

THE WEEK IN WASHINGTON

Senator Wheeler (D. Mont.), chairman of the Interstate Commerce Committee, alleged this week that network commentators were "editorializing" and started an investigation. (p. 143)

A complete program of BMI music is to be presented at Town Hall in New York, March 13. Sales of BMI records and sheet music continue to show the importance of radio as a means of making music popular. (p. 143)

The NAB convention Housing Committee is ready for business. (p. 145)

A proposed form to be used in obtaining the War Department's permission for commercial programs from Army posts is included in this issue. (p. 145)

Establishment of the Clear Channel Broadcasting Service with an office in Washington, D. C., was announced by Edwin W. Craig, WSM. (p. 146)

The entire industry is cooperating with NAB's "movin' day" promotion. (p. 147)

James Lawrence Fly, Chairman of the FCC, and Joseph L. Miller, NAB Labor Relations Director, were among the speakers at a luncheon given by the American Civil Liberties Union. (p. 147)

Mr. Fly told a press conference that the FCC had begun the study of its "monopoly" report. (p. 150)

Wheeler Questions Networks About Commentators

Senator Burton K. Wheeler (D. Mont.), chairman of the Interstate Commerce Committee, addressed the following self-explanatory letter this week to the Mutual Broadcasting System:

February 12, 1941

Mr. Fred Webber
General Manager
Mutual Broadcasting Co.
1440 Broadway
New York, N. Y.

My dear Mr. Webber:—

A few days ago I called in Mr. Butcher and Mr. Russell representing the Columbia and National Broadcasting Companies re-

spectively, and asked them to furnish me with a list of the commentators over their stations, together with the names of their sponsors, and if the sponsor is a corporation, to give me the name of the President of the Company, and the members of the Board of Directors.

You will recall that just recently the Federal Communications Commission reprimanded a station in Boston for editorializing the news. In checking up on your commentators, I find that on the war issue particularly they have been not only editorializing, but in many instances propagandizing.

I would like very much to have you send me a copy of the script of your commentators during the past year. Complaints of propaganda by the radio, by some of the newspapers, by many columnists, and the motion picture industry, have become so numerous that official notice must be taken of them.

When we passed the Communications Act we tried to write into that legislation provisions which would require all broadcasting chains and stations to give equal time to both sides of every public question. While the originating stations of the chain have generally given equal time to individual speakers on the more important public issues, I question whether or not their affiliates have done so, and sponsored news commentators on the chains have been quite one-sided on the great issue that is pending before the country at the present time, namely, the lend-lease bill, and the question of our own neutrality.

If we are to preserve Democracy in the United States it is absolutely necessary on fundamental issues, such as granting dictatorial powers to the President, and the question of Peace or War, that the people should be fully and impartially advised. The only way that Hitler, or Stalin or Mussolini are able to keep their people in subjection is because of controlled press, radio and motion pictures.

Respectfully,

(Signed) B. K. WHEELER.

BKW*m

BMI

BMI CONCERT

A complete program of BMI music is to be presented by Otto Cesana and his orchestra at the Town Hall in New York on the evening of March 13.

This occasion may well make history not only for BMI but for the whole field of American music. The famous evening when Paul Whiteman first appeared on the concert stage stands in retrospect as the opening of

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Neville Miller, President C. E. Arney, Jr., Assistant to President

Edward M. Kirby, Director of Public Relations; Joseph L. Miller, Director of Labor Relations; Paul F. Peter, Director of Research; Russell P. Place, Counsel; Lynne C. Smeby, Director of Engineering

BMI

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a new chapter in the story of American music. It was at that time that critics began to recognize the real musical importance of jazz as the American idiom. The so-called "serious" composers have become increasingly concerned with the development of the characteristic American musical speech. The young composers now make constant use of the expression "symphonic jazz." The borderline between "popular" music and "serious" is becoming blurred and shows signs of fading out. Those terms are losing their meaning. The emphasis is falling rather on the fact that we are producing music which is as American as hot dogs and chewing gum. Whether it be called jazz or swing is no longer important, but only the fact that it is characteristically American music.

Otto Cesana is well known as teacher, composer, and conductor. The direction of his musical interest is suggested by the title of the final number on his program for March 13, *Symphony in Swing*.

It is very significant that he should present a full program of music in the American idiom for a concert hall audience.

It is also very significant that every number on the program should be drawn from the BMI catalogue.

MORE CATALOGUES ACQUIRED

BMI has completed a contract for the licensing of the music controlled by the Society of Jewish Composers, Publishers and Songwriters. Some stations already have a license from this Society and in such cases adjustment of fees will be made.

BMI has also acquired the performance rights in the catalogue of band music controlled by Jean Missud of Salem, Massachusetts. This catalogue has about fifty well known and useful band numbers. Mr. Missud is an almost legendary figure in the band world. He is now eighty-nine years old and still rehearses regularly every Tuesday evening.

BMI has also completed the contract for the catalogue of the Majestic Music Corporation which is managed by Arthur Shilkret, son of the famous bandleader, Nat Shilkret.

BMI FEATURE TUNES

February 17-24

1. HIGH ON A WINDY HILL
2. YOU WALK BY
3. HERE'S MY HEART
4. BUGLE WOOGIE
5. IT ALL COMES BACK TO ME NOW
6. MAY I NEVER LOVE AGAIN
7. I CAN'T REMEMBER TO FORGET
8. WISE OLD OWL
9. ACCIDENT'LY ON PURPOSE
10. KEEP AN EYE ON YOUR HEART
11. BECAUSE OF YOU
12. ALL I DESIRE
13. WALKIN' BY THE RIVER
14. LET'S DREAM THIS ONE OUT
15. LITTLE SLEEPYHEAD
16. ANYWHERE
17. BREAKFAST FOR TWO
18. I LOOK AT YOU
19. SHADOWS IN THE NIGHT
20. A STONE'S THROW FROM HEAVEN

The records of sales of sheet music and phonograph records and of play on the coin phonographs continue to establish conclusively the prime importance of radio as a medium of popularizing music. 12 of the 15 sheet music best sellers, 8 of the 10 best selling records, and 5 of the 10 coin phonograph leaders are licensed through BMI. These numbers include 9 BMI publications, 2 of Southern Music, and 1 from Marks.

Nevertheless there are clear indications that the BMI music wins and holds the public favor by its merit. The radio Daily for February 10th carries the following significant item:

Philadelphia—Although WDAS, here, has both BMI and ASCAP contracts and performers have been flocking to the station in order to be able to present any music, 85 per cent of the numbers played by the station are from non-ASCAP catalogues. Station's musical fare is built on popular requests of the public.

KATE SMITH FEATURES "WE'RE ALL AMERICANS"

Kate Smith, one of America's best loved singers, has made a new record of We're All Americans, the patriotic march song written by Jim Mangan, Merchandizing and Advertising Director of the Mills Novelty Company, which is licensed through BMI. It is understood that Miss Smith plans also to make the use of this song a feature of her weekly broadcasts on Friday evenings.

BMI WINS IN MARATHON PROGRAMS

Station WIP of Philadelphia challenges the claim of KTRH of Houston, Texas for the longest commercial program on the air, but announces similar results from the

use of BMI music. After receiving the reprint of the letter from KTRH which was recently mailed out, Murray Arnold, WIP's Program Director wrote Mr. Tompkins that WIP has an all-night program called *The Dawn Patrol*, sponsored by the Pep Boys (Auto Accessories), devoted entirely to music and running for 5¾ hours. "Since the first of the year," writes Mr. Arnold, "our telegram and mail response on this program has been slightly *over average*, which to me is a very fine indication of what our listeners think of BMI music."

HISTORY REPEATS ITSELF—TO MUSIC

The list of numbers suitable for special Washington's Birthday programs recently sent out to BMI member stations included the new BMI arrangement of an Old English song, *Heart of Oak*. This number was written by the English composer Boyce in 1710 during the so-called War of the Spanish Succession when Louis XIV of France was trying to establish the Bourbon dynasty to the Spanish throne. England had, not long before, ousted the autocratic James II, who fled to the French Court. Louis XIV, who was in some respects the Hitler of his time, found his way blocked by the military genius of the English general, John Churchill, Duke of Marlborough, direct ancestor of the present Prime Minister. There was then, as now, the threat of an invasion of England from the military power which was dominating the continent of Europe. The second stanza of *Heart of Oak*, now issued in its new BMI arrangement, may stand as well today as in the circumstances for which it was written more than 230 years ago:

They swear they'll invade us, these terrible foes,
They frighten our women, our children, and beaus;
But, should their flat bottoms in darkness get o'er,
Still Britons they'll find to receive them on shore.

NAB

HOUSING COMMITTEE READY

The Housing Committee for the assignment of reservations at NAB's Nineteenth Annual Convention to be held at the Jefferson Hotel, St. Louis, Missouri, May 12 to 15, inclusive, has perfected its plans and is ready for business.

Chairman Ray Dady, KWK, and his committee consisting of Rev. W. A. Burk, WEW; Arthur Casey, KMOX; Frank Eschen, KSD; and Elzey Roberts, KXOK, have perfected plans which assure an orderly and efficient handling of all requests for reservations. We cannot urge too strongly upon broadcasters the wisdom of early attention to their hotel requirements at St. Louis.

The convention city is unusually well equipped to care for the varying requirements of broadcasters but

there are other events scheduled in St. Louis simultaneously with ours and we sincerely hope that broadcasters will get their reservations in early in order to insure themselves proper accommodations.

All requests should be addressed direct to the hotel at which accommodations are desired. They will then be referred to the Housing Committee for final attention. Other matters connected with the convention are being ably handled, by the various committees appointed by Tenth District Director John J. Gillin, Jr.

PROMOTIONAL EXHIBITS

Howard O. Peterson, WOW, Convention chairman of the committee to assemble and stage the exhibit of station promotional material and his committee consisting of Chick Allison, WLW; J. Soulard Johnson, KMOX; and Robert Sampson, KWK, have perfected an effective plan. The outline of this plan will be sent to all NAB member stations within a short time after you receive this week's *REPORTS*. We urge your cooperation and immediate attention.

DISTRICT 13 MEETING

A meeting of the NAB stations in the Thirteenth District (Texas) is scheduled for February 28, in San Antonio, at the Gunter Hotel beginning at 10 a.m. A staff representative of NAB will attend to discuss industry problems and Association activities, and Carl Haverlin of BMI will bring the Texas broadcasters up to date on music developments. Election of a District Director for the ensuing two-year term will be another important item of business.

REALLOCATION ERRORS

Reallocation frequency list carried in February 7 *NAB REPORTS* listed the wrong call letters for three stations. On page 119 the call letter of Newburgh, New York should be WGNV instead of WHNY and on page 124 the call letter of Tyler, Texas should be KGKB instead of KGXB. The call letter of Modesto, California should be KTBR instead of KTRD.

PROGRAMS FROM ARMY POSTS

In a previous issue of the *REPORTS* advice was given to broadcasters that in arranging sustaining programs at Army camps, permission may be secured from the commanding officer of the post involved. The War Department has now provided information respecting the method of clearance of commercial programs originating at Army camps or posts.

A suggested form which is published herewith in full has been prepared for the use of any station or network desiring to secure permission to originate commercially sponsored broadcasts. This form should be prepared in

triplicate and sent direct to the Public Relations Director of the War Department at Washington, D. C. His address is 2012 Munitions Building.

This form has not been printed or mimeographed but those desiring to make requests are asked to follow it closely. The War Department states that it does not desire to burden stations with a multiplicity of questionnaires but is anxious that station and network requests for the origination of commercially sponsored programs be submitted as indicated.

NAB is cooperating with the War Department and other national defense agencies and seeking to make radio's part effective. Broadcasters are, therefore, urged to follow the procedure outlined, namely: On sustaining programs, make request directly of the commanding officer of the post involved; on commercial programs, send the request in triplicate to the address above given in the following form:

(To be sent in triplicate)
....., 1941.

SUBJECT: Request for commercial radio broadcast from military reservation.

TO: The Director, Bureau of Public Relations, Room 2012, Munitions Bldg., War Dept., Washington, D. C.

1. Stationlocated in.....
(City)

FCC License in name of..... requests authority to originate a commercially sponsored broadcast (by wire or transcription) from.....
(Name of Camp, Post or Station)

2. The following essential data is submitted for your information:

Date of program or schedule.....
Length and time of program.....
Name of sponsor.....
Product to be advertised.....
What is the general nature or type of the program? (Give brief outline of the entire program)—musical? talking? etc.
.....
Do you contemplate using Army talent? If so, of what nature?

.....
If you plan on using any particular individual officially connected with the Army on the program, state whom you desire and the nature of his appearance.

.....
Where do you desire to install microphones? Give definite location. If a building, at what actual location in the building?

.....
What line or circuit facilities will be required? (1).....

.....
Actual time wires to be in use, From To
Is program to be transcribed?.....
If so, is it planned to use the transcription on other stations?

3. It is understood that the program must be produced without expense to the Government and will not interfere with the normal training of the troops at the point of origin. It is also understood that the program must meet with the approval of the Commanding Officer of the Army post concerned.

4. It is further understood that the following must be announced at the opening and close of the broadcast:

"The presentation of this program from Fort (name of the Fort or Camp) does not constitute an indorsement by the War Department or its personnel of the product advertised, the origination of the broadcast from this station being made solely for the entertainment of the military personnel serving at this post."

5. The text of the proposed commercial copy to be used in this program—opening—middle—close—it attached.

Give name of your representative in charge of program.

.....
(Name)

.....
(Official Status)

NOTE: To be signed by an officer of the corporation in which the name of the station license is held. If individually owned, to be signed by the individual.

CLEAR-CHANNEL STATIONS OPEN
WASHINGTON OFFICE

Establishment of the Clear Channel Broadcasting Service with office in Washington, D. C., was announced by Edwin W. Craig, Nashville, Tenn., chairman of a committee composed of independently owned radio stations throughout the country.

The service, Craig explained, is intended to familiarize American radio listeners with the importance of preserving "clear channel" broadcasting primarily as a domestic service, but also in line with the North American Regional Broadcasting Agreement which goes into effect March 29, 1941.

The Washington office will be headed by Victor Sholis, who recently resigned as Special Assistant to the Secretary of Commerce.

Clear channel stations are those broadcasting with a power of 50 kilowatts on a wave length not shared by any other radio station at night. "Since 81.7 percent of the United States is solely dependent upon clear channel broadcasts for radio reception at night," said Craig, who is Vice President of WSM, Nashville, Tenn., "the importance of this type of station is obvious. Without these stations, all the residents of this tremendous portion of our country would be living in a radio 'blackout.'

"Under the treaty entered into by the United States, Canada, Mexico and Cuba, however, the principle of clear channels assumes additional importance. The United States has been assigned exclusive use of 25 such channels in this agreement. Unless these channels are used as prescribed in the treaty—only one station at night to a channel—the United States loses its priority on the channel. Our neighboring countries would then be entitled to set up stations on these channels.

"This would mean that many American radio listeners would be denied the chance to hear broadcasts at night. It is our hope that our service will acquaint the millions of American radio listeners with the stake they have in preservation of clear channel broadcasting," added Craig.

Radio Movin' Day

The NAB broadside on Radio Movin' Day, March 29, will be mailed to all stations tomorrow, February 15. The two big jobs ahead are: (1) education of the public; and, equally important, (2) education of servicemen and dealers.

March 10 is suggested as the approximate date for bringing the reallocation story to the public. Right now is the time to set the stage for the public campaign of education and promotion and to line up the servicemen for a Radio Rally.

RADIO RALLY IN CHICAGO

On behalf of Chicago broadcasters, Don E. Kelley, of WLS, wired today that there would be a giant Radio Rally of the servicemen and the trade early in March.

CHARLESTON RALLY

Charleston, S. C., Radio Rally will be held February 18, according to John M. Rivers, president, WCSC.

UTILITY STUFFERS

In Janesville customers of the Wisconsin Power & Light Company will receive Movin' Day stuffers in their bills. This was arranged by James F. Kyler, general manager, station WCLO.

Furthermore, wrote Mr. Kyler, Les Hayes of the power company asserted that the company will "be more than glad to cooperate in every manner possible."

IN LOUISVILLE

Though the Louisville Gas & Electric Company collects all of its accounts by solicitors, it will cooperate with Louisville stations by devoting a large space in the Louisville Courier-Journal to Movin' Day. Advertising Manager Green's decision was reported by Steve Cisler, manager, WGRC.

IN COLUMBIA

In Columbia, S. C., G. Richard Shafto, manager, WIS, "has obtained agreement of the South Carolina Electric and Gas Company whereby the power company will mail a list of the new frequency assignments within the state of South Carolina to all consumers. This will be contained in the regular monthly statements for service."

IN JAMESTOWN

Simon Goldman, manager, WJTN, Jamestown, N. Y., reports that the local servicemen are anxious to cooperate all along the line.

IN BOSTON

Boston members of RSA are conducting classes for members demonstrating every available type of me-

chanical tuning so that on and after March 29 Boston push buttons may be setup with dispatch.

IN WEST PALM BEACH

In West Palm Beach, Florida, city officials, county officials, the school system, Red Cross, Unified Drive and Girl Scouts have volunteered to help Steve Willis, general manager, WJNO, spread the news of the station's new dial location. The Boy Scouts volunteered to distribute notices house to house. The County Ministerial Associations are considering the observance of March 30 as "WJNO Day."

OVER NBC BLUE

Dr. O. H. Caldwell, editor, RADIO TODAY and former radio commissioner, will discuss reallocation on his broadcasts over WJZ and the Blue Network on Fridays at 7:15 p.m. The subject will occupy all of Dr. Caldwell's radio talks beginning February 21 straight through to and including Friday, March 28.

AT WBIG

Major Edney Ridge of WBIG, Greensboro, N. C., has begun to plug Movin' Day in his weekly printed, advance program schedule. That for February 18 contained a three column box, four inches deep.

Other utilities which have pledged cooperation were reported to members in the bulletin of January 31.

YOCUM HITS FREE OFFER

Ed Yocum, KGHL, Billings, Montana, recently received a form letter from the MacFadden Publications, offering "without a penny of cost to your station," dramatic script, "This Is My True Story" and another "True Detective Mystery." Both were for a half hour. On receipt of this free offer Mr. Yocum made a counter offer, knowledge of which we believe will be advantageous to all stations. Here is what he wrote:

"We have available for you, without a penny of cost to your editorial department, a series of success stories by advertisers who have used this station. If and when, MacFadden Publications care to carry this material, we will be happy to carry the also gratis advertising suggested in your letter of January 31st."

The letter was addressed to George B. Davis, Sales manager, MacFadden Publications, Inc., Bartholomew Building, 205 East 42nd Street, New York City.

FLY AND JOSEPH MILLER ADDRESS CIVIL LIBERTIES UNION

James Lawrence Fly, chairman of the FCC, and Joseph L. Miller, NAB labor relations director, were among the speakers February 12 at the Lincoln's Birthday Luncheon of the American Civil Liberties Union in New York. Their talks:

Mr. Fly—

How can radio broadcasting best function as an instrument of democracy? The Federal Communications Commission receives

scores of suggestions each month on this subject. Let me describe a few of them.

One type of suggestion involves keeping something or other off the air. Thus a Georgia resident, in the interest of democracy, wants to ban all news from Germany. A New Jersey man wants to ban all news. A citizen of the Bronx believes that the majority should rule, and that any opinion not approved by a majority of Americans should be prohibited.

A woman from Pennsylvania, however, has brought forward the most far-reaching suggestion. She wants the Federal Communications Commission, until peace returns to this war-torn world of ours, to shut down broadcasting stations altogether.

The Commission usually replies to such suggestions that under the Communications Act it has no power of censorship. It is specifically forbidden to interfere with free speech. But the exponents of censorship deserve a more convincing answer—in short, that democracy and censorship are incompatible.

Democracy, which is another name for self-government, can work if and only if citizens have adequate knowledge of the issues which confront them, and make their decisions in the light of that knowledge. If we are cut off from sources of news or from well-rounded discussions of public issues, our ability to govern ourselves is impaired, and we end up by letting others govern us.

The function of distinguishing truth from error and right from wrong resides and should reside, not at the transmitting, but at the receiving end of our radio system. It belongs to the millions who listen, not to the few who broadcast. Depriving radio listeners of their right to decide for themselves strikes at the very roots of democracy and self-government. Banning free discussion on the air, far from making radio an instrument of democracy, robs listening millions of their democratic birthright.

As against those who urge that we ban various programs, others suggest to the Commission that we require stations to broadcast one program or another. There are in the United States literally thousands of special interest groups, each with a particular cause to plead, and each seeking radio time in which to plead it.

Radio stations are in duty bound to meet these requests as fully as the public interest requires. But to meet all requests for broadcasting facilities, at least one law would have to be repealed—not a man-made law, but a law of nature. This law decrees that the number of broadcasting stations is limited by the number of channels available. Every man can have his day in court, but unfortunately every man cannot have his hour on the air. So long as there is room for only a limited number of programs, some people who want to broadcast will not be accorded that privilege by the broadcasters.

This is not government censorship. It is the necessary exercise of a discretion by the broadcaster. It is, in fact, physics, engineering, and common sense.

Because the way in which programs are selected is widely misunderstood, I want to describe it briefly. Primary responsibility for selecting some programs and rejecting others rests with radio station managements. From the thousands of would-be programs battling for time on the air, stations and networks are expected to select those which will, in their opinion, best serve the public interest.

To guide them, the radio stations have a set of rules which they have themselves drawn up, the Code of the National Association of Broadcasters. This code provides that stations shall provide time for the presentation of controversial issues, and shall use their best efforts to divide the available time fairly among those interested in the controversy. The code further provides that news shall be presented fairly and accurately, without editorial twisting, and uncolored by the opinions or desires of the station, the announcer, or the advertiser. Under the code, commentators and analysts are free to discuss and explain the news, but not to warp or color it. Their complete freedom from any special or commercial influence is essential to a proper discharge of their functions.

The Federal Communications Commission did not draft the code, and has no responsibility for enforcing it. The radio stations have full responsibility. The Commission's function is rather to see that radio stations in the long run have not abused their power to select or reject programs consistently with the public interest.

The reasons for this requirement that broadcasters serve the public interest is clear. The air waves belong to all the people, not to the few who happen to own licensed radio broadcasting equipment. And, thus far, the licensee has not been required to pay any fee to obtain this privilege. A station owner who uses a broadcasting channel for private ends is like a man who blocks

a public highway. The station's license for exclusive use of a broadcasting channel is a license to keep that channel open in the interests of listeners, not to close it to all views but those of the owner.

The Commission stated its position on this issue a few weeks ago, when considering the license application of a New England station. We then said:

"Radio can serve as an instrument of democracy only when devoted to the communication of information and the exchange of ideas fairly and objectively presented. A truly free radio cannot be used to advocate the causes of the licensee. It cannot be used to support the candidacies of his friends. It cannot be devoted to the support of principles he happens to regard most favorably. In brief, the broadcaster cannot be an advocate."

This, obviously, is not censorship. A station which continuously abuses its public trust is not refused renewal of its license for fear that listeners will hear what it chooses to broadcast, but because others eagerly await an opportunity to do a better job on that wave length in the public interest. A million listeners cannot and should not be deprived of honest news, fair comment, and well-rounded discussion of public issues merely because one broadcaster has a personal axe to grind. The public has a right to the benefits of free speech. The broadcaster has the duty to keep the avenue for free speech open.

In applying this standard, the Federal Communications Commission must face and find democratic solutions to scores of particular problems. Let me mention a few.

One is the maintenance of even-handed treatment during political campaigns. We have recently emerged from one of the most hotly contested elections in American history. Radio was on trial. It was an important factor. Had favoritism been shown for any candidate, the confidence of the public would have been shattered.

The broadcasting industry, I think, can pride itself on the impartiality displayed in rendering this great public service. Other media for the distribution of ideas and opinions may well envy its record. I trust that radio will do equally well in handling the fateful issues which now confront us.

Current world conditions have also raised special problems—for example, the question of foreign-language broadcasts by some of our domestic stations. Many who hear these programs without understanding them—and few of us can understand all of the 31 languages spoken over U. S. stations last year—are concerned lest, because the language is not English, the thoughts expressed must be un-American.

The Commission has made some special studies of foreign-language broadcasts, and has assembled information concerning their extent. To discontinue foreign-language broadcasts, especially at a time when so many influences are competing for the allegiance of our foreign-born citizens and residents, might prove to be an error in judgment. It would at least tend to cut them off from the democratic influence of well-managed radio stations, broadcasting to them in the languages they best understand and to which they are most responsive. These stations can, and in large measure do, serve a constructive purpose.

The problems of radio broadcasting in areas torn by war, of course, are varied, and differ markedly from the problems confronting broadcasting in the United States. In Europe today, for example, broadcasting stations may, under certain conditions, act as direction finders and beacons for enemy aircraft. Last spring, broadcasts were used much like artillery to soften up enemy morale prior to direct attack. The great significance of radio, and its power for evil as well as for good, is demonstrated by the alacrity with which the invader first of all seizes the broadcasting station and utilizes it shrewdly for his own ends.

It is interesting to note that even in the heart of a besieged country, the normal functions of broadcasting are continued to the greatest extent consistent with military expediency. The daily life of civilians must go on; and the need is doubly great for information, and for the entertainment and emotional release which radio so pre-eminently affords. I think it significant that in England even the raids of invading enemy aircraft have not caused the discontinuance of broadcast programs generally. Indeed, from the heart of the bomb-racked city, radios bring us news of the battle.

The United States has not found it necessary to interfere in any way with regular broadcast programs. Nor can I conceive an emergency so grave that it would require taking the vast burden of broadcasting operations out of the hands of the broadcasting industry. Intensification of our defense efforts will make it all

the more important that radio broadcasting continue to play its part, under private auspices, in the home life and daily activities of the American listening public. It is conceivable that our defense problems may require some sacrifice, but they will not require sacrificing the basic pattern of our American system of broadcasting.

In saying this, I have in mind not merely the activities of the Commission, under its mandate to act "for the purpose of the national defense," but also the activities of the Defense Communications Board. This Board, established by Executive Order last September, is essentially a planning body, concerned with the defense aspects of all branches of our far-flung wire, cable, and radio communication systems. So far as radio broadcasting is concerned, I do not anticipate that the potential effect of the Board's plans will extend beyond purely technical matters of procedure and coordination; or that they will reach such substantive matters as control of program content. The latter questions are, of course, vital ones, and in treating them we must have a jealous regard for our basic freedoms.

Maintaining civil liberties and other democratic traditions in an era like ours is no easy task. I am inclined to believe that it has never been an easy task. History has a habit of recording past decisions without recording the debate, the turmoil, the searching of heart and soul that went into the making of them. I am hopeful that historians of some future day will view the decisions we now make as worthy of our country, and will deem the techniques we now evolve to be suitable for their purpose—the maintenance of democracy in a war-torn world.

Mr. Miller—

When we finished writing the NAB Code of Program Standards down in Atlantic City two years ago, we were pretty sure that we could count on an unqualified endorsement from organized labor.

Father Coughlin might not like it. Judge Rutherford might not like it. Some parents might think we should have set up more rigorous standards for children's programs. But organized labor should be with us, 100 per cent.

What had we done?

We had said that broadcasting stations were obligated to carry labor programs when they served the public interest. Time should not be sold for such programs. All parties to any controversy raised in a labor program should be afforded an equal opportunity before the microphone.

In other words, when a national labor issue of importance arose, a nation-wide network was obligated to give the justified amount of network time for discussion from all viewpoints.

When a labor issue of local importance arose, a local station was obligated to give the justified amount of its time for discussion from all viewpoints.

Time should not be sold for this discussion because the employer ordinarily could out-buy the union, and thus weight the argument in his favor. That wouldn't be fair play.

It turned out that labor wasn't with us, 100 per cent. A few who conceive of radio as a common carrier, like a railroad, have accused us of the most outrageous censorship, because we refuse to sell a seat before the microphone to anyone who can pay the fare. As Chairman Fly pointed out after luncheon today, there can be only so many programs a day. Denial of requests for time—free or paid for—isn't censorship. "It is the necessary exercise of discretion by the broadcaster. It is, in fact, physics, engineering and common sense." You can add a car to a railroad train, but you can't add an hour to the day.

A great majority of labor leaders, however, have given the code their enthusiastic support. We have heard nothing but praise of the national network policy in regard to the amount of time accorded labor leaders and government officials dealing with labor problems. The National Broadcasting Company alone had 43 labor talks on the coast-to-coast network last year. William Green gave six of these; John L. Lewis, five. While I do not have the exact figures at hand, I venture that the Columbia and Mutual Broadcasting Systems carried about the same number.

Locally labor has fared well under the code. Let me cite an instance:

Out in Cincinnati, about 20,000 of those who work in town live across the Ohio river in half a dozen Kentucky communities. Until last fall, they commuted by two bus lines. One of these lines had a closed shop contract with the "Amalgamated," an A. F. of L. union of bus drivers and street car employees. The other had a closed shop contract with the "Brotherhood" an independent union of bus drivers and railroad employees. The two lines merged. A jurisdictional strike resulted. Service stopped

completely. Taxis were at a premium. Thousands had to walk to work.

The issues in jurisdictional strikes are often confused and difficult for the general public to understand. And so L. B. Wilson, manager of Station WCKY, asked representatives of the two unions, the merged companies, government conciliators, and the city managers to sit around the microphone together, to explain the issues from their respective viewpoints.

Only the bus companies turned down the invitation. They said they would not have enough time before the broadcast to prepare their case.

The program was an outstanding success. Ideas were developed that aided materially in the settlement of the strike.

After the forum program, Mr. Wilson assigned several of his best news analysts to "cover" the strike. On a news basis, statements from all sides were carried as they were issued.

After the strike eventually was settled, the station reported to us:

"We found both the companies and the unions willing to cooperate in acquainting the public with the facts, and there was not a single case of objection by the unions, companies, or the listening public to the way our strike broadcast and our strike news was handled."

I don't mean to imply that the forum type of program is the *only* proper medium for a labor broadcast. It is an extremely fair means of presenting the issues and the arguments of all parties—because all sides reach the same audience—and round table discussion is often more fruitful than set speeches. A forum makes a good show, too. Labor leaders—and others as well—too often are inclined to forget that it takes showmanship to build and hold an audience.

There have been only two outstanding complaints against the operation of the code from labor quarters. They were much alike. Both came from the C. I. O. Both resulted from the refusal of stations to continue C. I. O. local "news" broadcasts for which C. I. O. unions bought time. The first was last winter, against a small station in Akron, Ohio. The United Rubber Workers, a C. I. O. affiliate, had been broadcasting news and *views* about local labor troubles for some time. After the code went into effect, the station exercised a cancellation clause in its contract with the union, maintaining rightfully that sale of time for discussion of controversial issues would constitute code violation. As a display of good faith, the station staged a forum program to discuss the rubber workers' contention that the code was "unfair to organized labor" and union representatives took part. They refused the station's offer, however, of free time to discuss their problems from time to time, as the public interest warranted. Last fall, a San Francisco station refused to renew an expired contract with the local C. I. O. council for a similar program. Not only the station directly involved but all other stations in San Francisco offered the C. I. O. free time, as the public interest warranted, to discuss labor questions of general public interest. To date, this offer has not been accepted. In both instances, the C. I. O. unions complained to the Federal Communications Commission. The Commission informed them that there was nothing in the Communications Act of 1934 to require a station to accept any program.

Most of the other complaints—and they have been few—have arisen from differences of opinion between local labor leaders and station managers over the air-worthiness of programs or speeches proposed by the labor leaders.

For instance, a local business agent is conducting a strike involving 200 factory employees in a city of 150,000 population. He has a great deal to say about the situation and he wants to tell the whole world, too. And so he goes to the manager of a 50,000-watt, clear channel station that serves not only the 150,000 city dwellers but farmers 100 miles around and asks to buy or get free time to air his views. The station manager informs him that he cannot buy time, under the code, and that he regrets he cannot give away the time, either, because that station's far-flung audience or a good share of it just wouldn't be interested in hearing about the merits and demerits of a small strike.

On the other hand, the size of a strike certainly is not the only criterion for a broadcaster, in determining whether it should be discussed on his station. A strike of three employees in a power plant which threw a community into total darkness would surely be of prime public interest.

We feel that measuring a proposed labor program by the standard of "public interest" involves more, however, than just measuring whether it would be of considerable interest to the public to hear a well-known labor leader urge armed revolution, but it certainly could not be considered "in the public interest" to broad-

cast such a speech. In this connection, I would like to quote from our code manual:

"The broadcaster who denies time to a labor leader or organization solely because the broadcast might "stir up trouble" or disturb the *status quo* is treading dangerous ground.

"Of course, no broadcaster would permit his facilities to be used to incite to riot or bloodshed. When a broadcaster is in doubt on this score, after reading the proposed script, he might well consult the proper police officials.

"On the other hand, the opinion of an employer that a labor program dealing with his employees would be "dangerous" should be considered for just what it is worth. It is certainly not for the broadcaster to decide that labor unions are good or bad, and give or refuse to give them time accordingly.

Not long ago, I helped to arrange for a national network program for a labor leader who had made his first request for time. First, he was surprised that he received it, and received it so promptly. Then he submitted his script. In it, he quite strongly attacked three of the largest industrialists in the country. The network lawyers looked it over, found no libel, and gave it their O.K. The labor leader was amazed.

"Do you mean I can say all that?" he asked.

We think labor is getting a pretty good break on the air.

FEDERAL COMMUNICATIONS COMMISSION

The FCC, this week, began its "monopoly" report study. In this connection James Lawrence Fly, Chairman, said at a press conference early this week that "the Commission began consideration of the network matter a few days ago, but it is still in the discussion stage and the Commission has not reached a report draft status."

Mr. Fly told the newspapermen that he has read the report of the National Television Systems Committee recommendations, but in view of the hearing which has been slated he would make no comment. Also, Mr. Fly said in answer to a inquiry that there is no additional news about the Defense Communications Board other than its committees are quite active and very much on the job, meeting where they choose, some in New York and others in Washington.

Mr. Fly said that the \$1,600,000, special defense fund has been used for new equipment and personnel and the FCC is still taking on technicians. He stated that additional funds may mean more equipment and more people.

Answering a specific question relative to evidence of subversive use of radio, Mr. Fly said that he could hardly say that it was acute, but agreed that it was an important subject. He stated further that he could hardly say it is under control, but a lot of work is being done on it in the field. He admitted "hitting some pay dirt, if you want to know that."

FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following hearings and oral arguments are scheduled to be heard in broadcast cases before the Commission

during the week beginning Monday, February 17. They are subject to change.

Monday, February 17

WGNV—WGNV Broadcasting Co., Inc., Newburgh, N. Y.—C. P., **1370 kc.**, 250 watts, unlimited.

NEW—Stephen R. Rintoul, Stamford, Conn.—C. P., **1370 kc.**, 250 watts, unlimited.

NEW—William H. Amesbury, Minneapolis, Minn.—C. P., **630 kc.**, 1 KW, unlimited. DA-night and day.

Thursday, February 20

Oral Argument Before the Commission

REPORT NO. B-121:

WHDH—Matheson Radio Company, Inc., Boston, Mass.—C. P., **830 kc.**, 5 KW, unlimited, DA-night. Present assignment: **830 kc.**, 1 KW day.

FUTURE HEARINGS

During the past week the Commission has announced the following future broadcast hearings and oral arguments. They are subject to change.

March 10

WARM—Union Broadcasting Co., Scranton, Pa.—License to cover C. P., **1370 kc.**, 250 watts, unlimited.

Consolidated Hearing

WCAM—City of Camden, Camden, N. J.—Renewal of license, **1280 kc.**, 500 watts night, 500 watts LS, shares WTNJ and WCAP.

WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.—Renewal of license, **1280 kc.**, 500 watts night, 500 watts LS, shares WTNJ and WCAM.

WTNJ—WOAX, Incorporated, Trenton, N. J.—Renewal of license, **1280 kc.**, 500 watts night, 500 watts LS, shares WCAM and WCAP.

WTNJ—WOAX, Incorporated, Trenton, N. J.—C. P., **1230 kc.**, 1 KW night, 1 KW day, unlimited, DA-day and night.

NEW—Trent Broadcast Corp., Trenton, N. J.—C. P., **1230 kc.**, 1 KW, unlimited, DA-day and night.

March 12

WGST—Georgia School of Technology, Atlanta, Ga.—Renewal of license (main and auxiliary), **890 kc.**, 1 KW night, 5 KW LS, unlimited time.

March 13

Oral Argument Before the Commission

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Renewal of license, **1210 kc.**, 100 watts night, 100 watts LS, unlimited time.

March 24

WMBG—Havens & Martin, Inc., Richmond, Va.—Modification of license, **1350 kc.**, 5 KW, unlimited, DA-day and night. Present assignment: **1350 kc.**, 1 KW night, 5 KW day, unlimited, DA-night and day.

March 25

NEW—West Publishers, Inc., Houston, Texas.—C. P., **610 kc.**, 1 KW, unlimited, DA-night.

April 2

NEW—Symons Broadcasting Co., Ellensburg, Wash.—C. P., **1110 kc.**, 1 KW, unlimited.

NEW—J. C. Kaynor, Ellensburg, Wash.—C. P., **1310 kc.**, 250 watts, unlimited time.

April 25

WTEL—Foulkrod Radio Engineering Co., Philadelphia, Pa.—C. P., **1500 kc.**, 250 watts, unlimited.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

- KGLO**—Mason City Globe-Gazette Co., Mason City, Iowa.—Granted modification of construction permit for approval of directional antenna and transmitter site at Clear Lake Road, U. S. Highway No. 18, Mason City, Iowa, and change in equipment (B4-MP-1095).
- WKPT**—Kingsport Broadcasting Co., Kingsport, Tenn.—Granted voluntary assignment of license of station WKPT from C. P. Edwards, Jr., and Howard Long, d/b as Kingsport Broadcasting Co., to Kingsport Broadcasting Co., Inc. This represents all the tangible and intangible partnership property pertaining to the station to be assigned and transferred by assignors for a cash consideration of \$58,230.00. Station operates on **1370 kc.**, 250 watts, unlimited time (B3-AL-297).
- KXO**—F. M. Bowles (Assignor), Valradio, Incorporated (Assignee), El Centro, Cal.—Granted consent to voluntary assignment of license of station KXO from F. M. Bowles to Valradio Company, Inc., for the sum of \$9,250. Station operates on **1500 kc.**, 100 watts, unlimited time (B5-AL-291).
- WSPA**—Spartanburg Advertising Co., Spartanburg, S. C.—Granted modification of construction permit to increase daytime power from 1 to 5 KW; install new transmitting equipment; move transmitter site to approximately 4 miles northwest of center of city; and extend commencement date to 30 days after grant, completion date to 180 days thereafter; **920 kc.**, 1 KW day, unlimited time (B3-MP-1124).
- WWL**—Loyola University, New Orleans, La.—Granted modification of license to change hours of operation from specified hours, sharing with KWKH, employing directional antenna, to unlimited time on **850 kc.**, 50 KW (B3-ML-583).
- W9XC**—Central Broadcasting Co., Mitchellville, Iowa.—Granted construction permit to increase power of developmental broadcast station from 1 to 150 KW; frequency tolerance: 20 cycles plus or minus; hours of operation: 12 midnight to 6 a. m., CST, in accordance with Sec. 4.4(a) and on condition that no objectionable interference will be caused to the regular broadcast service of any standard broadcast station; install new transmitter, and make changes in antenna system which utilizes the vertical radiator of WHO for its center element. If it becomes necessary to operate WHO other than as authorized, it will be necessary for applicant to obtain express authority of the Commission prior to proceeding with such operation of WHO (B4-PEX-34).
- Pennsylvania Broadcasting Co.**, Philadelphia, Pa.—Granted construction permit for new high frequency (FM) broadcast station to operate on frequency **44700 kc.**, 9,300 square miles, 4,500,000 population (B2-PH-69).
- John Lord Booth**, Detroit, Mich.—Granted construction permit for new high frequency (FM) broadcast station; frequency **44900 kc.**, 6,800 square miles, population 2,900,000 (B2-PH-20).

DESIGNATED FOR HEARING

- WBNX Broadcasting Co., Inc.**, New York City.—Application for construction permit for new high frequency broadcast (FM) station, requesting frequency **47500 kc.**, 8,730 square miles, hours of operation day 3 hours, night 3 hours (B1-PH-85).
- Bremer Broadcasting Corp.**, New York City.—Application for construction permit for high frequency broadcast (FM) station to operate on channel **47100 kc.**, with coverage of 8,500 square miles, hours of operation 11 day, 6 night (B1-PH-72).
- The Outlet Company**, Providence, R. I.—Application for construction permit for new high frequency (FM) broadcast station to operate on **44390 kc.**, 16,370 square miles, hours of operation 4 hours day, 4 hours night (B1-PH-22).
- WJJD**—WJJD, Inc., Chicago, Ill.—Application for construction permit to increase hours of operation from limited time to unlimited, and install directional antenna for use after sunset at Salt Lake City; **1130 kc.**, 20 KW (B4-P-2532).

- Ralph L. Lewis**, Greensboro, N. C.—Application for construction permit for new station to operate on **1370 kc.**, 100 watts, unlimited time (B3-P-2808). Hearing on this application to be consolidated with application of High Point Broadcasting Co., requesting identical facilities in High Point, N. C., located 15 miles southwest of Greensboro.
- Butler Radio, Inc.**, Tyler, Tex.—Application for construction permit for new station to operate on **1370 kc.**, 250 watts, unlimited time (B3-P-2896).
- Wayne M. Nelson**, Concord, N. C.—Application for construction permit for new station to operate on **1380 kc.**, 1 KW, daytime only. Exact transmitter site and type of antenna to be determined (B3-P-3007).
- KEMA**—May Seed and Nursery Co., Portable-Mobile, area of Shenandoah, Iowa.—Application for consent to voluntary assignment of the license for relay station KEMA from the licensee, May Seed and Nursery Co. to May Broadcasting Co. This application to be heard in connection with the hearing on renewal application of broadcast station KMA already designated for hearing.

MISCELLANEOUS

- WBEN**—WBEN, Inc., Buffalo, N. Y.—Granted construction permit to move auxiliary transmitter to site of main transmitter at corner Bush Road and Beaver Island Parkway, Grand Island, N. Y. (B1-P-3076).
- WALB**—The Herald Pub. Co., Inc., Albany, Ga.—Granted modification of construction permit which authorized a new station to operate on **1530 kc.**, 1 KW, unlimited time, DAnight, for authority to install new transmitter and extend commencement date to 30 days after grant and completion date to 90 days thereafter (B3-MP-1152).
- WFMD**—The Monocacy Broadcasting Co., Frederick, Md.—Granted license to cover construction permit (B1-P-2243) which authorized change in hours of operation and installation of directional antenna for night use (B1-L-1521); also granted authority to determine operating power by direct measurement of antenna input (B1-Z-656).
- KALB**—Alexandria Broadcasting Co., Inc., Alexandria, La.—Granted authority to install automatic frequency control equipment (B3-F-171).
- WHP**, Inc., area of Harrisburg, Pa., Portable-Mobile.—Granted construction permit for new relay broadcast station to be used with applicant's standard broadcast station WHP; **33380, 35020, 37620, 39820 kc.**, 25 watts (B2-PRE-380).
- W2XMN**—Edwin H. Armstrong, North of Alpine, N. J.—Granted special temporary authority to retransmit the transmissions of experimental high frequency broadcast station W1XOJ, Paxton, Mass., for the period ending no later than March 1, 1941, in order to continue rebroadcasting experiments.
- WPAY**—Vee Bee Corp., Portsmouth, Ohio.—Designated for hearing application for renewal of license of WPAY, and adopted order consolidating the hearings on transfer of control of corporation and on the renewal.
- WHDH**—Matheson Radio Co., Inc., Boston, Mass.—Scheduled oral argument for February 20 on application to install new transmitter, directional antenna for night use, and increase power from 1 to 5 KW day, and operate unlimited time on **830 kc.**
- Thumb Broadcasting Co.**, Brown City, Mich.—Dismissed application for new station to operate on **600 kc.**, 250 watts, daytime (B2-P-1886).
- KFDY**—South Dakota State College, Brookings, S. Dak.—Granted special temporary authority to operate from 7:50 to 9:50 p. m., CST, February 7 and 14, in order to broadcast State College basketball games only.
- KTRB**—KTRB Broadcasting Co., Inc., Modesto, Calif.—Granted special temporary authority to operate from 7:30 p. m., PST, to conclusion of basketball games, February 4; from 9 p. m., PST, to conclusion of Jr. Chamber of Commerce meeting February 5; from 7:30 p. m., PST, to conclusion of concert of Modesto Symphony Orchestra Assn., February 11; from 7:30 p. m., PST, to conclusion of meeting of Yosemite Area Council of Boy Scouts, February 13; from 7:30 p. m., PST, to conclusion of basketball game, February 18; from 7:30 p. m., PST, to conclusion of basketball game, February 21, only.
- WBNY**—Roy L. Albertson, Buffalo, N. Y.—Granted special temporary authority to operate from 8:30 to 10 a. m., EST,

- February 12, in order to broadcast sustaining musical programs as described in letter of January 27, only (provided WSVS remains silent).
- WMRO—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate from 7 to 11 p. m., CST, February 4, in order to broadcast basketball game only.
- KMBC—Midland Broadcasting Co., Kansas City, Mo.—Granted motion for leave to amend application for construction permit to change frequency from **950 to 690 kc.**; increase power from 5 to 50 KW, unlimited time, DA night; and move studio to Kansas City, Kans., to substitute revised and amended technical exhibits.
- WHB—WHB Broadcasting Co., Kansas City, Mo.—Dismissed without prejudice the petition to intervene in the hearing on application of KMBC listed above.
- KFEQ—KFEQ, Inc., St. Joseph, Mo.—Dismissed without prejudice the petition to intervene in the hearing on application of KMBC listed above.
- KRBC—Reporter Broadcasting Co., Abilene, Tex.—Granted motion for order to take depositions in re application for construction permit to operate on **940 kc.**, 1 KW, unlimited time, DA night and day.
- KSFO—The Associated Broadcasters, Inc., San Francisco, Calif.—Granted petition for leave to amend application by February 28 to specify a new transmitter site and furnish information pertinent thereto, in re construction permit to change frequency from **560 to 740 kc.**, and increase power to 50 KW, unlimited time, DA day and night.
- KTSM—Tri-State Broadcasting Co., Inc., El Paso, Tex.—Granted motion to accept amendment to application for modification of license to reduce request for night power from 1 KW to 500 watts.
- KFEQ—KFEQ, Inc., St. Joseph, Mo.—Dismissed without prejudice petition to intervene in the hearing on application of KWK, St. Louis, to change frequency from **1350 to 680 kc.**, and increase power to 50 KW, unlimited time, using DA.
- KOMA—KOMA, Inc., Oklahoma City, Okla.—Granted motion for leave to amend application for construction permit to change frequency from **1480 to 690 kc.**, increase power to 50 KW, unlimited time, DA-night, to substitute revised and amended technical exhibits.
- WCNC—Aubrey G. McCabe and Trim W. Aydtlett, d/b as Albemarle Broadcasting Co. (assignor), and Albemarle Broadcasting Co. (assignee), Elizabeth City, N. C.—Granted petition for leave to amend application relating only to corporate structure, to withdraw Aubrey G. McCabe and substitute Trim W. Aydtlett in assignee corporation, in re application for consent to voluntary assignment of license of WCNC.
- Park Cities Broadcasting Corp., Dallas, Texas.—Granted petition to accept amendment with regard to minority stock holder in corporation, in re application for new station to operate on **940 kc.**, 500 watts, unlimited time, with retention of hearing date now set for February 28.
- The Community Broadcasting Corp., Middletown, N. Y.—Motion for continuance of hearing now set for February 12, withdrawn, and the proceedings in Dockets Nos. 5952 and 5953, in re applications of Community Broadcasting Corp. and Herbert L. Wilson, both applicants for new station at Middletown, to operate on **1310 kc.**, 250 watts, unlimited time, were consolidated.
- WTEL—Foultrod Radio Engineering Co., Philadelphia, Pa.—Granted petition for continuance of hearing for period of 60 days from February 24, on application to operate on **1500 kc.**, 250 watts, unlimited time.
- WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Continued oral argument now set for February 13 to March 13, in application for renewal of license.
- KWK—Thomas Patrick, Inc., St. Louis, Mo.—Granted motion for leave to amend application by February 28, with regard to technical information, new transmitter location and new directional antenna data, in re application to change frequency and increase power.
- WGST—Georgia School of Technology, Atlanta, Ga.—Granted motion for continuance of hearing set for February 10 for 30 days, on application for renewal of license.
- Park Cities Broadcasting Corp., Dallas, Texas.—Granted motion to take depositions in re application for new station.
- WMBC—Havens and Martin, Inc., Richmond, Va.—Granted motion for continuance of hearing now set for February 21, for period of 30 days, on application for modification of license to increase night power to 5 KW.
- Mosby's Inc., Anaconda, Mont.—Granted petition for leave to amend application for construction permit so as to request **1200** instead of **1100 kc.**, 500 watts night, 1 KW day, unlimited time.
- R. B. Eaton, Des Moines, Iowa.—Granted petition for continuance of hearing now set for March 3, until after hearing on television scheduled for March 20, in re application for new television station.
- Trent Broadcast Corp., Trenton, N. J.—Adopted order denying petition for reconsideration and grant of application of Trent Broadcast Corp. for construction permit for new broadcast station to operate on **1230 kc.**, 1 KW, directional antenna day and night; dismissed without prejudice to requesting leave to amend application, the alternative request that the Commission grant its application modified to specify operation upon the frequency of **890 kc.**
- General Television Corp., Boston, Mass.—Granted special temporary license to operate television Station W1XG for the purpose of conducting tests ending in no event later than March 20, 1941; frequencies **50000-56000 kc.** (Channel No. 1), on an experimental basis only, upon the express condition that this authority is subject to change or cancellation by the Commission at any time, without advance notice or hearing, if in its discretion the need for such action arises; A5 emission, 500 watts visual power, in accordance with Sec. 4.78; to operate as a television broadcast station in accordance with Sections 4.71, 4.72, 4.74, 4.75, and 4.76.
- WRDO—WRDO, Inc., Augusta, Maine.—Adopted an order dismissing renewal of license proceedings and continuing on a temporary license to March 29, 1941, pending application for transfer of control of the station.
- WQAM—Miami Broadcasting Co., Miami, Fla.—Adopted an opinion and order dismissing petition which requested that the Commission (1) classify station WQAM as a Class III-A station upon its present assignment of **560 kc.**, 1 KW, unlimited time, and modify the license of station accordingly; (2) that action upon petitioner's application for authority to install a new transmitter and increase power to 5 KW be deferred until after final action upon petition; and in event petition were granted, that application for authority to increase power to 5 KW be returned to petitioner. (In its opinion the Commission points out that classification of stations as Class I, II, Class III-A, etc., is merely for administrative convenience and such classification is not part of any license and not a source of any right in the licensee.)
- KFDM—Beaumont Broadcasting Corp., Beaumont, Tex.—Adopted a similar decision and order dismissing application for modification of license to add "Class III-A" to license of station KFDM.
- City of New York, Municipal Broadcasting System, New York, N. Y.—Designated for hearing application for new high frequency (FM) broadcast station to operate as follows: Frequency, **46700 kc.**; service area, 3,889 square miles; hours of operation, day 10 hours, night 5 hours (B1-PH-83).
- WTCN—Minnesota Broadcasting Corp., Minneapolis, Minn.—Designated for hearing application as amended to request construction permit to change frequency to **710 kc.**, increase power to 10 KW, change transmitter site locally, and employ directional antenna at night (WTCN now operates on **1250 kc.**, with power of 1 KW night and 5 KW day) (B4-P-2439).
- WHB—WHB Broadcasting Co., Kansas City, Mo.—Designated for joint hearing with WTCN (above) application for construction permit to change frequency to **710 kc.**, increase power to 5 KW unlimited time, install directional antenna for day and night use, install new transmitter, and move transmitter site locally (WHB now operates on **860 kc.**, with 1 KW, daytime).
- Joint petition of WTCN and KSOO (Sioux Falls Broadcast Association, Sioux Falls, S. Dak.) was granted in part only insofar as it requests leave to amend the application of KSOO; denied as to balance.

APPLICATIONS FILED AT FCC 610 Kilocycles

WMUR—The Radio Voice of New Hampshire, Inc., Manchester, N. H.—Modification of construction permit (B1-P-2897)

for a new station, requesting authority to install new transmitter, approval of studio site at 1819 Elm St., Manchester, N. H., and extension of commencement date to 10 days after grant and completion date to 60 days thereafter.

WCLE—United Broadcasting Co., Cleveland, Ohio.—Authority to determine operating power by direct measurement of antenna power.

630 Kilocycles

WMAL—National Broadcasting Co., Inc., Washington, D. C.—License to cover construction permit (B1-P-2475) as modified for new transmitter, directional antenna for day and night use, increase in power, and move of transmitter.

WMAL—National Broadcasting Co., Inc., Washington, D. C.—Authority to determine operating power by direct measurement of antenna power.

810 Kilocycles

WCCO—Columbia Broadcasting System, Inc., Minneapolis, Minn.—Authority to install new automatic frequency control equipment on 830 ke. under NARBA.

850 Kilocycles

WHCU—Cornell University, Ithaca, N. Y.—Construction permit to install directional antenna for use from local sunset at Ithaca, N. Y., to local sunset at Los Angeles, Calif.; change frequency from 850 ke. to 640 ke., and change hours of operation from day to limited, using 1 KW power.

940 Kilocycles

WAAT—Bremer Broadcasting Corp., Jersey City, N. J.—Modification of construction permit (B1-P-2704) as modified for new transmitter, installation of directional antenna for night use, change in hours of operation, increase in power, and move of transmitter, requesting extension of completion date from 2-25-41 to —

WCHS—Congress Square Hotel Co., Portland, Maine.—Modification of construction permit (B1-P-2535) for installation of directional antenna for day and night use and increase in power, requesting extension of completion date from 2-25-41 to 4-25-41.

1000 Kilocycles

WHO—Central Broadcasting Co., Des Moines, Iowa.—Authority to determine operating power by direct measurement of antenna power.

1180 Kilocycles

WMAZ—Southeastern Broadcasting Company, Inc., Macon, Ga.—Authority to determine operating power by direct measurement of antenna power.

1200 Kilocycles

WSKB—McComb Broadcasting Corp., McComb, Miss.—Construction permit to change frequency from 1200 ke. to 590 ke. (Class IV), make changes in equipment and antenna.

1210 Kilocycles

KFOR—Cornbelt Broadcasting Corp., Lincoln, Nebr.—Construction permit to reinstate construction permit (B4-P-2537) as modified (B4-MP-1019) for equipment changes, antenna changes, increase in power from 100 watts, 250 watts local sunset, to 250 watts day and night, and move of transmitter.

KPPC—Pasadena Presbyterian Church, Pasadena, Calif.—Authority to make changes in automatic frequency control equipment on 1240 ke., under NARBA.

1230 Kilocycles

KGBX—Springfield Broadcasting Co., Springfield, Mo.—License to cover construction permit (B4-P-2510) as modified for new transmitter, increase in power, and changes in directional antenna for night use.

KGBX—Springfield Broadcasting Co., Springfield, Mo.—Authority to determine operating power by direct measurement of antenna power.

1260 Kilocycles

KGVO—Mosby's Incorporated, Missoula, Mont.—Construction permit to increase power from 1 KW, 5 KW LS, to 5 KW; install directional antenna for day and night use; and move transmitter.

1280 Kilocycles

NEW—Atlantic Broadcasting Corp., Miami, Fla.—Construction permit for a new station to be operated on 1280 ke., 500 watts, 1 KW LS, unlimited time (1310 ke. under NARBA). Amended to make changes in corporate structure.

1290 Kilocycles

KLCN—Fred C. Grimwood, Blytheville, Ark.—Construction permit to install a new transmitter and vertical antenna; increase power from 100 watts to 1 KW; and move transmitter from Railroad and Walnut Sts., Blytheville, Ark., to Blytheville, Ark. Amended to change requested site from Highway No. 61 to Highway No. 18, Blytheville, Ark., and make changes in requested vertical antenna.

WNEL—Juan Piza, San Juan, P. R.—Modification of construction permit (B-P-2762) for changes in equipment, antenna, increase in power, and move of transmitter, requesting extension of completion date from 2-25-41 to 4-25-41.

1310 Kilocycles

WSTV—The Valley Broadcasting Co., Steubenville, Ohio.—Modification of license to change hours of operation from specified hours to unlimited time.

1370 Kilocycles

NEW—Chilton Radio Corporation, Dallas, Tex.—Construction permit for a new station to be operated on 1370 ke., 100 watts, unlimited time, facilities KFJZ. Amended to request 660 ke., 1 KW daytime, antenna to be determined, equipment changes, omit request for facilities relinquished by KFJZ.

WMSL—Tennessee Valley Broadcasting Co., Inc., Decatur, Ala.—Authority to determine operating power by direct measurement of antenna power on 1400 ke., under NARBA.

KFVD—Northwest Broadcasting Co., Fort Dodge, Iowa.—Modification of license to change hours of operation from specified hours to unlimited time. Requests facilities of station KFGQ.

1380 Kilocycles

WING—Great Trails Broadcasting Corporation, Dayton, Ohio.—License to cover construction permit (B2-P-2761) for new equipment, changes in directional antenna, and increase in power, and move.

WING—Great Trails Broadcasting Corporation, Dayton, Ohio.—Authority to determine operating power by direct measurement.

1390 Kilocycles

WHK—United Broadcasting Co., Cleveland, Ohio.—License to cover construction permit (B2-P-2670) for increase in power, and installation of directional antenna for night use.

WHK—United Broadcasting Company, Cleveland, Ohio.—Authority to determine operating power by direct measurement.

1420 Kilocycles

NEW—Washington Broadcasting Co., Washington, Pa.—Construction permit for a new Class IV station on 1420 ke., 250 watts, unlimited time. Studio and transmitter to be determined, Washington, Pa.

NEW—Pan-American Broadcasting System, Inc., Hollywood, Fla.—Construction permit for a new station to be operated on 1420 ke., 250 watts, unlimited time. Amended to make changes in corporate structure.

1500 Kilocycles

WBTA—Batavia Broadcasting Corp., Batavia, N. Y.—Modification of construction permit (B1-P-2909) for a new station, requesting authority to install new transmitter.

1530 Kilocycles

NEW—Seaboard Broadcasting Corp., Tampa, Fla.—Construction permit for a new station to be operated on **1530 kc.**, 1 KW, unlimited time (**1590 kc.** under NARBA). Amended to make changes in corporate structure.

FM APPLICATIONS

NEW—The Moody Bible Institute of Chicago, Chicago, Ill.—Construction permit for new high frequency broadcast station to be operated on **43900 kc.**; coverage, 15,300 square miles; population, 5,091,500. Amended: Change frequency from **43900 to 47500 kc.**

NEW—National Broadcasting Company, Inc., New York, N. Y.—Modification of construction permit (B1-PH-15) for approval of transmitter and changes in antenna. Population given as 11,896,500.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

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.

Amasia Importing Corporation, 10 East 39th St., New York, is charged with misrepresentation in the sale of corsets and foundation garments for women in a complaint.

According to the complaint, the respondent uses the trade name "Silk Skin" in advertising and on tags, labels and boxes, representing that its garments consist in part of silk when in fact none of them contain more than 20 per cent silk and many have no silk at all. Some allegedly consist of a cotton elastic yarn and others of such yarn combined with lisle, rayon or silk.

The complaint charges that on certain boxes and on tags attached to garments the term "Silk Skin" appears in large type and in smaller type is printed the notation "80 per cent to 100 per cent elastic yarn combined with lisle, rayon or silk." It is alleged that beneath a primary label containing the name "Silk Skin" is a secondary label, not readily discernible, stating the purported percentages of elastic and lisle, rayon or silk, as the case may be. However, the complaint alleges that neither the respondent's advertising and printed matter nor the primary cloth label differentiate between the types of garments containing various combinations of lisle, rayon or silk, and that many garments contain percentages other than those stated on the secondary label.

The respondent further is charged with representing through its business stationery that it has branch houses or factories in Paris, Berlin, London, Shanghai and other foreign cities, when such is not a fact. (4459)

Illinois Herb Company—Misrepresentation in the sale of 40 medicinal preparations advertised as having value in treating various diseases and conditions, is alleged in a complaint issued against Charles A. Bilgman, trading as Illinois Herb Co., 542 South Dearborn St., Chicago.

The complaint alleges that the products do not possess the therapeutic values advertised. According to the complaint, preparations designated as "Calexia Herb Compound" and "Sonada Tonic," and represented as cures or remedies for digestive ailments, have no therapeutic value in excess of temporary relief afforded by their laxative properties, and the respondent's use of the word "tonic" to designate "Sonada Tonic" and "Verbita Tonic" is misleading in that these preparations have no substantial therapeutic value as tonics.

The complaint charges that the respondent's product "Lura,"

advertised as being of value in eliminating halitosis, has no effect upon that condition other than to mask it temporarily; that the value of the preparation "Rexora Herb Compound," represented as a remedy for bladder weakness and irritations, is limited to such slight relief for bladder irritations as it may afford because of its properties as a weak diuretic, and that "I. H. C. Dorelle Hair Tonic," advertised as being capable of stimulating hair growth and preventing falling hair, has no value in stimulating hair growth, or in preventing falling hair except as it may assist in temporary removal of dandruff scales.

The complaint further alleges that the respondent's advertisements concerning the preparations "Wahoo Bark," "Geroca Herb Compound" and "Trilax Herb Tea," constitute false advertisements in that they fail to reveal that use of these preparations under conditions prescribed in the advertisements or under usual conditions, may result in serious injury to health. (4460)

Wayne-Townsend & Company—Misrepresentation in the sale of men's wearing apparel is alleged in a complaint issued against Albert Walters, trading as Wayne-Townsend & Co., 1001 Chestnut St., Philadelphia.

According to the complaint, the respondent promotes a merchandising plan under which a participant paying \$1 a week for 39 weeks would be entitled to receive a garment.

Through his agents and otherwise, the respondent is alleged to make representations such as that a drawing or some similar method would be held weekly at the respondent's place of business for the selection, by lot or chance, of a participant's name; that a participant so selected would receive a garment without further payment on the contract, and that, in order to advertise the merchandising plan, a suit or other garment would be given in certain instances to a participant after three, four or other small number of payments had been made.

The complaint alleges, however, that no such drawings have been held, and that a suit has never been given to a participant for less than the contract price, either through a method of employing a chance feature or to advertise the respondent's merchandising plan. (4461)

Webster Electric Company—A complaint has been issued charging Webster Electric Company, Racine, Wis., with misrepresentation in the sale of fuel units for oil burners.

According to the complaint, the respondent advertised that the capacity of its "Webster Electric Fuel Unit" is greater than that of any other fuel unit on the market; that the unit is more easily serviced than are all similar devices, and that it is the only device of its kind having the outboard bearing outside of the seal.

The complaint further charges the respondent with representing that the unit's dependability exceeds that of similar devices, and that, during a certain year, more oil burners would be equipped with its fuel unit than with the fuel unit of any competing manufacturer. (4456)

STIPULATIONS

Following stipulations have been entered into during the past week:

Agnes MacGregor, Inc., 350 North Clark St., Chicago, cosmetics distributor, has entered into a stipulation to cease using on labels affixed to its products or in advertising matter representations directly asserting or implying that use of any of its preparations will, among other things, effectively cleanse enlarged pores, eliminate blackheads, be a proper treatment for all types of acne, penetrate into the second layer of skin tissue, remove crows feet, wrinkles or fine lines, nourish the skin, promote the growth of new hair, and correct dandruff. (3031)

Cass Bean & Grain Co., 603 Germania Ave., Bay City, Mich., has entered into a stipulation in which it agrees to cease advertising that "Snelling's Dog Food" will prevent skin diseases, worms, and other ailments, and that it will assure better health, or resistance to colds and distemper. The respondent further agrees to cease representing that it guarantees its food, unless the nature and extent of the guarantee are clearly disclosed. (02726)

John R. Evans & Co., Second and Erie Sts., Camden, N. J., have entered into a stipulation to cease and desist from certain representations in the sale of leathers imported from France.

According to the stipulation, the respondent sells certain of its imported leathers to novelty manufacturers for use in making ladies' handbags, belts and other novelty articles. In shipping memoranda and invoices, the stipulation continues, the respondent has represented its leathers as "Black French Ant. Fin. Suede" or as "Black French Ant. Suede" and certain manufacturers advertised the articles made from these leathers as "Imported French Antelope Suede."

The leathers referred to in the memoranda and invoices were not made from the skin of the antelope, according to the stipulation and the respondent agrees to cease using in its printed matter the word "Antelope" or the abbreviation "Ant." in connection with the words "Black French Suede" or "Black French Fin. Suede" as descriptive of leathers not made from the hide of an antelope. (3033)

M. B. Groghan Company—Merwin B. Grogan, trading as M. B. Grogan Co., 122 South Michigan Ave., Chicago, distributor of greeting cards, has entered into a modified stipulation to cease and desist from advertising "free samples" or making any other use of the word "free" or similar expression in a manner purporting a gift or gratuity only, where any consideration such as payment of money, rendering of services, or otherwise, is required of the person receiving articles of merchandise sent in response to his request for such free samples or other gratuity. The respondent further agrees to desist from inducing a customer to order samples or other goods by deceptively concealing the terms of the transaction. The original stipulation, executed in May, 1940, has been rescinded. (2819)

Harrington Publishing Company—John Harrington, trading as Harrington Publishing Company, Portland, Oreg., has entered into a stipulation in which he agrees to cease certain representations in the sale of a correspondence course designated "Harrington Diesel Conversion Method."

The respondent stipulates that he will cease advertising that those who study the course can earn from \$15 to \$25 a day, and that prospective purchasers can make profits in a specified time which exceed the average net profits theretofore consistently made by purchasers of the course in like periods of time under normal conditions.

The respondent further stipulates that he will cease employing the word "Diesel" as part of the name of his course or otherwise representing that the method will enable one to convert an ordinary gasoline engine into an engine in which the crude oil used as fuel is ignited by the heat resulting from the high compression of air drawn into the cylinders. (02723)

R. H. Macy & Co., Inc., New York, entered into a stipulation to cease certain representations in the sale of rugs.

The respondent corporation agrees to desist from use of the words "Oriental," "Chinese," "Persian," "Numdah" or other distinctive Oriental names as descriptive of rugs not made in the country or locality designated; from use of the words "Oriental Reproductions," "Oriental Copies," "Chinese Reproductions," "Persian Reproductions," "Numdah Reproductions" or the words "reproduction" or "copy" or similar words as descriptive of rugs which are not reproductions or copies of the types named, that is, true counterparts or reconstructions in all particulars.

Under its stipulation, the respondent further agrees to cease using the words "Oriental," "Chinese," "Persian," "Numdah" or other distinctively Oriental appellations in connection with any rug or carpet which does not contain all the essential qualities and properties of such types of rugs; unless, when properly employed to describe the design or pattern only, such words shall be immediately accompanied by a word like "design" or "pattern" printed in equally conspicuous type to clearly indicate that only the form delineated on the surface of the rug or carpet is a likeness of the type named; for example, "Oriental Design" or "Chinese Pattern." (3032)

Seneca Specialties—George A. Springstead, trading as Seneca Specialties, 24 Main St., Geneva, N. Y., entered into a stipulation

in which he agrees to cease advertising that the hair preparation "Nova" will banish gray hair, or impart the original or former color or the exact shade desired, and to cease representing or implying by any other terminology that the product will have more than a slight coloring action on the hair. The respondent also stipulates that he will desist from representing that the use of Nova cannot be detected; that Nova is blended or balanced according to a French formula, and that the respondent is assisted by a staff of employees. (02725)

Smith Products—Trading as Smith Products, H. B. Smith, 226 East Orchard Ave., Council Bluffs, Iowa, stipulated that he will cease advertising that "Smith's Rat Kill" will stop destruction by rats, is a sure or quick death for rats, and will stop waste due to rats; that the preparation will be taken by rats under all baiting conditions, and that it is approved by the United States Department of Agriculture. (02724)

CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders:

Continental Baking Company—Seven Sioux City, Iowa, bakery products dealers and a labor union local whose members operate delivery trucks belonging to the different bakeries, have been ordered to cease and desist from agreements tending to restrain trade in bakery products.

The respondents are: The Continental Baking Company, Wilmington, Del., operating a Sioux City plant; The Sioux City Bakery; Metz Brothers Baking Company; Fred W. Lenhardt, trading as Quality Bakery; Emil A. Madsen, trading as Madsen Bakery; Jake Schindler, trading as Iowa Bakery Company; Anthony Pages, trading as Sunkist Cake and Pie Company; Local No. 383 of the Chauffeurs, Teamsters and Stablemen and Helpers Union, and Glenn Beaman, Charles Cunningham, Jim Brookhart, William Carlson, O. G. Foster, Ralph Johnson and Howard Foutz, officers of the union local, all of Sioux City.

Commission findings are that following a strike of union drivers of bakery trucks in Sioux City in 1938, the seven respondent baking companies and the labor union local entered into a contract under which they prevented independent route men who had entered the business of delivering and selling bakery products, subsequent to January 1, 1938, from obtaining bread and other bakery products for sale in the Sioux City area. After the agreement was made by the respondents, members of the respondent union local accosted the independent route men and by threats forced them to cease their operations and go out of business, according to findings.

The Commission order directs the seven bakery dealers, the labor union local and its officers, representing the membership, to cease and desist from entering into or carrying out any agreement or understanding, the purpose or effect of which is to hinder or suppress competition in the purchase, sale and distribution of bread, cakes, or other bakery products; to cease entering into, carrying out or enforcing any agreement to classify dealers for the purpose or with the effect of preventing any dealer or class of dealers from obtaining bakery products for resale, and to discontinue the use of threats or other coercive methods or practices pursuant to agreement or understanding with each other or with others to prevent any bakery, dealer, or route man from purchasing and receiving or selling and delivering bakery products.

The Commission dismissed its complaint in this proceeding as to Interstate Bakeries Corporation, Kansas City, Mo., operating the Schultz Baking Company, Omaha, Nebr. According to findings, this respondent had not entered into the contract between the respondent bakeries and union. (3900)

Imperial Knife Co., Inc., and **Colonial Knife Co., Inc.,** both of Providence, R. I. and **Utica Cutlery Co.,** Utica, N. Y., have been ordered to cease and desist from using the word "Scout" or similar words as markings for knives not endorsed by The Boy Scouts of America, and to discontinue representing that their "Scout" knives are a part of the equipment of that organization's members. (4115-4116-4117)

ReVigator Corporation, 1630 Hanna Building, Cleveland, and its president, E. O. Loeber, have been ordered to cease and desist from misrepresentations in the sale of their "ReVigator Pressure Cap," either alone or in combination with their preparations "ReVigator Liquid Home Treatment for Scalp and Hair," and "ReVigator Liquid Shampoo."

Commission findings are that the respondents, in advertising "The ReVigator System of Home Treatment for the Scalp and Hair," represented that use of the pressure cap provides a cure or remedy for falling, fading and thinning hair, and for dandruff and baldness, and a means of making new hair growth. However, according to findings, the use of this cap, alone or in combination with the respondents' preparations, will not accomplish the results claimed and the cap has no therapeutic value in treating such conditions in excess of cleansing the hair and scalp and temporarily removing accumulated dandruff scales.

The Commission order directs that the respondents cease disseminating advertisements containing such representations. (4329)

Walker & Woodward, Inc.—A Casper, Wyo., corporation and four individuals have been ordered to cease and desist from misrepresentation in the sale of "George's Compound," a medicinal

preparation. The respondents are Walker & Woodward, Inc., J. Lawrence Walker and T. Kyle Woodward, trading as Walker & Woodward, and Nick A. George and John G. Brown.

Commission findings are that the respondents disseminated periodical, radio and other advertisements representing that "George's Compound" has substantial therapeutic value in the treatment of all ailments and conditions except cancer and diabetes, and that it is a cure, remedy and effective treatment for some 60 specified diseases or conditions.

According to findings, the respondents' preparation possesses no therapeutic properties except that its use for rheumatism, colds, influenza, tonsillitis, arthritis, muscular aches and pains, sore throat, headache, fever or backache results in a temporary palliation of attendant pain or discomfort due to its analgesic properties, and that stomach, digestive and gastric disturbances may be benefited when these conditions are associated with an insufficient flow of gastric juices.

The Commission order directs the respondents to cease and desist from disseminating advertisements which represent that their preparation constitutes a cure or remedy for the specified ailments or conditions, or possesses any therapeutic value in the treatment of any ailment in excess of affording a stimulus to the flow of gastric juice, a mild stimulus to the appetite, and a temporary and palliative relief from aches and pains. (4194)