, occasionally greed, envy, deceit, misappropriation of money, but altogether in no undue proportions. The listeners identify themselves and their own major and minor crises with the characters of these dramas. Since, however, the tendency of all the dramas is toward the solutions that are generally accepted as ethical in our 'social existence, the effects of the dramas tend towards helpfulness rather than harm.'

"The report points out that 'The radio serial drama is the principal attraction of the daytime program schedule. They seem to fill a real demand for a public of considerable size and their shortcomings are heavily outweighed by their virtues.'

"If daytime serials presents a 'problem,' government regulation is certainly not the answer.

"I have here a quotation from the "New York Times" of November 28, which indicates that our contemporaries, the British Broadcasting Corporation of England, have their program troubles too. I quote:

### BBC ITEMIZES SUBJECTS ON WHICH JESTS ARE TABOO

'London, Nov. 28—A stringent code of taboos adopted by the British Broadcasting Corporation, according to a report in the Sunday Chronicle today, forbids jokes about the Home Guard, black market, police, American soldiers, any of the feminine branches of the armed services, Army officers (although not enlisted men) intoxicating drinks or the bombing of Germany. The Chronicle's list also included in the ban the American Southern accent, except in minstrel show programs; the impersonation of persons on the "Brain Trust" program—the British version of "Information Please"—the jazzing of classical music and the singing of nostalgic tunes, lest the latter make soldiers homesick.'

"In summing up this entire program matter, and the social aspects of broadcasting, it is my belief that self-regulation and not bureaucratic edict should control the 'composition of the traffic.' Public pressure exerted by the listener and the economic self-interest of the broadcaster argue that the responsibility for program service in the public interest belongs to the licensee.

"Let me remind you that the technical developments in broadcasting, whereby we will be transmitting news as it occurs, with sight as well as sound, printed news; newsreels; and motion pictures; will bring new problems multiplying the responsibilities of the broadcasters, yet making it impossible to formulate new laws or regulations to control public discussion, balanced discussion opinions, news or other type of information. Obviously any such controls must apply automatically to newspapers, magazines, books, pictures, newsreels and motion pictures. Personally, I do not think it can be done and at the same time preserve the American doctrine of free speech or free press.

### REGULATION OF BROADCASTING

"This brings me to the subject of regulation. I have tried to indicate some of the technical aspects of broadcasting, some of the economic aspects and some of the social and program aspects. All of these present serious problems for your consideration in the drafting of new radio legislation.

"Government control of radio has only recently become a serious threat. Though the present Communications Act has many defects the industry grew and flourished under it for years. What has happened to us lately is the result of excessive zeal on the part of bureaucracy to apply new social concepts to American industry. It hit radio a little late but when it did, broadcasting got into trouble.

"The more successful broadcasting became, the more it attracted the attention of the bureaucrats, and the more opportunities it presented for exploitation by those in government who saw in broadcasting a powerful instrument to be used in remaking America. The infiltration of government control in broadcasting has been devious



and gradual. Every pretext and excuse for extending these controls has been utilized.

"The argument is now advanced that business control of broadcasting operations has nothing to do with program control. This is to forget that 'he who controls the pocketbook controls the man.' Business control means complete control and there is no use arguing to the contrary. I believe that neither the nation nor the broadcasting industry can exist, as was said many years ago 'half slave and half free.'"

"Nor do I believe that you can have a government controlled radio in this country and preserve democracy. You cannot have government controlled radio and maintain either free speech or free press. We have too many an example of what has happened in other lands. I call your attention to the fact that in every land where democracy is dead there is government control of radio, the press and the church.

"One other difficulty in respect to the new concept of radio regulation is the tendency to consider broadcasting as a sort of public utility, despite the fact that the present Act itself specifically declares that broadcasting shall not be considered a common carrier.

"To illustrate: the present Federal Communications Commission has four members who have been engaged in public utility operation or regulation. While the Commission does regulate common carrier in the radio field, these same four members, constituting a majority of the Commission, also regulate broadcasting. Nearly every regulation enacted by the Commission in recent years with the force of the law has been of a kind and character that has come to be associated with public utility regulation.

"Broadcasting wants no immunity from laws that apply to all industry. It asks no favoritism from government. It requires no subsidy. It does not ask to be exempt from the operations of the Sherman Anti-Trust law or the Clayton Act. But I submit that restriction which would goosestep an industry, penalize leadership, discriminate against station owners, delay the introduction of new services and make it impossible for initiative and enterprise to undertake the post-war task of upbuilding and rebuilding which will face the American broadcasting industry, is to destroy the business, shackle the freedom and arrest the progress of the broadcasting art.

"With radio in the United States under bureaucratic control of research, of enterprise, of business and of program policies, I say broadcasting can become a federal monopoly without Government owning a single share of stock in a radio station or having a single representative in corporate management. Such power is a gun aimed at the heart of all our democratic freedom. If the people's stake in radio is to be protected, it is for Congress to say, in the language of that popular ditty: 'Lay that pistol down, Babe.'"

Following this appearance of Mr. Trammell, Mr. Fred Weber of Station WDSU, New Orleans, testified and stated that his appearance was due

to a request by the Clerk of the Committee. He read a brief statement in which he said that in a definition of "public interest, convenience and necessity" there were three elements. One: physical powers—Two: economic powers and three: program powers. He said that the Commission must have complete control in physical powers and sufficient control in economic powers to insure competition and that it should have absolutely no program powers. He said that if the Supreme Court decision meant by "composition of the traffic" interference in programs that a statute should be written clearly to negate any such power.

He said if the decision meant that the Commission had broad power over all business practices then that power should be limited by statute. He said that the Commission should not have any authority to make any determination regarding the quality of the program, the nature of legitimate business, the kind of businesses to be advertised or the kind of equipment to be used, nor of the specific type nor proportion of type of program to be broadcast.

He said so long as there is legitimate competition, free speech will take care of itself. If competition is not free then the government needs to control. He recommended also that for violation of statute that the violation should be tried in court and not before the Commission.

In answer to a question by Senator Tunnell he said that he believed in equal opportunity for all sides of controversial subjects but that you should try to express it by statute because it might lead to an intolerable situation.

The hearings were adjourned until December 9, 1943.

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#### Senate Hearings—December 9, 1943

The hearings opened on December 9 with Mr. Bernard Smith of New York, as the first witness. Present were Senators Tunnell, Acting Chairman, White, Tobey, Moore, McFarland, Hawkes and Bone. Mr. Smith advocated that more sustaining "public interest" programs be broadcast in choice evening hours. Briefly his recommendation was that half-hour sustaining "public interest" programs be required, but he was not clear as to whether this should be done by Statute or the Commission.

Mr. John V. L. Hogan, Consulting Engineer, and part owner of Station WQXR, New York, appeared responsive to the Committee's request, and in answer to questions said that FM stands at present as a proven practical operation, and that while Television is practical from an engineering standpoint he was not qualified to answer regarding the economic feasibility. Responsive to a question from Senator Bone he said that electrical transcribed programs are better than live programs produced over long distance wire lines which are presently in use. He pointed out however that wire line quality can be and has on short hauls been increased to 16000 cycles—the question is one of economic feasibility.

With reference to the effect of the allocation of FM on the Standard Broadcasting, he pointed out that high power clear channels are at present located near talent centers and render during the day good primary service to areas surrounding talent centers and in the night the secondary services render tremendous rural coverage. He said in the case of his own station WQXR 25% of his night time audience was in secondary areas.

He said that the next step, after the FM industry has built an audience, it seems reasonable to expect, that all regional and local stations will be converted to FM and then as a result it is reasonable to expect that clear channel service will continue for rural areas, allowing more clear channels and thus relieving congestion.

He said it might be practical to separate the clear channels in the United States by 20 kilocycles instead of 10, and the intervening channels be assigned to Canada, Mexico, etc., thereby rendering a solution of the whole international problem of broadcasting.

He pointed to the progress that has been made in facsimile and objected to the Commission's restrictions against designating facsimile alone—the requirement that an FM channel would not be assigned exclusively for facsimile but must be

assigned in conjunction with an FM Broadcasting station.

In response to questions by Senator Bone and Senator Tunnell, he said, "I may be radical with respect to the view I have that decent people do a decent job. I think our broadcasting industry has done a really excellent job. It started with no regulation whatever and it has been doing a good job since then. The only time it went haywire was—(during the breakdown of the law when the government was precluded from withholding licenses, assigning frequencies, designating time of operating power of stations). At that time some men ran amuck—no doubt about it—proving the necessity of type of regulation we are talking about, but I have not seen any improvement in the effectiveness of broadcasting as a public service that is consequent upon any attempt to regulate programs externally by the Commission or by law, or any attempt to regulate the business by the Commission or by law. I have never seen a useful result come out of that. . . . I trust you will include a really strong injunction that all proper consideration be given to the development of new service in radio service—the maximum encouragement you can for these things because without these things there is no progress."

Hearings recessed until Friday, December 10.